



## Justice Behind Bars-Reforming Custodial Norms

*This editorial is based on "[India's Police Must Get Out of Dirty Harry's Shadow](#)," published on 31/07/2025. It highlights the pervasive issue of custodial violence in India, calling for a shift from coercive policing to a more professional, humane approach with emphasizing the need for stricter accountability measures.*

**For Prelims:** [Article 21](#), [Article 20\(1\)](#), [Article 20\(3\)](#), [Universal Declaration of Human Rights \(UDHR\)](#), [UN Convention Against Torture](#), [NHRC](#), [Police Complaints Authorities \(PCAs\)](#), [K.S. Puttaswamy \(2017\)](#).

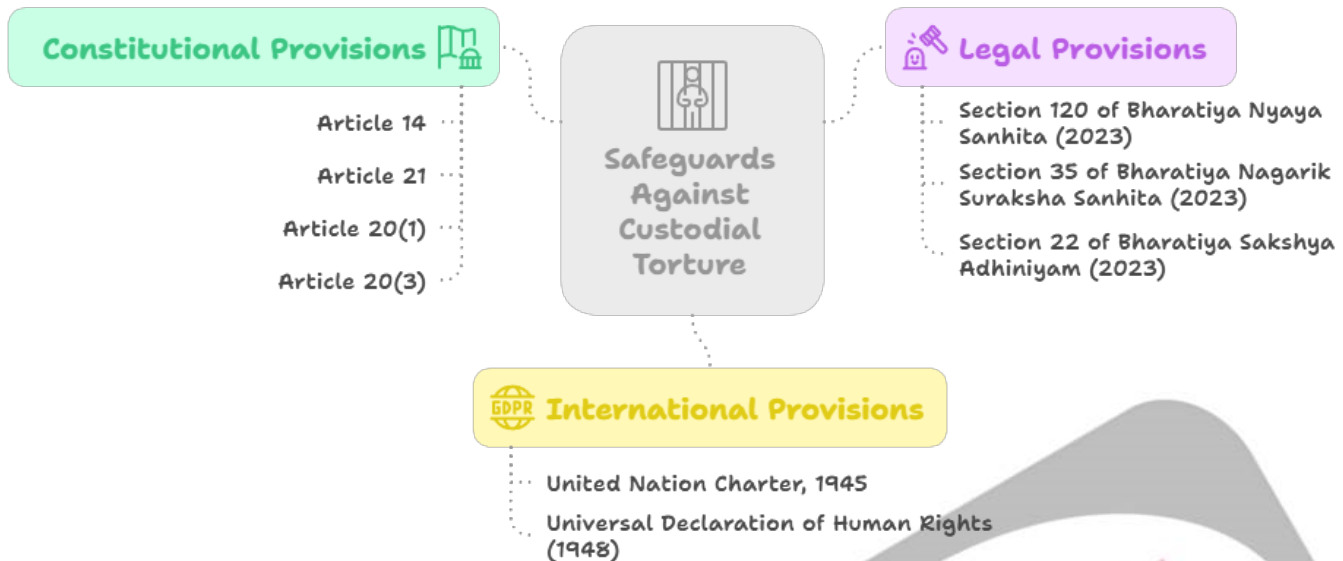
**For Mains:** Custodial Death in India: Status, Challenges and Related Measures.

The recent case of [custodial death](#) in **Tamil Nadu** underscores the troubling persistence of high-handed practices and undue force in policing across India. In such cases, torture and forced confessions often **replace methodical, evidence-based investigations**. These instances of abuses are frequently misreported as accidents or suicides, and those responsible rarely face accountability. This reflects a **deeper systemic issue of custodial harm and abuse, rooted not only in police misconduct but also in broader flaws within the criminal justice system.**

### What are the Current Statistics Related to Custodial Harm and Abuse in India?

- **Magnitude and Trends:** According to the [National Human Rights Commission \(NHRC\)](#), India witnessed over 11,650 custodial deaths **(including police and judicial custody)** between 2016 and 2022.
  - Furthermore, in 2024, NHRC reported 2,739 custodial deaths, with 155 attributed **specifically to police custody**.
  - The **Global Torture Index 2025** classified India as a **"high risk" country** for systemic torture and custodial brutality.
- **State-wise Patterns:** As per the NHRC and Lok Sabha data (2023) between 2018-19 and 2022-23, **Uttar Pradesh recorded the highest custodial deaths** after Maharashtra, West Bengal, and Tamil Nadu.

