
CUSTODY AS PRIVILEGE: POLICE ATROCITIES IN INDIA AS A FORM OF ELITE INSTITUTIONAL DEVIANCE

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ABSTRACT

This article situates recurring police atrocities in India ,custodial torture, encounter killings, and fabricated cases, within the criminological framework of elite and institutional deviance, which explains how actors occupying structurally privileged positions within the state are able to commit serious harm while facing markedly lower rates of detection, prosecution and conviction than ordinary offenders. It further shows that this privilege operates in both directions: the perpetrating institution is structurally shielded, while the victims of custodial violence are disproportionately drawn from India's least privileged groups ,the poor, Dalits, Adivasis, and religious minorities. Drawing on NCRB and NHRC data, parliamentary disclosures, and the doctrinal history built through the Rajan case, Nilabati Behera, D.K. Basu and Prakash Singh, the article argues that custodial violence in India is not primarily an evidentiary or resource failure but a predictable outcome of an unequal structure of privilege at both ends of the encounter.

Keywords: police atrocities, custodial violence, elite deviance, institutional deviance, encounter killings, police accountability, human rights.

1. INTRODUCTION

On the night of June 19, 2020, a shopkeeper and his son were taken into custody in Sathankulam, Tamil Nadu, over an alleged breach of COVID-19 lockdown timings. Within three days both were dead. Nearly six years later, in April 2026, a Madurai sessions court sentenced nine police personnel to death, calling the case a “betrayal by those meant to uphold the law.” The severity of that verdict is precisely what makes it exceptional: across the preceding two decades, only a small fraction of custodial deaths in India resulted in any conviction at all.

Police atrocities in India rarely arrive as a single dramatic event. More often they surface as a pattern that citizens sense long before any government report confirms it: a relative who “confessed” after an unrecorded night at the station; a young man who died of an “illness” that was never named; a family that withdrew a complaint after being told, quietly, what would happen if they did not. The Sathankulam verdict is remarkable not because such violence is rare, but because accountability for it is. That asymmetry between how often custodial violence is alleged and how rarely it is punished, is the subject of this article.

Much of the difficulty traces back to how Indian policing was built. The framework that still shapes the structure, training and culture of most state police forces originates in the Police Act of 1861, drafted by the colonial government after the 1857 uprising with the explicit purpose of maintaining imperial control rather than serving the population. That Act centralised authority in the police hierarchy and insulated officers from local accountability. Independence in 1947 changed the Constitution under which the police operated, but in most states it did not meaningfully change the Act, the training, or the internal culture it had produced, an institution built for control operating inside a constitutional order built for rights. On paper, the resulting protections against custodial abuse are nonetheless unusually well developed: Article 21 guarantees that no person shall be deprived of life or liberty except by procedure established by law, Article 22 sets out specific safeguards against arbitrary arrest, and the Supreme Court has, since the 1970s, built an entire body of doctrine, from the Rajan case through Nilabati Behera, D.K. Basu and Prakash Singh, specifically to close the gaps custodial violence exploits. And yet, as Section 3 shows, roughly ninety people have died in police custody every year for the last quarter-century, with conviction rates for the officers involved running at close to one per cent. This is the puzzle at the centre of this article: not an

absence of law, but a persistent gap between the law as written and the law as enforced.

This article argues that the gap is not accidental. It is best understood as an instance of what criminologists term elite or privileged-class deviance, harmful conduct committed by actors whose institutional position grants them both the practical means to cause serious injury and a disproportionate ability to avoid accountability for it. Unlike an ordinary offender, a police officer accused of custodial violence is investigated, in the first instance, by colleagues who share an institutional interest in the outcome; the very agency responsible for documenting the harm is frequently the one alleged to have caused it.

The article further argues that this privilege operates on both sides of the encounter: the institution is shielded by its structural position, while the individuals most likely to be its victims, the poor, Dalits, Adivasis, and religious minorities are precisely those with the least social, financial and political capital to contest the official account of what happened to them. Section 2 sets out this theoretical framework in plain terms; Section 3 examines the data, including who bears its weight; Sections 4 and 5 trace the case law, old and new; Sections 6 and 7 examine why accountability fails and what reform would require; Section 8 concludes.

