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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

INDIAN LEGAL SYSTEMS ON CUSTODIAL TORTURE

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ABSTRACT

Right to be protected from all sorts of torture is a basic human right which has to be protected by the legal system of each state. India as a democratic country, it has fundamental duty to see that all his citizens are free from all kinds of torture. There are different legislations wherein which there are provisions drafted for the protection of people from illegal detention and all forms of torture during detention. Even though these laws are there but still lot of innocent people are tortured and killed by the police and the jail authorities. State has to make sure that these laws are properly implemented at any cost.

Introduction

Right to life is the most important inalienable and transcendental human right which is to be protected from all quarters. Right to liberty is another important right which is very important for all individual. Both these rights are violated when an individual is subjected to custodial torture. Custodial crime resulting from torture is one of the worst crimes in the society governed by the rule of law¹. This grave problem has become a serious alarming issue in India. These vicious atrocities by the police authorities on these accused people are increasing².

Custodial torture has become a common method of interrogation these days and even the common people see it as a daily routine practiced by the police officer. When innocent ones dies due to the torture than only it will be a shocking news to the public and subsequently the government take this news seriously. The maximum punishment which is given to the police is the suspension. This incident will be in the mind of the people only for a temporary period

¹ In The important case DK Basu v State of WB, AIR 1997 S.C.610 Supreme Court has termed that the custodial death as the worst and most heinous crimes.

²R.S.Saini, Custodial torture in Law and practice with reference of India, <http://14.139.60.114:8080/jspui/bitstream/123456789/17566/1/007Custodial%20Torture%20in%20Law%20and%20Practice%20with%20Reference%20to%20India%20%28166-192%29>.

and afterwards when these incident's seriousness gets faded than the police will be taken back to their position.

According to national crime records bureau there were 1022 custodial deaths in police custody between 2000 and 2016 but FIR were filed only for 428 cases³. According to data revealed in parliament, there were 74 custodial deaths in 2017 alone.⁴ National Human Rights Commission's report states that there were 583 complaints related to custodial death and rape in Kerala. A report by the Asian Centre for Human Rights titled 'Torture in India 2011' states that all cases of police and prison custody are not reported to the NHRC. National Crime Records Bureau's data explains about only two custodial deaths in Kerala and it is based on the cases reported by the police. In these data it is shown that custodial death is due to the illness, natural causes or suicide. Here the police hide the actual details hence NCRB statistics are not reliable.⁵

The victims of the custodial torture belong to the weaker section of the society and these poor, downtrodden people have no money or political power to protect themselves from these police atrocities. Police are afraid to torture rich and affluent people as these people have immense resources to meet higher authorities to regain their freedom. The weaker section are informally kept in police custody without making any entry in their record about the arrest. During the time of investigation these deprived ones are subjected to heavy torture which leads to custodial death and the police record such custodial death as suicide committed by these victims. Family members or friends of these victims are unable to prove this case due to poverty, ignorance and illiteracy. Even if some voluntary association comes forward to take up this case or to file public interest litigation but still it takes years to get a speedy and effective remedy.⁶

There are central and state legislation which are framed to prevent such happenings of custodial

³RinchenNorbuWangchuk,Kerala Custodial death case :Here's why capital punishment for cops is a landmark, the better home, july 26,2018, <https://www.thebetterindia.com/152902/kerala-custodial-death-capital-punishment-police-reforms/>

⁴ Ankur Sharma, Only 428 FIRs were filed in 1022 custodial deaths between 2000-2016,says NCRB data, The New Indian Express, <https://www.newindianexpress.com/nation/2018/apr/15/only-428-firs-were-filed-in-1022-custodial-deaths-between-2000-2016-says-ncrb-data-1801728>.

