

The background of the journal cover features a top-down view of a desk. On the left, a pair of black leather brogue shoes is partially visible. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag with a zipper and a black leather watch with a silver face are also visible. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

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CRITICAL STUDY ON CUSTODIAL VIOLENCE WITH REFERENCETO INDIAN CONSTITUTION

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1. ABSTRACT:

Custodial violence in India mentions torture, deaths, and other forms of abuse in police or judicial custody, represents a grave violation of human rights in India, striking down the foundational principles enshrined in the Indian Constitution. Article 21, guaranteeing the right to life and personal liberty, and Article 22, providing safeguards against arbitrary arrest and detention, form the constitutional bedrock against such atrocities, as affirmed in landmark Supreme Court judgments like *D.K. Basu v. State of West Bengal* (1997), which established 11 procedural guidelines to prevent custodial torture in India. Despite these protections, custodial violence persists due to systemic issues such as inadequate accountability, overburdened policing, and weak enforcement mechanisms, lack of human resources, lack of technology updates also with the National Human Rights Commission reporting thousands of cases annually. This study critical study examines the interplay between custodial violence and constitutional rights, highlighting how such acts infringe upon dignity and equality under Article 14. The role of CCTV surveillance as a preventive measure, mandated by the Supreme Court in *Paramvir Singh Saini v. Baljit Singh* (2020), which requires installation of cameras with audio-video recording in all police stations and interrogation rooms to deter misconduct, ensure transparency, and provide evidentiary support in investigations. However, challenges in implementation, including poor compliance, technical failures, and privacy concerns, lack of budget, human resource failures under the evolving right to privacy framework former retired judge *K.S. Puttaswamy vs. Union of India* (2017), limit its efficacy in India. Drawing on empirical data, judicial precedents, and international human rights standards, this analysis argues for enhanced monitoring of detainees also officials in India, stricter penalties under amended laws like the *Bharatiya Nyaya Sanhita* (2023), and integrated reforms to bolster CCTV's deterrent potential.

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KEY WORDS:

Article 21, Bharatiya Nyaya Sanhita (2023), custodial violence, D.K. Basu v. State of West Bengal (1997), K.S. Puttaswamy vs. Union of India (2017).

2. INTRODUCTION:

Custodial violence always remains a Toughest Challenges in India for many decades, human rights, and constitutional guarantees in India. Despite the constitutional provides Protection in respect of conviction for offences under Article 20 of the “INDIAN CONSTITUTION” 1950 Protection of life and personal liberty under Article 21 of the “INDIAN CONSTITUTION” 1950, and the legal safeguards enshrined in the “BHARATIYA NAGARIK SURAKSHA SANHITA” 2023 (BNSS), “BHARATIYA SAKSHYA ADHINIYAM”, 2023 (BSA) as well as various judicial pronouncements, incidents of torture, ill-treatment, and even custodial deaths Continues in India.

Further, the initiative resonates with international human rights obligations, including the United Nation (UN) Convention against Torture, reinforcing the importance of technological safeguards in protecting detainees examining the role of CCTV Surveillance Camera in preventing custodial violence highlights the intersection of constitutional law, human rights, and criminal procedure.

The idea of introducing Closed-Circuit Television (CCTV) Installation with audio-video recording, night vision, and continuous power and internet surveillance in prisons, lock-ups, police stations, and investigative agencies has emerged as a Significant Preventive Measures in preventing the detainees from the violences.³ CCTV cameras Prevents in engaging an Illegal Acts during custody and provide evidentiary support in cases where allegations of misconduct arise against the prison authority or detainees Judicial bodies, particularly the Supreme Court of India in D.K. Basu VS State of West Bengal (1997) and Paramvir Singh Saini vs. Baljit Singh (2020), have emphasized the installation of CCTV camera as a mandatory step to ensure accountability, transparency, and the protection of detainees’ rights in the prison lock-ups, etc. Under the Union or Government of India there are 28 states and 8 union territories are there. The all governments should immediately implement Supreme Court (SC) order on Installation of CCTV camera in prisons, lock-ups, police stations, Investigation Agencies for detainee

³ CCTV

welfare and public trust on prevent the violence's against the detainee. In Installation of CCTV Cameras the violence will be reduced. In case of failure of Installation of CCTV in police station, investigation agencies and prisons the violence's will be increased against the detainees by police officers from high level officer to subordinate officers, because the person can be detained for any reasons like murder, theft, scam, political reasons, etc.

