



International Journal of Research Publication and Reviews

Journal homepage: www.ijrpr.com ISSN 2582-7421

Critical Analysis of State Response to Custodial Torture in India

¹ UJJWAL RAJ

¹ Amity university, India.

Introduction

Custodial torture remains one of the gravest violations of human rights in India, reducing across regional, linguistic, and socio-economic traces. Despite being a democratic republic with a constitutional framework that upholds the proper to existence and dignity, the Indian state has continuously didn't deal with custodial torture with the urgency and seriousness it warrants. The problem isn't always merely one among excesses by means of individual law enforcement officials but points to deeper structural deficiencies in India's law enforcement, legal, and institutional mechanisms. This essay seriously analyses the kingdom's reaction to custodial torture in India—analyzing historic continuities, prison frameworks, implementation gaps, institutional resistance, and the interplay of politics, media, and civil society in both permitting and resisting custodial violence.

Historical Background:

Colonial Roots and Institutional Legacy The origins of custodial torture in India may be traced back to colonial rule, mainly to the police shape mounted by way of the British via the Indian Police Act of 1861. Designed within the aftermath of the 1857 rebel, the British police model in India become supposed now not to serve or guard the citizenry but to maintain imperial manage. Torture became robotically used to extract confessions, intimidate dissenters, and maintain order in a deeply unequal colonial society.

Post-independence, while the political framework changed, the coercive and hierarchical nature of the police shape largely remained intact. The Indian kingdom, as opposed to appreciably reforming this apparatus, inherited and tailored it for governance. Thus, custodial violence, once a colonial tool of repression, became embedded inside the postcolonial country's toolkit for control, specially over marginalized groups.

The Legal Landscape:

A Framework That Falls Short India's constitutional and felony framework, on paper, presents big protections against custodial violence. Article 21 ensures the right to life and private liberty; Article 22 protects against arbitrary arrest and detention. Furthermore, the Indian Penal Code (IPC), Criminal Procedure Code (CrPC), and Indian Evidence Act comprise provisions intended to guard detainees.

Sections 330 and 331 of the IPC criminalize using torture to extract confessions. The CrPC consists of provisions for mandatory medical examination of arrested humans and manufacturing earlier than a magistrate inside 24 hours. Additionally, the Supreme Court has laid down landmark judgments reinforcing these rights, together with in *D.K. Basu v. State of West Bengal* (1997), where specified suggestions had been issued concerning arrest tactics. Yet, those provisions have had minimal deterrent effect in practice. The Indian Evidence Act, as an instance, places a high burden of proof on sufferers to set up torture, whilst the dearth of an independent mechanism to research such incidents ends in gross underreporting and impunity. Most instances move unpunished, with police officers hardly ever convicted even in excessive-profile custodial deaths.

State Apathy and Legislative Inaction One of the maximum obvious disasters in India's reaction to custodial torture is the chronic refusal to bypass powerful law that criminalizes torture as a specific offence. Despite signing the United Nations Convention Against Torture (UNCAT) in 1997, India has now not ratified it, ordinarily due to the shortage of a domestic anti-torture law.

The Prevention of Torture Bill, first introduced in 2010, lapsed without being enacted. Attempts to restore it in later years have stalled, regularly bringing up issues approximately federalism and police being a kingdom issue. However, these objections seem more as political excuses than true constitutional dilemmas. The persevered legislative vacuum no longer most effective violates international obligations however also alerts the Indian kingdom's unwillingness to renowned torture as a systemic trouble.

Judicial Interventions:

Bold Principles, Weak Enforcement The Indian judiciary has, over the years, recounted the prevalence of custodial torture and attempted to deal with it through public interest litigation and constitutional interpretation. In *Nilabati Behera v. State of Orissa* (1993), the Supreme Court upheld the principle of kingdom legal responsibility for custodial death and presented compensation to the sufferer's circle of relatives. Courts have also increasingly more identified the doctrine of "command duty," in which advanced officers may be held accountable for acts devoted by using their subordinates.

However, those judicial pronouncements, at the same time as morally powerful, have now not translated into sustained institutional reform. Courts frequently rely on reports submitted by means of the same police or magistrates accused of complicity. There is a reluctance to impose stringent penalties or mandate unbiased inquiries. Moreover, get right of entry to to the higher judiciary stays restrained for maximum sufferers because of monetary, logistical, and procedural obstacles.

The Role of Police Reforms:

A Battle Unfought Police reform is relevant to any attempt to slash custodial torture. Multiple commissions—beginning from the National Police Commission within the Nineteen Seventies to the Justice Malimath Committee in the 2000s—have recommended sweeping changes in police structure, accountability, and education.

Despite those suggestions, little or no has changed. The landmark *Prakash Singh v. Union of India* (2006) judgment by way of the Supreme Court ordered states to put into effect seven middle reforms, along with keeping apart research from law and order obligations and establishing Police Complaints Authorities. More than a decade later, compliance remains patchy. Most states have both diluted or left out the directives, and the critical authorities has proven little willingness to implement them.