⁵ Lily Paul, My beloved Brother Sreejiv ,Indian Legal, <https://www.indialegallive.com/constitutional-law-news/special-report-news/beloved-brother-sreejiv-43050>

⁶ Law Commission Report, Custodial Crimes, <https://indiankanoon.org/doc/45020694>

torture⁷. Indian constitution itself has many important articles which are has to be strictly followed in case of arresting a person. Kerala police has its own legislation called Kerala Police Act framed for the proper control of the behaviour of the police towards these arrested persons. Police has to go by the provisions of the important legislation such as Indian Constitution, 1950, Criminal Procedure Code and Indian Evidence Act and state legislations in the case of arrest, investigation, production of such person before the magistrate and during the trial of the case. If the police violates such provisions than punishment is prescribed in the Indian Penal Code .All these legislations gives protection to the person in custody .If there is any violation of these laws than court has the duty to take action against the police as per criminal procedure code, Indian penal code and state legislation. Hence the arrested person has complete right to be protected from all torture and his rights are safeguarded by the legislations.

Constitutional Provisions To Lessen Custodial Violence

The Preamble provides for a sovereign, socialist, secular and democratic republic⁸. In order to attain this aim of the preamble, the constitution of India added the fundamental rights and directive principles of state policy and thus created a secular state. This secular state is based on the principle of equality and non discrimination. It strikes a balance between the rights of the individual, duty and commitment of the State in order to establish an egalitarian social order.⁹. The Indian constitution has responded to the international convention of torture by incorporating various provisions applicable in prevention of custodial torture. The human rights are not only available to the persons who are free but also to the person who are detained under the custody of the police officers. The accused is protected not only by procedural laws but also by the various articles of the constitution. One of the well known maxims that is “a man is presumed innocent until he is proved guilty” is considered as the vital maxim by the makers of the Indian constitution. And it is in the background of the maxim that the articles of the constitution are applicable in case of the accused, suspect and under trial¹⁰.

Indian Constitution does not specifically define “torture” nor have any exclusive provision prohibiting it but glimpse of it can be drawn from various provisions wherein human dignity

⁷ Implementation of ‘United Nation Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment’ through Legislation, Law Commission of India, Report No.273, October, 2017, <http://lawcommissionofindia.nic.in/reports/Report273>.

⁸ Secular and Socialist words inserted vide 42 Amendment, 1976

⁹ V. N. Shukla, The Constitution of India, (1998) p. LXXIV

¹⁰ Jayasree Lakkaraju, Women Prisoners in Custody, (2008) pp. 44-45

has been given utmost importance.¹¹ Part III of the Constitution incorporates certain fundamental rights which are applicable in case of accused. These rights are stated under Articles 14, 19, 20, 21 and 22. Article 21 of the Constitution states that no person shall be deprived of life or personal liberty except according to procedure established by law. Though Article 21 does not contain any express provision against torture or custodial crimes, the expression life or personal liberty in the article 21 has been interpreted to include constitutional protection against torture, assault or injury against a person under arrest or under custody. In the landmark case of the Supreme Court of India observed that using torture to extract information would be 'neither right nor fair and therefore would be impermissible and offensive to Article 21'.¹²

The prohibitions imposed by Article 20 of the Constitution are directly relevant to the criminal process. Article 20(1) prohibits retrospective operation of penal legislations. Article 20(2) guards against double jeopardy for the same offence. Article 20(3) provides that no persons accused of any offence shall be compelled to be a witness against himself.¹³ These three clauses of article 20 protect the rights of the accused person. Right to be informed of the grounds for arrest is another important fundamental right available to the person who is detained. This right comes under the Article 22(1) of the Constitution. Grounds for arrest are to be communicated to the accused person as soon as possible. Due to this provision the arrested persons are able to file a writ of habeas corpus or apply for bail. And this article states that the arrested person should be produced before a Magistrate within twenty-four hours of his arrest.¹⁴ The solitary aim of these articles is to protect and safeguard the life, dignity and liberty of the person suspected of the commission of any offence.

Protection under Indian Penal Code, 1860

Indian penal code does not have separate provisions for punishing custodial torture but they are classified as aggravated forms of offences such as rape, hurt and intimidation. The term 'injury' is defined in section 44 of the Indian Penal Code as harm to body, mind, reputation or

¹¹Mamta Rao, Constitutional Law, Eastern Book Company, 2013.

¹²D K Basu v State of West Bengal (1997) 1 SCC 416

¹³Article 20- (1) No person shall be convicted of an offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself.

