
A SOCIO-LEGAL STUDY OF CUSTODIAL DEATHS AND POLICE VIOLENCE IN THE STATE OF GUJARAT: AN EVALUATION OF CONSTITUTIONAL SAFEGUARDS, HUMAN RIGHTS PROTECTION AND POLICE ACCOUNTABILITY

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ABSTRACT

Custodial deaths and police violence remain among the most serious human rights concerns in India despite constitutional guarantees and statutory safeguards intended to protect the life and liberty of every individual. The issue raises fundamental questions regarding the balance between effective law enforcement and the protection of human dignity. Gujarat, as one of India's economically progressive States has witnessed significant developments in policing, criminal justice administration and judicial oversight. Nevertheless, incidents of custodial violence and deaths continue to attract public concern, judicial intervention and scrutiny from national and international human rights bodies. Such incidents undermine public confidence in the criminal justice system and highlight the continuing need for greater accountability, transparency and institutional reform.

This research paper examines the socio-legal dimensions of custodial deaths and police violence in Gujarat by analyzing constitutional provisions, statutory safeguards, judicial precedents, human rights principles and institutional mechanisms established for police accountability. It explores the underlying social, administrative and legal factors that contribute to custodial violence while assessing the effectiveness of existing preventive measures. The study also evaluates the role played by the judiciary, the National Human Rights Commission, State Human Rights Commissions, forensic investigations and independent monitoring agencies in addressing custodial abuse. The paper adopts a doctrinal and socio-legal methodology by examining constitutional provisions, legislation, judicial decisions, official reports and academic literature. It further considers recent developments under India's new criminal laws and contemporary policing

practices. The study argues that preventing custodial deaths requires not only legal reforms but also institutional accountability, ethical policing, technological monitoring, professional training and greater respect for human rights. It concludes that strengthening constitutional governance, ensuring transparency in criminal investigations and promoting police professionalism are essential for protecting the right to life and preserving public confidence in the rule of law.

Keywords: Custodial Deaths, Police Violence, Human Rights, Constitutional Safeguards, Police Accountability.

Introduction:

The protection of life and personal liberty constitutes one of the most fundamental objectives of every democratic legal system. In India, the Constitution guarantees these rights through a comprehensive framework of fundamental rights, judicial remedies and statutory safeguards intended to protect individuals from arbitrary State action. Among the institutions entrusted with maintaining law and order, the police occupy a crucial position. They are responsible for preventing crime, maintaining public peace, investigating offences and ensuring public safety. While the police perform indispensable functions in society, the exercise of coercive powers by law enforcement agencies must always remain subject to constitutional limitations and judicial oversight.

Custodial deaths and police violence represent one of the gravest challenges confronting India's criminal justice administration. A person taken into police custody remains under the complete control of the State, making the authorities legally and morally responsible for ensuring that person's safety, dignity and well-being. Any form of torture, physical assault, psychological abuse or unexplained death occurring during custody directly raises concerns regarding violations of constitutional rights and internationally recognized human rights standards.

In recent years public concern regarding custodial violence has increased because of greater media coverage, judicial interventions, reports published by the National Human Rights Commission [NHRC] academic research and the active participation of civil society organizations. These developments have highlighted the need to examine the structural causes of custodial violence rather than treating such incidents as isolated acts of misconduct by individual police officers. Institutional deficiencies such as excessive use of force, inadequate training, poor forensic practices, prolonged interrogations, lack of independent supervision and

delays in prosecution often contribute to violations of detainees' rights.

The State of Gujarat presents an important case for socio-legal analysis because it has experienced rapid economic growth, urbanization and technological development alongside evolving policing practices. Gujarat has introduced several administrative reforms, modern forensic facilities and digital governance initiatives aimed at improving criminal investigations. Despite these advancements, allegations of custodial violence and deaths have periodically emerged, leading to judicial inquiries, compensation claims and recommendations for institutional reforms. Such developments demonstrate that technological advancement alone cannot eliminate human rights violations unless accompanied by accountability, transparency and adherence to constitutional principles.

