

A Study on Custodial Violence and Structural Deficiencies in India's Criminal Justice System

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Abstract

Custodial violence, which includes physical tortures, mental harassment, and sexual abuse used against people under the care of the states, is one of the significant breaches of the human rights and the guarantees of the constitution. Such practices continue to be practiced in India even with legal protections in place wherein it denotes more than structural inadequacies in the criminal justice system. It is not a problem of isolated incidences but is telltale of organizational flaws like poor police training, political interventions, dependency on coercive mechanisms of interrogation, and poor accountability processes. The present study is also expected to critically explore the problem of custodial violence in India and investigate the structural gaps that help promote the persistence of the issue. The research has a doctrinal and analytical research approach which is based on the constitutional laws, statutory laws and pronouncements on the constitutional courts to examine the efficiency of the current legal systems. It also examines institutions and enforcing authorities and the contribution these two activities make in discouraging or encouraging such violations.

The research results indicate that there exists a plethora of shortcomings in implementation such as ineffective investigation, slow courts and infrequency of convictions in cases of custodial abuse. These elements lead to impunity culture and affect the general trust of the society in the justice system. The article concludes that remedying the issue of custodial violence should entail wide-ranging reforms that should include tougher accountability measures, institutionalization of the welfare, and in line with the international human rights regulations. The security of personal dignity and the basic rights should continue to be a principle of the criminal justice system.

Keywords: Custodial Violence, Human Rights, Criminal Justice System, Police Accountability, Judicial Delays, Structural Deficiencies

1. Introduction

Custodial violence means the mistreatment of people in custody by the law enforcement agencies, which includes physical tortures, mental harassment, and sexual assaults. It is one of the most severe infringements of human rights because it is done in a system that is constitutionally required to secure human beings¹. The violence can be in the form of beatings, coercion, humiliation, intimidation, or even death in custody which is usually instilled in an attempt to get confessions or to exert control. These abuses

¹ Sharma A. CUSTODIAL VIOLENCE AND HUMAN RIGHTS VIOLATIONS. CONTOURS OF CONTEMPORARY LEGAL RESEARCH: A MULTIDISCIPLINARY PERSPECTIVE-VOLUME 3: CRIMINAL JUSTICE, FORENSICS, AND EMERGING LEGAL PARADIGMS. 2025 Jul 22:66.

suffer from the fact that the custodial environments are closed making it so hard to spot and prosecute them, thus creating a culture of impunity.

Custodial violence is a highly sensitive phenomenon in the Indian context because of the prevalence rate and the vulnerability of the victims, usually being of the marginalized/ economically disadvantaged groups of the society. Regardless of the constitutional rights and the legal protection, the cases of custodial torture, and deaths still emerge, which prompts a thorough question regarding the work of the criminal justice system. It is not just an individual behavior because the problem has systemic weaknesses that allow such practices to continue. In recent years, the public awareness and concern has risen dramatically due to the growth of media reporting and civil society activism which has raised awareness of cases of police brutality and custodial death.

The Indian constitution highly denounces this type of practice. Article 21 of the Constitution includes the right to life and personal liberty that has been judicially interpreted as the right to live with human dignity and protection against torture². On the same note, Article 20 and 22 have the protection against self-incrimination, arbitrary arrest and invalid detention. Yet, that custody violence still takes place is an indication of a disparity between the law and practice.

The aim of this paper is to analyze the weaknesses of the criminal justice system in India that are the causes of the custodial violence. The research problem is why such violations remain common despite the legal safeguards, as well as the judicial regulations. It is restricted in exploring the issue of custodial violence in the Indian law but fails to go into a depth of a comparative study across the world. The approach followed is doctrinal as it uses statutes, constitutional provisions and judicial decisions to provide a critical analysis of the problem. In the following analysis, the paper will point at systemic deficiencies and recommend the need to make accountability mechanisms more robust.

2. Conceptual Framework

Custodial violence is a wide term which embraces different types of mistreatments which are caused to individuals when they are in the custody of the law enforcers. It is broadly classified in accordance to the form of custody where such abuse is done. Police custody violence can be checked or defined by being abused during the time that the person is under the custody of the police to be investigated or to be questioned³. This is a period that is also susceptible since there has been a situation where the detainees have been influenced to give in to being coerced into providing confessions or information. In its turn, judicial custody violence takes place on the territory of the prisons or detention centers under the conditions of the custody of the judicial authority. Whereas it is supposed to be more controlled, cases of violence, mistreatment of inmates by the jail staff or the jail personnel among themselves is not rare.