2. THEORETICAL FRAMEWORK: POLICING AS A SITE OF PRIVILEGED CLASS DEVIANCE

This section explains, step by step, why criminologists treat police misconduct as a form of “elite” or “privileged-class” deviance rather than ordinary crime, and what specific mechanisms make it hard to detect and punish.

2.1 FROM WHITE-COLLAR CRIME TO STATE INSTITUTIONS

Classical criminology, built around theft, assault and interpersonal violence among ordinary citizens, struggles to explain harms committed by those who occupy positions of institutional trust. Edwin Sutherland's foundational study of white-collar crime argued that the crimes of the powerful are systematically underdetected and under-punished relative to their social cost.¹

David Simon's theory of elite deviance generalises Sutherland's insight from corporate

¹ Sutherland, Edwin H. *White Collar Crime*. New York: Dryden Press, 1949. Sutherland's original thesis that crime is not confined to the poor but is systematically underreported and under-prosecuted among the powerful provides the conceptual root for later theories of elite and institutional deviance.

boardrooms to state institutions, including police and security agencies arguing that it is structural position, not the absence of wrongdoing, that explains the gap between how often institutional harm occurs and how rarely it is punished. In plain terms: a constable and a company director may both break the law, but the constable's uniform and the director's boardroom each come with institutional cover that an ordinary offender does not have.²

The Indian police force fits this model closely. It is one of the few institutions in a democratic state granted lawful authority to use force, to deprive a person of liberty, and in the first instance to investigate itself when that authority is misused.

This concentration of power is consistent with C. Wright Mills's account of institutional elites operating with limited external checks: the same organisation holds the power to harm, the power to record what happened, and the power to decide whether anyone is punished for it.³

2.2 THE BLUE WALL: WHY COLLEAGUES DON'T REPORT COLLEAGUES

Jerome Skolnick's concept of the “blue code of silence” describes a simple but powerful occupational norm: police officers are socialised, from training onward, to treat loyalty to fellow officers as more important than reporting their misconduct. This is not written into any rulebook, it is an informal culture, enforced through peer pressure, professional isolation of “whistle-blowing” officers, and the practical fact that today's witness may need tomorrow's back-up on the street.⁴

In the Indian context, this shows up concretely: constables present at the time of a custodial assault rarely testify against a superior officer; station diaries and case records are frequently found to have been altered or backdated after a custodial death; and the first departmental account of what happened is typically drafted by the same station that is under suspicion, before any outside agency is involved.

² Simon, David R. *Elite Deviance*. Boston: Allyn & Bacon/Pearson, multiple editions since 1982. Simon extends Sutherland's framework beyond corporate crime to encompass abuses by state institutions including police and security agencies that are protected by structural position rather than by law.

³ Mills, C. Wright. *The Power Elite*. New York: Oxford University Press, 1956. Mills's account of institutional power concentrated among a narrow circle underlies the argument that agencies vested with the state's coercive power occupy a structurally privileged position relative to those they police.

⁴ Skolnick, Jerome H. “Corruption and the Blue Code of Silence.” *Police Practice and Research* 3, no. 1 (2002): 7–19.

2.3 HOW OFFICERS JUSTIFY WHAT HAPPENED: TECHNIQUES OF NEUTRALIZATION

Sykes and Matza's theory explains something specific: how people who violate a norm they otherwise accept convince themselves, and others that the violation doesn't really count. Applied to custodial violence, this happens through five recurring patterns.

- Denial of injury claiming no real harm occurred (“he had pre-existing health issues,” “the injuries were minor”) even where post-mortem findings show extensive trauma.
- Denial of the victim framing the person as undeserving of protection because of an alleged prior record (“he was a history-sheeter,” “they were troublemakers”), which shifts sympathy away from the person who died.
- Condemnation of the condemners attacking those who raise the issue activists, journalists, or the victim's family as biased, anti-police, or driven by an ulterior agenda, rather than engaging with the evidence.
- Appeal to higher loyalties presenting the act as necessary for “maintaining law and order,” “setting an example,” or protecting the wider public, which recasts a possible crime as public service.
- Denial of responsibility attributing the death to the victim's own actions ,a claimed suicide, an alleged escape attempt, or “resisting arrest” , language that recurs across custodial death records with striking regularity.

