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## BEHIND LOCKED DOORS: LEGAL FAILURES AND POLICE BRUTALITY IN INDIAN CUSTODY

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### ABSTRACT

Custodial violence in India reflects an annoying failure of criminal and institutional safeguards meant to defend essential human rights. Notwithstanding constitutional protections under Articles 20 and 21 and judicial pointers like those in *D.K. Basu v. State of West Bengal*, times of torture, unlawful detention, and custodial deaths continue to be rampant. This newsletter critically examines the size and causes of custodial violence, highlighting key case laws, inclusive of *Jayaraj and Benicks*, *Prakash Singh*, and *Raghubir Singh*. It discusses the big way of life of impunity, criminal loopholes, and the kingdom's reluctance to ratify the UN convention in opposition to Torture. The position of caste, religion, and sophistication in shaping styles of police brutality is likewise explored. Furthermore, it analyses how generation, better education, and structural reforms, including CCTV surveillance and unbiased oversight, can assist in slashing this menace. Unless India adopts urgent, systemic reforms and ensures actual responsibility, its criminal justice system will continue to betray the beliefs of democracy, dignity, and justice it claims to uphold.

### KEYWORDS

Custodial Violence, Custodial Deaths in India, Police Brutality, Human Rights Violations, Constitutional Safeguards, Judicial Oversight, Anti-Torture Legislation, Impunity, Accountability,

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Criminal Justice Reform, Judicial Accountability Mechanisms, D.K. Basu Guidelines, Police Torture and Impunity,

## INTRODUCTION

Custodial savagery remains one of the foremost exasperating viewpoints of India's criminal justice framework. Police stations, meant to enforce the law and ensure public safety, too often become spaces of unchecked brutality, torture, and death. Despite constitutional protections under Article 20<sup>2</sup> and 21<sup>3</sup> landmark rulings like *D.K. Basu v. State of West Bengal*<sup>4</sup>, and oversight by the NHRC, such abuses remain alarmingly common. The numbers are staggering, with thousands of deaths and minimal accountability. Dalits, Muslims, and migrant laborers are being disproportionately targeted, reflecting deep-rooted social biases. This article provides a critical examination of the culture of impunity vis-à-vis police brutality in India. Through these case studies, including the despairing tale of Jayaraj and Benicks' death, it brings to light institutional apathy, legal deliverance and failures at every level from the police to the judiciary. It also examines the urgency of fixing this problem with anti-torture laws and better training, high-tech constraints, and robust accountability. Without systemic reform, custodial violence will remain a betrayal of India's claims to justice, democracy, and human rights.

## THE SCALE OF THE CRISIS

The figures on custodial deaths in India present a chilling picture of systemic collapse. As per the National Human Rights Commission (NHRC), there were 74 cases between the years 2021 and 2022. There were 2,152 deaths in the custody of the judicial system and 155 deaths in the custody

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<sup>2</sup> INDIA CONST. art. 20.

<sup>3</sup> INDIA CONST. art. 21.

<sup>4</sup> Shri D.K. Basu, Ashok K. Johri v. State of West Bengal, State of U.P., (1996) AIR 1997 SUPREME COURT 610.

of the police. More recent data reveals a troubling trend 2,739 custodial deaths were reported in 2024, following around 2,400 in 2023, according to NHRC figures<sup>5</sup>. These numbers are not just statistics; they represent human lives lost while under state supervision. The distribution of those deaths across states displays some especially troubling patterns. Gujarat topped the list with 80 custodial deaths in five years, while Maharashtra followed with 76, Uttar Pradesh (41), Tamil Nadu (40) and Bihar (38) have reported deaths. In Union Territories, Delhi reported the most cases with 29<sup>6</sup>. The situation was getting worse when considering the lack of accountability, disciplinary action was taken in as it were 0.23% of cases out of 9,112 custodial deaths.

## THE CULTURE OF VIOLENCE

Violence in custody is also ingrained in India's police force. A comprehensive cause about by Common Cause and the CSDS revealed that the demeanors of police officers are profoundly concerning. The survey revealed that 63% of police officers believe it is acceptable to use violence against suspects of serious crimes like rape and murder. Even more concerning, 30% supported the use of third-degree methods for petty offences like theft. This isn't a case of institutional support for torture, just in particular instances. The study showed that 42 per cent of policemen strongly approved of using torture against suspected terrorists, compared with just 28 per cent of historians. Even more troubling, a quarter of officers endorsed mob justice when convicted criminals' rape or child abduction, while 22% approved of extra-judicial killings of dangerous criminals.

