

---

## A STUDY ON CUSTODIAL RAPE IN INDIAN PRISONS

---

Jananee. J., B.A. LL.B. (Hons.), LL.M., VELS Institute of Science, Technology & Advanced Studies, School of Law, Pallavaram, Chennai

### ABSTRACT

This study critically analyzes the Custodial Rape cases in jails, a gross infringement of victim's Human rights and a blatant abuse of authority. Despite vast preventive law like the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), and The Protection of Human Rights Act, 1993, custodial rape persists owing to underreporting, fear of retaliation, lack of accountability, socio-cultural stigma, and unequal power relationship in custody. The study puts the role of the judiciary as a custodian of the constitution in sharp perspective by interpreting the law and setting precedents to hold state functionaries accountable. The landmark cases such as *Tukaram v. State of Maharashtra* (1979) (Mathura rape case) and *Dilip v. State of Madhya Pradesh* (2021) show the evolving sensibility of the Indian judiciary. The Mathura case especially infuriated the masses and led to the Criminal Law (Amendment) Act, 1983, which introduced special custodial rape provisions in Section 376(2) of the IPC. The constitutional aspect is also studied in this work, where it discusses the right to dignity even of the prison inmates. It keeps in view the vulnerability of the victims, women, and marginalized sections like Dalit and tribal women, who are subject to intersecting discriminative forces. Moreover, the study also takes into account the legal framework that presides over custodial rape, and India's compliance with the UN Convention Against Torture (CAT). It encompasses a victimological study, explaining the extensive psychological effects (PTSD, depression, anxiety) and social effects (stigma, ostracism) on the survivors, and the importance of legal assistance, counselling psychology, and NGOs in assisting the victims. Finally, the study offers recommendations for reforms like a robust legislative framework, establishment of independent courts and human rights courts, overall police reforms, and effective prison reform and administration. The objective is to assess the effectiveness of the judiciary in safeguarding the dignity and rights of custodial rape victims and to facilitate a better just and humane custodial system in India.

**Keywords:** Custodial Rape, Prison Reform, Human Rights, Indian Constitution, Legal Framework, Sexual Violence, Judicial.

## INTRODUCTION

Custodial rape, being a form of abuse of Human Rights and dignity, is perhaps the most odious custodial and police abuse of power. It is rape or sexual assault of a person usually a woman who is in police custody, prison administration, or other government officials' custody. The police department is one of such agency which authorizes its officials to keep another person in its custody for the purpose of investigation. The investigating department is the first agency that is to provide help and assistance to the victims of offence. It should be the duty of the police to guide and aid the victim in order to get justice. However, there are several occurrences in the past decade where instead of providing protection to the society, some of the officers of the police fraternity had misused their power and have committed some heinous crime with the people under their custody. The offence of rape is one of such crimes in that category. In India, such events not only crack the very pillars of constitutional guarantee of life and liberty under Article 21 of the Constitution but also reveal the seamy underside of institutional violence and structural failure of the criminal justice system. In spite of the vast number of preventive legislations of the Indian judiciary against custodial violence in the form of the Indian Penal Code (IPC)<sup>1</sup>, Code of Criminal Procedure (CrPC)<sup>2</sup>, The Protection of Human Rights Act, 1993<sup>3</sup>, and prison manual books, custodial rape occurs only as a result of non-reporting on grounds of fear of revenge, lack of accountability, socio-cultural shame, and custodial power relations. According to National Crime Records Bureau (NCRB) data, between 2001 and 2018, only 26 policemen were convicted of custodial violence despite 1,727 numbers of such deaths were being recorded in India. Between the years 2015-2019, 36% of deaths by suicide in police custody have been reported from 2014 onwards, physical assault by police has been recorded in only 6% of the cases. In the last 10 years, 403 of 1,004 deaths (40%) in police custody are listed as due to "Hospitalisation/ Illness/ Natural deaths". The judiciary, in its ruling has played the pivotal role in interpreting the law, protecting the freedoms of the victims and issuing precedents supporting the responsibility of state actors. Such milestone rulings like *Tukaram v. State of Maharashtra* (1979), also referred to as the Mathura rape case, and *Dilip v. State of Madhya Pradesh* (2021) reveal the progress and sensitivity of the Indian judiciary in the custodial sexual assault case. Mathura case also triggered public outrage and resulted in the Criminal Law (Amendment) Act, 1983, which provided far-reaching modifications in rape law

---

<sup>1</sup> Indian Penal Code, 1860, s. 376(2)(a).