Each of these five is a script, not a coincidence which is precisely why they recur, almost word for word, across custodial deaths separated by decades and states.⁵

2.4 THE PSYCHOLOGY OF UNCHECKED POWER

A final, more situational explanation comes from Philip Zimbardo's account of the 1971 Stanford Prison Experiment: unsupervised, near-total authority over a confined and powerless subject can itself produce escalating abuse, independent of the individual disposition of the

⁵ Sykes, Gresham M., and David Matza. “Techniques of Neutralization: A Theory of Delinquency.” *American Sociological Review* 22, no. 6 (1957): 664–670.

officer concerned. This matters because it explains why custodial violence recurs across states, ranks and political administrations rather than being confined to a few “rogue” officers the problem is less about individually bad actors than about a situation (total control, no real-time oversight) that predictably produces abuse wherever it occurs unchecked.⁶

Read together, these four ideas suggest a simple, testable expectation: custodial violence should persist wherever an institution combines (a) legitimate access to coercive force, (b) internal control over investigating its own misconduct, and (c) weak external, independent oversight. Section 3 shows that this expectation matches the data closely.

3. THE SCALE OF THE PROBLEM: READING THE DATA THROUGH AN ELITE-DEVIANCE LENS

3.1 VOLUME AND TREND

Between 1999 and 2023, roughly 2,253 people died in police custody across India, averaging about 90 deaths a year, while cases registered against police personnel for human rights violations over the same period totalled around 2,373.⁷

More recent government data tabled in the Lok Sabha shows the trend has not eased: 176 custodial deaths in 2021-22, 163 in 2022-23, 157 in 2023-24, 140 in 2024-25, and 170 in 2025-26 up to mid-March, with Bihar recording the highest absolute count in 2024-25 and Odisha the sharpest percentage rise.⁸

The NHRC separately reported 2,739 custodial deaths across police and judicial custody in 2024, of which 155 were attributed specifically to police custody, and the Global Torture Index 2025 classified India as a “high risk” country for systemic torture and custodial brutality.⁹

⁶ Zimbardo, Philip G. *The Lucifer Effect: Understanding How Good People Turn Evil*. New York: Random House, 2007.

⁷ Insights.Dataful.in (Civic Data Lab). “Custodial Deaths in India: A System Without Consequences.” March 31, 2026. Data compiled from NCRB's Crime in India reports, 1999–2023.

⁸ The Wire. “Custodial Deaths at 170 This Year, Accountability Nearly Absent: Govt Data.” March 25, 2026, based on data tabled in the Lok Sabha on March 24, 2026.

⁹ Drishti IAS, “Current Affairs News Analysis: Custodial Violence,” July 31, 2025, citing NHRC data for 2024; World Organisation Against Torture (OMCT), *Global Torture Index 2025: India Factsheet*, Geneva: OMCT, 2025.

3.2 THE ACCOUNTABILITY GAP THE EMPIRICAL SIGNATURE OF ELITE DEVIANCE

If custodial violence were treated as ordinary crime, high case volumes would be expected to translate into proportionate rates of prosecution and conviction. The data shows the opposite pattern, the defining empirical signature of elite deviance.

- Of 1,888 custodial deaths recorded by the NCRB between 2001 and 2020, 893 cases were registered against police personnel, 358 personnel were chargesheeted, and only 26 were ultimately convicted, a conviction rate of roughly one per cent of recorded deaths.¹⁰
- Parliamentary data shows that only one case of disciplinary action was recorded in connection with custodial deaths over a recent five-year period and that lone instance was in Tamil Nadu.¹¹
- Independent monitors have noted that officers involved in extrajudicial “encounters” have in some instances received professional advancement rather than scrutiny.¹²
- Data on arrests under the Unlawful Activities (Prevention) Act shows a similar pattern: of 1,005 arrests registered under the UAPA in 2022, police themselves dismissed 979, 97 per cent of the charges, while only 39 convictions were recorded, all relating to cases from earlier years.¹³

3.3 WHO BEARS THE BRUNT: THE VICTIM SIDE OF PRIVILEGE

Elite-deviance theory usually focuses on the perpetrator's structural privilege. In Indian custodial violence, the same lens needs to be turned around: the victims are disproportionately drawn from groups that are structurally the least privileged in Indian society, which is what allows the perpetrating institution's privilege to operate with the least friction.

