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THE ROLE OF NGOS IN ADVOCATING AGAINST CUSTODIAL VIOLENCE IN INDIA: AN ANALYTICAL STUDY

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Abstract

Custodial violence in India remains an enormous human rights challenge, highlighting a profound disparity between constitutional assurances of life and dignity and the actual experiences of those in police custody. Although there are good laws in theory, such as constitutional rights and laws to protect us, in the real sense, torture, sexual assault, and psychological abuse continue to occur in police lock-ups and prisons due to system failures, the gaps in the law and the culture of impunity. In this paper, I consider the importance of the role played by non-governmental organizations (NGOs) in the struggle against this long-standing violence. NGOs have been on the frontline in doing this through intelligent litigation, record-keeping, advocacy, and grassroots mobilization which led the way in exposing abuse, getting historic court interventions, and pushing for institutional changes. Their actions have had a big impact on important legal issues. However these victories are undermined by persistent lapses of application, false statistics and political hostility. Official data is still incomplete and inconsistent, which allows the government to downplay the seriousness of the crisis. The paper claims that combating custodial violence is structurally connected with the struggle to uphold democratic accountability in India based on the constitutional analysis, data assessment, and case studies. Through aligning policing activities and human rights events, alongside promoting democratic principles, I believe that we would have a model of law enforcement that not only embodies and recognizes the rights of the minority groups belonging to a majority but also advances pinpointed trustworthiness among the populace as well as the achievements of the integrity of the institutions. The research findings should play a significant role in the ongoing policy debate and policy reforms in the criminal justice system of India.

Key words: Custodial Violence, NGOs, Custody, Torture, Accountability

Introduction

Custodial violence in India is more than a bizarre aberration in the criminal justice system. It is a well-grounded problem that reveals the extent to which the rule of law is today under siege and the constitution promise of life and dignity being blatantly violated.¹ This is because it has been a brutal tradition, which dates back to the colonial policing where the common practice was inflicting Danda, i.e. punishment and that legacy continues today where the police station or jail have an environment where rights are suspended and police can do whatever they want.² All the reports of torture, rape and death in custody attest to the reality of that, and completely discredit the reality of a democratic society.³

While India's legal system has created a fairly robust set of safeguards, it is really NGOs' ongoing, multi-faceted and sometimes risky efforts that make such safeguards a reality. NGOs' function is vital as they advance the legal argument, expose impunity and call for institutional change in a society clearly stuck in institutional unwillingness and hostility. Through a blend of smart litigation, vigilant data collection, policy advocacy, and grassroots mobilization, these NGOs challenge the state's narrative, call for justice to victims, and attempt to bridge the divide between what the constitution guarantees and what is ground reality of custodial violence.

This paper adopts a multi-disciplinary approach. First, it examines constitutional and statutory legislation aimed at preventing custodial violence and then points to the gaps and failures that allow it to continue unabated. Next it crunches the numbers of official data to demonstrate the extent to which the politics of numbers obscures the actual extent of the crisis. The paper also provides an extensive list of NGO tactics, mapping the various strategies established by the different groups. It moves on to evaluate the extent to which this advocacy has indeed influenced court decisions and policy debates and it also highlights the limitations of that influence. The discussion then focuses on the increasingly hostile environment for NGOs, including regulatory, political and on-the-ground challenges to their survival and effectiveness. Finally, it concludes by summarizing research findings and suggesting a strategic plan for

¹ Sunil Kumar and Dhruv, "Custodial Violence in India: Legal Gaps and the Quest for Police Accountability" (Jagannath University and Maharishi Dayanand University, 2025) <<https://www.lawjournals.net/assets/archives/2025/vol7issue2/7059.pdf#:~:text=Custodial%20violence%20remains%20a%20pervasive,emphasizes%20the%20urgent%20need%20for>> accessed September 21, 2025.

² Mohapatra, "Custodial Violence and Human Rights : Legal Implications" (2017) 5 International Journal of Research in Management & Social Science <https://www.suniv.ac.in/NAAC/Criteria-3/3.4.5%20Publications/3.4.5_2017/2017_8.pdf> accessed September 21, 2025.

³ "Custodial Violence" (BYJU'S) <<https://byjus.com/free-ias-prep/custodial-violence/>> accessed September 21, 2025.

future civil-society action in order to remain resilient and effective in the struggle against brutality authorized by the state.

Custodial Violence in India

Custodial violence is the umbrella term for all forms of abuse suffered by an individual under the charge and care i.e. the "custody" of a state authority, typically in police lock-ups or judicial prisons.⁴ It turns the concept of "custody" from protective care to a place of coercion and violence.⁵ Such abuse is not just physical; but also can be psychological and sexual and all of these can shatter the will of the person suffering from them.