<sup>2</sup> Code of Criminal Procedure, 1973, ss. 154, 164, 197.

<sup>3</sup> The Protection of Human Rights Act, 1993, s. 12.

with provisions for dealing with especially custodial rape under Section 376(2) of the IPC . The ambit of custodial rape includes police officer, management or on the staff of a jail, remand home or other place of custody established by or under any law, hospital and any public servant holding a woman within his custody. However, in this paper the researcher has focused on the rapes committed by the police officers in the police custody. Thus, the objective of this research paper is to focus on the legal developments made in the legislations of India curbing and preventing the custodial rape practice in police custody in India.

## RESEARCH METHODOLOGY

The following doctrinal research methodology will mainly be based on the analysis of existing literature, laws, policies, and real-life cases related to custodial rape in India. This study employs a qualitative research approach, combining desk research with case studies. The study also draws from international Human rights Conventions and best practices to provide a comprehensive understanding of the issue. It is second-hand information, which already exists, and the researcher collects and analyses it from someone else. This will involve information from books, Articles, journals, websites, newspapers, magazines, and other sources.

## CUSTODIAL RAPE

Custodial rape refers to a form of sexual violence in which a person, typically a woman, is sexually assaulted or raped by a law enforcement officer, a police officer, or another individual who holds authority over the victim while the victim is under custody. It signifies in common terminology, "as the ravishment of a woman without her consent and against her will, by force, fear, or fraud" or "the carnal knowledge of a woman by force against her will"<sup>4</sup>. In other words, rape is a violation with violence of the private person of a woman, an outrage by all means<sup>5</sup>. This can happen in settings such as police stations, prisons, detention centres, or any other institution where individuals are deprived of their liberty and placed under the control of authorities. The term "custodial" refers to the situation where the victim is in the custody of authorities, meaning they are either detained, arrested, or imprisoned. The abuse takes place in this power-imbalanced context, where the perpetrator is an authority figure, and the victim is in a vulnerable position. Therefore, custodial rape is much more heinous as the man who has

---

<sup>4</sup> Stephen, *A Digest of the Criminal Law (Crimes and Punishments)*, 9th edn (Macmillan, 1950) 262.

<sup>5</sup> Warren v. State of Georgia, 211 Ga. App. 490 (1994).

control over the woman who is in his custody and to whom he should have provided safety and custody, rapes that very woman in his custody<sup>6</sup>.

## CONSTITUTIONAL ASPECTS

The Constitutional aspects relevant to Custodial Rape in prison in India are rooted in the fundamental rights and principles that uphold human dignity, equality, and protection from inhuman treatment. Below are the specific constitutional provisions addressing custodial rape under Article 14 of Right to Equality Guarantees equality before the law and equal protection of laws that Protects prisoners, including victims of custodial rape, from discrimination and ensures fair treatment and under Article 21 of Right to Life and Personal Liberty Includes the right to live with dignity, which Custodial Rape directly violates that Protects individuals from inhuman or degrading treatment while in custody. Judicial interpretation under *Francis Coralie Mullin v. Administrator, Delhi* (1981) emphasized that even prisoners retain their right to dignity<sup>7</sup> and Article 22 Protection Against Arbitrary Arrest and Detention ensures that detainees are informed of the grounds of arrest and have access to legal counsel that provides safeguards against abuse of authority in custody, reducing the risk of custodial rape. Article 20(3) Protection Against Self-Incrimination Prevents coercion or abuse in custody, which may lead to sexual violence as a means of extracting confessions or compliance. Directive Principles of State Policy (DPSPs) under Article 39A mandate the state to provide free legal aid to victims of abuse, ensuring access to justice for survivors of custodial rape. Article 42 Calls for humane conditions in prisons to prevent exploitation or abuse. Article 46 Protects weaker sections, including women prisoners, from social injustice and exploitation—judicial Oversight (Implied through Articles 32 and 226). Victims can seek enforcement of fundamental rights under Article 32 (Supreme Court) and Article 226 (High Courts). These articles empower courts to issue writs (e.g., habeas corpus) to address violations of fundamental rights in custody.<sup>8</sup>