Field research by human rights organisations working directly with survivors' families

¹⁰ Deccan Herald. “1,888 Custodial Deaths in 20 Years; 26 Cops Convicted: NCRB Data.” November 16, 2021, based on NCRB Crime in India reports, 2001–2020.

¹¹ The Wire, March 25, 2026, op. cit., citing NHRC submission to Parliament, March 24, 2026.

¹² World Organisation Against Torture (OMCT). Global Torture Index 2025: India Factsheet. Geneva: OMCT, 2025.

¹³ U.S. Department of State. 2024 Country Reports on Human Rights Practices: India. Washington, D.C.: Bureau of Democracy, Human Rights and Labor, 2025.

describes custodial violence in India as structurally casteist and class-biased rather than an occasional aberration, with the burden falling most heavily on Dalits, Adivasis and the urban and rural poor groups with the least social and financial capital to challenge police accounts of what happened.¹⁴

This is consistent with broader NCRB data on caste-based atrocities more generally, which shows cases heavily concentrated in a small number of states Uttar Pradesh, Rajasthan and Madhya Pradesh account for the largest share of registered atrocities against Scheduled Castes the same states that also feature prominently in custodial death data.¹⁵

This pattern matters for the theory, not just the politics: it explains why the neutralization techniques described in Section 2.3 (“he was a history-sheeter,” “they were troublemakers”) are so effective in practice, they exploit pre-existing social prejudice against the same groups who are also least able to command media attention, afford sustained litigation, or mobilise political pressure of the kind that eventually produced convictions in cases like Sathankulam.

4. DOCTRINAL EVOLUTION: HOW INDIAN LAW HAS TRIED TO COUNTER INSTITUTIONAL PRIVILEGE

Indian constitutional courts have repeatedly had to intervene precisely because the ordinary criminal process, left to the police and executive alone, failed victims' families , itself an illustration of how privileged institutional position blunts routine accountability mechanisms.

4.1 THE RAJAN CASE (1976) – ORIGINS OF JUDICIAL INTERVENTION

During the 1975–77 Emergency, P. Rajan, an engineering student at Calicut, was picked up by Kerala Police on suspicion of Naxalite sympathies and tortured to death at an illegal camp in Kakkayam; his body was never recovered. It was only after the Emergency ended that his father, T.V. Eachara Warriar, filed what became Kerala's first habeas corpus petition seeking to know his son's fate. The Kerala High Court's 1977 finding that Rajan had indeed died in custody led to the resignation of the state's Home Minister and the conviction of a senior police officer, establishing, decades before D.K. Basu, that a habeas corpus petition could be used to

¹⁴ Raghuvanshi, Lenin. “Custodial Violence Is the Dark Heart of India's Democracy.” Medium, December

¹⁵ Centre for Justice and Peace (CJP), “Everyday Atrocity: Mapping the Normalisation of Violence Against Dalits and Adivasis in 2025,” July 2025, citing NCRB 2022 data showing Uttar Pradesh, Rajasthan and Madhya Pradesh together accounting for the largest share of registered atrocities against Scheduled Castes.

force disclosure of what happens to a person after arrest.¹⁶

4.2 NILABATI BEHERA V. STATE OF ORISSA (1993)

After a young man died in police custody with unexplained injuries, the Supreme Court awarded compensation to his mother under Article 32, holding that the state's sovereign immunity could not shield it from liability for a custodial death establishing public-law compensation as a remedy independent of any criminal prosecution.¹⁷

4.3 D.K. BASU V. STATE OF WEST BENGAL (1997)

Responding to a pattern of custodial deaths, the Supreme Court laid down eleven binding safeguards for every arrest and detention, including visible identification of arresting officers, a witnessed arrest memo, the right to inform a relative, mandatory medical examination at arrest and every 48 hours thereafter, and transmission of arrest records to a local magistrate, holding that non-compliance would amount to contempt of court in addition to departmental and criminal liability.¹⁸