A typology of this violence includes physical violence, the most obvious, involving brutal beatings, so-called "third degree" methods for coercive interrogations, and infliction of intentional pain such as suspensions, electric shocks, and even mutilation.⁶ These acts often result in serious injury, lifelong disability, or death which the police then often attribute to suicide or natural causes.⁷ The next type is psychological violence. This covert abuse damages an individual's mental and emotional well-being. It involves sleep deprivation, solitary confinement, perpetual ridicule, threats to the victim or the victim's family, and false information that induces a mental distress.⁸ The individual may be released but it often leaves long-lasting scars like Post-Traumatic Stress Disorder (PTSD), anxiety and depression.⁹ The third type is sexual violence. Custodial environments are often very susceptible to sexual abuse. This can include verbal harassment and forcing someone to undress to rape and other sexual assaults.¹⁰ It's a gross violation of bodily autonomy and dignity and women and people from marginalized gender and sexual identity groups are most at risk.¹¹

⁴ Mohapatra, "Custodial Violence and Human Rights : Legal Implications" (2017) 5 International Journal of Research in Management & Social Science <https://www.suniv.ac.in/NAAC/Criteria-3/3.4.5%20Publications/3.4.5_2017/2017_8.pdf> accessed September 21, 2025.

⁵ "Custodial Violence" (BYJU'S) <<https://byjus.com/free-ias-prep/custodial-violence/>> accessed September 21, 2025.

⁶ Kumar and Dhruv, "Custodial Violence in India: Legal Gaps and the Quest for Police Accountability" (2025) 7 International Journal of Law, Policy and Social Review 155 <<https://www.lawjournals.net/assets/archives/2025/vol7issue2/7059.pdf>> accessed September 21, 2025.

⁷ "Custodial Violence" (BYJU'S) <<https://byjus.com/free-ias-prep/custodial-violence/>> accessed September 21, 2025.

⁸ RE- INHUMAN CONDITIONS IN 1382 PRISONS, WRIT PETITION (CIVIL) NO. 406 OF 2013

⁹ Suresh Chandra Sagar and Uday Veer Singh, "Legislative Reforms in India and Custodial Violence: A Legal Upgradation in Present Scenario" (2024) 4 International Journal of Criminal Common and Statutory Law 214 <<https://doi.org/10.22271/27899497.2024.v4.i2c.108>> accessed September 21, 2025.

¹⁰ Kumar and Dhruv, "Custodial Violence in India: Legal Gaps and the Quest for Police Accountability" (2025) 7 International Journal of Law, Policy and Social Review 155 <<https://www.lawjournals.net/assets/archives/2025/vol7issue2/7059.pdf>> accessed September 21, 2025.

¹¹ Ibid.

Systemic Failures and Legislative Gaps

Even though there is a full set of laws on the board, there is a huge gap between the law as it is written and what actually happens. That gap is sustained by systemic failures, slow legislative action and a deep-rooted culture of impunity. Having a strong legal framework in place on paper but failing to enforce it against those who abuse power is a clear indication that this is not just a lack of legal tools but a political and systemic refusal to hold people in power truly accountable. The parchment of protection has been found to be more an ideal than a safety net for victims.

One of the major issues is the perseverance of the Indian Government in not ratifying the **United Nations Convention Against Torture (UNCAT)**. Despite being signed in 1997, every subsequent government has been unable to ratify the treaty. Doing so would put India in the international spotlight and will compel it to draft a domestic law that meets the standards of the convention.¹² This stalemate is a clear indication that the political will to directly address the problem is not present.

This attitude also manifests itself in the recurring failure to pass an independent anti-torture law. The Bharatiya Nyaya Sanhita, 2023 sections are perceived as too weak as they do not clearly define torture in line with international standards and the punishments are not severe enough. The Prevention of Torture Bill, 2010 and its amendment in 2017 failed despite an outcry from citizens and despite the fact that the Convention on the prevention of torture was ratified in 2004. This happened largely because the laws couldn't get the requisite support among states, and there were concerns that it could be "abused" as a weapon against the police.¹³ The Prevention of Custodial Torture Bill, 2023, is the most recent move to close that gap, seeking to make custodial torture, death, and sexual abuse a criminal offense, while also providing compensation and rehab to those victims.¹⁴ However, its passage remains uncertain.