A socio-legal approach is particularly appropriate because custodial violence cannot be understood solely through statutory provisions. It is equally influenced by social attitudes, institutional culture, administrative practices, public expectations, political circumstances, economic inequalities and access to justice. Marginalized communities, economically weaker sections, migrants and vulnerable individuals frequently face greater risks during custodial interactions due to limited legal awareness and inadequate access to effective legal representation. Consequently, examining custodial deaths requires an interdisciplinary understanding that integrates law, sociology, criminology, public administration and human rights.

The constitutional philosophy of India places human dignity at the centre of governance. Articles 14, 20, 21 and 22 collectively ensure equality before law, protection against arbitrary punishment, protection of life and personal liberty and safeguards against unlawful arrest and detention. The Supreme Court has repeatedly interpreted these provisions to affirm that prisoners and detainees do not lose their fundamental rights merely because they are in custody. Judicial pronouncements have emphasized that torture and custodial violence are incompatible with constitutional morality and the rule of law. In addition to constitutional guarantees, India has enacted comprehensive criminal laws regulating arrest, investigation and detention. The Bharatiya Nagarik Suraksha Sanhita, 2023, together with the Bharatiya Nyaya Sanhita, 2023 aims to strengthen procedural fairness, improve investigation standards and enhances transparency in criminal justice administration. Technological measures such as digital documentation, videography of investigative processes, forensic evidence and CCTV

surveillance in police stations have also emerged as significant mechanisms for preventing abuse in custody. Though, the practical implementation of these reforms remains uneven and requires continuous monitoring.

International human rights principles also influence India's legal obligations concerning custodial treatment. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the United Nations Standard Minimum Rules for the Treatment of Prisoners [Nelson Mandela Rules] recognize the inherent dignity of every individual and prohibit torture and cruel, inhuman or degrading treatment. Although India has not yet enacted a comprehensive anti-torture statute, constitutional jurisprudence has increasingly incorporated international human rights norms while interpreting domestic legal protections. Against this background, the present study seeks to evaluate the legal framework governing custodial deaths and police violence in Gujarat through a socio-legal perspective. It examines whether constitutional safeguards, statutory provisions, judicial guidelines and institutional mechanisms have effectively protected individuals from custodial abuse. The study further explores contemporary challenges affecting police accountability and proposes measures that may strengthen transparency, professional ethics and respect for human rights within the criminal justice system.

Concept of Custodial Deaths and Police Violence:

Custodial death refers to the death of an individual while under the custody or control of law enforcement authorities or other State agencies. Such deaths may occur in police stations, prisons, detention centers, judicial custody and transit custody or during police interrogation and investigation. Every custodial death does not necessarily result from intentional violence; some may occur because of illness, suicide or natural causes. On the other hand, whenever a person dies while in State custody, the law imposes a heightened obligation upon the authorities to establish the cause of death through an independent, impartial and transparent investigation. Since the individual is under the exclusive control of the State, any unexplained injury or death raises a strong presumption requiring careful judicial and administrative scrutiny.

Police violence encompasses unlawful or excessive physical force, psychological coercion and torture, intimidation, degrading treatment or abuse of authority by police personnel during arrest, interrogation, investigation or detention. Such conduct violates not only statutory provisions but also the constitutional principles of equality, dignity and personal liberty.

Modern legal systems recognize that effective policing cannot be achieved through coercion alone; rather, it must operate within the limits imposed by constitutional governance, due process and respect for fundamental human rights.

Current Scenario of Custodial Deaths in Gujarat:

Custodial deaths and police violence continue to pose serious challenges to the administration of criminal justice in India, raising significant concerns regarding the protection of fundamental rights and the accountability of law enforcement agencies. Despite the existence of constitutional safeguards, statutory protections and judicial guidelines aimed at preventing custodial abuse, incidents of custodial violence continue to occur in several States, including Gujarat. In contemporary legal discourse, custodial deaths are no longer viewed merely as isolated instances of police misconduct but are recognized as indicators of institutional transparency, accountability and adherence to the rule of law. Every custodial death undermines public confidence in the criminal justice system and highlights the necessity for effective implementation of legal safeguards.

