

An Analysis of Human Rights Violation in Police Custody

Diksha Ramakant Dubey

Law Student, Singh & Associates

ABSTRACT

The police system in any country is considered to be a protector of the citizen. The concept of human rights violations in police custody is referred to in a variety of ways including police brutality police torture police excesses, custodial violence, and lock-up crimes, the general implication of this concept is that people in police custody are not treated with the dignity and are not given ample rights that citizen in a model democratic state deserve. The practice of limiting an individual's status, harassing him physically or mentally, or depriving him of his personal liberty or fundamental freedoms in police custody can be treated as human rights violation in police custody. This institution has been a grave violator of human rights around the world. The police officials in India are under immense pressure to deliver results in an expedient and efficient manner. Without resources and technology, they are unable to effectively carry out their duties and function without abusing their powers. The police have become more violent towards accused/suspects by society. The basic human rights of these individuals are often compromised after being protected by the legal jurisprudence. The legal system ignores the abuse of power by the police due to the lack of implementation and safeguard of the rights provided to suspects. The treatment and rights of these individuals need to be re-examined. Human rights violations cannot be supported in any country.

This analysis will explore key violations that occur in police custody, their causes, legal frameworks aimed at preventing them, and measure to address this widespread problem

KEYWORDS: Violation, Human Rights, Custodial death, Torture.

HYPOTHESIS:

1. illegal detention or torture of individual by the police without reasonable justification are violate article 21 of the Indian constitution
2. The necessity is to change the traditional attitude of the public official regarding rights of accused under trail prisoners and constitutional mandate should not remain only on paper but be practically applied and work out

INTRODUCTION

The violation of human rights in police custody is a critical concern worldwide. These violation often involve abuses of power by law enforcement, leading to unlawful detentions, torture, and denial of due process. This issue undermines the rule of law, threatens human dignity, and perpetuates fear within communities.

This analysis will explore key violations that occur in police custody, their causes, legal frameworks aimed at preventing them, and measure to address this widespread problem.

The right against torture is enshrined in several human rights instruments and prohibition of torture is recognized as a part of jus cogens wherein several conventions provide for no limitations/exceptions for such rights. India has signed/ratified several instruments including the “Universal Declaration of Human Rights, 1948, International Covenant on Civil and Political Rights, 1966, among others, which seek to protect such rights. Art. 1 of the “Universal Declaration of Human Rights, All human beings are born free and equal in dignity and rights. Moreover, Article 5 of the “Universal Declaration of Human Rights, states that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Another International Convention is the “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984” which was signed by India in 1997.

The Police are a crucial state tool with the primary function of protection of society from internal aggression and to establish peace. more often than not in India the police resort to the use of excessive force and third degree torture which cause violation of the human rights of citizens during custody.

RESEARCH OBJECTIVE

- To know the torture and violation of human rights by police in his custody
- To understand the main cause behind such barbaric incidents by police.
- To know the existing laws at the national or international level to curb and control such incidents.
- To know whether the existing law are effective in preventing such violations by police

SCOPE OF THE STUDY

The study helps to determine the role and responsibilities of the police against the innocent citizen of India, who become the victims in their hands by violating human rights in the form of unnecessary torture and barbaric, third degree method and fake encounter killing etc. which results in custodial deaths. Media are projected some of the cases as police are also now accepting (SUPARI) to kill the targets and motivated by senior police officers or politicians. For that it right away needs to make aware the general public and to existing problem of human rights violation by our police

COMMON VIOLATIONS OF HUMAN RIGHTS IN POLICE CUSTODY

TORTURE AND INHUMANE TREATMENT:

The term torture is not defined in the Indian constitution or any criminal legislation. The convention against torture consider it as the infliction of severe pain or suffering on a human being by another human being who is acting in an official capacity.¹

There are a number of prohibitions of torture mentioned in many international instruments such as the universal declaration of human rights 1948.²And convention against torture and other cruel inhuman or degrading treatment or punishment 1984.

Torture includes physical, psychological, and emotional harm inflicted to extract confessions or punish detainees, violating international standards such as the UN convention against torture.

¹Convention against Torture and other cruel, inhuman or degrading Treatment or Punishment,1984

²SUPRA



ILLEGAL DETENTIONS:

Detention means deprivation of personal liberty except as a result of conviction for an offence whereas imprisonment means deprivation of personal liberty as result of conviction for an offence.