The root of custodial violence lies in the policing culture of India itself. There are various

¹² Arshiya Singh and Social and Political Research Foundation, "Custodial Torture and The Need For Comprehensive Police Reforms" Social & Political Research Foundation <<https://sprf.in/wp-content/uploads/2024/12/Custodial-Torture-and-the-need-for-Comprehensive-Police-Reforms.pdf>> accessed September 21, 2025.

¹³ Anna Adams and Center for Asian Democracy, "Custodial Torture in India" (University of Louisville, 2022).

¹⁴ Parliament, "THE PREVENTION OF CUSTODIAL TORTURE BILL, 2023" (2023) <https://sansad.in/getFile/BillsTexts/RSBillTexts/Asintroduced/custodial_torture-E1219202344710PM.pdf?source=legislation> accessed September 21, 2025.

factors that contribute to custodial violence such as the culture of impunity where police officers believe that they will not have to pay for what they do. This attitude is reinforced by the low rates of officers' conviction for custodial violence.¹⁵ Then another factor is the pressure to produce results. The tremendous pressure and demand for quick results force officers to resort to illegal 'third degree' tactics in order to extract confessions, a short-cut route to case closure.¹⁶ Lack of scientific investigation is another factor as most officers still depend on confessions as the primary evidence since there is still a lack of adequate training and resources for forensic science.¹⁷ Systemic issues such as bad prison conditions, extreme overcrowding (prisons run at over 131% capacity nationwide), and big staff shortages also create an environment where violence and neglect are common.¹⁸ Lastly, societal sanction, a public mind set that leans towards "an eye for an eye" can quietly give support towards violence against accused people, normalizing police brutality further.¹⁹

Typology of NGO Interventions

In the face of systemic impunity and state obfuscation, a variety of invigorating and resilient non-governmental organizations have emerged as the main driving force advocating against custodial violence in India. These groups though different in their specific mandate and methodologies concurrently produce a counter-narrative that challenges official accounts, seeks justice for victims and pushes structural reform. Their interventions can be broadly classified under four complementary strategies: litigation, documentation, policy reform, and grassroots mobilization.

These specializations don't function in proximity, but create a synergistic chain of accountability. The careful documentation and reporting at work by watchdogs forms the evidential basis for the strategic litigation undertaken by legal aid groups. The landmark

¹⁵ Arshiya Singh and Social and Political Research Foundation, "Custodial Torture and The Need For Comprehensive Police Reforms" Social & Political Research Foundation <<https://sprf.in/wp-content/uploads/2024/12/Custodial-Torture-and-the-need-for-Comprehensive-Police-Reforms.pdf>> accessed September 21, 2025.

¹⁶ "Custodial Violence" (BYJU'S) <<https://byjus.com/free-ias-prep/custodial-violence/>> accessed September 21, 2025.

¹⁷ Harmoor and Priyanka Dhiman, "Prevention of Custodial Violence in India and the Role of the Supreme Court," vol 13 (2025) journal-article <<https://blog.iplayers.in/custodial-deaths/>> accessed September 21, 2025.

¹⁸ "India 2022 Human Rights Report" (2022)

¹⁹ Arshiya Singh and Social and Political Research Foundation, "Custodial Torture and The Need For Comprehensive Police Reforms" Social & Political Research Foundation <<https://sprf.in/wp-content/uploads/2024/12/Custodial-Torture-and-the-need-for-Comprehensive-Police-Reforms.pdf>> accessed September 21, 2025.

judgments won in this litigation, in turn, provide legal leverage and normative standards which policy-fixers invoke to make the case for systemic change. Finally, the public awareness and pressure generated by grassroots mobilizers creates the political environment for these legal and policy battles to catch on and be taken seriously by the state. This connectedness transforms a body of independent organisations into an impressive (if informal) network of accountability.

2.1 The Litigators: Seeking Justice Through the Courts

A cornerstone of the NGO response to custodial violence is strategic litigation especially Public Interest Litigations (PILs) to challenge systemic failures and seek judicial intervention. These groups use as a forum the judiciary power to enforce the constitutional rights of those in custody.