The types of violence that occur in custody differ in the magnitude and the nature of the violence. The most common type is torture which is a deliberate act of inflicting pain on the victim either physical or psychological in order to get information or punish the detained. This can be beatings, electric shocks, sleep deprivation or psychological intimidation⁴. At worst, the custodial violence can lead to death, either by use of excessive force, or neglect of medical requirements. These death cases in custody constitute the

² Paul S. CUSTODIAL JUSTICE-A study on Police Brutality in India from Victimological Perspective. Academic Guru Publishing House; 2024 Jun 28.

³ Kamasai SV. Judicial Dynamism and Custodial Violence. "Turkish Journal of Computer and Mathematics Education. 2021;12(12):547-51.

⁴ Jain P. Custodial Violence And Its Impact. Available at SSRN 4946758. 2024 Feb 28.

gravest abuse of human rights and usually raise an uproar. Another form to be raised with alarm is sexual abuse, which is especially troubling among women and the vulnerable population, and is usually not properly reported because of the stigmatization as well as fear of retaliation.

It has structural and institutional deficiencies that are the causes of custodial violence. The imbalance of power between the law enforcement personnel and the people that are arrested is one of the major factors as it leaves the environment where the mistreatment can take place without any control. Also, effective accountability mechanisms have not been established so that the perpetrators elude punishment, which contributes to a culture of impunity. The problem is further worsened by weak institutional control through lack of appropriate monitoring systems as well as inefficient commitment systems. This is all the reasons why custodial violence continues to persist, as it has become a systematic problem rather than a few cases of bad conduct.

3. Indian Legal Environment.

The Indian constitutional, statutory, and judicial protections afforded by the legal system ensure that there are a number of constitutional, legal, and judicial protections against the occurrence of custodial violence and safeguarding human rights of people presented to custody. To a great extent, however, the usefulness of these precautions is based upon their administration and their execution.

3.1 Constitutional Provisions

The Constitution of India provides the basis of protection of people against custodial violence. Article 20 offers safeguards in the criminal aspect in which the right against self-incrimination comes forth in which the right gives a person the right not to be forced to enter a test to incriminate himself/herself⁵. The given provision is especially important to stop the practice of coercive interrogations. Article 21 secures the right to life and personal liberty which has been broadly construed by the courts to incorporate the right to live with dignity and without torture and inhuman treatment. It places a responsibility on the state to make sure that there is treatment of humaneness to the individuals in custody. Article 22 also adds to these safeguards by “giving some protection against arbitrary arrest and detention such as the right to know the reasons of arresting them, the right to have an attorney as well as the mandate to appear before magistrate within 24 hours. All those provisions create a serious constitutional requirement against custodial maltreatment.

3.2 Statutory Laws

Besides the constitutional safeguards, there are other statutory regulations of custodial violence. The offenses that the Indian Penal Code (IPC) penalizes include assault, grievous hurt, and murder, which can be applied in the case of custodial abuse. Nevertheless, the IPC lacks a particular clause that either provides or criminalizes custodial torture that is usually regarded as a huge loophole in the law⁶. The code of criminal procedure (CrPC) sets out some procedural safeguards such as the procedures involved in arrest, detention and interrogation. It requires the arrests to be within the due process and provides medical examination of the accused so as to avoid abuse. Indian Evidence Act is also significant as it makes confessions taken under a duress or formed through torture inadmissible in court and thus scares off the application of unlawful ways of gaining evidence during investigation.

⁵ Jain AD. Criminal Justice and Human Rights: A Discussion of Custodial Violence, Pretrial Detention and Capital punishment. *Journal of Legal Research and Polity*. 2025 Oct 17;2(2):15-30.

⁶ Singh S, Madaan D. Justice Behind Bars: A Critical Study on Custodial Deaths and the Crisis of Transparency in Indian Law Enforcement. *LawFoyer Int'l J. Doctrinal Legal Rsch.*. 2025;3:619.

3.3 Judicial Pronouncements

The courts have been key to fight the issue of custodial violence with decisions and directions being made. The guidelines to be followed to avert cases of custodial abuse were elaborated in the D.K. Basu v. State of West Bengal case, which stipulated the presence of arrest memos as well as informing the relatives of the arrested party and frequent medical check-ups. These rules have taken a pillar in the protection of rights of arrested persons. Likewise, the Supreme Court, in Nilabati Behera v. State of Orissa accepted the doctrine of state liability and stated that the victims of custodial death must also be compensated thus strengthening the principle of accountability.