## LEGAL FRAMEWORK AND CONSTITUTIONAL VIOLATIONS

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<sup>5</sup> National Human Rights Commission India, [https://nhrc.nic.in/sites/default/files/AR\\_2021-2022\\_EN.pdf](https://nhrc.nic.in/sites/default/files/AR_2021-2022_EN.pdf) (June 25, 2025, 2:30 PM).

<sup>6</sup> THE NEW INDIAN EXPRESS, <https://www.newindianexpress.com/nation/2023/Aug/01/gujarat-saw-81custodial-deaths-in-last-five-years-highest-in-india-2600883.html> (June 25, 2025, 2:30 PM).

Custodial abuse is well protected against by India's Constitution. Article 21<sup>7</sup> guarantees the right to life and personal liberty, and Article 203<sup>8</sup> prohibits unsuspecting citizens from harming themselves, spectating citizens from harming themselves, and Article 382<sup>9</sup> prohibits coercion that infringes on fundamental human rights. The Compelled confessions are illegal under the Indian Evidence Act, Sections 24<sup>10</sup> and 25<sup>11</sup> specifically render any confession made under duress or to a police officer invalid in court. Although these provisions exist, they are often misapplied during police investigations and trials. The Penal Code contains several safeguards. Article 176 (1)<sup>12</sup> provides for a judicial obligation to take such measures. The passing of a person under the care, supervision, or control of a police officer. Not every death of a person in care, custody or control of a peace officer, death in such circumstances, and the Section 49 prohibition against excessive constraints<sup>13</sup> and Section 54 allows magistrates to nominate doctors to inquire into the condition of accused persons<sup>14</sup> under CrPC. Even with these legal safeguards in place, the system often breaks down. The Supreme Court's landmark judgment in *D.K. Basu vs. State of West Bengal* (1997) lays down exhaustive directions concerning requirements that are to be satisfied and the safeguards that have to be observed before arresting any person. These measures aim to prevent custodial violence, including staff training, detainee care, and timely judicial oversight and require that detainees be presented before a magistrate within 24 hours of arrest. However, these remain largely applicable in theory but are not always enforced in practice.

## HIGHLIGHTING CASE LAWS

<sup>7</sup> INDIA CONST. art. 21.

<sup>8</sup> INDIA CONST. art. 203.

<sup>9</sup> INDIA CONST. art. 382.

<sup>10</sup> Indian Evidence Act, 1872, § 24, No. 1, Acts of Parliament, 1872 (India).

<sup>11</sup> Indian Evidence Act, 1872, § 25, No. 1, Acts of Parliament, 1872 (India).

<sup>12</sup> INDIA CONST. art. 176.

<sup>13</sup> The Code of Criminal Procedure, 1973, § 49, No. 2, Acts of Parliament, 1974 (India).

<sup>14</sup> The Code of Criminal Procedure, 1973, § 54, No. 2, Acts of Parliament, 1974 (India).

## **1. D.K. Basu v. State of West Bengal (1996)**

This leading case originated as an open, intriguing case in response to rising custodial deaths. The Supreme Court acknowledged that custodial torture was an affront to human dignity and an infringement on the right to life guaranteed under Article 21 of the Constitution. It established a set of legally binding police instructions for how to arrest and detain, ensuring greater transparency and accountability. The Court required that relatives be informed immediately upon arrest, detainees be medically examined every 48 hours, and arrest memos be maintained. The Court ruled that these rules would have the full force of law until there is appropriate legislation. The case changed the way arrests and detention were carried out and laid the foundation of custody rights in India. It is now routinely referred to both in criminal proceedings and in the context of human rights advocacy<sup>15</sup>.