- **People's Union for Civil Liberties (PUCL):** One of India's old and highly respected human rights bodies have a long record of utilizing the legal system against the excesses of the state.²⁰ Established in 1976 by Jayaprakash Narayan during the Emergency, PUCL has been fighting state impunity ever. Its work has been instrumental in attracting judicial attention to "fake encounters," strongly extrajudicial killings, which have been prepared as if they were gun battles, and which are intrinsically associated with custodial violence.²¹ In an important case relating to 99 alleged encounters in Mumbai, petitions filed by PUCL insisted the Supreme Court enforce a detailed set of 16 requirements for investigation of such cases, which gave a mandatory procedural accountability to ensure transparency in such cases.²²
- **Human Rights Law Network (HRLN) and Socio-Legal Information Centre (SLIC):** These NGOs are leading the way in delivering direct legal services to the most vulnerable. SLIC's Criminal Justice Initiative (CJI) provides pro bono legal aid for under-trials and convicted prisoners who cannot afford representation.²³ Their strategy is by working from within the prisons, where they would collaborate with more progressive prison administrators to establish legal aid clinics and represent indigent persons.²⁴ A major part of their work is confronting poor conditions inside prisons

²⁰ People's Union for Civil Liberties, "KNOW PUCL" (Sixth Edition, PUCL 1988) <<https://www.pucl.org>> accessed September 21, 2025.

²¹ People's Union for Civil Liberties, "KNOW PUCL" (Sixth Edition, PUCL 1988) <<https://www.pucl.org>> accessed September 21, 2025.

²² Ibid.

²³ People's Union For Civil Liberties vs State Of Maharashtra & Ors, 2014 AIR SCW 5940

²⁴ "Criminal Justice" (Socio-Legal Information Centre (SLIC)) <<https://slic.org.in/initiative/criminal-justice-initiative>> accessed September 21, 2025.

through litigation. For example, their petition in *Kavita Kaushik vs. State of Maharashtra* sought to improve the conditions under which prisoners can meet their families, which is one of the most important connections to the outside world as it can be a safeguard against abuse.²⁵ HRLN, as its name says, a collective of lawyers and social activists, has litigated several landmark PILs, which have influenced the jurisprudence of human rights in India, across a wide range of issues, including the rights of prisoners.²⁶

2.2 The Watchdogs: Documenting, Reporting, and Exposing

This category contains NGOs that specialize in fact-finding, collecting data, and reporting. Fundamental to their work is that they act as the eyes and ears of the human rights movement by building the evidentiary basis for both litigation and advocacy by systematically documenting what the state often tries to hide.

- **National Campaign Against Torture (NCAT):** NCAT is essentially the most reliable source of data on custodial violence in India. Its flagship publication, the "India: Annual Report on Torture," provides a granular analysis that goes far beyond official statistics.²⁷ It lays out all the different forms of torture from breaking limbs up to electricity and rape.²⁸ Even better, the book also analyses those who are hit the hardest and shows that the poor and the marginalized, Dalits, Adivasis and Muslims are disproportionately targeted.²⁹ Through reporting on hundreds of cases annually, NCAT directly challenges the state's sanitized narrative and provides an indispensable resource for researchers, lawyers, and international bodies.³⁰
- **Amnesty International and Asian Centre for Human Rights (ACHR):** These global and regional organizations help raise awareness of the issue at the international level. Amnesty has been documenting tortures to death for decades, naming hundreds of

²⁵ Ibid.

²⁶ Ibid.

²⁷ "India: Annual Report on Torture 2020" (NATIONAL CAMPAIGN AGAINST TORTURE, March 18, 2021) <<https://www.uncat.org/wp-content/uploads/2021/03/IndiaTortureReport2020.pdf>> accessed September 21, 2025.

²⁸ Ibid.

²⁹ Tripura, "Rights Group Condemns High Number of Custodial Deaths in India" (National Campaign Against Torture, July 4, 2019) <<https://www.uncat.org/in-media/rights-group-condemns-high-number-of-custodial-deaths-in-india/>> accessed September 21, 2025.

³⁰ Arshiya Singh and Social and Political Research Foundation, "Custodial Torture and The Need For Comprehensive Police Reforms" Social & Political Research Foundation <<https://sprf.in/wp-content/uploads/2024/12/Custodial-Torture-and-the-need-for-Comprehensive-Police-Reforms.pdf>> accessed September 21, 2025.

detainees and revealing how torture is suppressed.³¹ Their findings draw attention to the vulnerability of the marginalized and the almost total impunity enjoyed by the perpetrators.³² Compiled by human rights organisation ACHR in its "Torture in India" reports, profiles are rife with all sorts of astronomical figures (over 14,000 deaths in police custody between 2001 and 2010), claiming that the majority were directly due to torture in one way or another.³³

2.3 The Reformers: Advocating for Systemic Change

While litigation addresses individual injustices and documentation exposes patterns of abuse, another NGO attempts systematic change in how the police and prisons operate and facilitate custodial violence.