These verdicts have promoted the view by the courts that any type of violence by one to another in custody is a gross infringement of fundamental rights and this can never be condoned. The values established by the judiciary emphasize the value of transparency, accountability and the due process. Keeping these judicial initiatives, the continued prevalence of custodial violence is indicative of the necessity in enhanced enforcement and institutional changes in order to make sure that these legal protections are put into practice successfully.

4. Structural Deficiencies in the Criminal Justice System

4.1 Police System Issues

The situation of high numbers of custodial violence in India is highly correlated to the systemic problems of the policing system. The lack of proper training of the police staff, especially in the human rights, scientific methods of investigation, and ethical channels of interrogation, is among the major issues. There is still a significant use of obsolete and repressive methods of confession inciting most officers⁷ like physical torture because they do not know contemporary forensic instruments and methods of investigation. This professional incompetence helps to increase custodial maltreatment.

The politics also contributes to making the problem worse as the police force is compromised on its independence and independence. Most law enforcement officers are postponed on the outside by political leaders to behave in a way that favors interests, and biases on particular individuals or may even rush investigations to gain political objectives. This interference undermines institutional integrity and creates the environment in which illegal practice, such as custodial violence, is accepted (or even promoted).

The other important problem is that it places a lot of pressure on police officers to fasten cracking of cases and especially when dealing with high profile or serious criminal cases. The need to achieve quick outcomes, lack of enough resources and manpower tends to result in cut corners being cornered during the investigation⁸. Under these conditions, forceful interrogation techniques are deemed as a cheap alternative in getting confessions and disposing of cases. This does not only infringe the rights of the people but also it lowers the integrity of the criminal justice system in totality.

One of the most disturbing sides of the police functioning is the usage of torture as the detective tool. In spite of the legal restrictions and the judicial regulations, custodial torture remains a popular method of information extraction. It is not just a failure of enforcing but also a culture of the institutions that is arranged to accept confession over investigations as evidence.

4.2 Lack of Accountability Mechanisms

One of the major structural weaknesses that have been causing the problem of custodial violence is lack

⁷ Srivastava S. Custodial Violence: Horrendous Crime in a Civilised Society. Issue 5 Int'l JL Mgmt. & Human.. 2022;5:195.

⁸ THAKUR J. CHILD CUSTODY DECISIONS IN THE SHADOW OF DOMESTIC VIOLENCE IN INDIA. American Journal of Preventive Medicine.;48(3):345-9.

of accountability mechanisms in the criminal justice system. The inner discipline structures of police departments have weak structures that are not transparent⁹. The police officials are often investigated by their colleagues in the same institution which contributes to bias, conflict of interest and unwillingness to make decisive action against the erring officers. This is a pillar of impunity that is created due to such internal protection of wrongdoing.

Moreover, the police officials are hardly ever convicted in the instances of custodial violence. Criminal cases that are registered usually undergo procedural delays, absence of evidence or insufficient investigation hence acquittal. Custodial violence cases make it hard to achieve convictions because the evidence is usually under the possession of the police, and therefore it is hard to verify it on your own. Such lack of deterrence has emboldened the offenders and put strains on the citizens on their trust of the system.

Late investigations are also important factors that compromise accountability. Questions about deaths in custody or torture are in most instances extended causing evidence to be lost and reduced opportunities of justice being delivered to the victims. This is also worsened by the unavailability of independent investigative bodies since when the accused happens to be one of their co-workers, the investigations performed by the police will not hold any credibility.

4.3 Judicial Delays

The other significant structural weakness that can lead to the propagation of custodial violence is judicial delays. Indian courts are overstretched with cases and therefore take a long time to be convicted and subsequently adjudicated¹⁰. The families of victims of custodial violence and the victims themselves are likely to be subjected to waiting during years, or even decades, to get justice. This wait time does not only result in further suffering, but it also diminishes the efficiency of legal solutions to keep violations of such acts at bay.

There is also a problem of slow trials that influence prosecution against accused police officials. The witnesses can evolve to be hostile with the passage of time, the evidence can corrode and the overall value of the evidence can go down owing to the long delays¹¹. This goes a long way in ensuring that the chances of conviction are minimal and the feeling of impunity among the law enforcers is strengthened.

