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THE SUPREME COURT AS PROTECTOR OF CUSTODIAL DIGNITY: A CRITICAL LOOK AT LEGAL SAFEGUARDS FOR POLICE DETAINEES¹

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Abstract

Police custody represents one of the most vulnerable phases of the criminal justice process, where the authority of the State intersects directly with individual liberty. The Supreme Court has assumed a decisive constitutional role in safeguarding the rights of persons detained in police custody, especially through the broad interpretation of Arts. 21 and 22 of the Constitution of India. This paper critically examines how judicial interventions have transformed custodial rights from abstract constitutional ideals into enforceable legal protection. The study highlights the contribution of the Court in curbing custodial violence, illegal detention, and procedural arbitrariness by analyzing landmark decisions like *Sunil Batra² v. Delhi Administration* and *D.K. Basu v. State of West Bengal³*. It evaluates judicially mandated safeguards comprising of arrest memos, access to legal counsel, medical examinations, and other oversight mechanisms like CCTV cameras in police stations. However, despite this robust jurisprudence, reports of custodial abuse and deaths still surface, which seem to highlight gaps between legal doctrine and ground-level enforcement. The paper thereafter argues that judicial vigilance without institutional accountability and effective implementation is only partial. The paper concludes by urging a coordinated approach combining constitutional adjudication, statutory reform, and administrative accountability to ensure that human dignity remains inviolable, even within the coercive confines of police custody.

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² *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494 (Supreme Court of India) (judgment dated 30 August 1978, per V.R. Krishna Iyer J.), affirming that prisoners and detainees retain fundamental rights except those lawfully curtailed by incarceration.

³ *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416 (Supreme Court of India) (Constitution Bench decision delivered on 18 December 1996, per A.S. Anand and Kuldip Singh JJ.), laying down mandatory guidelines governing arrest and detention to prevent custodial abuse.

Keywords: Police Custody; Custodial Violence; Supreme Court Jurisprudence; Article 21; Arrest Safeguards; Human Dignity; Criminal Justice System

INTRODUCTION

The police custody finds itself in a paradox in the criminal justice system. It's crucial for an investigation to take place, but it also puts detainees in danger of ill treatment, force, and disregard for their rights. This dilemma creates a constitutional mandate for judges, specifically the Supreme Court in India, to act as a protector of liberties. The Indian Constitution does neither treat dignity like rubbish thrown away after exiting the prison gate and police lock-up nor uses state force in an illegal, unfair, and unreasonable manner. This applies to article 21, which safeguarded life and liberty in terms of torture, ill treatment, and arbitrary arrests.⁴

One critical turnaround was brought about by the Maneka Gandhi vs. Union of India ruling, which gave that all procedures that result in being denied liberty have to be just, fair, and reasonable, thus striking down the doctrine of absolute police authority.⁵ In combination with the above guarantee, Article 22 makes procedural guarantees imperative: the right to be informed about the reason for arrest, right to legal representation, and the requirement that every arrestee must be produced in a magistrate within 24 hours. All these provisions and requirements are enforced through the Code of Criminal Procedure, 1973, and sections 41, 41A, 56, 57, and 167.

However, despite such a framework, custodial violence persists as a challenge in India. The Supreme Court has often admitted that torture in custody violates the spirit of constitutional morality and the principles of human rights. In that regard, the Court has taken up an activist stance by issuing enforceable directives to control the police.⁶ This defining case came in the case of D.K. Basu v. The State of West Bengal, which introduced enforceable procedural standards to enhance accountability and transparency in arrest and custody. Prior to that, Sunil Batra v. Delhi Administration overturned the contention that imprisonment resulted in the nullification of all fundamental rights.⁷

⁴ Francis Coralie Mullin v. Administrator, Union Territory of Delhi, (1981) 1 SCC 608.

⁵ Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

⁶ Joginder Kumar v. State of Uttar Pradesh, (1994) 4 SCC 260.

⁷ Prem Shankar Shukla v. Delhi Administration, 1980 Supp SCC 219.

The continuation of custodial deaths as well as rights violations indicates that there is a serious concern about judicial decisions that lack bite when their enforcement is weak. The current research examines the approach taken by the Supreme Court in relation to rights in custody, analyzing both its transformative force for rights, despite its practical shortcomings. The research questions whether constitutional interpretation has led to practical rights for detainees, or whether there is still a concern about a lack of realization when there is a divide between what is in the law and what is experienced by detainees.

Review of Literature

Scholarly discussion on police custody and the rights of inmates reveals a logical and gradual evolution of constitutional protection under Article 21 of the Indian Constitution. Books, judicial exegesis, and empirical research put together chart how the Supreme Court has been challenging custodial violence, illegal detention, and procedural excesses. This collective work outlines a shift from a formally correct approach to criminal justice toward a human rights-based one which prioritizes human dignity. It points out the path-breaking judgments like Sunil Batra and D.K. Basu, it also outlines the gaps in implementation that persist despite revisions in CrPC and the Bharatiya Nagarik Suraksha Sanhita, 2023. Doctrinal grounding, empirical data, and ideas for reform collectively gleaned from these works form the analytical framework of the present study.

Orissa Judicial Academy, Prison Laws in India: A Socio-Legal Study⁸ (2023), This study examines prison laws from a socio-legal point of view, situating prison practices within wider structural inequalities. The study traces the post-Emergency evolution of Article 21 and its deployment regarding detention and custody, examines the deployment regarding arrest and detention within Cr.P.C, and highlights the recent judicial initiatives against discriminatory practices in custody. This study must promote a more complete view of rights within custody than a doctrinal consideration.