Gujarat has made considerable progress in modernizing its policing system through the adoption of digital governance, advanced forensic science, cybercrime investigation units and technology-based policing practices. Many police stations have been equipped with CCTV surveillance systems, electronic record management and scientific methods of investigation to improve transparency and efficiency. These initiatives demonstrate the State's commitment to strengthening criminal justice administration. However, despite these reforms, allegations of custodial violence and deaths continue to emerge, indicating that technological advancements alone cannot eliminate custodial abuse unless supported by ethical policing, effective supervision and independent accountability mechanisms. Recent data indicate that custodial deaths remain an important human rights concern in Gujarat. According to the Gujarat State Human Rights Commission, the State reported 93 custodial deaths during 2024–25 including 79 deaths in judicial custody and 14 deaths in police custody. Although deaths in judicial custody are often associated with illness, inadequate healthcare facilities or other natural causes, deaths occurring in police custody demand greater legal scrutiny because the detainee remains under the direct control and responsibility of law enforcement authorities. Such incidents emphasize the importance of prompt magisterial inquiries, independent investigations, scientific forensic examinations and strict compliance with constitutional and

statutory safeguards.

The National Human Rights Commission (NHRC) has also played an active role in monitoring custodial violence. In October 2025, the Commission took suo motu cognizance of an alleged case of custodial torture involving a minor at Gandhigram Police Station in Rajkot district and sought a detailed report from the State authorities. Such interventions reinforce the principle that every allegation of custodial violence must be investigated promptly, impartially and transparently to uphold the rule of law and protect human dignity.

The persistence of custodial deaths in Gujarat reflects deeper institutional and administrative challenges, including excessive reliance on confession-based investigations, shortage of trained personnel, delays in forensic analysis, inadequate human rights training and weak internal accountability mechanisms. These challenges are often aggravated by socio-economic inequalities, as economically weaker and marginalized sections of society may lack adequate legal awareness and timely access to legal assistance. The Bharatiya Nagarik Suraksha Sanhita, 2023 seeks to strengthen procedural fairness through greater use of technology, electronic documentation and scientific investigation. However, the effectiveness of these reforms ultimately depends upon their consistent implementation, judicial oversight, professional ethics and a sustained commitment to protecting the constitutional rights and dignity of every individual in custody.

Human Rights Perspective:

From a human rights perspective, custodial deaths and police violence constitute serious violations of the fundamental rights to life, liberty and human dignity. Every individual, irrespective of the nature of the alleged offence, is entitled to equal protection under the law and freedom from torture, cruel, inhuman or degrading treatment. Arrest or detention does not deprive a person of these rights; instead, it places a greater legal and moral responsibility upon the State to ensure the safety, dignity and well-being of every individual in its custody. The protection of detainees is therefore an essential feature of a democratic society governed by the rule of law.

International human rights instruments strongly condemn custodial torture and unlawful detention. The Universal Declaration of Human Rights 1948, the International Covenant on Civil and Political Rights 1966 and the United Nations Standard Minimum Rules for the

Treatment of Prisoners [Nelson Mandela Rules 2015] require that all persons deprived of their liberty be treated with humanity and respect for their inherent dignity. Although India has signed the United Nations Convention against Torture [UNCAT] a comprehensive anti-torture law has not yet been enacted. Nevertheless, the Supreme Court of India has consistently interpreted Articles 21 and 22 of the Constitution in accordance with international human rights principles.

Custodial violence often disproportionately affects economically weaker and socially marginalized groups who may lack access to legal representation and awareness of their constitutional rights. To address these concerns, the National Human Rights Commission [NHRC] has issued guidelines requiring prompt reporting of custodial deaths, independent magisterial inquiries and videography of post-mortem examinations and timely submission of forensic reports. A human rights-based policing system that emphasizes professionalism, accountability, transparency, scientific investigation and respect for constitutional values is essential for preventing custodial abuse and strengthening public confidence in the criminal justice system.