The court docket also creates an addition burden on the resources of the courts such that the courts cannot afford to pay special attention to cases that deal with custodial violence. Even though these cases deal with serious infringement of basic rights, they are usually handled equally to any other criminal cases and thus delays are caused in the resolution of such cases. This compromises the concept of administering justice in good time and destroys confidence that the judiciary enjoys amongst people.

4.4 Poor Prison Conditions

Another aspect of structural deficiency in the criminal justice system is manifested in the state of prisons in India. There is also the overcrowding that can be prevalent where there are few prisoners in the prisons when the capacity of the prison is less than the number of prisoners housed. This contributes to poor living

⁹ Deb E. A Critical Analysis of Inquisitorial and Adversarial Approaches in Cases of Custodial Deaths. Available at SSRN 4786683. 2024 Apr 7.

¹⁰ SHARMA A, MAHARSHI DA. EVOLVING DIMENSIONS OF CRIMINAL JUSTICE AND LEGAL REFORMS: A CRITICAL ANALYSIS OF THE INDIAN LEGAL FRAMEWORK. TPM–Testing, Psychometrics, Methodology in Applied Psychology. 2025 Nov 5;32(S8 (2025): Posted 05 November):1745-55.

¹¹ Singh AK. Transforming Policing in India: Legal and Institutional Perspectives for Strengthening Criminal Justice Delivery. Ianna Journal of Interdisciplinary Studies, ISSN (O): 2735-9891, ISSN (P): 2735-9883. 2026 Mar 19;8(1):30-58.

conditions, poverty and poor lack of essential facilities and predisposes to violence and abuse¹². It is also hard to control overcrowded places as it is impossible to have effective supervision and safety of prisoners. Existence of poor monitoring systems aggravates the situation even more. In spite of the fact that there are the requirements of periodic inspections and supervision, they are poorly enforced in most cases. The lack of proper surveillance and autonomous meticulous watchdog agencies enables the success of cases of abuse inside the prisons to either remain unseen or unreported. This leads to a situation whereby the instances of custodial violence can be practiced with little to no accountability.

Maltreatment in prisons is not a mere case of the officials abusing the inmates physically, but the abuse may come in other forms such as harassment, exploitation, and violence by inmates. Women, children and the members of the marginalized group are vulnerable groups and are at risk. The inability to provide humane conditions of the detention is the failure in the assurance of the basic rights and demonstrates the failure of the criminal justice system in general.

5. Human Rights Perspective

5.1 National Human Rights Framework

Individual protection against custodial violence in India has a support on a national human rights framework which aims at facilitating accountability as well as protection of fundamental rights. The National Human Rights Commission (NHRC) takes center stage in this aspect since it is a watchdog organization¹³ which oversees investigation of cases of custodial violence, gives guidelines and compensations on cases of custodial death or abuse. The NHRC has mechanisms of reporting any case of death in custody by state authorities and put in place a process of inquiry and investigation. These processes are set to facilitate the level of transparency and accountability in the system.

Nonetheless, the weakness of the NHRC is that it usually gives recommendations, which limit its effectiveness. Although it has the power to investigate complaints and give orders, it does not have a binding way to enforce its work and its recommendations do not necessarily become practical by the state authorities. Also, local authorities are not cooperative which leads to delays in the functioning of the Commission, as well as in the reports. Nonetheless, these issues do not denounce the NHRC as a significant institution to tackle the issue of custodial violence and create awareness about human rights.

5.2 International Standards

The international human rights law further suggests the need to deal with custodial violence in India as India has certain obligations within the international human rights law. According to the Universal Declaration of Human Rights, the right to life, liberty and security of person is defined and it clearly forbids the use of torture and inhuman treatment¹⁴. Equally, the International Covenant on Civil and Political Rights to which India is a signatory requires protection of people against arbitrary arrest and custodial mistreatment. These international tools place on the state a responsibility of treating all persons humanely even in custodial custody.

¹² Chakraborty N. [LL. M Dissertation]: ABUSE OF RIGHT TO LEGAL AID VIS-A-VIS STANDSTILL STATUS OF UNDERTRIAL PRISONERS IN INDIA-A STUDY TOWARDS ADOPTING EFFECTIVE REFORMS IN CRIMINAL JUSTICE SYSTEM. LL. M Dissertation (Symbiosis Law School Pune). 2021 Jan 1.

¹³ Aslam A, Ahmad T. Bars and Boundaries: A Critical Assessment of Indian Prisoner's Rights in Light of Global Legal Frameworks. *LawFoyer Int'l J. Doctrinal Legal Rsch.*. 2024;2:664.