Arbitrary or illegal detentions occur when individuals are held without legal justification, violating the right to liberty and security.

CUSTODIAL DEATH:

Custodial death have always been a dark reality of Indian policing. In India 893 cases were registered against police personnel with 358 cops charge sheeted in this period. Only 26 police personnel were convicted. Regular criticisms and scrutiny from the media and human rights organisations custodial deaths have only increased in recent times. According to national crime bureau (NCRB) annual crime report in India 100 custodial deaths were reported 2020-2021. Though national crime bureau data for 2021-2022 is 175 and 2022-2023 164 custodial death in India. Maharashtra tops this grim ranking. Just five states Maharashtra, Gujarat, Bihar, Madhya Pradesh and west Bengal account for 58 percent of all custodial deaths in India

In **GAURI Vs. UTTAR PRADESH**, three police officials were charged of offences leading to the death of Ram Tiwari while in police custody. The prosecutions case was that the police officers had beaten up the deceased and caused 28 injuries which resulted in his death. One of the officer had deliberately recorded a false entry showing the arrest on the date after the actual date of arrest. The court in the appeal convicted all the police officers and stated that in

cases of death occurring in police custody it is often difficult to provide evidence against the police officials since they are the ones incharge of the records in the police station and hence can engage in manipulations. The court further noted that it is well known that police officers often give inaccurate accounts in order to help a colleague escape conviction. That these cases clearly show the misuse of the uniform and authority of the police and must be curbed in a manner so as to deter such behaviour.³

DENIAL OF DUE PROCESS:

Individual may be denied legal protections, including the right to be informed of charges or access legal representation, undermining justice.

³Gauri Shankar Sharma Etc. Vs. State of Uttar Pradesh on 12 January, 1990

EXCESSIVE USE OF FORCE:

Police may use excessive force, leading to injuries or death, often going unchecked due to lack of accountability.

SEXUAL VIOLENCE AND CUSTODIAL RAPE:

Sexual violence disproportionately affects women and marginalized groups in police custody. The **TUKA RAM AND ANR V. STATE OF MAHARASHTRA** case (Mathura Rape case) is a horrific instance of custodial rape where two police officers were accused of committing sexual assault. Mathura had gone to the police Desai Gunj Police Station for a particular case with a few other person's and was asked by the police officers to stay back and committed sexual assault on her. Unfortunately the Supreme Court of India acquitted the accused due to the apparent absence of resistance by Mathura (the victim) the absence of injuries and her being habitual to sexual intercourse which was based on The Two-Finger Test. The verdict received a lot of backlash and finally led to an amendment in the Indian Penal Code wherein Section 376(2)(a) penalizes custodial rape that is committed by police official and shifts the burden on proof to the accused.

Further the women could no longer be called to the police stations after sunset or before sunrise. This case highlighted the blatant abuse of power by the police forces and the need to safeguard the rights of victims, especially considering the power imbalance.

ACCOMODATION, FOOD MEDICAL CARE AND CLOTHING

A person in custody is entitled to a minimum level of physical conditions as regard accommodation, food and medical care. Section 56 of Bharatiya Nagrik Suraksha Sanhita 2023 talks about health and safety of arrested person-it shall be duty of the person having the custody of an accused to take reasonable care of the health and safety of accused person. ⁴ Detainees often face neglect of basic medical care exacerbating injuries or health issue caused by police brutality. All accommodation provided for use of persons in custody and in particular all sleeping accommodations must meet all requirement of health due regard being paid to climate condition and particularly to cubic contents of air minimum floor space, lighting, heating and violation. Every person in police custody is entitled to be fed sufficiently.

A proper medical examination shall be proto a detained person as promptly as possible after his admission to the place of detention. And thereafter medical care and treatment shall be provided whenever is necessary. This care treatment shall be provided free of charge. This would allow the arrested person file to file a complaint with the magistrate alleging mistreatment while in police custody

CAUSES OF HUMAN RIGHTS VIOLATIONS IN CUSTODY**LACK OF ACCOUNTABILITY**

Police officers are often not held responsible for their actions, leading to a culture of impunity.

CORRUPTION

Corruption within law enforcement allows abuse of power, including in politically sensitive cases.

INADEQUATE TRAINING AND OVERSIGHT

Lack of proper training in human rights and legal procedures can lead to violation both intentional and unintentional.