Judicial Approach:

The Indian judiciary has played a crucial role in protecting individuals from custodial violence by expanding the scope of fundamental rights through progressive constitutional interpretation. Recognizing that the right to life and personal liberty under Article 21 of the Constitution extends even to persons under arrest or detention, the Supreme Court has consistently held that custodial torture, illegal detention and custodial deaths constitute serious violations of human rights and constitutional guarantees. The judiciary has emphasised that law enforcement agencies cannot use unlawful methods such as torture or coercion for investigation and that every arrest and detention must comply with principles of fairness, legality and due process.

Through landmark judgments such as *D.K. Basu v. State of West Bengal* 1997, *Nilabati Behera v. State of Orissa* 1993, *Joginder Kumar v. State of Uttar Pradesh* 1994, *Sheela Barse v. State of Maharashtra* 1983 and *Prakash Singh v. Union of India* 2006, the Supreme Court has established important safeguards relating to arrest procedures, medical examination of detainees, communication of arrest to relatives, compensation for custodial violations and institutional police reforms. The Court has also recognized that unexplained injuries or deaths occurring in custody require independent investigation, forensic examination and

accountability of responsible officials. Further, directions regarding CCTV surveillance in police stations and transparent investigative procedures have strengthened preventive mechanisms against custodial abuse. The judicial approach reflects the constitutional principle that effective policing and human rights protection must operate together, ensuring that the exercise of State power remains subject to accountability, transparency and the rule of law.

Role of the National Human Rights Commission [NHRC] and Gujarat State Human Rights Commission:

The National Human Rights Commission [NHRC] and the Gujarat State Human Rights Commission [GSHRC] play an important role in protecting human rights and promoting accountability in cases of custodial deaths, police violence and other forms of State excess. Established under the Protection of Human Rights Act, 1993, the NHRC monitors human rights violations, investigates complaints, issues guidelines and recommends reforms to strengthen the protection of individuals in custody. In cases of custodial deaths, the NHRC requires timely reporting, independent magisterial inquiry, scientific post-mortem examination, videography of procedures and detailed investigation reports to ensure transparency and prevent misuse of authority. It may also recommend compensation, disciplinary action and prosecution against responsible officials where violations of fundamental rights are established.

Similarly, the Gujarat State Human Rights Commission addresses complaints relating to custodial violence, illegal detention, police misconduct and prison conditions within the State. Through inquiries, recommendations and awareness programmes, the Commission contributes towards improving institutional accountability and promoting human rights values among citizens and law enforcement agencies.

However, challenges such as delays in investigation, limited resources, non-binding nature of recommendations and inadequate compliance by authorities affect the effectiveness of these institutions. Strengthening their independence, ensuring timely implementation of recommendations and improving coordination with police authorities, judiciary and forensic agencies are essential for enhancing accountability and protecting the dignity and constitutional rights of persons in custody.

Police Accountability and Institutional Challenges:

Police accountability is an essential component of constitutional democracy and the rule of

law, as law enforcement agencies exercise significant powers relating to arrest, detention, investigation and maintenance of public order. These powers must be exercised in accordance with constitutional principles, legal procedures and human rights standards. Misuse of authority through custodial torture, illegal detention or excessive force not only violates fundamental rights but also reduces public confidence in the criminal justice system. Recent legal reforms, including the Bharatiya Nagarik Suraksha Sanhita, 2023, emphasize transparency, scientific investigation and procedural fairness, while judicial directions regarding medical examination of arrested persons, maintenance of custody records and installation of CCTV cameras in police stations have strengthened safeguards against custodial abuse.

However, several institutional challenges continue to affect effective police accountability. Excessive reliance on confession-based investigation, shortage of trained personnel, inadequate forensic infrastructure, workload pressures, political interference and limited human rights training remain significant concerns. Lack of legal awareness among detainees, particularly from vulnerable sections of society, further affects access to constitutional protections such as legal aid, medical examination and communication with family members. Technological measures, including CCTV surveillance, digital records, body-worn cameras and electronic investigation systems, can enhance transparency but require ethical leadership, professional training and independent monitoring for effective implementation. Therefore, strengthening police accountability requires a comprehensive approach involving legal reforms, judicial supervision, institutional transparency, community participation and a commitment to human rights-based policing.