The end result is a policing gadget that is still opaque, unaccountable, and prone to the use of torture as an investigative shortcut.

Structural Causes:

Social Hierarchies and Marginalization Custodial torture in India disproportionately impacts people from marginalized groups—Dalits, Adivasis, Muslims, and economically deprived corporations. These populations regularly lack get right of entry to to prison useful resource, media interest, or political representation, making them prone to abuse.

Policing practices in India mirror broader social prejudices. The poor are regularly viewed as criminals via default, and confessions obtained thru torture are used to “solve” cases with out proper investigation. The systemic bias is reinforced by using political pressures to supply short consequences, main officers to resort to coercion.

Moreover, corruption plays a critical position. Individuals with monetary or political affect regularly get away torture or custody altogether, while the powerless bear the brunt of country brutality. The end result is a two-tiered justice system that deepens present inequalities.

Institutional Impunity and Weak Oversight One of the most traumatic features of custodial torture in India is the close to-entire impunity loved via perpetrators. Investigations into custodial deaths are generally conducted via the police themselves, growing a warfare of hobby. Departmental inquiries are opaque, and prosecutions are uncommon.

The National Human Rights Commission (NHRC), whilst tasked with tracking such violations, has constrained powers and regularly relies on state police reports. Its recommendations are advisory and regularly neglected. In many cases, repayment is offered without pursuing crook duty, decreasing justice to a monetary agreement.

Attempts to create impartial oversight bodies, like the Police Complaints Authority, were undermined by loss of funding, staffing, and political will. Without effective monitoring and punitive motion, custodial torture is allowed to persist as a normalized policing strategy.

Media and Civil Society:

The Fragile Guardians The position of media in exposing custodial torture has been huge, especially in excessive-profile cases together with the 2020 Tuticorin custodial deaths, in which the brutal killing of Jeyaraj and Bennix brought about country wide outrage and rare arrests of cops. Investigative journalism, documentaries, and social media activism have introduced a lot-needed interest to the issue.

However, the media's function stays inconsistent. Rural cases often cross unreported, and sensationalism can now and again overshadow nuanced evaluation. Moreover, growing nation manage over the press and the labeling of dissent as anti-countrywide pose a critical danger to media freedom.

Civil society businesses and human rights lawyers have stuffed a number of the institutional gaps via advocacy, legal useful resource, and documentation. But they perform beneath steady threat—going through surveillance, harassment, and criminalization. The use of laws along with the Unlawful Activities (Prevention) Act (UAPA) against activists illustrates the shrinking area for human rights work in India.

International Accountability and India's Global Image India's refusal to ratify the UN Convention Against Torture has drawn complaint from global human rights our bodies. Reports through Amnesty International, Human Rights Watch, and the UN Human Rights Council have repeatedly highlighted India's poor report on custodial abuse.

Ironically, as India positions itself as a frontrunner inside the international democratic order, its domestic file on torture tarnishes its credibility. Failure to align domestic legal guidelines with global norms dangers undermining India's strategic pastimes, specifically as human rights become integral to worldwide international relations and trade negotiations.

The Way Forward:

Toward Structural and Legal Reform Curbing custodial torture in India calls for a multi-pronged method:

Legislative Action:

Enact a strong anti-torture regulation in keeping with global requirements. Define torture comprehensively, make it a cognizable offence, and ensure responsibility at all degrees.

Independent Oversight: Establish self-reliant investigative bodies, break free the police hierarchy, to probe allegations of custodial abuse. Empower country and countrywide complaints authorities with binding powers.

Police Reform: Implement the Prakash Singh directives in full. Modernize police training to emphasize human rights, investigation strategies, and network policing.

Judicial Sensitivity:

Strengthen the judiciary's proactive role in implementing rights in opposition to torture. Ensure that lower courts reveal custodial conditions and permit clean get admission to to felony redress.

Protect Whistleblowers and Victims: Create witness safety mechanisms for sufferers and those who document torture. Provide mental and prison aid to survivors and their families.

Public Awareness:

Promote training on human rights via colleges, media, and public campaigns. Reduce public tolerance of torture by using fostering a rights-primarily based civic subculture.

Conclusion Custodial torture in India is not just a violation of human rights—it's miles a failure of the nation's ethical and felony obligations. It reflects deeper problems in governance, regulation enforcement, and democratic responsibility. While prison provisions and judicial pronouncements offer theoretical safeguards, their effect is diluted via institutional inertia, social inequality, and political apathy.

The nation's current response is marked through denial, postpone, and deflection. To really cope with custodial torture, India must cross beyond token reforms and embody systemic trade—grounded in constitutional values, global responsibilities, and a commitment to justice for all citizens, irrespective of their social or economic popularity. Until then, the slogan of "justice for all" will stay an aspiration rather than a fact.