- **Commonwealth Human Rights Initiative (CHRI):** CHRI plays a major role in police and prison reform.³⁴ Their work involves in-depth research and policy to strengthen police accountability and transparency.³⁵ It strongly supports the Supreme Court's directives emerging out of Prakash Singh case for the operational independence of the police and establishment of independent grievance redressal mechanisms to be fully implemented.³⁶ They release a wide range of concrete reform status reports, carefully monitor the conditions in prisons, and raise pressure on civil society to demand a rights-based system of policing.³⁷
- **Indian Police Foundation (IPF):** The IPF represents a unique "insider-outsider" approach to reform. As a multi-disciplinary think-tank founded in 2015, it brings together active and retired policemen, civil servants, academics, and leadership in the civil society to work from the inside to reform the police.³⁸ Their strategy is less confrontational and more collaborative, which pursues research, capacity strengthening

³¹ <<https://www.amnesty.org/en/>> accessed September 21, 2025.

³² Ibid.

³³ "INDIA: Torture in India 2011" (Child Rights International Network, November 22, 2011) <<https://archive.crin.org/en/library/publications/india-torture-india-2011.html>> accessed September 21, 2025.

³⁴ "Commonwealth Human Rights Initiative (CHRI)" (The Commonwealth) <<https://thecommonwealth.org/organisations/commonwealth-human-rights-initiative-chri>> accessed September 21, 2025.

³⁵ Ibid.

³⁶ Ansh Attri and Manoj Kumar Tripathi, "Police Reform and Human Rights: Bridging the Gap in Protection of Minority Communities" (2025) 7 International Journal of Political Science and Governance 27 <<https://doi.org/10.33545/26646021.2025.v7.i8a.617>> accessed September 21, 2025.

³⁷ "Commonwealth Human Rights Initiative (CHRI)" (The Commonwealth) <<https://thecommonwealth.org/organisations/commonwealth-human-rights-initiative-chri>> accessed September 21, 2025.

³⁸ "Who We Are" (Indian Police Foundation) <<https://www.policefoundationindia.org/>> accessed September 21, 2025.

and policy advocacy for a "people-centric" and "SMART" (Sensitive, Modern, Accountable, Reliable, Techno-savvy) police force.³⁹ Similarly, they have partnered with state police in initiatives, such as Telangana to transform front-line policing.⁴⁰ This model works because there are sufficient distinct outside forces to place pressure on the outside thus rendering insider forces like the IPF more credible on these matters otherwise the big reforms will remain on the drawing board.

2.4 The Mobilizers: Grassroots Activism and Public Sensitization

And the final component of the NGO ecosystem is grassroots mobilization. This involves translating the technical work of legal and policy advocacy into public awareness and pressure, which is essential for creating a political climate conducive to change. Organizations like **PUCL**, with their extensive network of state and local branches, play a key role here.⁴¹ They carry out local fact-finding missions about police brutality, arrange demonstrations and seminars, and publish documents in the local languages to create awareness among the community.⁴² This forerunner work makes sure that combating custodial violence does not limit itself only to courtrooms but also is occurring in each nook and cranny of India.

Judicial Response and Systemic Shifts

If we evaluate the effectiveness of decades of NGO advocacy against custodial violence, it is a complex picture of significant triumphs and profound limitations. From the point of view of the Supreme Court of India, most successful impact of NGOs has been the investments to create a strong "custodial jurisprudence". They have transformed custodial violence from random police misconduct into an infringement of Constitutional rights that gave the Supreme Court the challenge to come up with new set of legal framework, demanding new jurisprudence and remedies. However, despite the success of the courtroom strategy, this hasn't translated into a real reduction in violence on the streets, achieving a massive implementation gap.

Strategic litigation by NGOs and human rights lawyers has prompted judicial action. The Supreme Court has delivered landmark judgments that today form the cornerstone of law and

³⁹ Ibid.

⁴⁰ "Police Reforms Project Launched in Telangana with Indian Police Foundation Partnership", The Hindu (September 15, 2025) <<https://www.thehindu.com/news/national/telangana/police-reforms-project-launched-in-telangana-with-indian-police-foundation-partnership/article70052650.ece>> accessed September 21, 2025.

⁴¹ People's Union for Civil Liberties, "KNOW PUCL" (Sixth Edition, PUCL 1988) <<https://www.pucl.org>>.

⁴² Ibid.

jurisprudence surrounding detention of settlers in India. One of such landmark judgments is the **D.K. Basu v. State of West Bengal (1997)** case. This case is the most significant result of efforts in anti-custodial violence advocacy. It began with a letter from the Executive Chairman of Legal Aid Services, West Bengal, a non-political organization, about increasing custodial deaths.⁴³ The court held that any sort of torture or inhuman or degrading treatment would contravene Art 21 of the Constitution of India and laid down 11 guidelines for arrest and detention which are mandatory.⁴⁴ These guidelines include standard practices for handling someone's arrest such as the right of the arrestee to have a friend or relative informed of the arrest, creating an extensive report of an arrest, and allowing for a medical examination. It became a mini bill of rights for those who were detained. They were a direct reaction to the arbitrary secret detentions, if not torture, which NGOs had been exposing.