Landmark Supreme Court Judgments:

The Supreme Court of India has played a pivotal role in strengthening constitutional safeguards against custodial violence and police excesses through its progressive interpretation of fundamental rights guaranteed under the Constitution. By expanding the scope of Article 21, which guarantees the right to life and personal liberty, the Court has consistently held that every individual, including a person under arrest or detention, is entitled to protection against torture, illegal detention and inhuman treatment. Through a series of landmark judgments, the judiciary has established that the exercise of police powers must always conform to the principles of legality, fairness, transparency and accountability. In *D.K. Basu v. State of West Bengal* 1997,

the Supreme Court laid down comprehensive guidelines governing arrest and detention, including the preparation of an arrest memo, mandatory medical examination of the arrested person, maintenance of custody records, prompt communication of the arrest to family members or friends and production of the accused before the Magistrate within the prescribed time. These directions continue to form the cornerstone of custodial safeguards in India. In *Nilabati Behera v. State of Orissa* 1993, the Court recognized that the State bears a constitutional responsibility to protect persons in its custody and held that compensation for custodial death or violation of fundamental rights is an appropriate public law remedy, independent of criminal or departmental proceedings. Similarly, in *Joginder Kumar v. State of Uttar Pradesh* 1994, the Court clarified that the power of arrest should not be exercised arbitrarily and that every arrest must be justified by necessity, while also recognizing the right of the arrested person to have relatives informed about the detention. In *Sheela Barse v. State of Maharashtra* 1983, the Supreme Court emphasized the humane treatment of prisoners and directed authorities to provide adequate safeguards for women and other vulnerable persons in custody.

In addition, the landmark decision in *Prakash Singh v. Union of India* 2006 introduced significant structural police reforms by directing the establishment of independent Police Complaints Authorities, ensuring greater security of tenure for senior police officers, separating investigation from law-and-order functions and strengthening institutional independence. Collectively, these landmark judgments have transformed India's criminal justice system by reinforcing police accountability, promoting procedural fairness and ensuring that law enforcement functions within the framework of constitutional governance, human dignity and the rule of law. They continue to serve as the legal foundation for preventing custodial violence and protecting the fundamental rights of every individual in State custody.

International Human Rights Standards:

Custodial deaths and police violence have acquired global significance as they directly affect the fundamental values of human dignity, personal liberty and the rule of law. International human rights law recognizes that every person, including those under arrest or detention, retains basic rights that must be protected by the State. The Universal Declaration of Human Rights 1948 established important principles by guaranteeing the right to life, liberty and security of person and prohibiting torture and inhuman treatment. Similarly, the International

Covenant on Civil and Political Rights 1966 protects individuals against arbitrary detention, torture and violations of personal liberty and its principles have influenced Indian constitutional interpretation of Articles 21 and 22.

The United Nations Convention against Torture 1984, the Nelson Mandela Rules 2015 and other international standards require States to prevent custodial abuse, ensure humane treatment of detainees and establish effective accountability mechanisms. Although India has signed the Convention against Torture, the absence of comprehensive anti-torture legislation remains a significant concern. Indian courts have nevertheless recognized that custodial torture is inconsistent with constitutional values and democratic governance.

Modern human rights standards also emphasize technological and institutional safeguards, including CCTV surveillance, digital documentation of arrests and videography of interrogation, independent forensic investigation and judicial monitoring. These measures have influenced reforms in India, particularly regarding transparency in police functioning. Effective prevention of custodial violence requires harmonization of domestic laws with international standards, stronger accountability mechanisms, continuous police training and a commitment to ensuring that every exercise of State authority respects human dignity and the principles of justice and the rule of law.