⁴Bharatiya Nagarik Suraksha Sanhita,2023

SYSTEMIC DISCRIMINATION

Marginalized communities are disproportionately targeted for mistreatment in custody due to racial, gender, or socio economic discrimination.

LEGAL REFORMS:

Governments should reform laws to protect individual's rights in custody and ensure timely access to legal counsel.

COMMUNITY ENGAGEMENT AND LEGAL AWARENESS:

Public campaigns can educate individual about their rights and empower them to hold law enforcement accountable.

DATA COLLECTION AND TRANSPARENCY:

Government should collect and publish data on violations to promote reform and prevent future abuses. Police may use excessive force, leading to injuries or death, often going unchecked due to lack of accountability.

IMPROVING POLICE TRAINING

Comprehensive human rights training for law enforcement on legal procedures, anti-discrimination, and appropriate use of force.

THE INDIAN LEGAL FRAMEWORK FOR PROTECTION OF HUMAN RIGHTS DURING POLICE CUSTODY.

The Indian legal framework contains various provision for safeguarding the human rights in police custody. The Constitution of India safeguards the human rights of all individuals including Suspects, Prisoners and Accused.

Article 21 of the Indian Constitution guarantees the right to life and personal liberty of an individual except as per procedure established by law. The courts have recognized several violation of the human rights of individuals by the police. In the case of **RAGHBIR SINGH V. HARYANA** the court stated that police torture is a shameful act by the guardian of the society and it infringes and hinders human rights guaranteed to all individuals under Article 21 of the Constitution. And in case of **D.K. BASU Vs. WEST BENGAL** the court stated that in a civilized and democratic society which is governed by the rule of law any form of torture or cruel and inhuman or degrading treatment would fall within the inhibition of Article 21 of the Constitution whether it occurs during investigation and interrogation or otherwise. An act of torture by the police of a State flouts the basic rights of citizens and the powers of the executive had to be limited by the law.

Art. 22(1) of the Constitution of India provides for an arrested person to be informed of his grounds of arrest prior to detention and has the right to a legal practitioner of his choice and Article 22(2) provides that an arrested person who is detained must be produced within 24 hours before the nearest Magistrate. Art. 20(1) of the Constitution of India imposes a restriction providing that no greater penalty shall be imposed than as provided under the law in force at the time the offence was committed i.e. ex-post-facto law. Article 20(2) prohibits double jeopardy. Art. 20(3) guarantees the right against self-incrimination. Art. 32 and 226 of the Constitution of India allows filing a writ of Habeas Corpus against illegal detention.

THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 STATES THE PROCEDURE TO BE FOLLOWED BY THE POLICE OFFICIALS TO PROTECT THE RIGHTS OF ARRESTED PERSONS.

RIGHT TO KNOW THE GROUNDS OF ARREST

Article 22 of the Indian constitution mandates that any detained person must be informed of the reason for their arrest. Section 47 of the BNSS echoes this emphasizing the duty of law enforcement to communicate all details and particular of the offense

RIGHT TO CONSULT AND LEGAL AID

The right to consult and be defended by a lawyer is a fundamental tenet, explicitly stated in Article 39-A of Indian Constitution and Article 22(1) of the Indian Constitution. The Bharatiya Nagarik Suraksha Sanhita in section 341 further reinforces the right ensuring legal representation for those unable to afford it

RIGHT TO SILENCE

Article 20(3) of Indian constitution protects individuals from self-incrimination during interrogations, emphasizing the right to remain silent.

RIGHT TO BE TAKEN TO MAGISTRATE WITHIN 24 HOUR.

Article 20(2) of Indian Constitution and section 57 of the Bharatiya Nagarik Suraksha Sanhita Stipulate that an arrested person must be presented before a magistrate within 24 hours preventing undue and prolonged detention without judicial oversight.

RIGHT TO TRAIL

Ensuring an open court article 14 of the Indian constitution guarantees equality before the law, emphasizing fairness' and transparency in the legal process. The principle of a speedy trail is reiterated in landmark cases like Hussainara Khatoon Vs. Home Secretary state of Bihar.

RIGHT TO BE EXAMINED BY MEDICATE PRACTITIONER

Section 53 of the BNSS safeguards an arrested person's right to request a medical examination, particularly when it could provide evidence important for their defense or disprove allegations.