If someone was arrested and detained in prison Intentionally to get something or to accept the crime which was not done by the person the police officer may violate the arrested person liberty in prison like scolding in abusing words, threatening, hitting and cornering the arrested person family to accept the crime which was not done by the person. If the crime was accepted by the person the real accus't will won't be punishment for the offence which He/ She have committed under the law by the court, also the Innocent detainee will be punished for the offence which was not committed by Him/ Her. If CCTV is installed in prison the violation will be reduced against the detainee, the recordings also should be maintained for 1 year (12 months) to 1.5 years (18 months) According to Supreme Court of India's Judgement (Order).⁴

3. OBJECT & SCOPE OF THE STUDY:

i. OBJECT OF THE STUDY:

1. To analyses the study on evolution of judicial interpretation of fundamental rights (Articles 14,20 21,22,26,39A,142,226 of Indian Constitution) in the context of custodial violence.
2. To critically evaluate the effectiveness of the Supreme Court's CCTV surveillance directives, particularly those from the D.K. Basu VS State of West Bengal (1997) case and Paramvir Singh Saini VS Baljit Singh (2020) case.
3. To examine the maintaining the CCTV footages of Detainees by concern prison authorities.
4. To ensure the safety and security of Detainees especially women Detainees who are all inside the prison.
5. To analyses the Police officers who are all violating like Physically, mentally, threatening the Detainees in prison.

ii. SCOPE OF THE STUDY:

This study examines the Study of custodial violence in India with a specific focus on its constitutional aspects and preventive measurements. It critically analyses the extent to which

⁴ Maintenance

fundamental rights guaranteed under Articles 14, 20, 21,22,39A,142,226 of the Indian Constitution are violated in custody and how constitutional law safeguards are implemented in practice. The research further explores the legal and institutional framework governing arrest, detention, interrogation, and prisoner right's, including Supreme Court (SC) Directions in D.K. Basu VS State of West Bengal (1997) and Paramvir Singh Saini vs. Baljit Singh (2020), statutory provisions, and directions issued by bodies such as the National Human Rights Commission (NHRC). A major focus of the study is the role of CCTV surveillance in police stations, lock-ups, and prisons as a tool to prevent the accused person or accus't from custodial violence's, enhance transparency, and ensure accountability on police department by protecting the detainee who are all in Prison's. The study it evaluates the effectiveness of CCTV systems, compliance status across states, technological challenges, and their impact on both law enforcement behaviour and detainee protection. The scope extends to analysing relevant case laws, government reports, and empirical studies to assess whether CCTV surveillance serves as a reliable preventive measure against custodial violence for the detainee.⁵

4. RESEARCH PROBLEM:

Violence in custody including torture, abuse, and deaths—in Indian police stations, lock-ups, and prisons, despite robust constitutional safeguards under Articles 20,21,22 coupled with repeated Supreme Court mandates for CCTV surveillance as a key preventive measure. Judicial precedents such as DK Basu v. State of West Bengal (1997) and Paramvir Singh Saini v. Baljit Singh (2020) directed comprehensive CCTV installation with night vision, audio recording, and 18-month retention, yet 2025 Suo motu proceedings exposed systemic non-compliance, tampering, and non-functional cameras, rendering the technology ineffective. This creates a profound gap between normative constitutional promises—reinforced by new criminal laws like BNS, BNSS and BSA a ground reality of opaque custodial spaces, where implementation voids perpetuate human rights violations. This research therefore investigates whether CCTV surveillance can genuinely function as a preventive mechanism for detainees from custodial violences.

⁵ Scope

5. RESEARCH QUESTION:

1. What role can CCTV Camera play in preventing and detecting custodial violence?
2. What are the practical challenges in implementing comprehensive CCTV surveillance across India's law enforcement infrastructure?
3. Why the governments of the states and union territories are not taking necessary action to Install the CCTV Camera in the prisons to protect the Detainees?
4. Why the prison authorities are not maintaining the CCTV footages of Detainees?
5. How CCTV Camera footages of Detainees can be maintained by prison authorities in prison?
6. How CCTV Camera violates Detainees privacy in prison?
7. How the Installation of CCTV cameras Reduces the custodial violence, deaths and other tortures in prison for Detainees?⁶

6. HYPOTHESIS:

H1: The absence of CCTV surveillance in custodial settings is associated with a higher incidence of custodial violence and human rights Violations for the Detainees.

H2: Non-functionality and poorly monitored CCTV Camera fail to serve as preventive measures against custodial violence on Detainees by police officers.