## VICTIMS

Custodial rape is a manifestation of violence and discrimination towards women in Police custody, people in Judicial Custody, Jails or Remand Homes. The victims are mostly vulnerable individuals under the care or authority of public servants or institutions, and hence cannot freely

---

<sup>6</sup> Law Commission of India, *172nd Report on Review of Rape Laws*, March 2000, available at <https://lawcommissionofindia.nic.in/reports/171rpt.pdf> (last accessed July 20, 2025).

<sup>7</sup> *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, AIR 1981 SC 746

<sup>8</sup> Constitution of India, art. 32, 226.

give consent or resist<sup>9</sup>. Women inmates, particularly Dalit and tribal women, are especially vulnerable to custodial rape because of their intersectional status and vulnerabilities, making them easy targets for gendered and caste-based violence and discrimination<sup>10</sup>. Systemic and historical discrimination against the said groups resulted in a culture of impunity where the officers responsible for custodial rape go unpunished<sup>11</sup>. Additionally, limited access to education, health, and economic resources, along with pushing these populations further to the fringes, renders them vulnerable to abuse and violence. While attempting to prevent custodial rape, it is imperative to acknowledge and address the systemic discrimination and violence against women and marginal communities. This must be followed by the enforcement of tight laws and regulations, compensation and counselling services for victims, and the promotion of a culture of respect for Human rights among police and prison staff. Furthermore, the elimination of the causes of marginalization, i.e., poverty, illiteracy, and exclusion, must occur if custodial rape is to be prevented and a more equitable and just society promoted<sup>12</sup>.

## LEGAL FRAMEWORKS

In India, Governing the Custodial Rape, Section 64 (Rape) of the Bhartiya Nyaya Sanhita (Section 376 of the IPC, the Torture Convention, and the Custodial Violence framework- In India, legal frameworks governing custodial rape aim to prevent the extortionate misuse of power by custodial personnel or law enforcement officers. Some of the essential frameworks include Section 376 of the Indian Penal Code (IPC), the Bhartiya Nyaya Sanhita (BNS), the UN Convention Against Torture (CAT), and the Custodial Violence Framework<sup>13</sup>. Section 376 of the IPC makes rape a criminal offence, with aggravated versions such as custodial rape punishable by more severe sentences, including life imprisonment or death<sup>14</sup>. The courts have underscored that custodial rape is especially heinous because it takes advantage of the vulnerability of the victim, violating Article 21 of the Indian Constitution (right to life and personal liberty)<sup>15</sup>. Victimology focuses not just on punishment but also on the psychological and emotional damage inflicted on victims and encourages rehabilitation of the victims.

---

<sup>9</sup> Law Commission of India, *172nd Report on Review of Rape Laws* (2000) 25, available at <https://lawcommissionofindia.nic.in/reports/171rpt.pdf> (last accessed 20 July 2025).

<sup>10</sup> National Campaign on Dalit Human Rights, *Dalit Women Speak Out: Violence Against Dalit Women in India*, NCDHR Report (2006) 14.

<sup>11</sup> Human Rights Watch, *Broken System: Dysfunction, Abuse and Impunity in the Indian Police* (2009) 65, available at <https://www.hrw.org> (last accessed 20 July 2025).

<sup>12</sup> Baxi, Upendra, *The State and Human Rights in India* (Oxford University Press, 2002) 57.

