

A Critical Legal Study on Issues Relating to Custodial Violence in India: Contemporary Issues and Prospects

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Abstract: *One of the worst human rights abuses in India is still custodial violence, which raises major worries about law enforcement agents abusing their authority. Torture, brutal treatment, and fatalities in police custody continue to occur at a startling rate in spite of constitutional protections, legislative measures, and court rulings. This dissertation highlights the discrepancy between the law and reality by critically analysing the legal framework that governs custodial violence in India. Along with relevant provisions of the Code of Criminal Procedure (CrPC), the Indian Penal Code (IPC), and other laws, it examines the fundamental freedoms included in Sections 20, 21, and 22. The role of the court will be examined in order to comprehend the judicial efforts to contain this scourge, particularly in well-known cases like State of West Bengal v. D.K. Basu.*

The research also looks at the structural problems—such as a lack of responsibility, insufficient supervision, and procedural errors—that lead to custodial violence. The study offers a comparative understanding of successful legal solutions to prison abuse by drawing on national and international viewpoints, including methods from the US, UK, and Scandinavia. The dissertation also assesses two recent developments: the necessity of independent anti-torture legislation that complies with the United Nations Council Against Torture (UNCAT) and the use of technology to monitor correctional behaviour.

This paper highlights the shortcomings of the present legal system via doctrinal and empirical analysis and provides specific policy recommendations for changes to victim rehabilitation, police procedures, and investigative techniques. It ends by highlighting the necessity of a strong, open, and human rights-focused approach to law enforcement that protects people's dignity and increases public confidence in the legal system..

Keywords: Custodial Violence, Human Rights, Police Torture, Constitutional Safeguards, Judicial Response, UNCAT, Legal Reforms, India, Accountability, Criminal Justice System

