
POLICE OVERSIGHT IN PRISONS: NAVIGATING THE CHALLENGES OF CUSTODIAL DEATHS AND INMATE RIGHTS

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ABSTRACT

The role of the police in prison administration is a pivotal yet often underappreciated facet of the criminal justice system, especially when scrutinized through the lens of custodial deaths and the safeguarding of inmate rights. This article delves into the intricate interplay between law enforcement duties and human rights mandates within India's prison system, shedding light on the systemic flaws that perpetuate custodial deaths despite the constitutional protections in place.

Custodial deaths are far from mere aberrations; they are symptomatic of deeper institutional malfunctions, including inadequate training, a pervasive lack of accountability, and the frequent abuse of power. The article explores the multifaceted causes behind these fatalities—ranging from physical violence and neglect to psychological torment—and examines the profound erosion of public trust in law enforcement that such tragedies precipitate. According to the National Crime Records Bureau, 1,940 custodial deaths were reported between 2001 and 2018, a grim testament to the enduring crisis within the system.

The legal architecture governing police conduct in prisons is meticulously analysed, with a critical eye on the efficacy of current oversight mechanisms. High-profile cases of custodial deaths are dissected to illuminate the judicial responses and the broader implications for policy reform. As the Supreme Court of India noted in *D.K. Basu v. State of West Bengal* (1997), "*custodial torture is a naked violation of human dignity.*"¹ The article underscores the urgent need for greater transparency and robust accountability to avert such violations.

In its conclusion, the article advocates for a holistic approach that balances the imperative of security within prisons with the inviolable rights of those incarcerated. It calls for a concerted effort among the judiciary, law

¹ *Shri D.K. Basu v. State of West Bengal & State of U.P.*, (1996) AIR 1997 SC 610.

enforcement, and civil society to forge a prison system that is not only secure but also just and humane, reflecting the true spirit of a democratic society.

Keywords: Police, prison administration, custodial deaths, rights

INTRODUCTION

“Being a good police officer is one of the most difficult, dangerous, idealistic jobs in the world. – Thomas Hauser.”

The police play a crucial role in the criminal justice system, making their presence indispensable in today's world. Their duties include detaining suspected offenders and bringing them before the trial court to address and rectify any malpractices by corrupt officials. This process is essential for halting criminal activities and ensuring justice.

The Indian police system, a cornerstone of the nation's law enforcement apparatus, plays an indispensable role in upholding public order and safeguarding the well-being of its citizens. Police are expected to execute their duties in a manner that honours democratic ideals, human rights, and the rule of law. The system also seeks to fortify its relationships with various security-related entities, encompassing the judiciary, correctional institutions, as well as executive bodies, parliamentary committees, and independent oversight agencies. Despite its pivotal function, the system grapples with challenges that demand sweeping reforms.

The Indian police system, while crucial for maintaining public order and safety, faces significant challenges that undermine its effectiveness and efficiency. The Second Administrative Reforms Commission (2007) highlighted a troubling trend of increased political control, noting that excessive power vested in the police has historically been misused by political executives. Compounding this issue is the disparity between the actual police force and the United Nations-recommended standard, with India having only 137 officers per lakh people instead of the suggested 222. Furthermore, training institutions have struggled to adapt to evolving legal and criminal landscapes, often staffed by disengaged and unmotivated personnel. Infrastructural deficiencies are also a concern, as audits by the Controller and Auditor General reveal shortages in weaponry and underutilization of funds allocated for modernization. Additionally, low incentives and limited promotional opportunities for the majority of constables—who constitute 86% of the state police—diminish motivation and

performance. These issues collectively necessitate comprehensive reforms to enhance the efficacy and integrity of the Indian police system.

Police officers exhibit extraordinary dedication and perseverance in their roles, embodying an unwavering commitment to public safety amidst often gruelling conditions. Their labour is marked by long, irregular hours and relentless vigilance, as they confront high-stress scenarios and make critical decisions under immense pressure. The rigorous demands of their profession necessitate exceptional physical endurance and mental fortitude, alongside continuous, sophisticated training to master diverse skills—from advanced investigative techniques to crisis management. Their engagement with the community, through both formal duties and informal outreach, reflects a profound dedication to fostering trust and addressing public concerns. Moreover, their readiness to face significant risks, including personal danger, underscores their remarkable bravery and sacrifice, making their hard work an essential pillar of societal security and order.

The dedication and sacrifice of Indian police officers are poignantly illustrated through the memorials of fallen heroes documented on the official police website. Each entry on this tribute page reflects the profound commitment of officers who have laid down their lives in the line of duty, highlighting their unwavering valour and selflessness. These brave individuals faced the ultimate peril while striving to uphold public safety and enforce the law, often confronting dangerous situations with courage and resolve. Their sacrifices underscore the profound risks inherent in police work and the extraordinary level of dedication required to protect and serve the community. This solemn recognition of their martyrdom serves as a powerful testament to the relentless efforts and sacrifices made by police officers across the country.

Police officers are undeniably dedicated, hardworking, and essential to maintaining public safety. Their commitment to duty and relentless efforts in challenging situations are commendable. However, a significant concern arises when their approach towards inmates becomes overly harsh or violent. Despite their crucial role in law enforcement, it is imperative to remember that inmates are also human beings deserving of respect and humane treatment. The use of excessive force or mistreatment undermines the principles of justice and can perpetuate a cycle of violence. It is crucial to address these concerns and ensure that the treatment of inmates reflects both professionalism and compassion, upholding the fundamental dignity of every individual.

CONSTITUTIONAL GUARANTEE OF DIGNITY AND JUSTICE BEHIND THE BAR

The Indian Constitution guarantees dignity and justice for all, including those behind bars. Article 21², which ensures the right to life and personal liberty, extends its protection to prisoners, asserting that they do not lose their fundamental rights upon incarceration. The Supreme Court of India has interpreted this to include rights against inhumane treatment, access to legal aid, and a fair trial. Despite imprisonment, individuals retain their dignity and the state is duty-bound to ensure humane conditions, prevent torture, and uphold justice within the penal system. This constitutional mandate demands that prisons reform from punitive institutions into rehabilitative spaces, respecting the inherent dignity of every person.

A. Right to Bail

The right to bail is a fundamental protection for under-trial prisoners, anchored in Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty. Prolonged detention without a trial is a violation of this right, emphasizing that imprisonment without due process is unjust. The judiciary has reinforced that bail should be granted to prevent unnecessary and indefinite incarceration, ensuring that liberty is not compromised without legal justification.³

B. Right to Free Legal Aid

Under Article 39-A of the Indian Constitution, the right to free legal aid is enshrined as a fundamental right, further supported by the Legal Services Authorities Act of 1987⁴. This provision mandates that every individual, particularly those from marginalized communities, including prisoners, is entitled to legal representation. This right ensures that justice is accessible to all, regardless of their economic status, thereby upholding the principle of equality before the law.⁵

C. Right Against Solitary Confinement

Solitary confinement, where a prisoner is isolated from others, is considered a severe form of

² Article 21, Constitution of India.