Another landmark case is **Nilabati Behera v. State of Orissa (1993)**. So, this case began with a letter from the mother of the victim and ended up changing how the state deals with custodial deaths.⁴⁵ "The state has strict liability to guard people's fundamental rights when they're in custody and it can't take the defense of sovereign immunity," said the Supreme Court. Plus, the Court made it clear that compensation is a public law remedy for violation of those rights, apart from any recourse in the private tort law.⁴⁶ Basically, it empowered families to apply to the state for monetary relief, which was a key demand by the human rights lawyers, and made the government take a stand and work to try and prevent these violations.

These court wins, though, set up a feedback loop that has really become part of the measure of how deep state impunity goes. Whenever the Supreme Court throws out a new guideline and law enforcement shrugs it off, that proves the systemic failure. For example, U.S. State Department reports and other human rights groups continue to note that police officers and prison staffs does not follow orders of the Supreme Court to look out for custodial violence.⁴⁷ So the victories have actually been more a double edged sword that while they set out a pretty clear standard, the state just won't stop pushing that standard, so now the state looks even more

⁴³ D.K. Basu v. State of West Bengal, 1997 AIR SCW 233.

⁴⁴ Katiyar, "Torture and Custodial Deaths: Role of the Indian Judiciary and National Human Rights Commission in Building Human Rights Jurisprudence" (2025) 7 International Journal for Multidisciplinary Research (IJFMR) <<https://www.ijfmr.com/papers/2025/3/47313.pdf>> accessed September 21, 2025.

⁴⁵ Nilabati Behera v. State of Orissa, 1993 AIR 1960

⁴⁶ Ibid.

⁴⁷ /"Unchecked and Unpunished: New Report Examines How Torture Became Normal in India" (REDRESS, June 27, 2025) <<https://redress.org/news/unchecked-and-unpunished-new-report-examines-how-torture-became-normal-in-india/>> accessed September 21, 2025.

lawless and further mutates the idea that the police can do essentially anything they want. It's a never ending tug-of-war in between judicial decisions and executive insensitivity.

Challenges Confronting Human Rights NGOs

The space for human rights NGOs in India has become increasingly dangerous. In addition to the intrinsic challenges in confronting state power, these organizations are now confronted with a systematic attack, multi-pronged and persistent, on their capacity to function. Instead, the state is using the law itself as a weapon to limit the very aspects that are meant to uphold the rule of law. This is a total reversal from a state with passive negligence to a state with active, legally sanctioned hostility to human rights work. This growing pressure forces NGOs to shift precious resources from their central mission to a new and existential struggle for their own survival, a process of strategic attrition, to weaken the entire ecosystem of accountability.

The Regulatory Gauntlet

Regulatory laws have been the most powerful arsenal of weapons by the state that has been re-adjusted to curb and narrow down the operations of the civil society. For example, the Foreign Contribution (Regulation) Act (FCRA), 2010 was supposed to be an instrument meant to control money coming in the country but instead it has become a weapon of repression. Recent amendments to the FCRA have allowed extremely restrictive provisions that comprise the prohibition on the sub-granting of foreign funds to smaller partner organizations and turned the process of compliance into a burden.⁴⁸ Under this act, the government has exercised its authority to revoke or freeze the licenses of thousands of non-governmental organizations, major human and advocacy organizations, such as the Centre of Policy Research and Oxfam India.⁴⁹ As the loss of the FCRA license can spell death to many organizations dealing with sensitive matters such as custodial violence and because many organizations that receive their funds internationally cannot operate effectively without them due to the significant reduction of their workforce base, a blowback would be fatal to them and may incur extreme downsizing of their operations or closure altogether.⁵⁰

⁴⁸ Karmakar, "Indian Government's Attacks on Nonprofits May Portend What Lies Ahead in US" (Truthout, March 29, 2025) <<https://truthout.org/articles/indian-governments-attacks-on-nonprofits-may-portend-what-lies-ahead-in-us/>> accessed September 21, 2025.

⁴⁹ "Challenges Faced by NGOs in India and How to Effectively Overcome Them" (Pard India) <<https://blogs.pardindia.org/challenges-faced-by-ngos-in-india/>> accessed September 21, 2025.