H3: In cases of alleged custodial violence on detainee, the critical CCTV camera footage is overwhelmingly reported as "unavailable," "corrupted," or "retained for less than the mandated 1 year (12months) to 1.5 years (18 months).

7. METHODOLOGY:

In this study, I'm using Empirical research method for conducting my survey by focusing on Interviews of human right activists, retired justice comments and other legal officials.

1. Discussing with Advocate's regarding Installation of CCTV Camera's in Prisons.
2. Examination of cases where CCTV systems failed to prevent and record the violence against the Detainees.
3. Focusing on group discussions with community leaders and NGOs monitoring police behaviour.

⁶ Research questions

8. LIMITATIONS:

However, the study may face limitations in this study, despite its comprehensive approach, the study is limited by the availability and reliability of data's related to custodial violence against detainees, as many incidents go unreported due to fear of retaliation, institutional pressure, and lack of independent oversight. The research study relies heavily on sources such as official reports, judicial decisions, government data, and media reports, which may not fully capture the ground realities of custodial environments across different states and union territories. Access to data such as CCTV footage, internal police records, or direct observations s restricted due to legal and administrative barriers.

9. LITERATURE REVIEW:

This literature review will critically examine the legal and judicial landscape in India concerning custodial violence, focusing specifically on the constitutional framework and the implementation of the judicial Installation for Closed-Circuit Television (CCTV) surveillance as a preventive measure. Indian constitutional law safeguards and repeated judicial administrations, incidents of torture on detainee, custodial deaths, sexual violence against women's and on children's in lock-ups, and Police forces everywhere continue to treat people very badly often. Over the past decades in India, the convergence of legal scholarship, human rights studies, criminology, and technology has gradually shifted attention toward preventive measurement tool as CCTV surveillance in police stations and lock-ups for preventing detainee from custodial violence's in all (28 states and 8 union territories) in India. This literature review critically analyses scholarly writings, judicial precedents, statutory frameworks, and committee reports to understand existing knowledge and identify gaps surrounding the use of CCTV as a constitutional and preventive tool against custodial violence against detainees.⁷

1. PEOPLE'S UNION FOR CIVIL LIBERTIES (PUCL):

PUCL investigates about police brutality, advocates for police reforms, and provides legal aid to victims, often highlighting the systemic nature of violence against marginalized sections in India by police during custodial period.

2. NATIONAL HUMAN RIGHTS COMMISSION (NHRC):

The NHRC has consistently described custodial violence as "absolutely unacceptable" and has made it a priority issue since its creation. It has also issued guidelines on custodial deaths and arrests, and it has pressed for better compliance by police and state

⁷ Literature Review

authorities.

3. PEOPLE'S UNION FOR DEMOCRATIC RIGHTS (PUDR):

The [People's Union for Democratic Rights \(PUDR\)](#) actively investigates and campaigns against custodial violence, torture, and deaths in India, highlighting them as systemic issues rather than isolated incidents.

4. SUHAS CHAKMA:

Associated with the National Campaign Against Torture (NCAT). He provides critical analysis of judicial and police custody deaths, stressing failures even after magisterial production. NCAT reports under such leadership document hundreds of deaths annually and challenge official underreporting.⁸

10. CONCLUSION & SUGGESTIONS:

1. CONCLUSION:

Custodial violence represents one of the most serious challenges to constitutional governance and human rights protection in contemporary India. Despite comprehensive constitutional guarantees and progressive judicial pronouncements, the persistence of custodial abuse indicates fundamental systemic failures that require urgent and comprehensive intervention.

The introduction of CCTV surveillance in custodial facilities emerges from this analysis as a promising technological solution that can significantly contribute to preventing custodial violence. The Supreme Court's recognition of this potential, particularly in cases like *D.K. Basu VS State of West Bengal (1997)* & *Paramvir Singh Saini VS Baljit Singh (2020)*, represents an important step toward institutionalizing technological safeguards for constitutional rights.

However, the effectiveness of CCTV surveillance as a preventive measure depends critically on comprehensive implementation that addresses the multiple challenges identified in this study. The technical, administrative, financial, Storage and cultural obstacles to implementation are significant but not insurmountable.

The constitutional imperative for protecting custodial rights, reinforced by international human rights obligations, creates both a legal and moral obligation for effective implementation of preventive measures. CCTV surveillance, while not a panacea for all custodial problems,

⁸ NCAT

represents an important tool in the broader toolkit of custodial reforms in India.