4.4 PRAKASH SINGH V. UNION OF INDIA (2006)

The Supreme Court directed every state to establish a State Security Commission, a Police Establishment Board, and independent Police Complaints Authorities, along with fixed tenures for key postings, in order to insulate policing from political interference directions that remain only partially implemented across states nearly two decades later.¹⁹

4.5 THE LONG ROAD OF HASHIMPURA

The 1987 Hashimpura massacre, in which members of the Provincial Armed Constabulary were accused of killing dozens of men in Meerut, produced convictions only in 2018 more than three decades later, following reversal of an initial acquittal, illustrating how long delay itself functions as a form of institutional protection.

¹⁶ NewsX, "Father's Day: The Story of T.V. Eachara Warriar and Rajan Case During National Emergency," June 2025; The Week, "50 Years of Rajan Case," March 2026; The Wire, "Remembering Rajan, the Innocent Victim of Brutal Emergency Excesses," 2015; Wikipedia, "Rajan Case," accessed August 2026.

¹⁷ Nilabati Behera v. State of Orissa, (1993) 2 SCC 746 (India).

¹⁸ D.K. Basu v. State of West Bengal, (1997) 1 SCC 416 (India).

¹⁹ Prakash Singh v. Union of India, (2006) 8 SCC 1 (India).

5. CONTEMPORARY CASE STUDIES

5.1 THE HYDERABAD “DISHA” ENCOUNTER (2019)

Following the gang-rape and murder of a young veterinary doctor near Hyderabad in November 2019, police shot dead all four accused in the early hours of December 6, 2019, claiming the men had attacked officers and attempted to flee while being taken to the crime scene. The killings were initially celebrated by large sections of the public. A Supreme Court-appointed commission headed by Justice V.S. Sirpurkar, after examining 57 witnesses over 47 days of hearings, found in its January 2022 report that the men had been deliberately fired upon with intent to kill, that the police party had not acted in self-defence, and recommended that all ten officers involved be tried for murder. As of the Telangana High Court hearings on the matter, criminal proceedings against the officers had still not been initiated years after the commission's findings.²⁰

The Disha encounter is a useful counterpoint to Sathankulam: it shows that even a rare, unambiguous official finding of unlawful killing by a former Supreme Court judge, after a lengthy public inquiry does not automatically translate into prosecution. Public approval of the killing at the time of the encounter likely reduced the external pressure that, in Sathankulam, came from a viral video and sustained media coverage illustrating that accountability in these cases tends to depend on which way public sentiment cuts, not on the strength of the evidence alone.

5.2 THE SATHANKULAM CUSTODIAL DEATHS (2020–2026)

P. Jayaraj, 59, and his son J. Bennix, 31, were detained by Sathankulam police on June 19, 2020, over an alleged lockdown violation that a subsequent CBI chargesheet found had not even occurred. Post-mortem examination recorded 17 external injuries on Jayaraj and 13 on Bennix; a widely circulated video of Jayaraj pleading for water helped trigger nationwide outrage. In March 2026, a Madurai sessions court convicted all nine accused police personnel of murder, and on April 6, 2026, sentenced all nine to death, describing the case as “rarest of

²⁰ Deccan Herald, “SC-Appointed Panel Submits Report on the Encounter of Four Accused in Hyderabad Veterinarian's Rape-Murder,” February 2022; LiveLaw, “2019 Rape & Murder of Vet in Hyderabad,” December 2023; Deccan Herald, “Deliberately Fired Upon: SC Commission on Encounter of Gang-Rape Murder Accused in Hyderabad,” 2022, summarising findings of the Justice V.S. Sirpurkar Commission report submitted January 28, 2022.

rare” and ordering compensation of approximately ₹1.4 crore to the victims' family.²¹ Read against the theoretical framework above, Sathankulam is instructive precisely because of what made accountability possible: transfer of the investigation away from the state police to the CBI, a viral video that defeated the usual neutralization narrative of “natural death,” and sustained public and media pressure. Each of these was an external intervention that overrode, rather than emerged from, the ordinary internal accountability structure of the police.