⁵⁰ Karmakar, "Indian Government's Attacks on Nonprofits May Portend What Lies Ahead in US" (Truthout, March 29, 2025) <<https://truthout.org/articles/indian-governments-attacks-on-nonprofits-may-portend-what-lies-ahead-in-us/>> accessed September 21, 2025.

Another example is the Unlawful Activities (Prevention) Act (UAPA), 1967 which has been considered to be the main Anti-Terrorism law in India which has been applied more and more against human rights defenders, activists, journalists as well as students who explore on the anti-government side.⁵¹ The UAPA empowers blanket authority to the state, allowing for detention without charge for up to 180 days and imposing extremely stringent bail conditions that effectively mean long periods of pre-trial incarceration.⁵² The arrest and subsequent detention of activist over their contribution towards conducting peaceful protests has given an impressive effect of chilling, and now, it is extremely dangerous for people and the organization to voice up against the acts perpetrated by the government including police acts.⁵³

Institutional Resistance and Political Hostility

NGOs are involved in efforts to combat custodial violence that are fraught with institutional and political hostility. In trying to probe into charges of custodial violence, NGOs often face a pillar of government opposition. Police and prison officials have a tendency of withholding information, barring access to prison and prison facilities, and interfering with fact-finding missions.⁵⁴ With such uncertainty in cooperation, it would be extremely hard to collect evidence that might be used to construct litigation or advocacy case.

Also there is a pervasive and often state-sponsored narrative that portrays human rights NGOs as "anti-national," "anti-development," or agents of foreign interests.⁵⁵ This is communicated as a way to legitimize their efforts in the society and as a way of legitimizing crackdowns. It is common for activists to be smeared, harassed, and intimidated both online and offline when they have the audacity to question the behavior of the enforcers of the law. The work is both difficult and unsafe. Activists who pick up lynch case of police brutality or extrajudicial murders, directly threaten their lives and freedom. They also face stalking, insults, and the suspicion of instituting false criminal charges against them as a way to retaliate against work.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Siska Karina, Razia Khan and Amir Raza, "The Role of Non-Governmental Organizations (NGOs) in Law Enforcement and Human Rights" (2025) 3 Rechtsnormen Journal of Law 124 <<https://doi.org/10.70177/rjl.v3i2.2094>> accessed September 21, 2025.

⁵⁵ Karmakar, "Indian Government's Attacks on Nonprofits May Portend What Lies Ahead in US" (Truthout, March 29, 2025) <<https://truthout.org/articles/indian-governments-attacks-on-nonprofits-may-portend-what-lies-ahead-in-us/>> accessed September 21, 2025.

Recommendations

To remain effective in this challenging landscape, civil society must adopt a more resilient, collaborative, and strategically agile approach. The following multi-layered recommendations offer a potential roadmap for the future:

- **Intensifying strategic alliances and networks:** NGOs must move beyond ad-hoc issue-oriented relationships and establish more lasting, strategic partnerships. This involves establishment of formal relationships between national level litigation and policy groups with the grassroots groups. These coalitions can form an essential feedback loop where on-the-ground realities from legal action strategy and victories in the courtroom are consequently transformed into campaigns of community awareness and empowerment on.⁵⁶ These alliances also combine funds, experience, and can create a counter-attack against the state pressure.
- **Use Technology as a Tool of Tracking and Promotion:** Technology should be integrated into advocacy. The latter involves procuring online means of safe evidence collection and recording injuries and abuse, establishing websites that allow citizen-led inspections of whether the orders were complied with (e.g. monitoring police stations CCTV surveillance) and initiating social media-based PR campaigns centered on data to engage a broader audience and win the support of numerous people.⁵⁷
- **Build Financial Resilience through Domestic Philanthropy:** To counter the weaponization of the FCRA, NGOs must intensify efforts to build sustainable domestic funding models. It implies policy adjustments that would allow moving the gears toward establishing the large base of individual Indian donors through crowd-funding, membership drives, and communicating with local corporations and foundations to pursue the rights-based advocacy as an essential component of social development.⁵⁸
- **Adopt a "Dual-Track" Engagement Strategy:** NGOs need to engage simultaneously in both a confrontational stance in litigation and public visibility strategy and in parallel tracks of constructive engagement. Also cooperate with police, judiciary, and non-corrupted folks in the administration. Join other organizations such as the Indian Police

⁵⁶ “Top 7 Human Rights NGO in India Working for Justice and Equality” (Social for Action, August 15, 2025) <<https://www.socialforaction.com/blog/top-human-rights-ngo-in-india/>> accessed September 20, 2025.

