



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

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CRITICAL STUDY ON CUSTODIAL VIOLENCE IN INDIA: CONSTITUTIONAL PERSPECTIVES AND PREVENTIVE MEASURES

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1.1 ABSTRACT

Custodial violence in India—encompassing torture, deaths, and various forms of abuse in police or judicial custody represents a profound violation of human rights. Such practices undermine the core principles of the Indian Constitution, especially Article 21 (right to life and personal liberty) and Article 22 (safeguards against arbitrary arrest and detention). Landmark Supreme Court rulings, including *D.K. Basu v. State of West Bengal* (1997), which established 11 key guidelines to prevent custodial torture, have sought to uphold these rights.^{^1}

Nevertheless, systemic issues like poor accountability, resource constraints, and enforcement gaps allow these violations to persist. The National Human Rights Commission continues to document thousands of cases yearly. This study critically analyzes the intersection of custodial violence with constitutional rights, particularly violations of equality and dignity under Article 14. It evaluates CCTV surveillance as a mandated preventive mechanism per *Paramvir Singh Saini v. Baljit Singh* (2020), while addressing implementation hurdles within the privacy framework from *K.S. Puttaswamy v. Union of India* (2017).^{^2}

The analysis recommends stronger monitoring, legal reforms under the *Bharatiya Nyaya Sanhita* (2023), and integrated technological solutions.

KEYWORDS: Custodial violence, Article 21, *Bharatiya Nyaya Sanhita* (2023), *D.K. Basu v. State of West Bengal* (1997), CCTV surveillance, right to privacy.

1.2 1. INTRODUCTION

Custodial violence remains one of India's most enduring human rights challenges. Despite robust constitutional protections under Articles 20, 21, and 22, along with procedural safeguards in the *Bharatiya Nagarik Suraksha Sanhita* (BNSS) 2023 and *Bharatiya Sakshya Adhiniyam* (BSA) 2023, incidents of abuse and deaths in custody continue.

This research aligns with India's commitments under international Instruments like the UN Convention against Torture. A central focus is The deployment of CCTV systems with audio-video capabilities in Custodial facilities as a deterrent and accountability tool, as directed by The Supreme Court.

1.3 2. OBJECTIVES AND SCOPE OF THE STUDY

1.3.12.1 Objectives of the Study

1. Examine judicial interpretations of fundamental rights (Articles 14, 20, 21, 22, 39A, etc.) concerning custodial violence.
2. Assess the implementation and impact of Supreme Court directives On CCTV surveillance.
3. Evaluate footage maintenance protocols by authorities.
4. Prioritize protection of vulnerable detainees, especially women and Children.
5. Analyze patterns of police misconduct in custodial settings.

1.3.22.2 Scope of the Study

The study covers constitutional, legal, and institutional dimensions of Custodial violence, with emphasis on technology-driven prevention across Indian states and union territories.

1.4 3. RESEARCH PROBLEM

Persistent non-compliance with judicial mandates for CCTV installation And maintenance exacerbates the gap between constitutional ideals and Ground realities, enabling ongoing human rights abuses.

1.5 4. RESEARCH QUESTIONS

1. How effective is CCTV in deterring and evidencing custodial Violence?
2. What barriers hinder nationwide implementation?
3. What factors explain governmental and institutional inaction?
4. How can reliable footage preservation be ensured?
5. Does CCTV surveillance adequately balance security with privacy Rights?
6. What measurable reductions in violence result from proper CCTV Deployment?

1.6 5. HYPOTHESIS

- H1: Functional CCTV systems correlate with lower incidences of Custodial abuse.

- H2: Inadequate maintenance and functionality undermine Preventive efficacy.
- H3: Footage “unavailability” is a recurring issue in investigations of Alleged violations.

1.7 6. METHODOLOGY

Empirical approach involving stakeholder interviews (activists, legal Experts, officials), case studies of CCTV failures, and consultations with NGOs and community leaders.

1.8 7. LIMITATIONS

Challenges include underreporting of incidents, restricted access to Primary data, and reliance on secondary sources.

1.9 8. LITERATURE REVIEW

Insights from PUCL, NHRC, PUDR, and experts like Suhas Chakma Underscore the systemic nature of custodial violence and the need for Technological interventions.

1.109. CONCLUSION AND RECOMMENDATIONS

1.10.1 9.1 Conclusion

Effective CCTV integration, supported by legal, administrative, and Cultural reforms, is essential to realizing Article 21 protections in Custodial settings.

1.10.2 9.2 Recommendations

1. Mandatory and audited CCTV installation with real-time Monitoring.
2. Enhanced legal accountability and specialized courts.
3. Standardized training and public awareness initiatives.
4. Robust data protection and victim support mechanisms.

^{^1} D.K. Basu v. State of West Bengal, (1997) 1 SCC 416.

^{^2} Paramvir Singh Saini v. Baljit Singh, (2021) 1 SCC 184; K.S.

Puttaswamy v. Union of India, (2017) 10 SCC 1.