¹⁴Article 22 in the constitution of India, Indian Kanoon, <https://indiankanoon.org/doc/581566/>

property. Torture undergone under the police custody is also considered as injury. Section 330, 331, 341 and 348 of the Indian Penal Code has been framed for deterring the police officer from using third degree method during investigation. Section 330 of the IPC states that if any person causes any voluntary hurt in order to extort any confession or any information which may lead to the detection of an offence or misconduct or for compelling restoration of any property etc then he will be punishable with imprisonment up to 7 years and fine. For example if a police officer tortures the person in custody in order to induce him to confess the crime than he is guilty of the offence. Section 331 punishes a person who causes grievous hurt to extort confession or to compel restoration of property and the offender will be punished with the imprisonment up to 10 years and fine.¹⁵ Supreme Court held in a landmark case that the state is responsible for the tortuous acts of its employees.¹⁶ The main object of these two provisions is to prevent police from torturing the person in custody during the time of interrogation. Here the offence is absolute when hurt or grievous hurt is caused to extort confession.

If police officer having the authority to arrest knowingly exercises that authority in contravention of the provision of law and causes an illegal arrest than he can be prosecuted under section 200 of the IPC and such person who commit such offence shall be punishable as per section 342 for wrongful confinement. Illegal arrest is a form of false imprisonment and such persons who are committing such offences are exposing him to a suit for damages in civil suit.¹⁷ When death occurs due to the torture in the police custody than the maximum punishment is death penalty. And here the police take plea of private defense but the law does not give any special preference to the police so here the burden of proof is on the police to prove that their case comes under private defense. Another important provision is the section 376(1) (b) which penalizes custodial rape committed by the police officer. This provision was added to the section 376 after the famous case known as Mathura Rape case.¹⁸ This amendment has made a new change as it punishes the police officers who indulge in such custodial rape. These are the provisions stated in Indian Penal Code which are framed for the prevention of

¹⁵ Section 331- "Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

¹⁶ A Women Resources Centre v Commr of Police, Delhi, AIR 1990 SC 513.

¹⁷ Anwar Hussain v Ajai Kumar Mukherjee, AIR 1965 SC 1651

¹⁸ Tuka Ram and Anr v State of Maharastra 1979 AIR 185.

custodial torture by the police during the time of investigation.

Protection under Criminal Procedure Code, 1973

The criminal procedure code contains various provisions for protecting the rights of the arrested persons and they are the safeguards against torture. Section 49 of the criminal procedure code protects the arrested person from the unnecessary restraint.¹⁹ Unnecessary restraint can lead to occurrence of damages to the arrested person. Section 50 provides that when a person is arrested then he must be communicated the grounds of arrest.²⁰ Non-compliance of this provision will lead to arrest illegal as per article 22 of the constitution. Section 50 gives protection from illegal arrest and custodial torture. As per this section no person shall be illegally arrested and must not be subject to torture while in police custody.

Section 54 is another important section which gives the arrested person the right to get his body examined. It has been held in *Sheela Barse v State of Maharashtra* that the magistrate has the duty to inform the arrested person that he has the right to medical examination if he has a complaint of any torture or maltreatment.²¹ Section 56 provides the right to the arrested persons to be produced before the magistrate without unnecessary delay. This provision is provided in order to avoid custodial torture by the police. Section 57 also states that no person arrested without warrant should be detained in custody for a longer period. The object of section 56 and 57 is to ensure that prolonged detention is not applied by the police. The person detained has an opportunity to make the magistrate know about the problems he has faced such as custodial torture, maltreatment etc.

Another important provision is section 176 which states about the inquiries in custodial death. According to this section state has a legally mandatory obligation to order magisterial inquiry in custodial death but in practice these inquiries are held by the executive magistrate who have only restricted power in case of investigation and have to depend on the evidence given by the police. Section 164 gives power to the metropolitan magistrate to record any confession or statement made to him during the course of investigation. As per clause 1 of this section, no

¹⁹ The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

²⁰ Section 50(1) Every police officer or other person arresting any person without warrant shall forthwith communicate to him all particulars of the offence for which he is arrested or other grounds for such arrest.