RIGHT TO NOTIFICATION OF ARREST

in addition to being informed of the grounds for arrest individuals have the right to timely notification of their arrest to a friend, relative or any other person of their choice section 48 of the BNSS imposes an obligation on the arresting authority to inform the arrested person about this right, enabling them to reach out a trusted contact.

RIGHT TO CUSTODY MEMO AND DOCUMENTATION

Sec.56 of the Bharatiya Nagarik Suraksha Sanhita, 2023 emphasizes the duty of the custodian to take reasonable care of the health and safety of the accused. This includes the preparation of a custody memo containing the date and time of arrest, attested by a witness and countersigned by the arrested person, proper documentation including an entry in the diary helps in ensuring transparency and accountability.

RIGHT TO COMPENSATION FOR ILLEGAL DETENTION

Section 359 of the BNSS empowers arrested persons to seek compensation for groundless arrest. This right serves as a deterrent against arbitrary detentions

RIGHT TO NOTICE FOR NON-COGNIZABLE OFFENSES

Section 35 of the BNSS grants police officer the authority to give notice to a person suspected of committing a cognizable offense. Requiring them to appear before the officer this notice provides the accused with an opportunity to respond to allegation him

RIGHT TO LEGAL AID FOR INDIGENT ACCUSED

Article 39A and section 341 of the BNSS obligate the state to provide free legal aid for indigent accused person, ensuring that financial constraints do not compromise their right to a fair trial

RIGHT TO NO RESTRAINT BEYOND NECESSITY

Sec.46 of the Bharatiya Nagrik Suraksha Sanhita, 2023 mandates that police officers should not use more restraint than necessary during an arrest preventing unnecessary force

RIGHT TO PROTECTION FROM CRUEL AND INHUMAN TREATMENTS

Apart from the duty to take care of the health and safety of the accused section 56 of the BNSS ensures protection from cruel and inhuman treatment while in custody Protects the rights of an individuals against acts of cruel treatment by police officials and acts of torture.

In an attempt to curb acts of torture during the police custody, the Committee has laid down several guidelines including that in cases of custodial rape and death the Commission has to be informed within 24 hours and performance of follow-up procedures including post-mortem Magisterial Inquest Reports etc⁵.

JUDICIAL PRONOUNCEMENT DEALING WITH VIOLATION OF HUMAN RIGHTS DURING POLICE CUSTODY

A landmark Judgment in the jurisprudence of safeguarding human rights of individuals during police custody was DK BASU VS. WEST BENGAL. The PIL was filed by DK BASU owing to the issues of death and custodial tortures and arbitrary arrests by the police officials. The Court issued eleven guidelines for procedures of detention and arrest which included mandating the identification and designation of police officer making the arrest and handing interrogations preparing a memo of the arrest which must be signed by a minimum of two independent witnesses and countersigned by the arrestee informing the relatives of the accused arrest making the arrestee aware of his rights such as the right to legal representation of his or her choice during interrogations requiring medical examination of the accused within 48 hours of the arrest mandating the records of all documents to be sent to the local magistrate and lastly requiring the establishment of police control room in all states and districts which would communicate information's about the arrest of persons within 12 hours.

in year 2015 the Apex court further expanded the guidelines and issued nine more guidelines including the setting up of State Human Rights Commission in the states of Mizoram, Delhi, Meghalaya and others within a six month mandated the vacancies of all State Human Rights Commission to be filled up within three month the installation of CCTV cameras by the State Government in all prisons and also in police stations in a phased manner wherever there were increasing cases of human rights violations the appointment of a minimum of two women constable must be considered by the State Government in all police stations such appointment is considered essential considering the number of women who are taken for interrogations. Some of these guidelines issued by the apex court in 1997 and 2015 have been incorporates in the Criminal Procedure Code under Sections 41B, 41C, 46, 50, 55A, 57, etc.

Though most of the 1997 guidelines have been incorporated as a part of the legislative framework under the Criminal Procedure Code the majority of guideline issued in 2015 lack any legislatives backing and are also not implemented properly.⁶

⁵ The Bharatiya Nagarik Suraksha Sanhita, 2023

⁶D.K Basu Vs. West Bengal 1997

In *MUNSHI VS. MADHYA PRADESH*, the court stated that often due to the ties of brotherhood police officials tend to remain silent and even pervert the truth to protect their colleagues. Often adherence to the principle of proof beyond reasonable doubts leads to miscarriage of justice owing to the ground realities. To preserve the foundation of the criminal justice systems. The court stated that it is essential to use strict action to keep a check on such acts which would otherwise lead to anarchy and authoritarianism by the (MEN IN KHAKHI). It was considered essential for courts to handle such cases in a realistic and sensitive manner in order to maintain the efficacy of the state machinery.