<sup>13</sup> Indian Penal Code, 1860, s. 376; Bhartiya Nyaya Sanhita, 2023, s. 64 (yet to be enforced)

<sup>14</sup> Indian Penal Code, 1860, s. 376(2)(a)–(e)

<sup>15</sup> Constitution of India, art. 21; *Bodhisattwa Gautam v. Subhra Chakraborty*, AIR 1996 SC 922

Bhartiya Nyaya Sanhita (BNS), an amendment suggested for the IPC, enhances protections in regard to custodial torture, demanding harsher punishments against police officials involved in sexual assaults. It is also victim-centric in providing aid to victims, including compensation and counselling, which demonstrates a clear focus on the victim. India has signed the UN Convention Against Torture (CAT), which requires the state to eschew torture and sexual violence in custody<sup>16</sup>. Judicial responses are likely to follow CAT provisions, which summon the government to provide remedies and rehabilitation to the victims.

## JUDICIAL INTERPRETATION

Between the 1970s and 1990s, there were three cases of custodial rape that were widely reported and gained political attention, too. The three cases are

1. Mathura rape case in Maharashtra in 1974.
2. Rameeza Bee rape case in Andhra Pradesh in 1978, and
3. Maya Tyagi rape case in Uttar Pradesh in 1980.

Protests were carried out against such atrocities by Uniformed officials against the local public, and the Indian government had to take the necessary actions to address the issue.

1. **MAYA TYAGI CASE<sup>17</sup>**: Maya Tyagi's case is one such case in which the legal reforms were set off, making a difference between custodial rape and rape. In this case, Maya Tyagi, who was six months pregnant, was dragged out of the car, beaten and stripped. When she did not move despite the cruelty, the cops shoved a 'lathi' into her vagina. She was paraded naked to the police station where she was raped. Her spouse was shot dead by the cops. This case led to widespread protests from several women's organizations as well as political parties across the country.
2. **MATHURA RAPE CASE<sup>18</sup>**: In the year 1972, Mathura, an Adivasi girl, who was of an age between 14-16 years was sexually assaulted, raped by Constable Ganpat and

---

<sup>16</sup> United Nations, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 1984, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture> (last accessed 20 July 2025).

<sup>17</sup> Radhika Coomaraswamy, "Custodial Rape and the Criminal Justice System in India," (1984) 19(2) *Economic and Political Weekly* 31

<sup>18</sup> *Tukaram and Anr. v. State of Maharashtra* (Mathura Rape Case), AIR 1979 SC 185.

Head Constable Tukaram also assaulted her by fondling her private parts. An FIR was lodged against the two police constables. However, the Hon'ble Supreme Court of India held that the nature of the victim's consent had to be understood from the circumstances, and the circumstances showed that the consent was not "passive". There was no injury she had suffered; therefore, it could not be concluded that the girl had been subject to any fear or was constraint such as would justify an inference of "passive submission". As for the allegations made against Tukaram, the first information report filed by Mathura against Tukaram contained serious allegations. During the trial, she recanted some of these allegations, and the acts covered in her deposition were assigned to Ganpat instead of Tukaram. The court explained that if a girl could alter her words concerning such serious allegations, how could it be guaranteed that her words are truthful in association with what she now says about Tukaram? Thus, the charge remained unproven against the head constable Tukaram. In conclusion, the appeal was successful and accepted. The verdict of the Supreme Court reversed the judgment of the High Court, and the convictions recorded against the appellants, including the sentences imposed on them, were set aside. Thus, the appellants were acquitted. Therefore, these three landmarked cases shook the whole nation and led to significant protests. Finally, results were seen where the government introduced amendments in the law regarding rape and on the definition of rape. This amendment introduced the category of custodial rape. The punishment for custodial rape was set to rigorous imprisonment of not less than ten years and may also extend to imprisonment for life, and shall also be liable to a fine.

3. **RAMEEZA BEE'S CASE:** The case of Rameeza Bee occurred in Hyderabad in 1978<sup>19</sup>. In this case, a woman named Rameeza Bee was raped by several policemen. When her husband, a rickshaw puller, tried to protest against the heinous crime, he was murdered. As a protest, many people, including activists, came together. The unrest was finally suppressed after the declaration of the President's Rule, and a commission was appointed to enquire into the rape and murder.