(2) Where a police officer arrests without warrant any person other than a person accused of a non-bailable offence, he shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf.

²¹ AIR 1983 SC 378.

police officer has power to record the confession on which any power of magistrate has been conferred under any law. Through this clause it is very clear that magistrate has the absolute power to record the confession. All these are the vital provisions followed by the state, police and the magistrate when a person is in custody.

Protection under Indian Evidence Act, 1872

There are various provisions in Indian Evidence Act for protecting the arrested or detained person from torture. Section 24, 25 and 26 provides that confession made to the police is inadmissible. As per section 24 any confession will be considered as irrelevant by the court if it appears to the court that it is made by way of inducement or threat. Confession is admissible only if it is voluntary. Section 25 provides that confessional statement to the police officer is inadmissible in evidence and cannot be brought on record by prosecution to obtain conviction.²²

In *Aghnu Nagesia v State of Bihar*, the Supreme Court held that if a first information report is given by the accused to the police officer and amounts to a confessional statement, proof of such confession is prohibited by section 25²³. Section 26 states that confession while in police custody could not be proved against him. The statement made in police custody remains unreliable unless it is subjected to cross examination or judicial scrutiny.²⁴. Section 27 is in the nature of proviso to the above sections which deals with the confession to the police. It lays down that when any fact is discovered as a result of information received from an accused person in the custody of police officer then so much of the information as distinctly related to the facts so discovered as relevant whether or not amount to confession. Finding of facts in consequences of the confession appears to render trustworthy that part related to them and whether the statement received out of compulsion or not is absolutely immaterial. Section 27 can be used as a powerful weapon in the hands of the police and it has been used by the police to extract confession but this section is applicable only when any fact is discovered as a result of information given by the arrested persons. Another important section is 50A which gives power to the magistrate to make sure that police has informed the ground of arrest and has recorded about the arrest in the book maintained by the police and while recording confession the magistrate has the duty to inform the arrested person that he is not bound to make the confession and if he makes confession then it won't be used against him.

²² Ram Singh v Central Bureau of Narcotics, AIR 2011 SC 2490.

²³ AIR 1966 SC 119.

²⁴ Smt. Selvi v State of Karnataka.

These are the vital provisions which protect the arrested person from torture.

Protection under The Indian Police Act, 1861

Section 7 and 29 of the Indian Police Act provides for the dismissal, penalty or suspension of police officer who are negligent in the duties or to unfit to perform the same. This can be seen in the light of the police officers violating various constitutional and statutory safeguards along with guidelines given in *D.K.Basu v State of West Bengal*.²⁵ When such provisions are violated then these police officers will be dismissed or suspended from their police duty.

Protection under the Human Rights Act, 1993

Protection of Human Rights Act, 1993 states that National Human Rights Commission was established with the main objective of promoting the human rights of all people. This Act defines human rights as the right relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the international covenants and enforceable by the court in India.²⁶ NHRC has the power to inquire either on petition or suo motto into complaints of violation of the human rights or abetment thereof or negligence in the prevention of such violation by a public servant. The Human Rights Act also provides for the establishment for the state human rights commissions and Human Rights Court at the district level in each state for the protection of the human rights of the citizens including the arrested persons.²⁷

Reports of Law Commissions of India

1. 113th Report 1985: Injuries in police custody

Through the 113th report, the law commission recommended the amendment to the Indian Evidence Act by inserting 113B by providing that if there is a custodial injury taking place and if there is evidence then court may presume that injury was caused by the police having custody of that person. Here burden of proof is on the police authorities.

The amendment states as follows:

“114-B. (1) In a prosecution (of a police officer) for an offence constituted by an act alleged

²⁵ Rukmani Seth, Custodial torture, Legal Service INDIA, <http://www.legalservicesindia.com/article/297/Custodial-Torture>.

²⁶ Section 2 (d). of the The protection of human rights Act ,1993.