⁵⁷ “End Custodial Brutality, Begin Criminal Justice Reform Premium” The Hindu (July 10, 2025) <<https://visionias.in/current-affairs/upsc-daily-news-summary/article/2025-07-10/the-hindu/polity-and-governance/end-custodial-brutality-begin-criminal-justice-reform-premium>> accessed September 21, 2025.

⁵⁸ Chattopadhyay, “Indian Nonprofits Must Collaborate to Survive” (Idr, September 16, 2025) <<https://idronline.org/article/perspectives/indian-nonprofits-must-collaborate-to-survive/>> accessed September 21, 2025.

Foundation (IPF) and the National and State Human Rights Commissions to design human rights training programs to be used by police members- this can influence long term attitude changes within them.⁵⁹

- **Intensify and Systematize International Advocacy:** The international arena is also vital. To create an integrated report on civil society, NGOs must utilize such mechanisms as the UN Universal Periodic Review (UPR) to document state failures.⁶⁰ Working with UN Special Rapporteurs (particularly the Special Rapporteur on Torture), as well as international organizations such as the Global Alliance of National Human Rights Institutions (GANHRI), which conducts surveillance of the NHRC condition will provide a lot of added international pressure and a shield of protection to domestic civic space.⁶¹
- **Advocate for Prevention and Police Welfare:** A visionary approach should deal with causes of police brutality. The NGOs must demand institutional reforms of the police towards improved recruitment, training, working conditions, limitless hours, and psychological support of the police force employed in extreme stress states.⁶² Promoting police welfare as a pre-condition to a rights-respecting force, NGOs can also strike new coalition while making the issue appear as pro-reform agenda and not anti-police one.

Conclusion

This discussion has confirmed that the accountability on custodial violence in India is primarily comprised of the initiative of non-governmental organizations. Within a legal framework composed of a legal paradox of strong protection in theory, and gross impunity in reality, these civil society actors have established their own invaluable position. Over an ecosystem of litigation, documentation, policy reform, and mobilization, these actions have enabled them to confront the state as the controller of the discourse of justice. The deepest effect of them has

⁵⁹ “Conference of NGOs in Support of NHRC for Promotion and Protection of Human Rights | National Human Rights Commission India” <<https://nhrc.nic.in/press-release/conference-ngos-support-nhrc-promotion-and-protection-human-rights>> accessed September 21, 2025.

⁶⁰ “Unchecked and Unpunished: New Report Examines How Torture Became Normal in India” (REDRESS, June 27, 2025) <<https://redress.org/news/unchecked-and-unpunished-new-report-examines-how-torture-became-normal-in-india/>> accessed September 21, 2025.

⁶¹ “Unchecked and Unpunished: New Report Examines How Torture Became Normal in India” (REDRESS, June 27, 2025) <<https://redress.org/news/unchecked-and-unpunished-new-report-examines-how-torture-became-normal-in-india/>> accessed September 21, 2025.

⁶² Anviti Chaturvedi, “Police Reforms in India” (2017) <https://prsindia.org/files/policy/policy_analytical_reports/Police%20Reforms%20in%20India.pdf> accessed September 21, 2025.

been to influence a sort of custodial jurisprudence in the Supreme Court, generating potent legal principles against torture, and providing the concept of state liability.

Yet this report concludes as well that these judicial victories gained with such difficulty have not been succeeded, by enough of on the ground change. It is due to the entrenched forms of institutional immunity in the police and prison system, the political lack of will to make them accountable, and the current culture of impunity that the fact of persistence of custodial violence is hardly surprising and can be evidenced. Added to this shortfall when implementing the law was a growing antagonistic political culture, the state actively uses regulatory and legal mechanisms such as the FCRA and UAPA to decrease the civic space, choke out dissent, and bring to its knees that same set of organization that factors in on its watch tower. This has being laboratory into the strategic attrition state where NGOs are currently scrambling their little resources towards their mission rather than fighting to survive as organizations.

The struggle against custodial violence in India is a long distance effort and not a short term one. It is where you face a battle of the soul of our democracy, which is in court, at the police station, in the chambers of the legislature and community. To continue to lead, NGOs need to change, make themselves more resistant to state aggression, raise their collective voice by collaboration to create a more reactive and responsive profile, and respond strategically to the ever-changing political environment. They will always have a place as their task is not merely to write down the shadow but to continue illuminating the path in the direction of a fairer, more humane and responsible community. India cannot afford to continue boasting of about rule of law when torture is still a standard feature of the Indian justice system. The time for meaningful reform whether legal, structural, or cultural is long overdue.