---

<sup>19</sup> People's Union for Civil Liberties (PUCL), *Report on the Rameeza Bee Case*, Hyderabad, 1979, archived at <https://pucl.org> (last accessed 20 July 2025).

## VICTIMOLOGICAL ANALYSIS

- **Psychological Effects on Victims**

The psychological impact of custodial rape is profound and enduring. The survivors tend to experience trauma, which can be a cause of a range of mental disorders ranging including Post Traumatic Stress Disorder (PTSD), anxiety, to depression<sup>20</sup>. PTSD is in the form of intrusively occurring memories, nightmares, flashbacks, and intense fear, which impair the ability of the victim to live their day-to-day life. The betrayal is more intense in this context as the victim is assaulted by individuals who are supposed to protect and take care of them<sup>21</sup>. Victim-blaming is a serious issue in custodial rape cases. Victims, particularly women, are blamed for inciting or questioned about their actions. This creates feelings of guilt and self-blame, and victims become more hesitant to report the crime or seek help. Stigma is common in society, and victims may be socially rejected or discredited, contributing to their psychological trauma. The lack of social rehabilitation, in turn, robs victims of the help to rehabilitate and thus continues to feel isolated and desperate<sup>22</sup>.

- **Social Consequences**

The social consequence of custodial rape is alarming. Victims are socially ostracised, where family, friends, and society reject them. Public stigma of custodial abuse does not permit the survivor to become rehabilitated back into society<sup>23</sup>. The majority of victims are reluctant to report because they fear retaliation or not being believed, thus depriving them of access to social support. Gender dynamics also contribute to the challenges faced by female victims. Women are particularly faced with greater social stigma due to entrenched patriarchal perceptions of sexual violence. Female victims end up being blamed or shamed and hence struggle more to rebuild their lives after trauma<sup>24</sup>.

---

<sup>20</sup> World Health Organization, *Responding to Intimate Partner Violence and Sexual Violence Against Women: WHO Clinical and Policy Guidelines* (2013), 9, available at <https://www.who.int> (last accessed 20 July 2025).

<sup>21</sup> Suman Nalwa, "Custodial Violence Against Women," (2006) *Indian Journal of Criminology* 34(1) 45.

<sup>22</sup> K. Chockalingam, "Support for Victims of Crime in India," in UNAFEI, *Resource Material Series No. 63* (2004) 108

<sup>23</sup> Kalpana Kannabiran and Ritu Menon, *From Mathura to Manorama: Resisting Violence Against Women in India* (Women Unlimited, 2007) 38.

<sup>24</sup> Nandita Haksar, *Demystification of Custodial Rape and State Accountability*, (2011) *EPW* 46(3) 17.



- **Legal and Emotional Support Systems for Victims**

Legal assistance, NGOs, and psychological counselling play a crucial role in victim recovery. Specialized counselling helps survivors overcome trauma and facilitate reintegration into society. Legal assistance provides victims with access to justice and protection, while NGOs offer vital support and advocacy. Nevertheless, the application of victim protection mechanisms is hindered by administrative delays, a lack of resources, and cultural biases within the justice system. These limitations delay and prevent prompt and efficient assistance to victims<sup>25</sup>.

## VICTIM SUPPORT

- **Legal Aid:** Provide free, accessible legal services to custodial rape victims with a guarantee that they get legal aid when required and throughout the judicial process<sup>26</sup>.
- **Counselling Psychological:** Set up mental health centres, including counselling and therapy, so that the victims receive help in coping with the trauma and psychological effects of custodial rape. There should be specialized counselling centres within judicial and correctional institutions<sup>27</sup>.
- **Rehabilitation and Shelters:** Have shelter and rehabilitation centres exclusively for the victims of custodial abuse, where they are provided a safe environment to heal and start their new lives once more<sup>28</sup>.
- **Victim Compensation:** Establish an official victim compensation system to assist financially victims of custodial rape for medical costs, legal fees, and counselling<sup>29</sup>.
- **Public Awareness Campaigns:** Conduct national or state-level campaigns to create increased awareness about custodial rape, victims' rights, and support mechanisms available to lower the stigma and trigger complaints of abuses.