## **2. Jayaraj and Benicks Custodial Death Case (2020)**

The case revolved around the torture and deaths of P. Jayaraj and J. Benicks, who owned a mobile shop in Tamil Nadu's Sathankulam town, when they were arrested for allegedly flouting COVID-19 lockdown and social distancing protocols. Both men were sexually and physically tortured while in police custody, as a result of which they died. The case caused national anger and became a talking point on social media platforms, particularly after a video by singer Suchitra went viral, where she compared it to the George Floyd killing in the U.S. The Madras High Court summarily ordered the CBI to investigate the killing, and the police officials were charged with murder. Yet the case has moved slowly, even though it has been more than five years since it was filed and

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<sup>15</sup> Shri D.K. Basu, Ashok K. Johri v. State of West Bengal, State of U.P., (1996) AIR 1997 SUPREME COURT 610.

more than 50 witnesses have testified, underscoring the painfully slow pace at which justice is delivered. This case also revealed an institutional collusion among magistrates, doctors, and officers who failed to stop or report the torture, pointing to the systemic deficiencies that tolerate custodial violence<sup>16</sup>.

### 3. Prakash Singh v. Union of India (2006)

The PIL was filed by the former DGP and also led to the historic 2008 judgment of the SC directing police reforms to contain custodial abuse, political interference and absence of accountability. The top court had passed a slew of directions, including the setting up of a State Security Commission, fixed two-year terms for DGPs and IGPs and the constitution of Police Complaints Authorities (PCAs) at state and district levels. Such reforms were implemented as a move to develop independent oversight and professional autonomy in the police force. Though many states have not adhered to these directives in letter and spirit, the judgment is a cornerstone for the police reforms battle in India. It has a direct link to custodial violence by encapsulating structural deficiencies such as Unbridled Discretion, Lack of accountability, and Political Interference as the driving force behind police excesses<sup>17</sup>.

### 4. Raghbir Singh v. State of Haryana (1980)

This was among the first cases in independent India where a court recognised custodial torture. The Supreme Court had castigated the police for inflicting inhuman torture on the accused during his stay in their custody. The Court ruled that torture in custody not only infringes on the

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<sup>16</sup> Sneha Singh, *Jayaraj and Bennicj's case: dire need of amendments to ensure police accountability and render justice*, iPleaders Blog, (June 25, 2025, 3:00 PM), <https://blog.ipleaders.in/jayaraj-bennick-case-long-due-amendment-ensure-police-accountability-render-justice/>.

<sup>17</sup> Prakash Singh & Ors v. Union of India and Ors., (2006) Writ Petition (civil) 310 of 1996

individual's rights, but also undermines the rule of law. The Court has made clear that officials may not escape responsibility for their actions by claiming that they were acting in an official capacity, even if they claimed to be acting in an official or quasi-official capacity. The observation underscored the need for speedy disciplining and prosecutions of wayward police officials, and would in time set the tone for how the courts would take a stance against custodial violence. It is still a relevant precedent that highlights that torture isn't okay, regardless of the justification or requirement of law enforcement<sup>18</sup>.

## INTERNATIONAL STANDARDS AND INDIA'S FAILURE

Although India signed the United Nations Convention Against Torture (UNCAT) in 1997, it has yet to ratify it. This non-acceptance of international accountability standards reflects a more profound resistance to embracing international responsibility. Since India has not ratified the convention, it is not legally enforceable. This aversion to international commitment standards speaks to a larger reluctance around accountability measures. The Convention defines torture and obligates states to adopt legislative, judicial, and administrative measures and requires states to take effective measures to prevent such acts<sup>19</sup>. The vacuum in Indian law is made evident by the lack of a dedicated anti-torture statute. While existing laws outlaw certain types of abuse, there is no universal scheme tailored to the facts of it is unrelated to custodial torture, where abusers can be pursued and prosecuted. Addressing custodial torture. In its 273rd report, the Law Commission of India proposed a new anti-torture law, acknowledging that the existing legal framework was inadequate<sup>20</sup>.

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<sup>18</sup> Raghbir Singh v. State of Haryana., (1980) 1980 AIR 1087.

<sup>19</sup> Hans Danelius, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, United Nations – Office of Legal Affairs (June 25, 2025, 3:11 PM), <https://legal.un.org/avl/ha/catcidtp/catcidtp.html>.