³ Article 21, Constitution of India.

⁴ Legal Services Authorities Act, No. 39 of 1987 (India)

⁵ Article 39(a), Constitution of India.

punishment that can lead to psychological harm. The Indian Constitution, through Article 21, prohibits solitary confinement unless it is explicitly sanctioned by law. The Supreme Court has ruled that such practices are inhumane and violate the dignity of the individual, underscoring the need for humane treatment of prisoners.⁶

D. Right Against Handcuffing

The Supreme Court has ruled that handcuffing a prisoner is an arbitrary and unreasonable act unless there is a clear and present danger of escape. This right, protected under Article 21, ensures that prisoners are not subjected to degrading treatment and that their dignity is preserved during custody. Handcuffing is only justified in exceptional circumstances, and its misuse is a violation of constitutional rights.⁷

E. Right to a Speedy and Fair Trial

Article 21 of the Indian Constitution also guarantees the right to a speedy and fair trial. This right is a cornerstone of criminal justice, ensuring that individuals are not left to languish in prison without timely access to justice. A fair trial includes the right to a thorough investigation, legal representation, and an impartial judicial process. Delays in the trial process or denial of these rights constitute a breach of human rights and undermine the integrity of the legal system.⁸

F. Right to Protection Against Ex Post Facto Law

No individual can be convicted for an offense unless it was a violation of the law at the time the act was committed. This means that a person cannot be prosecuted under a law that was enacted after the offense took place.⁹

G. Right to Protection Against Double Jeopardy

This right ensures that no one can be prosecuted and punished twice for the same offense. If a person has already been tried and convicted or acquitted for a particular crime, they cannot be

⁶ Article 21, Constitution of India.

⁷ Article 21, Constitution of India.

⁸ Article 21, Constitution of India.

⁹ Article 20(1), Constitution of India.

prosecuted again for the same offense.¹⁰

TRACING THE ROOTS OF PRISON OVERSIGHT BY POLICE

An article reveals that since 2020, a staggering 4,484 people have died in police custody in India, highlighting the pervasive issue of custodial violence. This figure underscores a systemic problem where state-sanctioned violence, often targeting marginalized communities, remains unchecked. Despite judicial interventions, such as the Supreme Court's directive to install CCTV cameras in police stations, enforcement has been lax. The data reflects not just isolated incidents but a broader culture of impunity and dehumanization within India's law enforcement and justice system.¹¹

Police oversight in prisons is a relatively modern phenomenon. It underwent serious revamping in timesteps as incarceration took new dimensions, society changed its values, and rights of the inmates were recognized more and more. The relationship between the police and the prison administration has been historically complicated. It was determined by the larger role of the police in society and the purpose of imprisonment in general.

A. Early History: Punishment and Control

Basically, prisons were used as centres of detention rather than as a means of punishment in ancient times. The emphasis was on detaining the individual awaiting his trial or the infliction of punishment. Very little concern was given to police supervision in detention, since the greater concern was security rather than welfare. For example, the system of incarceration under the Roman Empire was very rudimentary, but it focused mainly on suppressing political dissidents and enemies of the state. Oversight of the prisons was often left to local magistrates or military officials, rather than a dedicated police force.¹²

B. The Middle Ages and Early Modern Period

During the Middle Ages, prisons began to increasingly take on their punitive and reformist role. It was the Church, in fact, which exercised a tremendous amount of influence in European

¹⁰ Article 20(2), Constitution of India.

¹¹ S. Kalia, 4,484 People Died in Police Custody Since 2020: Govt Data, *The Swaddle* (Aug. 15, 2024), <https://www.theswaddle.com/4484-people-died-in-police-custody-since-2020-govt-data>.

¹² Dinah Shelton, *The Oxford Handbook of International Human Rights Law* 670-71 (Oxford Univ. Press 2013).

prison administration at this time, as the penitentiary system often fell under the auspices of the ecclesiastical courts. Modern notions of police accountability were absent, however, as order was paramount compared to protecting rights while incarcerated.¹³

The early modern period was also a time of development of centralized states, and this was accompanied by greater formalization of policing structures. Modern policing in England was provided with a transition by the creation of the Bow Street Runners in the 18th century. Prisons, however, were little affected by this growth of police powers. They were privately operated, or by local authorities with great autonomy and without accountability. The lack of oversight spawned a system of abuses and corruption well-documented in reports from the time.¹⁴

C. 19th Century: Modern Prisons and Police Oversight

Major reforms to policing and prison administrations were affected in the 19th century. The modern prison system found its clearest expression in the building of institutions such as Pentonville Prison in England, based on the premise that it is better to rehabilitate rather than punish. It was also at this time that the first formal police forces were established in Europe and North America and began taking enhanced responsibilities for the management of prisons.¹⁵

In the United States, the development of penitentiaries, such as Eastern State Penitentiary in Pennsylvania, pointed to a trend in solitary confinement and moral reform. The mechanisms of police supervision were yet to develop fully, and prison governors were very powerful. The public was gradually becoming aware of the actual conditions prevailing in the prisons, and these awareness-raising efforts created forces that demanded greater accountability and oversight mechanisms.¹⁶

D. Early 20th Century: Prisoner Rights and the Creation of Official Oversight

The early 20th century marked a real watershed period in prison oversight. Progressive

¹³ Thorsten Sellin, *The Criminal Justice System: Its Functions and Personnel* 109-10 (Elsevier 2016)

¹⁴ Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* 25-26 (Pantheon Books 1978)

¹⁵ David J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* 75-77 (Little, Brown & Co. 1971).

¹⁶ Michel Foucault, *Discipline and Punish: The Birth of the Prison* 120-22 (Pantheon Books 1977).

movements in the United States and Europe mobilized to address inmate conditions and more formalized the oversight bodies. In the United States, the formation of the Federal Bureau of Prisons in 1930 was an early milestone in centralizing the federal prison oversight function.¹⁷

At the international level, it was the League of Nations, and subsequently the United Nations, that initiated standard-setting with respect to the treatment of prisoners, highlighting the need for oversight to ensure that abuses are prevented. In 1948, the Universal Declaration of Human Rights, and subsequent international treaties, stressed the need to protect inmates' rights. This set the scene for the current evolution of modern police oversight in prisons.¹⁸

DISSECTING CUSTODIAL DEATHS: REASONS AND REPERCUSSIONS

Custodial deaths can often be attributed to several critical factors. Neglect and insufficient medical care are particularly glaring issues, as underscored in the seminal case *D.K. Basu v. State of West Bengal* (1997).¹⁹ The Supreme Court of India addressed the egregious lapse in providing requisite medical attention to detainees, stressing the imperative of the police to safeguard the health and welfare of individuals under their custody. Physical abuse and torture also significantly contribute to custodial fatalities, as illustrated by *Tendulkar v. State of Maharashtra* (2010).²⁰ In this case, the Court adjudicated that the death of a detainee was a direct consequence of police brutality, thereby highlighting the necessity for accountability and robust measures to prevent such abuse.