---

<sup>25</sup> National Human Rights Commission (NHRC), *Annual Report on Custodial Crimes* (2019), 56, available at <https://nhrc.nic.in> (last accessed 20 July 2025).

<sup>26</sup> Legal Services Authorities Act, 1987, s. 12(c); National Legal Services Authority (NALSA), *Compendium on Legal Aid to Victims of Sexual Offences* (2018), available at <https://nalsa.gov.in> (last accessed 20 July 2025).

<sup>27</sup> World Health Organization, *Responding to Intimate Partner Violence and Sexual Violence Against Women: WHO Clinical and Policy Guidelines* (2013), 9.

<sup>28</sup> Ministry of Women and Child Development, *One Stop Centre Scheme: Guidelines* (2017), available at <https://wcd.nic.in> (last accessed 20 July 2025).

<sup>29</sup> Victim Compensation Scheme under Section 357A, Code of Criminal Procedure, 1973.

## RECOMMENDATIONS FOR REFORM

### Legislative Reforms: Strengthening Laws to Address Custodial Rape

- **Clear Definition:** Establish specific provisions in national laws (such as the Indian Penal Code) to clearly define and criminalize custodial rape, differentiating it from other forms of sexual assault<sup>30</sup>.
- **Mandatory Investigations:** Create a law that mandates an independent and suitable investigation in all cases of custodial violence or sexual assault, such that police departments do not have the authority to conduct the investigations themselves.
- **Timely Trials:** Create speed courts or tribunals solely to deal with custodial rape cases to expedite proceedings, reducing the period that victims must wait for legal proceedings.
- **Enhanced Penalties:** Make the sentences more severe against the custodial rape perpetrators, like increasing penalties on law enforcers or prison authorities who use such act<sup>31</sup>.
- **Victim Protection:** Include protections for witness protection, relocation, and compensation for victims to ensure their safety from intimidation, harassment, and other forms of harm<sup>32</sup>.
- **COURTS**
  - **Separate Courts:** The Union Minister had suggested that cases of rape, sexual harassment, and sexual assault can be resolved at a quicker pace, provided there are specific courts to serve the purpose. It is high time measures are taken to establish such courts.
  - **Implementation of human rights courts:** It is not a fact unknown that courts in India are burdened with numerous cases, and the conviction rate, too, is not

---

<sup>30</sup> Criminal Law (Amendment) Act, 1983, No. 43 of 1983, s. 6; Indian Penal Code, 1860, s. 376(2)

<sup>31</sup> Indian Penal Code, 1860, s. 376(2)(a).

<sup>32</sup> Protection of Women from Domestic Violence Act, 2005, s. 6 and 12; see also *Nipun Saxena v. Union of India*, (2019) 13 SCC 715.

quick-paced. So, to help the judiciary in cases of sexual violence and custodial rapes, Human Rights could be incorporated in every district, and every case falling under the category above could be discussed and settled at a quicker pace.

- **Police Reforms:** Addressing the Increased Training and Supervision
  - **Gender Sensitivity Training:** Repeated training program to prison and police authorities in gender sensitivity, human rights, and psychological effects of sexual violence to enhance contact with victims and suspects.
  - **Independent Review Agencies:** Set up independent review boards or commissions to look into cases of police custody abuse as well as police accountability, especially on sensitive issues.
  - **Zero-Tolerance Policy:** Implement a strict zero-tolerance policy for custodial abuse, and clearly defined and severe punishments for any officer or jail official found guilty of being involved in custodial rape.
  - **Mandatory Reporting:** Pass stringent legislation mandating every custodial setting to report every occurrence of sexual violence to autonomous agencies, openly.
- **Reform and Management of Prisons:** Effective reform and management of prisons are vital to prevent custodial rape in prisons<sup>33</sup>. To this end, regular training and sensitization exercises have to be held for police officers on custodial rape in related themes, including gender sensitivity, human rights, and legal process.
  - Installation of CCTV surveillance within police stations and prisons to avoid as well as detect custodial rape. If anything happens or if there is something that needs to be recorded, the prisoner or the authority can activate the alarm button directly, capture the act, and then deactivate it, thus employing it only when necessary. The. In a recent ruling, *Paramvir Singh Saini v. Baljit Singh* (2020), the Supreme Court directed that