²⁷ The Protection of Human Rights Act, 1993, National Human Rights Commission, <https://nhrc.nic.in/acts-&-rules/protection-human-rights-act-1993-1>.

to have caused bodily injury to a person, if there is evidence that the injury was caused during a period when that person was in the custody of the police, the court may presume that the injury was caused by the police officer having custody of that person during that period.

(2) The court, in deciding whether or not it should draw a presumption under subsection (1), shall have regard to all the relevant circumstances including, in particular,

- a) The period of custody
- b) Any statement made by the victim as to how the injuries were received, being a statement admissible in evidence.
- c) The evidence of any medical practitioner, who might have examined the victim,
- d) Evidence of any magistrate, who might have recorded the victim's statement or attempted to record it.”²⁸

2. 152nd Report 1994: Custodial crimes

The report deals with the issues of arrest and abuse of authority by the police officials and it referred the constitutional provisions such as Article 20, 21 and 22. It also considered the provisions of Indian Penal Code such as section 166 & 167 (disobeying the directions of law by the public officers), section 220 (confining a person for corrupt and malicious reasons), section 330 and Sec. 331 (illegal restraint and causing harm to body), section 376(2) (aggravated form of rape committed by the police officer etc), section 376B to 376D (custodial sexual offences). Some of the important provisions of the CRPC are considered such as the section 41 (arrest), section 50 (grounds for arrest), section 56-58 (action after arrest), section 164 (confession before magistrate). In case of Indian Evidence Act, the commission reiterated about adding new provision that is section 114B.²⁹

3. 185th Report 2003: Review of the Indian Evidence Act

In this report the commission stated that the Supreme Court in *State of MP v Shyam Sunder Trivedi* has referred the 113th report of the law commission. And the court observed that if there is an allegation that bodily injury was caused in the police custody and if there is evidence that

²⁸ One hundred and thirteenth report on injuries in police custody, Law commission of India, <http://lawcommissionofindia.nic.in/101-169/Report113>.

²⁹ One hundred and fifty second report, Law commission report on custodial crimes, <http://lawcommissionofindia.nic.in/101-169/Report152>.

injury was caused during the police custody than court may presume it to be true unless the police prove it. Court hope that the government and the legislature would seriously take the recommendation of the law commission.³⁰

4. 268th Report 2017: Amendments to Code of Criminal Procedure 1973: Provisions relating to bail

Commission recommended for the insertion of the section 41(1A) and amendment to section 41B of Criminal Procedure Code. This provision requires the police to intimate the rights of the arrested person for bail and for liberalizing the process of bail.³¹

Custodial Torture in Kerala

The state is bound to safeguard the human rights and especially the state machinery such as the police has the duty to protect such rights including the rights of the arrested person. However the protectors such as the police turn to be the violators of the human rights. This can be seen in the occurrence of custodial death and torture in the police custody³². Kerala is one such state known for high literacy is famous for the wide human right violation taking place in the custody of police. Different methods of human right violation taking place are torture, illegal arrest, illegal detention, false implication, ill treatment etc. These human right violations cause fear in the mind of the common people and so they enter the police station for seeking remedy only with the aid of an advocate or politician. Torture is a heinous and common method used by the Kerala police. Torture can be started from simple beating to causing death of the person in custody.

There are different types of methods of torture used during the time of investigation. Uruttal method is one of the popular methods which is even now practiced in kerala. It is a cruel and barbarous kind of torture. And this kind of torture has been noticed after the infamous Rajan's case of custodial death during emergency³³. Rajan an engineering student was subjected to this uruttal method and was killed as a result of torture. There are other methods of torture such as

³⁰ Implementation of United Nations Convention against torture and other cruel, inhuman and degrading treatment or punishment through legislation, Law Commission of India, <http://lawcommissionofindia.nic.in/reports/Report273>.

³¹ Law Commission of India, Government of India, October, 2017, <http://lawcommissionofindia.nic.in/reports/Report273>.

³² Abdul Azeez H, Human Rights v Police – A Probe from Human Rights Perspective, Heinonline, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/nulj6&div=22&id=&page>.

³³ K. Karunakaran v T.V. Eachara Warriar AIR 1978 290.

rocket method, aeroplane method, heavy electric shocks method which are commonly used in the police station.