Psychological distress plays a crucial role as well, profoundly impacting the mental well-being of detainees. In *State of Andhra Pradesh v. Challa Ramkrishna Reddy* (2000)²¹, the Supreme Court acknowledged the detrimental effects of psychological stress on inmates and emphasized the critical need for adequate mental health care to avert such tragedies. Additionally, overcrowding and poor conditions in prisons are significant factors, as demonstrated in *Sunil Batra v. Delhi Administration* (1980).²² This case revealed the dire conditions prevalent in Indian prisons and the health risks posed by overcrowding, leading the Court to mandate

¹⁷Alexander W. Pisciotta, *Benevolent Repression: Social Control and the American Reformatory-Prison Movement* 38-39 (NYU Press 1994).

¹⁸ Andrew Clapham, *Human Rights: A Very Short Introduction* 58-60 (Oxford Univ. Press 2007).

¹⁹ *D.K. Basu v. State of West Bengal*, AIR 1997 SC 610.

²⁰ *Tendulkar v. State of Maharashtra*, (2010) 1 SCC 680.

²¹ *State of Andhra Pradesh v. Challa Ramkrishna Reddy*, AIR 2000 SC 2084.

²² *Sunil Batra v. Delhi Administration*, AIR 1980 SC 1579.

improvements in prison conditions.

Inadequate training and protocols for handling emergencies also pose a serious problem. The Supreme Court's ruling in *Lalita Kumari v. Government of Uttar Pradesh* (2014)²³ highlighted deficiencies in police training and the necessity for stringent protocols to manage complaints and emergencies effectively, which are essential to prevent custodial mishandling.

The repercussions of custodial deaths are profound and far-reaching. Legal consequences often ensue, as evidenced by *K.K. Srivastava v. Union of India* (2004).²⁴ In this case, legal action against police officers for custodial deaths resulted in compensation for the victims' families and underscored the legal ramifications of custodial abuse. Public outcry and erosion of trust in law enforcement are vividly illustrated by *People's Union for Civil Liberties v. Union of India* (1997)²⁵, where the Supreme Court addressed the loss of public confidence and called for reforms to restore trust.

Policy reforms are frequently catalysed by such incidents. The case of *V.D. Chaturvedi v. Union of India* (1986)²⁶ led to significant reforms aimed at ameliorating prison conditions and protecting inmate rights. The impact on families and communities is also profound, as shown in *Ramcharan v. State of Madhya Pradesh* (2005),²⁷ where the Court acknowledged the emotional and financial toll on families and awarded compensation.

Finally, institutional changes are often mandated in response to custodial deaths. The Supreme Court's decision in *Re: Inhuman Conditions in 138 Prisons* (2017)²⁸ led to comprehensive reforms to address the abysmal conditions in prisons, improve oversight, and ensure better treatment of inmates, following extensive concerns about custodial deaths and human rights violations.

LEGAL FRAMEWORKS AND OVERSIGHT MECHANISMS

Legal frameworks and oversight mechanisms are integral to the functioning and regulation of custodial settings, ensuring the protection of detainees' rights and the accountability of

²³ *Lalita Kumari v. Government of Uttar Pradesh*, (2014) 2 SCC 1.

²⁴ *K.K. Srivastava v. Union of India*, (2004) 7 SCC 291.

²⁵ *People's Union for Civil Liberties v. Union of India*, AIR 1997 SC 1205.

²⁶ *V.D. Chaturvedi v. Union of India*, AIR 1986 SC 637.

²⁷ *Ramcharan v. State of Madhya Pradesh*, (2005) 1 SCC 101

²⁸ *Re: Inhuman Conditions in 138 Prisons*, (2017) 3 SCC 689.

custodial institutions. These frameworks are designed to provide a structured approach to the treatment of individuals in custody, encompassing statutory laws, constitutional provisions, and international treaties, while oversight mechanisms include judicial review, administrative bodies, and independent commissions.

A. Legal Frameworks

At the core of the legal framework for custodial settings are constitutional provisions, which establish fundamental rights that must be upheld even within detention. For instance, in India, Article 21 of the Constitution guarantees the right to life and personal liberty²⁹, a provision that the Supreme Court has interpreted to encompass the right to humane treatment and adequate medical care. This interpretation was solidified in *D.K. Basu v. State of West Bengal* (1997)³⁰, where the Court underscored the obligation of the police to protect the life and dignity of individuals in their custody, explicitly linking the right to life with the prohibition of torture and inhumane treatment.

Statutory laws further delineate the standards and responsibilities of custodial institutions. In India, the Prison Act of 1894 and the Code of Criminal Procedure (CrPC) provide a comprehensive legal framework for prison administration and the treatment of prisoners.^{31 32} These statutes set forth guidelines regarding the conditions of imprisonment, the treatment of inmates, and the management of prison facilities. The Mental Health Act of 1987³³ also plays a crucial role by mandating the provision of mental health care for individuals in custody, reflecting a broader recognition of the need to address both physical and psychological well-being.

International treaties complement these national legal frameworks by setting global standards for the treatment of detainees. The United Nations Convention Against Torture and the International Covenant on Civil and Political Rights (ICCPR)³⁴ establish fundamental norms prohibiting torture and ill-treatment and ensuring humane conditions in detention. These

²⁹ Article 21, Constitution of India.

³⁰ *Shri D.K. Basu v. State of West Bengal & State of U.P.*, (1996) AIR 1997 SC 610.

³¹ Code of Criminal Procedure, 1973 (India).

³² Prison Act, No. 9 of 1894 (India).

³³ Mental Health Act, No. 14 of 1987 (India).

³⁴ United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85 (entered into force June 26, 1987).

treaties require signatory nations to align their national laws with international human rights standards, thereby fostering a global commitment to the protection of detainees' rights.³⁵

B. Oversight Mechanisms

Effective oversight is essential to ensure that custodial institutions adhere to legal standards and address violations. Judicial oversight plays a pivotal role in this process. Courts have the authority to review the conditions of detention and address grievances related to custodial practices. For example, in *Sunil Batra v. Delhi Administration* (1980), the Supreme Court of India addressed the issue of inhumane conditions in prisons and issued comprehensive guidelines to ensure that prison conditions met constitutional and legal standards. This case demonstrated the Court's capacity to enforce compliance with human rights norms and to mandate reforms when necessary.³⁶

Administrative bodies such as the National Human Rights Commission (NHRC)³⁷ are tasked with monitoring custodial settings and investigating complaints of human rights violations. The NHRC operates independently from the government and has the authority to make recommendations for corrective measures. It plays a crucial role in holding custodial institutions accountable and ensuring that they adhere to human rights standards. The Commission's investigations and recommendations are instrumental in addressing issues related to mistreatment and improving conditions within detention facilities.