¹⁴ Nagpal S. Rights of Prisoners in India: A Critical Study". *International Journal of Engineering Science & Humanities*. 2025 Jun 27;15(2):38-50.

United Nations Convention on Torture (UNCAT) particularly takes this issue of torture and is obligatory to provide effective actions to curb it. India is not yet fully ratified in the Convention, but even though it is a signatory, this indicates that there is a great disparity in its observance of international standards. It is further undermined by the fact that there is no specific domestic law by which torture can be criminalized. This disparity between international verb and national application points to the necessity of greater legal and institutional improvements. Although India has a strong constitutional system, absence of specific statutes, ineffective enforcement systems and poor accountability systems remain to be the impediments to the successful protection of human rights in the custodial context.

6. Case Studies

The judges of the Indian judicial system have fiercely attacked the existence of custodial violence particularly in Supreme Court which has been a transforming force in coming up with strategies to curb torture, illegal imprisonment and custodial murders. The judiciary, through liberal approach to the provision of Article 21, 22, have improved the procedural rights of the detainees and emphasized the fact that right to life and to personal liberty, provides the liberties to live with dignity¹⁵. The judiciary-action has therefore taken the platform in curing the systemic harassment of the police power and lack of accountability within the law enforcement agencies.

D.K. Basu v. State of West Bengal (1997) 1 SCC 416 is one of the ground breaking cases in the benefit, that is said to be the corner stone of the custodial protection in India. In the wake of the unsettling custodial death and torture cases the Supreme Court claimed that such acts would be a direct violation of Article 21. The Court stipulated eleven principles as binding on the practices of arrest and detention that required drafting an arrest memo which was a right of the detainee to inform a relative or a friend, regular medical examinations, identification of the police officers and coming before a magistrate in a duration of twenty four hours. The Court made it clear that custodial torture is an attack on human dignity by enforcing the liability of compensation on the State, in case of its violations.

This idea of constitutional compensation was better rooted in the case of Nilabati Behera v. State of Orissa (1993) 2 SCC 746 when the Court decided that the State in the case was strictly liable on account of the custodial death and elaborated that the sovereign immunity did not extend to shield the State in case of violation of the fundamental rights. Similar, though not identical, was the case of Joginder Kumar v. State of Uttar Pradesh (1994) 4 SCC 260 which involved the misuse of the power of arrest by pointing out that arrest could not be of the routine or of the mechanical character¹⁶. With marked rejoicing the Court observed that where the arrest is merely lawful has little to do with the matter, but that the necessity of making one has to be communicated, and that those who have been arrested must be allowed to communicate with relatives or friends.

Prakash Singh v. Union of India (2006) 8 SCC 1 also discussed the issue of systemic reform in the sense that the Court indicated the issue of political motive and lack of responsibility were key elements required to perpetrate custodial abuse. It issued orders to reforms in the police that were legally binding including the establishment of Police Complaints Authorities, the relevant termination of the tenure of the law-enforcers and dissolution of investigative and law matters. This gendered nature of custodial violence was highlighted in Sheela Barse v. State of Maharashtra (1983)2 SCC 96 that demanded that the women be

¹⁵ Kumar A, Lone AA. Role of the National Human Rights Commission in Combating Custodial Torture in India.

¹⁶ Rathore S. Prison Reforms in India: Evaluating Undertrial Detention and Access to Justice. IJAIDR-Journal of Advances in Developmental Research.;17(1).

segregated in lock-ups, they must also be interrogated by female police officers and that the female inmates should be assisted by a lawyer.

In a more recent instance, in *Arnesh Kumar v. State of Bihar* (2014) 8 SCC 273, the courts reinforced the anti-unreasonable arrest provisions, saying that criminal procedure code statutory provisions must be observed. Likewise, the rules of undertaking inquiry with regard to encounter dead, taking independent inquiry, registering FIR, and the controlling judicial process were ruled in the case of *People v. State of Maharashtra* (2014) 10 SCC 635.

These court decisions, together, indicate that custodial violence cannot be just a problem in policing; it is a constitutional issue as well. Although the judiciary has come up with a wonderful system of checks and balances, the challenge is on how it can be implemented and accountability.

7. Findings and Discussion

The review of custodial violence in India brings out some important results that indicate the structural flaws that are entrenched with the criminal justice system. Among the most valuable lessons, there is also the existence of the systemic vulnerabilities of the law enforcement institutions. Police force, which is the main point of contact between the state and the citizens is traditionally defined by the poor training, shortage of resources and thus the high level of tolerance towards the culture of coercion¹⁷. The weaknesses give a conducive space upon which custodial violence can be carried out comfortably.