<sup>20</sup> Saba, *273rd Law Commission Report on Implementation of UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment through Legislation*, SCC Online (June 25, 2025, 3:20 PM), <https://www.scconline.com/blog/post/2017/11/03/273rd-law-commission-report-implementation-un-convention-torture-cruel-inhuman-degrading-treatment-punishment-legislation/>.

## THE ROLE OF TECHNOLOGY AND TRANSPARENCY

The Supreme Court's 2020 guideline directing the installation of CCTVs with audio-recording facilities in all police stations is a big step in the direction of transparency<sup>21</sup>. The cameras are also required to be positioned at entry and exit doors, lock-up doors, the corridor, interview rooms, and officers' rooms. These video and audio recordings must be preserved as evidence for 18 months. But that implementation is still patchy. The Court noted with frustration that little progress had been made, even years after its earlier orders in 2018. This resistance underscores a broader institutional unwillingness to adopt transparency.

## REFORM EFFORTS AND THEIR LIMITATIONS

Throughout the years, numerous committees and commissions have proposed changes. The reports of the National Police Commission in the 1970s, 1980s, the Malimath Committee, etc., report after report of the Law Commission have all demanded an overhaul of the system. The Supreme Court's orders in *Prakash Singh vs. Union of India* (2006) set up a system of Complaint Authorities however, compliance is limited. The CSDS survey offered a glimmer of hope, indicating that 79% of officers supported human rights training, and over 75% expressed willingness to report abuse if provided legal protection. Methods of interrogation based on evidence. This indicates significant domestic pressure for change and accountability.

## THE PATH FORWARD

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<sup>21</sup> Awstika Das, *Comply With Directions To Install CCTVs In Police Stations : Supreme Court Gives Warning To Centre, States*, LiveLaw (June 25, 2025, 3:15 PM), <https://www.livelaw.in/top-stories/supreme-court-sc-warns-centre-states-cctv-surveillance-cameras-police-stations-federal-investigation-agencies-222317>.



What is needed to curb custodial violence? Now, if any meaningful dent is to be made in the incidence of custodial violence, it will entail wide-ranging reforms on multiple fronts. First, India must ratify the UN Convention Against Torture and the adoption of an implementing anti-torture law that guarantees full protection against torture as specified under the latter. This includes ensuring accountability, setting strict timelines for inquiries, and providing compensation for victims. Police training needs to be entirely re-envisioned, with a focus on human rights, moral investigative methods, and the psychological effects of torture. Only 12% of police personnel have received any human rights training, a critical gap that must be urgently addressed. There is a potential prevention role for technology. Compulsory CCTV footage of interrogation rooms, digital records of questioning and body cameras must be mandated everywhere. These not only prevented abuse but, when violations happened, left a paper trail to help prosecute the abusers. Judicial restructuring is of equal importance. Fast-track courts for custodial crimes, as well as officials who have been complicit in such crimes, could be effective in breaking the cycle of impunity. Magistrates must be trained to recognize signs of abuse and empowered to take action when violations are suspected. There is a requirement to strengthen independent oversight arrangements. The NHRC and state human rights commissions need more teeth, meaning more authority and resources to properly investigate complaints. Their Advice given should be obligatory, not just a suggestion.

## CONCLUSION

The continuum of custodial violence in India is the greatest denial of justice in an institutionalized form and a standing example of the failure of the rule of law. Despite constitutional protections, court rulings, and international commitments, torture and deaths in detention continue to be widespread. These numbers reflect more than just individual tragedies, but a broader crisis that is undercutting democratic governance itself. It is not merely a case of misconduct; it reflects systemic failure and institutional decay. It reflects fundamental flaws in the existing institutions, a widespread culture of violence, and a culture of impunity. India also has to deal with these underlying issues by addressing them through comprehensive reforms and delivering equal justice.

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The promise of equal justice under the law will remain unfulfilled for India's most vulnerable." Victims like Jayaraj, Benicks and Daud Seikh reflect the fact that hushing it up or suppressing it is not enough. They cry out for justice, accountability and systemic reform. They should not die unheard or unacknowledged by the very system meant to protect them. They must not remain mere statistics in government reports, but serve as catalysts for systemic reforms. Only when these reforms are implemented can police stations become true spaces of justice, not chambers of fear and suffering.