---

<sup>33</sup> Ministry of Home Affairs, *Model Prison Manual*, 2016.

CCTC cameras be installed at all police stations in India<sup>34</sup>. It was further included that interrogation rooms, too, should be fitted with such cameras.

By adopting these steps, we can assist in developing a fairer and safer climate for prisoners and promote a culture of respect for human rights among the police..

## CONCLUSION AND SUGGESTIONS

From the foregoing discussion, we can derive the conclusion that sexual offences are prevalent in our society in different forms and nature, as such crimes are the product of the pervasive nature of humankind. The new Criminal Law Amendment Act 2013 and 2018 has brought many positive changes in the criminal justice system. The inclusion of some of the new offences in the IPC and amending the laws on rape has widened the scope and ambit of the offence. Despite such repressive socio-legal measures to control sex crime, these crimes are still prevalent in Indian society. These offences, therefore, have presented a significant challenge to the criminal justice administration. Although the Criminal Law Amendment Act 2013 as well as the Criminal Law Amendment Act 2018 have brought some stringent laws to fight violent crimes against women like rape and other sexual offences. However, we still have a long way to go to eradicate this menace from society. To implement these laws, we must move forward hand in hand. Moreover, custodial rape can be regarded as an aggravated form of rape as it deprives the only hope that innocent people have from the enforcement agency. It is a well-known fact that people approach the investigating department with trust and expectations of being protected. Thus, breaking such trust amounts to gross violence of human rights. Moreover, the institution of the police department is provided with immense power, which they are expected not to misuse. The police department, and especially the investigating officer, are entrusted with significant responsibilities to uphold while the accused is in their custody. Thus, the Hon'ble Supreme Court has prescribed specific guidelines in the case of *D.K. Basu v. State of West Bengal*<sup>16</sup> to be followed by the investigating officer while remanding the accused person. In a recent landmark case titled *Paramvir Singh Saini vs Baljit Singh* (2020), the Hon'ble Supreme Court of India ordered that CCTV cameras be installed in all police stations across the country, including interrogation rooms. Installation of CCTV cameras in police stations and jails across the country, constitution of human rights

---

<sup>34</sup> *Paramvir Singh Saini v. Baljit Singh*, (2020) 12 SCC 439.

commissions and surprise visits of jails and lock-ups by civil society would considerably reduce the cases of custodial rapes and torture. Installation of cameras inside the custodial homes will create fear in potential offenders to commit heinous crimes against the women under their custody. Even if the culprits do not care about the cameras, at least the video footage captured by the camera will help in instituting a strong prosecution case, leading to the conviction of the culprits. It is obvious that not only are the three wings of the government i.e the legislature, the judiciary and the executive is responsible for enforcement of such laws in the society but also the media, the non-governmental organizations and the civil societies plays a very significant role in preventing such heinous offences as well as in the proper enforcement of such laws. Finally, the researcher would like to suggest that sensitization is one of the most effective solutions in combating this offence. Therefore, legal aid camps must be organized by governmental and non-governmental organizations, circulating and explaining the laws and regulations to laypeople so that they can understand the seriousness and consequences of the offences. Until and unless the mentalities of the sexual offenders are detoxified, the offence of rape will continue despite any efforts by the government or civil society. Sensitization programs are essential to prevent such offences. The enactment and interpretation of such laws are to no avail if we hand over all the responsibilities of their implementation to the government alone. It is high time that we take a step forward by playing our part and being more vigilant, sensitized, and steadfast in upholding those laws.