²¹LiveLaw. “Rarest of Rare: Nine Policemen Sentenced to Death in Sathankulam Custodial Killings.” April 15, 2026; Wikipedia, “Murders of P. Jayaraj and J. Bennix,” accessed August 2026; Sunday Guardian Live, “Sathankulam Custodial Deaths Case Verdict.” April 6, 2026.

6. WHY THE STRUCTURE PERSISTS

- Prosecutorial sanction requirements: prosecuting an officer for acts done, or purportedly done, in discharge of official duty requires prior government sanction, a procedural step that can stall cases for years and functions as an institutional gatekeeping privilege unavailable to ordinary accused persons.²²
- Absence of a standalone anti-torture law: India signed the UN Convention Against Torture in 1997 but has not ratified it; a dedicated law criminalising custodial torture as a distinct offence, recommended by the Law Commission of India in 2017, remains unenacted.²³
- Self-investigation: internal departmental inquiries, conducted by the same institution accused of wrongdoing, structurally reproduce the blue-code dynamic described in Section 2.2 unless displaced by an external agency such as the CBI or a judicially monitored SIT.
- Prison and lock-up overcrowding national occupancy running at roughly 131 per cent of capacity, with undertrials making up close to three-quarters of the prison population both

²¹ LiveLaw. “Rarest of Rare: Nine Policemen Sentenced to Death in Sathankulam Custodial Killings.” April 15, 2026; Wikipedia, “Murders of P. Jayaraj and J. Bennix,” accessed August 2026; Sunday Guardian Live, “Sathankulam Custodial Deaths Case Verdict.” April 6, 2026.

²² U.S. Department of State, 2024 Country Reports on Human Rights Practices: India, op. cit., on procedural requirements for sanctioning prosecution of public servants.

²³ Law Commission of India. Report No. 273: Implementation of ‘United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment’ through Legislation. New Delhi: Government of India, 2017.

increases the likelihood of ill-treatment and makes independent verification of injuries harder.²⁴

- Uneven public sympathy: as the Disha and Sathankulam cases show together, external pressure the one lever that reliably produces accountability depends heavily on whether public opinion favours the victim, which in turn tracks the caste, class and perceived criminality of the person killed.

7. TOWARD REFORM: WHAT CLOSING THE PRIVILEGE GAP WOULD REQUIRE

- Independent investigation as default, not exception mandatory referral of every custodial death to an agency structurally separate from the police force involved, rather than requiring public outrage or court intervention to trigger a CBI transfer, as happened in both Sathankulam and Hashimpura.
- A standalone custodial torture law enacting the anti-torture legislation recommended by the Law Commission in 2017 and ratifying the UN Convention Against Torture, so that torture is prosecuted as a distinct offence rather than folded into general provisions on hurt or wrongful confinement.
- Removing the sanction bottleneck time-bound, narrowly construed sanction requirements for prosecuting police personnel in custodial death cases, so that the requirement protects good-faith official action rather than functioning as an indefinite shield.
- Full implementation of Prakash Singh functioning, adequately resourced State Police Complaints Authorities in every state, with the power to independently investigate and not merely recommend.
- Mandatory, tamper-evident documentation compulsory body-worn cameras in lock-ups and during transit, and CCTV in interrogation rooms with off-site, non-police-controlled storage, directly addressing the bluecode dynamic described in

²⁴ Drishti IAS, July 31, 2025, op. cit., on national prison occupancy rates and undertrial population share.

Section 2.2.

- Disaggregated public reporting NCRB and NHRC data broken down by the caste, religion and economic status of custodial death victims, to make the pattern described in Section 3.3 visible and harder to neutralise politically.

8. CONCLUSION

This article began with a single night in Sathankulam and has tried to show why that night was, statistically, unexceptional and why the death sentences that eventually followed it were anything but. The argument has not been that Indian police officers are individually more prone to cruelty than other public servants, or that custodial violence reflects a simple absence of law. It has been narrower and, in some ways, more troubling: that the persistence of custodial violence in India is a predictable structural outcome of an institution that combines legitimate access to coercive force, control over the first account of its own misconduct, and weak, inconsistent external oversight, exactly the conditions under which elite-deviance theory predicts harm will recur with impunity.