In *SHEELA BARSE VS. MAHARASHTRA*, the court provided guidelines with respect to the arrest of women. It was stated that the presence of a female police officer was essential during the interrogation of a female that the District Judge could make periodical visits to police lock-up to inquire about the conditions of lock-up and to ensure that the requirements of the law are being fulfilled.

In *Rabia vs. NCT Delhi* the court held that one of the main reasons for the continued existences of custodial violence at such a large scale in India is that the police feel guarded by immunity and presume that they will not be held accountable for their acts of torture and custodial death. The apex court recognized that there is a need for both remedial and preventive methods to be used to remove such occurrences.

All these cases attempting to protect the rights of the accused and prevent human rights violation by the police forces. Though these judicial pronouncements and guidelines have significantly increased awareness, monitoring, transparency and policing, there is a need for significant changes considering the contemporary events of increasing violations.

INSTANCES OF VIOLATIONS OF HUMAN RIGHTS DURING POLICE CUSTODY

There have been several instances where the police authority have paid no regard to the guidelines of the Courts and provisions of law. The clear example of this is the case of B. Janardhan who was picked up from his house by the police officer who were dressed in civilian clothes and failed to identify themselves.

The police failed to abide by any of several arrest procedure given in the Cr.Pc and the D.K. Basu guidelines and Janardhan was detained illegally tortured in police custody for two days. Even after the family filed complaints of missing person they did not receive any information from the police. Two days later four policemen who were dressed in civilian clothes had brought back Janardhan to his house for a short period where he were handcuffed and repeatedly beaten by the police. The police had also confiscated belongings of the family including a gold ring and chain etc. Later in the evening the family came to know of Janardhan's death through a news broadcast which said that he died due to a heart attack. The family Janardhan alleged that there were several injuries on Janardhan's body. The police also stated that Janardhan had been arrested on the morning of the death itself and not two days earlier and alleged that he was accused of theft. After several protests the police chief admitted that the officers had bypassed several rules and regulations and were negligent. Finally the National Human Rights Commission (NHRC) recommended that a compensation of Rs.5,00,000/- must be paid by the government to Janardhan's kin but did not recommend any penalty or prosecution of the police officials.

In case **JULFAR SHAIKH AND IMANUAL SHAIKH** who were on a taxi, were stopped by two constables dressed in plain clothes and brought them to the Dharavi police station. The police had not informed any family member of the arrest. And the family members heard of the arrest from their

relatives that day itself and informed their lawyer. The lawyer went to the Court the next day assuming that the accused would be presented within 24 hours, there was no record of the arrest. The police had stated the incorrect date of arrest to show that they had abide by the procedural requirements. Julfar and Imanuel Shaikh were abused and torture in police custody. This led to Julfars death which the police officers stated was due to a heart attack. In the autopsy and 21 injuries were found but even then the medical report said that those injuries were not sufficient to cause death individually or collectively. After appeal in an investigations by the CBI it was found that Julfar died due to physical abuse and intense trauma. In the report from assistant commissioner of the police from CID who was investigating this case the police officers were only charged for causing voluntary hurt inspite of the testimonies by other police officers that Julfar was beaten with fists and the truth seeking belt and were also hung by a rope and assaulted.

This case illustrates that besides the procedural violations the police and medical officials often engage in distorting facts covering up the reality and giving false reports in order to save the violators who then run scotfree due to the absence of proof.

Police official also often fail to safeguards and abide by the laws with respect to juveniles. In case a 15-yr old boy along with two others were taken by the police. The police had detained them illegally and beaten with sticks and belts. Law mandates that a child be placed under a special juvenile police unit. He was kept in an adult lock-up. The officers also sexually abused them to extract confessions and one of them also died during custody due to police torture. A CJM said that often police use torture prior to the court remand to police custody due to the mandatory medical check-up. It is difficult to determine whether the injuries were a result of police brutality. Often police resort to the explanation of injuries as being that the accused was trying to escape and abscond and the accused also remain silent due to the fear of being sent to police custody

The rights given in the Constitution and Cr.Pc (New Bharatiya Nagrik suraksha Sanhita, 2023. And (Old law Evidence Act) Bharatiya Sakshya Adhiniyam, 2023 etc. are essential to prevent abuse of power by the police and protect human rights guaranteed to all citizen. The above instances clearly indicates that these provisions are not abided by the police officials and are massively misused. And other authorities such as medical officials CID and judges etc. often seek to protect the police personnel which leaves the victims in a helpless state. There is thus, an urgent requirement to strengthen the legal framework and enforcement mechanisms to curb such violations.