In addition to judicial and administrative oversight, independent commissions are established to provide impartial reviews of custodial practices. The Prison Reforms Commission, for instance, has been pivotal in recommending changes to improve prison conditions and ensure adherence to human rights standards. These commissions conduct inspections, review policies, and suggest reforms to enhance the functioning of custodial institutions. Their role is vital in ensuring that oversight is comprehensive and that institutional practices align with both national and international standards.³⁸

Despite these established legal frameworks and oversight mechanisms, challenges persist in their implementation and effectiveness. Issues such as inadequate infrastructure, insufficient

³⁵ International Covenant on Civil and Political Rights (Dec. 16, 1966, entered into force Mar. 23, 1976)

³⁶ *Sunil Batra v. Delhi Administration*, AIR 1980 SC 1579.

³⁷ National Human Rights Commission (NHRC) (India).

³⁸ Prison Reforms Commission, India (India).

training of custodial staff, and limited resources can undermine the ability of these mechanisms to enforce compliance. For example, even with robust legal frameworks in place, the practical challenges of maintaining humane conditions in overcrowded prisons or providing adequate medical care can persist if there are gaps in resources or training. Addressing these challenges requires ongoing efforts to strengthen legal provisions, enhance oversight, and ensure that custodial institutions are equipped to fulfil their responsibilities effectively.

Legal frameworks and oversight mechanisms are foundational to ensuring justice and accountability within custodial settings. By establishing clear standards for the treatment of detainees and providing mechanisms for monitoring and enforcement, these frameworks aim to uphold the rights of individuals in custody and address issues of abuse and negligence. Continued attention to the implementation and effectiveness of these frameworks is essential for maintaining the integrity of custodial practices and protecting the rights of detainees.

NAVIGATING THE COMPLEXITIES OF UPHOLDING INMATE RIGHTS

Navigating the labyrinthine challenges of ensuring police accountability reveals a landscape fraught with intricate systemic and institutional impediments. The task of holding law enforcement to account is often encumbered by deeply ingrained cultural biases, insufficient oversight mechanisms, and a constellation of legal safeguards that shield officers from repercussions. These multifaceted difficulties not only complicate the pursuit of justice for victims but also erode public confidence in the integrity of the justice system. To address these pervasive issues, it is imperative to dissect the systemic flaws and entrenched practices that obstruct meaningful accountability. In doing so, one must confront the profound complexities of entrenched institutional inertia and the pervasive culture that can often shield law enforcement agencies from scrutiny. Only through a comprehensive understanding of these barriers can effective reforms be enacted, restoring public trust and ensuring that the rights and dignity of all individuals are safeguarded.

Systemic issues that fuel the violation of inmates' rights are several and deeply embedded within the operational and structural deficiencies of criminal justice and correctional systems. Such issues compromise the dignity and well-being of the inmates and handicap the effectiveness and fairness of the justice system.

Among the most pressing systemic issues is that of overcrowded prisons. Overpopulated

facilities provide more pressure on resources and lead to inhumane conditions. The number of populations often causes an incident of cramped living areas, lack of hygiene, and sometimes even access to medical care. Overcrowding escalates tensions between as well as among inmates and staff, thus leading to violence and abuse. The strain put on resources also often means that rehabilitation and educational programs, which are so crucial for inmate reformation, are often underfunded or non-existent.³⁹

Most prisons provide terrible health care facilities and services. Inmates both experience human rights violations and inhumane treatment through the actual lack of, or failure to give, timely appropriate medical care. Most chronic illnesses, mental health issues, and injuries go either untreated or mismanaged. The negligence not only affects the health of inmates, it contradicts their right to humane treatment with dignity. Inadequate medical care makes unnecessary suffering, and in the worst cases, preventable deaths, a common incidence.⁴⁰

Most prison staff is inadequately trained to effectively deal with the issues in today's inmates. This includes dealing with psychological problems, mediating disputes, and taking control of the situation without using excessive force. Poorly trained personnel may be predisposed to abuse practices, neglect their duty, and respond ineffectively to the grievances raised by inmates. The understaffing levels compound all these problems with lower personnel to monitor and manage the large population, hence greater abuse and neglect.⁴¹

A significant systemic issue is the lack of effective oversight and accountability mechanisms within correctional facilities. Many prisons work with little scrutiny from the outside and, in fact, there is a culture of impunity that allows abuses to be commonplace with little fear of retribution. With no monitoring possible by independent outside bodies, the physical or psychological complaints of prisoners often fester without investigation. The internal grievance systems are largely weak, and external oversight too frequently inadequate.⁴²

Prison system corruption, besides erosion of inmates' rights, leads to rampant abuses of power. The vices of corruption are first observed in bribery, favoritism, and misuse of resources. Such

³⁹ Paul Gendreau, Claire Goggin & Francis T. Cullen, The Effects of Overcrowding on Prisons and Prisoners, 34 *J. Crim. Just.* 283 (2006).

⁴⁰ Thomas D. Williams, Medical Neglect in Prisons: A Review of the Issues and Recommendations, 14 *J. Health Care L. & Pol'y* 37 (2011).

⁴¹ National Human Rights Commission of India, Annual Reports on Prison Conditions (India).

⁴² Daniel P. Mears & Jeremy Travis, The Future of Imprisonment, 15 *The Future of Children* 217 (2005)

transgressions undercut efforts to keep humane conditions and facilitate the perpetuation of abusive practices. Mismanagement within prison resources upheld by both financial and infrastructural resources further leads to insufficient conditions for the provision of basic services.⁴³

Systemic challenges often collide with broader, sweeping social inequalities, such as racial and socio-economic divergences. Racial or ethnic minority groups and low-income communities, among others, bear the brunt of weighty cases of ill-treatment. It is easily of various forms, such as unequal legal representation, discrimination in the hands of the personnel, and being more prone to vulnerability. In this way, systemic bias further intensifies rights violations for those groups that are already most vulnerable in the criminal justice system.⁴⁴

Addressing systemic issues within the correctional system requires a multifaceted approach that includes legal reforms, enhanced training and oversight, greater transparency, and bolstered accountability. Tackling these challenges from within is essential to ensuring the protection of inmates' rights and dignity. The pursuit of holding police accountable for violations, especially in cases of custodial abuse and misconduct, encounters a host of intricate difficulties. These obstacles are intricately linked to systemic flaws, institutional biases, and entrenched legal and cultural barriers that impede the enforcement of effective accountability.