# Safeguards Against Custodial Torture



## What are the Main Challenges Contributing to Custodial Harm and Abuse in India?

- **Use of Third-Degree Methods for Confession:** Pressure to solve cases quickly, inadequate training in forensics, and poor investigative infrastructure lead to **reliance on forced confessions**.
  - This approach **disproportionately affects marginalized communities** such as daily-wage workers, migrants and SC/STs further, perpetuating structural injustice.
    - The **NCAT's 2019 analysis** revealed that 75 (60%) of 125 deaths in police custody registered cases **belonged to the poor and marginalized communities**.
  - **Torture is not just bad policing; it is structural injustice**, signifying that the roots of the issue run deeper than individual misconduct.
- **Neglect of Soft Skills and Support Systems in Policing:** While policing budgets allocate funds for equipment and surveillance, far less is spent on capacity building or psychological support for personnel.
  - Policing budgets **prioritize gear and enforcement ('hardware')** over training, mental wellness, or human rights education (**'software'**).
    - The SC in the [Prakash Singh judgment \(2006\)](#) directed states to implement key reforms, including **separation of investigation from law and order but it is yet to be materialised**.
  - Most officers receive limited human rights or trauma-informed policing training. Overwork, stress, and poor peer support lead to burnout, which **sometimes "metastasizes" into brutality**.
    - CCTV coverage, mandated in all lock-ups and interrogation rooms by **Supreme Court directive (2015)**, is often missing, non-functional, or deliberately bypassed.
    - **Digital logging of detainees' movement and custody**, and video or audio recording of interrogations, is seldom routine.
- **Overcrowding and Under-Resourced Prisons:** India's prisons are often overcrowded, leading to further stress on the system and an increase in custodial violence.
  - **Over 75% of India's prison population are undertrials**, facing prolonged incarceration due to judicial delays and inadequate legal aid, **leading to overcrowding**.
    - [Overcrowding exacerbates tensions](#) and increases the chances of ill-treatment or abuse.
  - India's prisons are **operating at a national average of 131% capacity**, with the situation worsening significantly over the last decade.

- Also, the web series like ***Criminal Justice* (though fictional)** aptly highlights the deteriorating conditions of Indian prisons, particularly for women.
- Police stations, **especially in rural or underdeveloped areas, are poorly equipped** to handle detainees properly. This increases the likelihood of violations such as arbitrary detention or torture.
- **Absence of Legal and Institutional Reforms:** Despite legal safeguards against custodial torture, such as the [D.K. Basu \(1996\)](#) guidelines and the [K.S. Puttaswamy \(2017\)](#) judgment, the practice remains rampant.
  - The **lack of a standalone anti-torture law**, the failure to ratify the [UN Convention Against Torture](#), and the absence of enforceable accountability mechanisms underscore the systemic neglect of reforms in policing.
  - Also, between 2016 and 2022, the NHRC recommended compensation in just 1,184 cases of custodial deaths.
    - Additionally, disciplinary action was taken in only 21 cases, **accounting for a mere 0.18% of the total, and no cases** resulted in prosecution.
  - The **Law Commission of India's 273rd Report (2017)** had urged the government to pass such a law (The Prevention of Torture Bill), but to date, there has been no legislative action, **leaving the justice system ineffective in curbing custodial deaths.**
- **Lack of Civil Society Participation:** Independent civilian bodies to monitor police activities are often weak or ineffective. Active civil society participation in **ensuring police accountability is limited**, and public awareness about [human rights](#) violations in custody is often low.
  - While media and [NGOs](#) have played a role in highlighting custodial abuse, **they are often unable to sustain campaigns due to limited resources**, legal threats, or government interference.
  - Despite the establishment of [Police Complaints Authorities \(PCAs\)](#) at the state and district levels, these bodies **often lack the authority** and resources to enforce accountability.