Comparative Analysis with Other Indian States:

A comparative study of custodial deaths and police violence across Indian States demonstrates that the issue represents a broader challenge within the criminal justice system and is not confined to any particular region. The effectiveness of preventive measures depends upon factors such as police administration, institutional accountability, forensic infrastructure, technological advancement, judicial supervision and awareness of human rights principles. Gujarat has made considerable progress in modernizing police administration through digital governance, forensic facilities, cyber investigation systems and CCTV surveillance in police stations. However, continuing concerns regarding custodial deaths indicate that technological development must be supported by ethical policing, independent investigations and strict compliance with constitutional safeguards.

Other States provide valuable lessons in strengthening police accountability. Kerala's community policing initiatives, emphasis on police training and public participation have

contributed to improved police-community relations, though continuous monitoring remains necessary. Tamil Nadu's experience with custodial violence cases highlights the importance of judicial intervention, media scrutiny and transparent investigation procedures. Uttar Pradesh faces challenges due to a large police force, heavy workload and extensive criminal investigations, requiring stronger monitoring and accountability mechanisms. Maharashtra has focused on forensic science, cyber investigation and specialised police training, but sustained institutional reforms remain essential.

The comparative analysis reveals that States with effective oversight bodies, scientific investigation methods, regular human rights training and transparent procedures demonstrate better protection of individual rights. For Gujarat, these experiences highlight the need to strengthen independent complaint mechanisms, promote community participation, enhance police training and ensure timely action against violations. Ultimately, preventing custodial violence requires a comprehensive approach combining constitutional safeguards, professional policing, technological innovation and institutional accountability to ensure that the exercise of State power remains consistent with human dignity, fairness and the rule of law.

Conclusion:

Custodial deaths and police violence represent one of the most critical challenges to the functioning of a democratic criminal justice system because they directly affect the fundamental principles of life, liberty, dignity and equality guaranteed under the Constitution of India. The present socio-legal study of custodial deaths and police violence in the State of Gujarat reveals that although India has developed a comprehensive framework of constitutional protections, statutory provisions, judicial safeguards and institutional mechanisms, the major challenge continues to be the effective implementation of these safeguards at the ground level. The occurrence of custodial deaths highlights the sensitive relationship between State authority and individual liberty and demonstrates the necessity of ensuring that police powers are exercised within the boundaries of constitutional morality and the rule of law.

The study establishes that persons in custody remain entitled to all fundamental rights except those limitations specifically imposed by law. The State assumes a special responsibility towards individuals deprived of their liberty, and any failure to protect their physical and mental well-being amounts to a serious violation of constitutional obligations. Custodial violence not only causes individual suffering but also damages public trust in law enforcement

institutions and weakens the legitimacy of the criminal justice system. Therefore, prevention of custodial abuse must be considered an essential component of good governance, human rights protection and democratic accountability rather than merely an issue of departmental discipline.

The research further demonstrates the significant contribution of the Supreme Court of India in expanding the scope of Article 21 through landmark judgments relating to arrest procedures, custodial safeguards, compensation, independent investigation and police accountability. Similarly, institutions such as the National Human Rights Commission and the Gujarat State Human Rights Commission have played an important role in monitoring custodial violations, recommending reforms and promoting human rights awareness. However, the continued occurrence of custodial deaths indicates that institutional mechanisms require further strengthening through effective monitoring, timely investigation and strict accountability.

The comparative and international analysis undertaken in this study indicates that elimination of custodial violence requires a multidimensional approach involving constitutional compliance, professional police training, scientific investigation methods, technological transparency and judicial supervision and community participation. Gujarat has made significant progress in modernizing policing through digital systems, forensic advancement and administrative reforms; however, sustained efforts are necessary to ensure that these developments translate into stronger protection of human rights.

In brief, preventing custodial deaths requires a transformation in policing culture from authority-based enforcement to rights-oriented law enforcement. Legislative reforms alone cannot achieve this objective unless supported by ethical leadership, institutional transparency, independent oversight and respect for human dignity. A balanced criminal justice system must protect society from crime while simultaneously protecting individuals from misuse of State power. The experience of Gujarat provides valuable insights into the need for continuous reforms and reinforces the constitutional principle that every person, including those in custody, deserves justice, dignity and protection under the law.

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