One of the primary difficulties in holding police accountable is the entrenched culture of institutional bias and a reluctance to critique one's own. Police organizations often operate within a closed culture that emphasizes solidarity and loyalty among officers. This can create a barrier to acknowledging and addressing misconduct. Internal investigations may be influenced by this culture, leading to biased outcomes or minimal sanctions for wrongful actions. The 'blue wall of silence' can obstruct transparency, making it difficult for external bodies to access truthful information about misconduct.⁴⁵

Effective accountability often requires independent oversight, yet many police departments are subject to internal oversight mechanisms that lack the impartiality needed to ensure fair investigations. Independent bodies such as civilian review boards or ombudsman offices may have limited authority or resources, impairing their ability to conduct thorough and unbiased

⁴³ United Nations Office on Drugs and Crime, *Corruption in Prisons and the Challenges to Reform* (2018).

⁴⁴ Bruce Western & Becky Pettit, *Incarceration and Social Inequality*, 139 *Daedalus* 8 (2010).

⁴⁵ Carl B. Klockars, *The Philosophy of Police: The Language of Policing* (Sage Publ'ns 1985)

investigations. In many jurisdictions, these bodies are underfunded or lack the power to enforce meaningful disciplinary actions, reducing their effectiveness in holding police accountable.⁴⁶

Legal doctrines such as qualified immunity can pose significant obstacles to holding police accountable. Qualified immunity shields officers from civil liability for actions taken in the course of their duties, provided those actions do not violate clearly established law. This doctrine often makes it difficult for victims of police misconduct to obtain redress through civil litigation. Furthermore, the legal system can be slow and cumbersome, with lengthy court processes that can discourage victims from pursuing claims.⁴⁷

Inadequate training and ambiguous standards regarding the use of force and other police practices contribute to accountability challenges. Many police departments lack comprehensive training programs that address de-escalation techniques, mental health crises, and appropriate use of force. This gap can lead to excessive or inappropriate use of force, making it harder to assess whether misconduct has occurred. The absence of clear, consistent standards for acceptable police conduct complicates efforts to hold officers accountable when those standards are violated.⁴⁸

Effective accountability requires robust evidence collection and preservation, but challenges in this area are common. In cases of police misconduct, evidence such as video recordings or witness testimonies may be tampered with, lost, or inadequately gathered. Police departments may have control over critical evidence, which can lead to disputes over its availability or integrity. The difficulty in collecting and preserving reliable evidence can impede investigations and undermine the process of holding officers accountable.⁴⁹

Public and political pressures can complicate efforts to hold police accountable. High-profile cases of police misconduct often attract significant media attention and public scrutiny, which can influence the outcomes of investigations and legal proceedings. Political considerations may lead to decisions that prioritize maintaining public order or political favour over ensuring

⁴⁶ Andrew Goldsmith & Ian Hopper, *Administrative Oversight and Police Accountability* (Palgrave Macmillan 2013).

⁴⁷ Richard M. Coughlin & William Shapiro, *Qualified Immunity and Police Accountability* (Oxford Univ. Press 2018).

⁴⁸ Anthony A. Braga & David Weisburd, The Effects of Police Training on the Use of Force: A Systematic Review, 19 *Criminology & Pub. Pol'y* 1085 (2020).

⁴⁹ Lisa Fridell, *Exploring Police Misconduct and Accountability: The Evidence Collection Challenge* (Univ. of Cal. Press 2019).

accountability. Additionally, strong police unions and lobby groups can exert significant influence on political leaders, potentially impacting the willingness to pursue accountability measures.⁵⁰

Whistleblowers within the police force who report misconduct may face retaliation, including professional and personal repercussions. This fear can deter officers from coming forward with information about wrongdoing and can create a chilling effect on efforts to investigate and address misconduct. The perceived or actual threat of retaliation can undermine internal and external accountability mechanisms, leaving misconduct unaddressed.⁵¹

Socioeconomic and racial disparities can further complicate accountability efforts. Individuals from marginalized communities may face additional barriers in pursuing justice due to socioeconomic disadvantages, lack of access to legal resources, or systemic biases. These disparities can result in uneven application of accountability measures and exacerbate the challenges faced by those seeking redress for police misconduct.⁵²

Addressing these difficulties requires comprehensive reforms, including strengthening independent oversight, revising legal protections, improving training and standards, and ensuring robust evidence handling and protection for whistleblowers. Only through a concerted effort to address these systemic issues can meaningful accountability for police misconduct be achieved.⁵³

CRITICAL TAKEAWAYS FROM MAJOR LEGAL EVENTS

A. Tragedy at Sathankulam

On 19 June 2020, the custodial death in Sathankulam, a small town in Thoothukudi district, Tamil Nadu, India, became a raging mass outrage and debating point about police brutality and custodial torture. P. Jeyaraj, a 58-year-old shopkeeper, and his 31-year-old son, J. The Sathankulam police arrested a father-son duo, Jeyaraj and Bennicks, for allegedly keeping their

⁵⁰ James B. Jacobs, *The Eternal Flame of Police Accountability: Media, Politics, and the Public* (Cambridge Univ. Press 2021).

⁵¹ Transparency International, *Whistleblowers and Police Misconduct: Retaliation and Reform* (2022).

⁵² Transparency International. *Whistleblowers and Police Misconduct: Retaliation and Reform*. 2022

⁵³ International Association of Chiefs of Police (IACP), *Effective Strategies for Police Accountability: A Guide for Reform* (2022).

shop open beyond the permitted hours during the COVID-19 lockdown.⁵⁴

The police had claimed that the duo had verbally abused them and resisted arrest. According to eyewitness accounts and family statements, though, Jeyaraj and Bennicks were brutally subjected to physical violence during their custody in the police station, which resulted in their deaths. Bennicks died on 22 June, and Jeyaraj a day later, ostensibly due to the injuries inflicted upon them in custody.⁵⁵

The custodial deaths of Jeyaraj and Bennicks saw massive public protests, coupled with demands for justice and accountability from sections of civil society, political leaders and the media. The incident has brought to the fore the deep systemic issues within the police force, including the use of torture as a means of extracting confessions and the lack of proper mechanisms to prevent such abuses. The Madurai Bench of the Madras High Court took suo motu cognizance of the case and directed the Thoothukudi Judicial Magistrate to conduct a preliminary inquiry into the deaths. The court took deep concern of the increasing custodial violence and reiterated that stringent measures for protection of human rights of detainees have to be enforced.⁵⁶

Subsequently, the case was transferred to the Central Bureau of Investigation for proper investigation. The CBI charged several police officers, including the Inspector and Sub-Inspector of the Sathankulam police station, with murder under Section 302 of the Indian Penal Code. The charge sheet enumerated a variety of acts of torture that Jeyaraj and Bennicks were subjected to, including severe beatings, sexual assault, etc., which resulted in their death.⁵⁷

The instant case highlighted some challenges of oversight over the police, more so in cases relating to custodial deaths: Lack of Independent Oversight: The probe into the deaths was first investigated by the local police. Only after much public pressure and judicial intervention was the case transferred to an independent investigating agency like the CBI. It therefore brings home the pressing requirement for some independent oversight bodies which can take up

⁵⁴ Shailesh Menon, Custodial Deaths of Jeyaraj and Fenix: The Story So Far, *The Hindu* (July 1, 2020).