After the historical Rajan custodial death case there has been custodial torture and death taken place in kerala. On July 17, 2017 a dalit youth named Vinayakan was tortured in police custody and later he committed suicide as a result of torture and shame³⁴. Another custodial death is Varapuzha custodial death in which a person called Sreejith was arrested on April 7, 2018 due to a suspicion that he has abetted the suicide of the person named Vasudevan. And Sreejith died due to the serious abdominal injuries from police torture³⁵. On June 12, 2019, a person called Rajkumar was tortured in Nedumkandam police station for four days and as a result he died. According to the post mortem report it was stated that all organs of Rajkumar was seriously injured and not even taken to the hospital.³⁶ All these incidents are very few in number which has been made know to public but still there are lots of custodial tortures taking place within four walls of police station or jail and has been suppressed by the police and other responsible authorities. In addition to the Indian legislations which are applicable in Kerala, there is a state legislation called Kerala Police Act which states about few provisions for preventing abuse of power in police custody.

Kerala Police Act, 2011

Kerala Police Act is an act to consolidate and amend the law relating to the establishment, regulation, power and duties of the police force in the state of Kerala. Sec.4 of the Act states about the functions of the police. One of the functions is related to the protection and security of persons in custody³⁷. Police has the duty to keep the person in custody safe and secured. Section 8 states about the rights of the public at a police station. Clause (6) of the section 8 states about the right of the citizen to know whether particular person is in police custody³⁸. So the police has the duty to inform the citizen about the details of the person in custody when the said citizen ask for it. Section 13 states about the person competent to verify the custody facility. This section gives the power to the chairpersons and members of the State Human Rights Commission or the State Women's Commission or the SC/ST Commission or the State

³⁴ K.Sajan v State of Kerala B.A NO 6289 OF 2017.

³⁵ Akhila v State of Kerala WP(c) No.14402 of 2018(A).

³⁶ J.Prabhavathiamma v The state of Kerala WP(C) No.24258 of 2007(K).

³⁷ Section 4(m) of the Kerala Police Act – to ensure the protection and security of the persons in custody in accordance of law.

³⁸ Section 8 (6) of the Kerala Police Act.2011 –Any citizen shall have the right to know whether any particular person is in custody at the police station.

or the District Police Complaint Authorities to enter the police station to check the conditions of any person in custody.³⁹ As per section 29, police officer should not use force against anyone or threaten that it will use force. .Clause 5 of this section states that police shall not misbehave or use indecent language to anyone in their care or custody. When a person is in custody the police have the responsibility as per this Act to behave decently. These are the important provisions of the Kerala police Act which the Kerala police have to follow while taking a person into to their custody.

Conclusion

There are constitutional and statutory provisions which are applicable in case of arresting a person and putting them in police custody but still there is a grave human right violation happening through the custodial torture caused to the victim of such torture by the police authorities. This happens because of abuse of the provisions to be followed in case of arrest. Legal provisions gives powers to the police officers to arrest the person and put him behind bar but that doesn't mean that it has the authority to abuse the due process of law and take the law into their hands. Fear of being punished for violating the provisions of legal custody should be there in the mind of these police officers as well especially in country like India where rule of law is followed. Stringent punishment should be given to these police officers who violate these laws.⁴⁰ Actual practice which is going on is that the police are given only suspension as a form of punishment instead of stringent punishment. Kerala police even now in this 21st century use third degree method of torture instead of following the legal provision applicable in case of interrogation and investigation of the arrested persons. Laws relating to the protection of the rights of the arrested person and prevention of custodial torture only remains in books and what is practically going on are the violation of these laws.

³⁹ Section 13 –Persons competent to verify the station diary and custodial facility — (1) All Chairpersons and members of the State Human Rights Commission or the State Women's Commission or the State SC/ST Commission or the State or District Police Complaints Authorities may enter in a Police Station and directly verify the entries in any General Diary maintained under section 12 and the condition of any person kept in custody.

⁴⁰ Komal Kapoor & Sarthak Kapila, Custodial Torture: A gross Violation of human rights, Journal of Legal Studies and Research.