The integration of technological safeguards with existing legal and administrative frameworks requires careful attention to privacy rights, recorded and stored data protection, and procedural fairness. The lack of The Digital Personal Data Protection Bill, 2023 comprehensive data protection legislation in India creates particular challenges that must be addressed through targeted legal reforms.⁹

The success of CCTV surveillance in preventing custodial violence will ultimately depend on its integration into a broader culture of accountability and transparency within law enforcement agencies. Technology alone cannot solve systemic problems without accompanying changes in institutional culture, administrative practices, and oversight mechanisms also cooperations must need to fulfil the necessary requirements of implementation of CCTV Camera to prevent the detainee from Custodial Violence in India.

This study recommendations for phased implementation, supported by adequate resources, comprehensive training, and robust oversight mechanisms, provide a roadmap for effective utilization of CCTV surveillance as a constitutional safeguard. The establishment of clear standards, protocols, and monitoring mechanisms is essential for ensuring that technological interventions serve their intended purpose of protecting fundamental rights of detainees also.

This study reveals that successful implementation of CCTV Camera requires sustained political commitment, adequate resource allocation, and effective coordination across multiple levels of government. India's federal structure presents both challenges and opportunities for innovative approaches to custodial reforms.

Looking forward, the evolution of surveillance technology presents new opportunities for more effective and less intrusive monitoring systems. Artificial intelligence and machine learning technologies offer possibilities for automated detection of concerning behaviors while potentially reducing privacy concerns through selective recording and automated redaction of sensitive content.

⁹ The Digital Personal Data Protection Bill, 2023

The ultimate measure of success for CCTV surveillance initiatives will be their impact on reducing custodial violence and improving public trust in law enforcement institutions. Regular monitoring, evaluation, and adaptation of these systems will be essential for ensuring their continued effectiveness and relevance.

In conclusion, while CCTV surveillance represents a significant technological intervention with considerable potential for preventing custodial violence, its successful implementation requires comprehensive attention to the legal, administrative, technical, and cultural dimensions of custodial reform. The constitutional mandate to protect fundamental rights, combined with the demonstrated effectiveness of technological safeguards in other jurisdictions, provides both the legal foundation and practical evidence for pursuing this approach as part of broader custodial reform initiatives.

The protection of custodial rights is not merely a legal or technical challenge but a fundamental test of India's commitment to constitutional governance and human being dignity. The effective implementation of CCTV surveillance, as part of comprehensive custodial reform, represents an important step toward fulfilling this constitutional promise and ensuring that the guarantee of life and liberty under Article 21 extends meaningfully to all persons in state custody.¹⁰

ii. SUGGESTIONS:

1. STRICT IMPLEMENTATION OF CCTV MANDATES:

CCTV cameras must be installed and continuously functional in all police stations, lock-ups, interrogation rooms, and entry and exit points as mandated by the Supreme Court of India, to avoid custodial violences against the detainee for confession during Interrogation period in a case by officers.

2. STRENGTHENING LEGAL AND INSTITUTIONAL ACCOUNTABILITY:

Clear criminal and departmental liability should be imposed on police officers involved in custodial violences on detainee, including penalties for non-compliance with arrest and detention procedures. Fast-track courts should be established by Judiciary department for custodial violence cases to ensure timely justice for the detainee to safe guard their rights and dignity in society.

¹⁰ Article 21

3. MANDATORY VIDEO RECORDING OF ARRESTS AND INTERROGATIONS:

Arrest procedures and interrogations should be video-recorded with voice recording of Arrested person, Arresting officer to submit in court and preserved as part of the case record to enhance transparency and prevent coercive practices.

4. POLICE TRAINING AND SENSITIZATION:

Regular training programs focusing on constitutional values, human rights, and lawful Interrogation techniques must be conducted to reduce related to custodial violence, because from Top to Bottom of the police officers should be trained to protect human beings (Detainees).

5. PUBLIC AWARENESS AND LEGAL LITERACY:

Awareness campaigns should be promoted to educate citizens about their constitutional rights during the arrest and custody of a person, encouraging reporting of custodial violence and strengthening democratic oversight in India. Citizens should know about their rights and detainee rights because it reduces violence

6. VICTIM PROTECTION AND COMPENSATION:

Effective witness protection mechanisms and timely compensation to victims or their families should be institutionalized to ensure meaningful remedies for custodial abuse.¹¹

¹¹ Victim compensation