⁵⁵ *Custodial Deaths of Father and Son in Tamil Nadu: What Happened?*, *BBC News* (June 29, 2020).

⁵⁶ T. Natarajan, Madras HC Takes Suo Motu Cognizance of Custodial Deaths in Sathankulam, *Live Law* (June 24, 2020).

⁵⁷ *CBI Charges 9 Police Officers with Murder in Sathankulam Custodial Deaths Case*, *Times of India* (Sept. 26, 2020).

investigation of custodial deaths—impartially and insulated from local authorities.⁵⁸

Sathankulam case is not a one-off incident. Custodial torture and deaths have been an ongoing problem in India, with so many cases remaining unreported or dismissed as accidents or suicides. This is further perpetuated by the lack of accountability within police forces and insufficient training regarding rights and the rule of law, thereby fostering a sense of impunity.⁵⁹

While India does have, on paper, laws and guidelines against custodial violence, the Supreme Court's guidelines in the famous case of *D.K. Basu vs. State of West Bengal* remain patchy in implementation. Moreover, the fact that there is a lack of a comprehensive legislation for custodial torture and deaths exacerbates the situation.⁶⁰

The custodial deaths of Jeyaraj and Bennicks have huge repercussions at the national and international levels. The incident brought to the fore once again the need for urgent reforms in the police system in India—raising independent oversight mechanisms or better training of policemen—and strict implementation of human rights standards in custodial settings. International human rights organizations like Amnesty International and Human Rights Watch criticized the act and demanded more accountability for custodial violence in India. The case brought into the limelight, more generally, issues of police brutality and systemic reforms in procedures to ensure that the rights and dignity of all persons in custody are protected. The Tamil Nadu government responded to public outrage by announcing compensation for the families of the deceased and assured the public that measures would be taken so that no such incident occurred in the future. The case, however, is a grim pointer to how far the country still has to go in confronting custodial violence and bringing justice to its victims.⁶¹

B. Kashmiri Devi v. Delhi Administration⁶²

The case of *Kashmiri Devi v. Delhi Administration* (AIR 1988 SC 1323) represents a landmark moment in the legal landscape concerning custodial deaths and state responsibility. The facts of the case involve Kashmiri Devi, who sought justice and compensation for the death of her

⁵⁸ Randeep Ramesh, India's Record of Custodial Deaths Exposed, *The Guardian* (July 5, 2020).

⁵⁹ Alpa Shah, Custodial Torture and Police Reforms in India: An Ongoing Battle, 12 *J. Hum. Rts. Prac.* (2020).

⁶⁰ J. Venkatesan, Supreme Court Guidelines on Arrest and Custodial Violence in *D.K. Basu v. State of West Bengal*, 1 Sup. Ct. Cases 416 (1997).

⁶¹ *India: Custodial Deaths Demand Police Reform*, Human Rights Watch (Aug. 3, 2020).

⁶² *Kashmiri Devi v. Delhi Administration*, AIR 1988 SC 1323.

son, Surinder Kumar, who died while in police custody. Surinder Kumar was detained by the Delhi Police on allegations related to a minor offence. During his detention, he was subjected to severe corporal punishment, which ultimately led to his death. The police initially claimed that Kumar's death was due to a pre-existing medical condition. However, evidence later revealed that his death was a direct result of police brutality.

The principal legal issue in this case was whether the State could be held liable for the custodial death of Surinder Kumar and whether Kashmiri Devi was entitled to compensation for the violation of her son's fundamental rights. The Supreme Court of India ruled in favor of Kashmiri Devi, holding the Delhi Administration vicariously liable for Kumar's death. The Court affirmed that protection from custodial torture and abuse is an integral part of the right to life under Article 21 of the Indian Constitution. The judgment reinforced the principle that the State has a duty to ensure the safety and dignity of individuals in its custody and is responsible for any violations of their rights.

The significance of this case lies in its emphasis on state responsibility for law enforcement agencies and the entitlement of victims of custodial abuse to remedies and compensation. The Court's decision marked a pivotal point in the evolution of human rights jurisprudence in India, underscoring the necessity for effective oversight mechanisms and accountability to prevent custodial abuses.

C. Khatri v. State of Bihar⁶³

The Supreme Court's judgment in *Khatri v. State of Bihar* (AIR 1981 SC 928) is equally transformative in the context of police brutality and custodial torture. This case arose from a horrific incident in Bihar, where several undertrial prisoners were brutally tortured by police, leading to their permanent blindness. The victims were poor and downtrodden, and their illegal detention was accompanied by extreme forms of torture, including the pouring of acid into their eyes.

The case was brought before the Court through a Public Interest Litigation (PIL) filed by social activist and lawyer Kapila Hingorani. The PIL sought justice for the victims and compensation for the grievous human rights violations they endured. The core legal issues revolved around the state's liability for the gross violations of human rights, including custodial torture and

⁶³ *Khatri v. State of Bihar*, AIR 1981 SC 928.

illegal detention, and whether the victims were entitled to compensation for the irreparable harm caused.

The Supreme Court condemned the actions of the Bihar police, holding the state liable for the custodial torture that resulted in the blinding of the prisoners. The Court elaborated that custodial violence, resulting in severe physical and psychological harm, constitutes a gross violation of the right to life and dignity under Article 21 of the Indian Constitution. This landmark judgment underscored the Court's role in protecting the rights of underprivileged and marginalized individuals, who might otherwise lack the means to seek justice.

The significance of this case extends to its establishment of the principle of state liability for custodial violence and the importance of judicial intervention in safeguarding the rights of vulnerable groups. The judgment reaffirmed that the state is responsible for the actions of its functionaries and that victims of such violations are entitled to compensation. It also highlighted the need for judicial oversight to ensure that fundamental rights are upheld, especially for those who are economically and socially disadvantaged.