## What Reforms are Essential to Ensure Safe and Accountable Custodial Practices in India?

- **Legal and Policy Measures:** Parliament should enact a dedicated **anti-torture law that prioritizes time-bound investigations** and ensures accountability for custodial violence, as recommended by the Law Commission's 273rd Report.
  - The law must mandate the expeditious and **systematic video or audio recording of all interrogations**, with independent audits and acceptance of such recordings as valid evidence in courts.
  - It is also imperative that **India ratifies the United Nations Convention Against Torture (UNCAT)**, which will subject the country to global standards and scrutiny regarding its policing practices.
    - Additionally, **there must be a comprehensive policy to provide prompt compensation and meaningful rehabilitation for the families of victims**, holding the government responsible for any undue delays or denials.
- **Prioritizing Police Wellness and Training:** There needs to be a strategic reallocation of police budgets, with at least **5% directed toward officer wellness**, establishing **mental health units, regular counseling, and sustained human rights training.**
  - There is a need to institutionalise **mental wellness within law enforcement, not as a luxury, but as a necessity.**
  - Police training curricula must mandatorily include modules on ethics, community policing, trauma-informed care, and international best practices, such as the **PEACE (Preparation and Planning, Engage and Explain, Account, Closure, and Evaluation) Model** used in advanced democracies.
    - Countries such as **Norway, Canada and New Zealand have adopted it with similar success.** The European Committee for the Prevention of Torture (CPT) has endorsed it.
- **Technological and Procedural Safeguards:** All police stations and lock-ups must be equipped with **tamper-proof closed-circuit cameras monitored in real-time**, and there should be strict disciplinary action for any tampering or disabling of surveillance equipment.

- The adoption of **digital custody registers and logbooks** is essential for accurately tracking every detainee's movement through police custody.
- Integrate **real-time digital logging and geo-tagging** of every arrest, transfer, or detention into a centralized police database. Each **custodial movement must be time-stamped** and linked to officer ID, location, and medical status.
- **Forensic-Led Investigation as Norm, Not Exception:** Shift India's criminal investigation model from confession-driven to evidence-based policing by mandating forensic integration at the FIR stage.
  - **Strengthen district-level forensic labs** with trained personnel, chain-of-custody mechanisms, and digital case tracking. Embed forensic protocols into police training curriculum and SOPs.
    - This **reduces reliance on coercive tactics** and enhances prosecutorial integrity. A scientific approach ensures objectivity and minimizes custodial abuse incentives.
- **Empowerment of Oversight and Complaints Mechanisms:** Give state and district-level Police Complaints Authorities (PCAs) the **power of independent inquiry, suo motu investigation**, mandatory public reporting, and recommendations that are binding or at least subject to detailed review if not accepted.
  - To reduce the unduly influence or pressure on the police, the SC suggested establishing a **State Security Commission in Prakash Singh v. Union of India** to monitor the function of the state police.
- **Custody Impact Audit as Part of Police Performance Evaluation:** Include Custodial Audit Score based on THE number of complaints, medical reporting compliance, and review of CCTV footage in annual performance reviews of station house officers and investigative units.
  - Link poor scores to denial of promotions, and high compliance to incentives. **Aligning career outcomes with ethical custodial conduct** builds internal accountability. Performance must reward dignity preservation.

## Conclusion

Transforming custodial practices in India is not merely a matter of legal reform but a deeper test of our commitment to human dignity and constitutional values. As India strives to strengthen its democratic institutions, it is time to acknowledge **that power without empathy, in certain instances, can be nothing more than violence** by another name. Real reform in policing is crucial, and it must be rooted in professionalism, respect for human dignity, and an unwavering commitment to justice. ***"A nation's justice system is not only judged by how it punishes the guilty, but also by how it protects the powerless."***

### **Drishti Mains Question:**

What are the root causes behind the persistence of custodial violence in India? Suggest actionable reforms to eradicate custodial torture and ensure justice.

## UPSC Civil Services Examination, Previous Year Question (PYQ)

**Q.** Instances of the President's delay in commuting death sentences have come under public debate as a denial of justice. Should there be a time specified for the President to accept/reject such petitions? Analyse. **(2014)**

**Q.** The National Human Rights Commission (NHRC) in India can be most effective when its tasks are adequately supported by other mechanisms that ensure the accountability of a government. In light of the above observation, assess the role of NHRC as an effective complement to the judiciary and other institutions in promoting and protecting human rights standards. **(2014)**