The four cases traced in this article Rajan in 1976, Nilabati Behera in 1993, Hyderabad's Disha encounter in 2019, and Sathankulam in 2020–2026, span exactly fifty years of the Indian Republic, and read together they resist a simple story of steady progress. Each produced a moment of public attention; each forced some institutional response, whether a habeas corpus ruling, a compensation award, a judicial commission, or a criminal conviction. But none of that response emerged from routine departmental process. In every instance, accountability arrived only after a family refused to stop asking questions, a court agreed to intervene, a video went viral, or a retired judge was specifically empowered to investigate. The ordinary machinery of policing, first information reports, departmental inquiries, internal discipline did not produce accountability in any of these cases on its own. That is not a coincidence across fifty years and four very different state governments; it is the pattern elite-deviance theory would predict, and the pattern the data in Section 3 confirms at scale, well beyond these four well-known cases.

It would be incomplete, however, to end with the perpetrating institution alone. The victim-side analysis in Section 3.3 matters because it explains why some custodial deaths become Sathankulam, a viral video, sustained national coverage, a death sentence, while a comparable

number each year pass with a one-line entry in an NCRB table and no prosecution at all. Jayaraj and Bennix ran a small mobilephone shop; their case drew outrage partly because their ordinariness made the injustice legible to a wide public. Many custodial-violence victims do not have that advantage: they are more often young, poor, Dalit, Adivasi, or Muslim men already burdened with a prior police record, real or alleged, that the neutralization techniques described in Section 2.3 exploit with practiced ease. A system of accountability that depends on which victims can generate a national news cycle is not, in any meaningful sense, a system of accountability at all, it is a lottery whose odds are set by caste, class and circumstance before the arrest ever takes place.

The stakes here extend past the individual families seeking justice, real as their claims are. A state's monopoly on legitimate violence is one of the foundational bargains of modern governance: citizens surrender the right to use force in their own defence in exchange for the state's promise to use force lawfully, accountably, and in their protection. Custodial violence, when it goes unpunished at scale, is a quiet but corrosive breach of that bargain, not because every officer is complicit, but because impunity signals, to officers and citizens alike, where the actual boundaries of state power lie, regardless of what the Constitution or the Supreme Court says those boundaries should be. Every unpunished custodial death teaches the same institutional lesson: that the eleven safeguards laid down in *D.K. Basu*, the compensation doctrine of *Nilabati Behera*, and the structural reforms ordered in *Prakash Singh* are aspirations to be worked around rather than rules to be followed. Over time, that lesson compounds. Officers who see colleagues escape consequence in one case internalise the boundaries of the possible in the next; families who watch one prosecution collapse quietly decide, in the following case, not to file a complaint at all. Impunity is not a static outcome measured case by case, it is a signal that propagates forward, shaping the behaviour of an entire institution long after any individual case is closed.

None of this argues that reform is impossible; Sathankulam itself is proof that outcomes can change when the right combination of independent investigation, public attention and judicial resolve aligns. The argument is narrower: that such alignment should not have to be exceptional for the law to function as written. The reforms set out in Section 7 -default-independent investigation, a standalone torture law, tamper-evident documentation, disaggregated public data are not radical; most were recommended, in some form, by a Law Commission report, a Supreme Court bench, or a judicial commission years or decades ago.

What has been missing is not the blueprint but the will to implement it evenly, for every victim, not only the ones whose deaths happen to become impossible to ignore.

This is, ultimately, why a criminological lens matters alongside a legal one. Law tells us what the police are permitted to do and what remedies exist when they exceed that permission. Elite-deviance theory tells us why, despite that law being reasonably well developed by comparative standards, its remedies are so unevenly reached , because the same institution that the law constrains also controls the first account of whether it was violated. Until an external, independent check is built into that first account as a matter of routine rather than exception, the distance between the Constitution's promise to every person under Article 21 and the daily reality inside a police lock-up will remain the most honest, and most damning, measure of how far India's democracy still has to travel.

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