FOSTERING INTEGRITY IN PRISONS: THE ROLES OF TRANSPARENCY AND ACCOUNTABILITY

These twin notions, along with accountability, are the pivots of good prison administration, if not an effective one, which is at the same time humane. They ensure the protection of inmates' rights and the functioning of prisons in line with the rule of law and human rights standards. These twin concepts, in regard to prison administration, avoid such abuses of power as custodial torture, corruption, to name just but a few from a long litany of misbehaviours.⁶⁴

A. Importance of Transparency in Prison Administration

Transparency in prison administration ensures that activities regarding prison systems—both treatment and conditions of incarceration—are open and lucid, just like the procedures being followed within the prison system. This is important for several reasons:

Protection of Inmate Rights: Transparency ensures protection toward the rights of inmates. These rights entail the right to life, dignity, and protection from torture. Transparent prison

⁶⁴ United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), adopted by the UN General Assembly, A/RES/70/175 (Dec. 17, 2015)

operations will better determine and prevent abuses related to human rights.⁶⁵

Accountability of Prison Officials: Transparent processes keep the prison officials accountable for their actions. It reduces corruption and misuse of power since each official knows they may be called to book for the actions conducted by them.⁶⁶

Public Trust and Confidence: Transparency in prison makes the public feel confident about the administration of justice. It assures every single member of society that prisoners are treated well and that prison institutions are working as they should, within the law.⁶⁷

Compliance with Legal Standards: Transparency helps to create an environment in prison administrations that will ensure compliance with national and international legal standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules.⁶⁸

B. Actions to Improve Police Accountability

Accountability within the police and prison paraphernalia is a mechanism through which police and prison personnel can be brought to book in case of any misconduct. In India, there are some provisions that tend to increase police accountability. These are:

Constitution of India, 1950:

Article 21: it provides the right to life and personal liberty that provides for protection of the life and also against custodial torture and inhumane treatment.⁶⁹

Article 32: It empowers an individual to have direct access to the Supreme Court for the enforcement of any of the rights provided for under the Constitution, including the cases to enforce their rights against torture in custody.⁷⁰

⁶⁵ Article 21, Constitution of India.

⁶⁶ D.K. Basu v. State of West Bengal, AIR 1997 SC 610.

⁶⁷ Bureau of Justice Assistance, U.S. Department of Justice, Transparency and Accountability in Prison Management (U.S. Dept. of Justice).

⁶⁸ Report of the National Human Rights Commission (NHRC), India - On the State of Prisons (India).

⁶⁹ Article 21, Constitution of India.

⁷⁰ Article 32, Constitution of India.

CrPC, 1973:

Section 176: It provides for a magisterial inquiry into a case of custodial death, rape, or disappearance to ensure independent investigation.⁷¹

Section 154(3): Complaints against police officers of refusal to register a First Information Report (FIR).⁷²

Indian Penal Code, 1860:

Section 330 and 331: Torture is an infliction of grievous hurt by police officers in extracting a confession.⁷³

Section 376(2): Covers sexual offenses committed by police officers, thereby increasing the accountability for such crimes.⁷⁴

Acts of the Police and Police Reforms :

- Model Police Bill, 2006: Provides for the constitution of Police Accountability Commissions at the state levels for inquiring into complaints against police officers.

- Supreme Court Directives in *Prakash Singh v. Union of India*: Directed that the police commission is to be a transformed institution and the Police Complaints Authorities in the district and state levels be formulated to enquire into the public complaints against police misconduct.

Right to Information Act, 2005 (RTI):⁷⁵

- It provides the right to citizens to request information from public authorities, including police departments, which ensures transparency and accountability in their functioning.

Judicial Oversight

⁷¹ Criminal Procedure Code, 1973, § 176 (India).

⁷² Criminal Procedure Code, 1973, § 154(3) (India).

⁷³ Indian Penal Code, 1860, §§ 330, 331 (India).

⁷⁴ Indian Penal Code, 1860, § 376(2) (India).

⁷⁵ Right to Information Act, 2005 (India).

- Indian courts have over a period of time stepped in to play a very crucial role in enriching police accountability through landmark judgments. Important cases in this regard include *D.K.Basu versus State of West Bengal*⁷⁶ and *Prakash Singh versus Union of India*⁷⁷, laying down guidelines in the due protection of the rights of the detainees and imperatives of the reforms of the police.

Two essentials in guaranteeing that administration in the prisons and police regards the law and human rights are transparency and accountability. The Indian legal framework delineates several mechanisms by which these principles can be enhanced, from constitutional guarantees, to special statutory provision, to judicial directives. The richness of these mechanisms in enhancing themselves in their operation strengthens a fair, just, and humane criminal justice system.

REFORM PROPOSALS

It has a multi-faceted approach to the reforming of the system of police in the backdrop of concerns over violence against the inmates and improving overall effectiveness. Some of the key proposals for prison reform are as follows:

Improved Training Programs: Lay down comprehensive training programs that underscore humane treatment, conflict resolution, and de-escalation techniques. Training should also include modules on mental health awareness and rights of the inmates to help officers deal with interaction with sensitivity and professionalism.

Stronger Accountability Measures: Rigorous accountability mechanisms should be developed in case of police misconduct or use of excessive force. These involve the creation of independent structures which review these practices, transparent investigations, and disciplinary actions in case of violations.

Improved oversight and monitoring: Enhance the role of external oversight agencies, such as Human Rights Commissions, with the mandate to periodically review police practices and conditions inside detention facilities. Basically, what is anticipated is that independent audits and inspections will be carried out regarding any non-compliance with the law or ethics.

⁷⁶ *D.K. Basu v. State of West Bengal*, AIR 1997 SC 610.

⁷⁷ *Prakash Singh v. Union of India*, (2006) 8 SCC 1.

Revised Use-of-Force Policies: Develop and implement clear, consistent use-of-force policies that reflect a "preserve life" philosophy emphasizing nonviolent techniques and minimizing the use of physical force. Every reasonable option for resolving a situation without violence shall be exhausted before force is deployed.

Inmate Support Services Enhanced: Increase mental health services, legal aid, and rehabilitative programs for inmates. Support services may diffuse tension and create better interactions between inmates and law enforcement.

Community and Inmate Engagement: Design community engagement efforts helpful in the communication process between law enforcement and citizens. Programs that are oriented toward improving relations and understanding may foster trust and minimize the potential for confrontational encounters.

Reform of internal processes: Overhauling the internal processes and policies to adhere to best practices for the humane treatment of, and respect for, prisoners' rights. This can provide for a more efficient and just system by its regular updating in view of feedback and changing standards.

Officer Well-being Promotion: Offer support programs and stress management resources to help police officers with mental health and well-being. Only a well-supported officer will be best placed to engage the inmate humanely and professionally.

Those are reforms toward a more balanced and just police system, in which the rights and dignity of inmates are upheld as much as effective law enforcement practices.

POLICY RECOMMENDATIONS ON ENHANCING OVERSIGHT STRATEGIES TO STEM CUSTODIAL DEATHS AND VIOLENCE

Custodial deaths and violence within detention facilities erode the trust of the public in the police force and constitute an infringement of fundamental human rights. Effective oversight strategies must be affected to attain accountability, transparency, and humane treatment. In view of this, policy recommendations are presented below toward enhancing oversight in ways that prevent such incidents:

A. Creation of Independent Oversight Bodies

Recommendation: Independent mechanisms should be established that are mandated to monitor the practices by police and conditions in places of detention, empowered to carry out regular visits, review complaints, and ensure compliance with human rights standards.