ANALYSIS AND RECOMMENDATIONS

In 1985 a recommendation was given by the Law Commission of India that the Indian Evidence Act should be amended, adding Section. 114B to provide that court may presume an injury to be caused by the officer having custody of a person if a person has any bodily injury which he or she is in police custody. This recommendation was made after the case of Uttar Pradesh v. Ram Yadav which recognized the realities of strict requirements of burden of proof which could hinder justice for the first time. This amendment has not been recognized yet, thus not recognizing the ground realities and denying human rights to suspects, accused, Prisoners.

There exist a lack of accountability and transparency in act of police brutality. Civil society group play a vital role and can hold the authorities accountable for their acts to end the culture of torture and impunity. The court in Sube Singh vs. Haryana recognized the importance of using modern method of recording such as video-recording etc., in the filing

and investigation stages to avoiding manipulations in FIR Post-Mortem Reports witness statements etc. to ensure transparency. A former director-general of the police N. Ramachandran stated that in India the police officers especially junior level police often extract confessions using methods of torture rather than using forensic evidence. Understaffing of forensic laboratories and a backlog of cases need to be addressed. Thus such resources need to be made available with provisions for adequate training.

In several cases of violations of human rights and custodial deaths the National human rights Commission has given directions of providing compensation to the victim next kin. Often the officers perpetrating such acts are only suspended temporarily and conviction rates are very low. There is a need for punishing such evils of society without which such violation would continue to exist owing to the supposed immunity. The requirements of setting up of CCTV cameras as directed by the apex court in 2015 has not seen much implementation. The state and central governments must file report regarding the progress of installing CCTV cameras across police station and set targets and timelines for the completion of installation of CCTV across all police stations in the country. This would enable gathering evidence in custodial violence cases and also deter the police official from engaging in acts of custodial violence.

Compliance with the D.K. Basu case and other guidelines issued by the courts is essential. Apart from laws and guideline to regulate actions of the police forces. There is a need for compassionate and informed citizenry. Off late custodial violence instead of receiving a push back from the citizens has been accepted and offered public support. This denies the accused fair trial as guaranteed by the Constitution. In such a cases it is crucial that the State Government take on awareness drives and display the rights and remedies and the limitations of powers of police in public spaces. The elected representative must discourage and condemn violations by the officials while making public statements.

CONCLUSION

Human rights violations in police custody are a global problem and require urgent reform. By addressing the root causes such as impunity, corruption and inadequate education, communities can protect the dignity and rights of prisoners and work to eliminate these violations. It has become normalized and accepted in Indian society. The main reason for this is that the authorities face a heavy burden of delivering results quickly without access to adequate resources to implement the process. Despite the laws and regulations silently sent by the Supreme Court on the importance of ensuring human rights of all citizens and the state machinery, violence/police brutality is seen as a good way to achieve desired results by the society and the government. Accepting and trusting this practice. But the government seems to be blind to the facts and the brutality of the people and the purpose of the police using torture is to protect people from such evils.

It is essential that adequate resources are provided, police are trained in the use of modern technology and human rights awareness is promoted. A special bill should be introduced to criminalise torture in custody and establish a strict regime. Regular visits by independent officers should be ensured to enable victims to resolve their issues, and accountability and transparency of police procedures should be ensured. The independence of national human rights commissions and the provision of sufficient powers and resources to monitor and stop these practices are important for victims to report them. Finally I believe that counselling and rehabilitation for victims of this crime is important. The spirit of life must change and it must be accepted that human rights are not the only rights that exist, and that prisoners/accused/suspects must be protected from criminal law.

Despite India's significant role in the United Nations system and other international human rights forums, and recent decisions have shown the same. Human rights of people in police custody are still being violated today. Most of the reports are about abuse and mistreatment, including deaths in custody. Unethical practices are openly criticized in the reports. The country is in a precarious situation because human rights violations have become commonplace and indifference has affected our thinking and protests.

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