The other important discovery is the inefficiency of the present legal protection. Despite the provisions and statutory laws that offer protection to victims of custodial abuse, their application is still partial. Courts dictate on matters, including those that have been established in historic cases, which are often not adhered to or are poorly applied. This disparity between the law and the practice indicates the weaknesses of legal frameworks without well-developed mechanisms of enforcement.

The fact that the lack of accountability contributes to the issue too is also problematic. There is infrequency of convictions of culprits in custodial violence and this depicts that the system does not prosecute culprits¹⁸. In-house disciplinary systems can be toothless and the out-of-house authorities may not have the power or resources to enforce their hand. Such lack of accountability not only deprives victims of justice but it has also given rise to the culture of impunity in law enforcement agencies.

There are also institutional prejudice and abuse of authority that arise. Custodial violence is overly represented within marginalized groups, such as the economically less fortunate groups, and the socially disadvantaged groups in society. This is an indication of greater social inequalities that are reflected into the criminal justice system. All this results in discriminating practices and application of laws selectively because of the abuse of power by the authorities and prejudices in the society.

By critically examining these findings, one can conclude that physiological violence and the act of a custodian is not the mere outcome of a person acting wrongly but an expression of a systematic issue at work. To solve this problem, a holistic solution is needed that transcends the legal reformulation of the problem, and encompasses institutional restructuring, capacity building and cultural change of law enforcement agencies. Otherwise, the legacy of custodial violence is bound to deepen the adherence to the rule of law and trust in the system of justice.

¹⁷ Sharma U. Legal and Psychological Determinants of Antisocial Behaviour Among Delinquent Youth. children. 2025 Dec 29;16:18.

¹⁸ Saxena N. A comparative analysis of criminal justice systems: assessing the impact of sentencing guidelines in reference to India, UK and USA. UK and USA (April 2, 2024). 2024 Apr 2.

8. Suggestions / Recommendations

The vehicle of dealing with custodial violence in India needs to be a multi faceted program to boost the legal, institutional, and procedural protection. Comprehensive reforms of police, that is, repetitive training on human rights, ethical behaviour and updated investigative methods are among the key reforms. The problem of relying on the coercive methods can be diminished through strengthening the professional capacity of the police personnel and encouraging the use of evidence-based investigation.

The formation of autonomous investigative agencies is important so as to guarantee unbiased investigation on claims of custodial violence. These bodies ought to be independent of the police hierarchy since this will help in the prevention of conflicts of interest and shall be credible in the investigation process. There should also be a strong deterrence effect through strict punishment to the officials detected of having committed custodial abuse.

The erection of CCTV cameras in the police stations and custodial facilities may act as a good device of monitoring and abuses prevention. Proper maintenance as well as regular auditing which would determine functionality of these surveillance systems should go hand in hand. Moreover, the speedy trial mechanisms should be enhanced to ensure that justice to the victims is administered promptly to avoid the evidence being deteriorated by passage of time.

India must also make efforts in ratifying the United Nations Convention against Torture and passing of certain domestic laws to criminalize custodial torture. These steps would bring the domestic legislation in line with the international practices and would strengthen the desire to guard human rights. Together, these reforms are likely to lead to a decrease in custodial violence and criminal justice system accountability.

9. Conclusion

A failure to establish even the basic human rights is still one of the most grave issues concerning the criminal justice system of India, which is marked by the constant occurrence of custodial violence. Even with the constitutional protection in place, the statutory law, and the court cases, the cases of custodial abuse still take place, which demonstrates the disconnectage between the ideals of the law and the real-life reality.

The discussion in this paper highlights that the problem of custodial violence is not a one problem issue but it is a structural problem and is directed in the failures of accountability and institutional inadequacies. The inability to efficiently establish the current protective measures and punish offenders compromises the citizens trust in the rule of law and the system of justice delivery.

It is also in dire necessity of thorough reforms that will cover both legal and institutional gaps. The reinforcement of accountability features, police training, compliance with human rights norms are the necessary steps towards the correct direction. Not only is it a legal duty to protect the dignity and rights of people being held in custody, but also a moral need of democratic society.

Summing up, to eradicate custodial violence, it is necessary to make a long-term commitment, structural changes, and a joint action to reinforce the values of justice, equality, and human dignity.

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