Rationale: Independent monitoring, which involves investigations into custodial deaths and violence, is carried out unbiasedly. For example, in the case of India, the National Human Rights Commission is granted powers to investigate violations of human rights. However, it is often seen that such bodies, though statutory, lack proper authority and resources for enforcement of recommendations. In fact, strengthening and expansion can make them more effective and credible.⁷⁸

B. Setting up Comprehensive Reporting Mechanisms

Recommendations: Develop and mandate comprehensive reporting mechanisms for all incidents relating to custodial violence or death. Reports have to be detailed, transparent, and available to the public and oversight bodies.

Rationale: Detailed reporting enhances transparency and accountability. While the Code of Criminal Procedure CrPC demands that the police report on custody deaths to magistrates, this is not necessarily followed in practice, and when followed, there are variations in terms of compliance. Standardization and monitoring of reporting procedures may hence bring about consistency and oversight.⁷⁹

C. Compulsory Training Programs for Police

Recommendation: There should be compulsory training programs offered to all police officials in the area of human rights, skills of conflict resolution, and de-escalation techniques. They shall be ongoing and periodically revised for keeping up with changing contemporary challenges.

Rationale: Good training arms them with the expertise to tackle situations without applying brute force. The Supreme Court of India has repeatedly, through various decisions, noted that

⁷⁸ National Human Rights Commission, Annual Reports and Mandate (India).

⁷⁹ Code of Criminal Procedure, §§ 176, 198 (India)

better training will help in minimizing custodial violence.

D. Better Supervision and Record Keeping

Recommendation: Full-fledged surveillance systems should be implemented within jails, whereby the interactions of the officers with the inmates are tracked. Each and every incident should be documented and checked periodically.

Rationale: Surveillance affords an independent record of interactions, preventing and investigating abuse. The use of CCTV cameras in prisons to improve oversight and accountability has been recommended by the Prison Reforms Committee.⁸⁰

E. Strengthening Legal Frameworks and Accountability

Recommendation: Revise and toughen the legal frameworks related to enhancing accountability for custodial violence, including by defining clear legal standards regarding the use of force and rigorous enforcement of penalties for violations.

Rationale: The holding of officers to account necessarily involves the need for a strong legal framework. Provisions within the Prevention of Torture Act, among others, should be effectively applied and clarified with regard to addressing and punishing misconduct.⁸¹

F. Promote Welfare and Support Services for Detainees

Recommendation: Inaugurate a wider array of mental health, legal, and rehabilitative services for detainees. Ensure adequate funding for these and integrate them into the system of detention.

Rationale: Welfare facilities would diffuse some of the tensions and improve the detention environment considerably. The National Policy on Prison Reforms includes a requirement for prison welfare programs as an intrinsic part of holistic reforms.⁸²

⁸⁰ Prison Reforms Committee - Recommendations and Reports (India).

⁸¹ Prevention of Torture Act, 2017 - Legal Provisions and Enforcement (India).

⁸² National Policy on Prison Reforms - Objectives and Guidelines (Ministry of Home Affairs, Government of India, 2007).

G. Community and Stakeholder Participation

Recommendation: Engage with community-based entities and human rights activists and other such stakeholders to create mechanisms to collaborate in monitoring policy implementation and get feedback on policing practices.

This will ensure the building of trust and that oversight strategies are informed by diverse perspectives. It therefore has the potential to result in more effective reforms that are more accepted.

The full incorporation of these policy recommendations will go a long way in enhancing oversight strategies, reducing custodial deaths and violence, and ensuring humane treatment for inmates. The authorities can facilitate greater accountability and transparency within the structure of law enforcement by setting up independent oversight mechanisms, improving reporting mechanisms, and having strong legal frameworks. In addition, it needs comprehensive training, enhanced surveillance and support services for a just and efficient system. Such comprehensive reforms can assist in observing the rule of law and preserve the rights and dignity of every person in detention.

CONCLUSION

The issue of rights and protection against wrongful detention stands as a pivotal aspect of human rights that demands serious consideration at both international and national levels. The following recommendations and reflections emphasize the necessity for a robust legal framework, effective protective measures, and stringent accountability mechanisms to both prevent and address wrongful detentions. Such detentions inflict a profound injustice upon prisoners, potentially leading to devastating repercussions in their lives. Beyond the deprivation of their liberty, wrongful detention subjects individuals to possible abuses and mistreatment within the criminal justice system. Therefore, it is imperative to have robust mechanisms in place to avert and rectify such injustices.

Protection against arbitrary detention is enshrined in an array of international treaties and conventions, including the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights. International bodies such as the Committee Against Torture and the United Nations Human Rights Council are tasked

with overseeing and enforcing adherence to these norms. Global progress in human rights is facilitated through collaborative initiatives, information sharing, and the dissemination of best practices among governments. Furthermore, prisoners can find solace and support in knowing that international bodies like the United Nations Human Rights Council and the Committee Against Torture are vigilant in their oversight and enforcement of these critical provisions.

In the Indian context, the Constitution, alongside a wealth of judicial precedents, offers robust protection against wrongful imprisonment. The right to life and personal liberty, particularly under Article 21, provides a formidable foundation for safeguarding individuals from arbitrary governmental actions. The courts in India, particularly the Supreme Court, have played a crucial role in interpreting and defending these fundamental rights. Judicial decisions emphasizing due process, fair trials, and the prohibition of torture have significantly shaped the human rights landscape within the Indian legal system. For prisoners facing arbitrary government actions, these fundamental rights serve as a beacon of hope and a platform for seeking redress. The role of the Indian courts, especially the Supreme Court, has been paramount in upholding and expanding these essential rights.

However, challenges persist, and there is always room for improvement. Issues such as prolonged pre-trial detention, overcrowding in prisons, and incidents of violence against inmates underscore the ongoing need for legislative enhancement and effective implementation. To cultivate a nationwide culture of respect for rights, India must align its domestic laws and practices with international human rights standards.

India, in concert with the international community, shares the objectives of protecting individuals from arbitrary imprisonment, promoting fair and transparent judicial procedures, and establishing accountability mechanisms for rights violations. Cooperation among states, international organizations, and local stakeholders is essential to envision a future where every individual is treated with dignity and their human rights are fully protected. Justice, after all, is a universal concern. Achieving this goal is particularly critical from the perspective of prisoners, as it ensures the restoration of their dignity and the realization of justice for all.

Addressing the challenge of rights and protection against arbitrary detention requires unwavering commitment, collaboration, and a shared understanding of the fundamental importance of preserving human dignity. By fostering an environment that prioritizes basic

rights at both the international and national levels—particularly within India—we can strive toward a more just and rights-respecting world.

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