Supreme Court of India, Justice for the Nation: Reflections on 75 Years of the Supreme Court of India⁹ (2024), This is a commemorative publication that charts the constitutional history of the Court over seventy-five years by revisiting major decisions that shaped personal

⁸ Orissa Judicial Academy, Prison Laws in India: A Socio-Legal Study (Academy Press, 2023).

⁹ Supreme Court of India, Justice for Nation: Reflections on 75 Years of the Supreme Court of India (Supreme Court Publications, 2024).

freedom and the rights of detainees. The publication situates judicial activism in the context of India's democratization and constitutionalization process, highlighting how Article 21 was constitutionalized into a viable, enforceable right.

R. Singh, "Legislative Reforms in India and Custodial Violence"¹⁰ (2023), This paper discusses the response of the law to custodial violence with special reference to amendments carried out in the CrPC. It assesses whether reforms in the arrest laws have resulted in a reduction in the actual level of abuse, relates custodial violence to the excesses during investigation and poor accountability, and weighs judicial guidelines such as D.K. Basu against available statistical outcomes to provide a legislative frame to the broader critiques of the judiciary.

Arjun Sundar, "Article 21 and Remand of the Accused to Police Custody"¹¹ (2024), This paper analyses the constitutionality of police remand under Section 167 CrPC by applying the test of fairness and reasonableness enunciated in Maneka Gandhi. It opens an attack on how courts mechanically grant custody for extended police custody and emphasizes the constitutional role of magistrates. The article thus throws light on a critical evaluation of remand practices.

A. Sharma, "Custodial Torture as a Violation of Human Rights"¹² (2025), This paper presents custodial torture as a gross violation of constitutional and international human rights' norms and discusses evidentiary hurdles in prosecuting crimes of this nature. With extracts from NHRC reports, it demonstrates systemic abuse and takes a closer look at the judiciary's reluctance to secure convictions. The discussion justifies reformist arguments in custodial justice.

Supreme Court Observer Team¹³, "The Right to Life and Personal Liberty under Article 21" (2025), This article develops a chronology of how Article 21 jurisprudence has evolved, underlining key decisions influencing detention and custodial safeguards. It locates judicial

¹⁰ R. Singh, 'Legislative Reforms in India and Custodial Violence' (2023) 4(2) Criminal Law Journal 1.

¹¹ Arjun Sundar, 'Article 21 and Remand of the Accused to Police Custody' (2024) 5(1) Indian Journal of Law and Legal Research 1.

¹² 'Custodial Torture as a Violation of Human Rights' (2025) 6(1) IJLLR 10.

¹³ Supreme Court Observer Team, 'The Right to Life and Personal Liberty under Article 21' (June 2025) SCObserver Journal.

shifts around the Emergency period and beyond, using comparative references to deepen its analysis and place custodial rights firmly within constitutional history.

Dr. K. Patel¹⁴, “A Critical Legal Study on Issues Relating to Custodial Violence in India,” 2024, It appears to address custodial violence from a legal and constitutional standpoint with an evaluation of Supreme Court guidelines on arrest and detention. There seems to be an identification of weaknesses in dealing with custodial violence, not only in conviction rates but an indictment of institutional failings. Preventive strategies have been suggested.

R. Gupta¹⁵, “Study of Custodial Deaths in India: A Legal Analysis” (2024), This study uses data from the NCRB and empirically evaluates the problem of custodial death and connects it with the violation of the guarantee provided under Article 21. The research evaluates the standards on arrest defined within the Joginder Kumar judgment and looks at the possibility of compensation.

S. Nair, Custodial Deaths in India: Legal Framework, Accountability, and Reforms¹⁶ (2025), The paper criticizes the present legal system to deal with custodial deaths, examining the efficacy of NHRC intervention. The study draws attention to obstacles in processing, including witness intimidation, and reforms in existing legislation.

M. Rao, "A Study of Constitutional Protections Against Custodial Violence"¹⁷ (2024), This study analyses the evolution of Article 21 as a safeguard against custodial violence, establishing a connection between custodial violence and the right to a speedy trial. The colonial inheritance in police reforms will also be examined, adding depth to the structural review of custodial justice.

V. Desai, “Legal Dimensions of Prisoner’s Rights in the Context of Article 21”¹⁸ (2020), This study examines the conflict between administrative authority and judicial safeguarding vis-a-vis prisoners' rights, foregrounding the Supreme Court's adoption of PIL as an antidote

¹⁴ ‘A Critical Legal Study on Issues Relating to Custodial Violence in India’ (IJARSCT, June 2024).

¹⁵ ‘Custodial Deaths in India: Legal Framework, Accountability, and Reforms’ (IJIRL Working Paper, July 2025).

¹⁶ S. Nair, ‘Custodial Deaths in India: Legal Framework, Accountability, and Reforms’ (IJIRL Working Paper, July 2025).

¹⁷ ‘A Study of Constitutional Protections Against Custodial Violence’ (2024) 6 IJFMR.

¹⁸ ‘Legal Dimensions of Prisoner’s Rights in Light of Article 21’ (2020) 6(6) Law Journals 67.

to prison discrimination. This work embodies the spirit of constitutional morality as practiced in prisons and challenged legislative weaknesses. This remains one of the most seminal works alive to date.

Statement of the Problem

Police custody is amongst the most susceptible steps in the process of criminal justice, where there is a great potential for abuse creeping into the power balance. Despite having specific safeguards within Articles 21 and 22, as well as continual reminders from the Supreme Court, there still come reports in Indian cases about violations of dignity in police custody. The directives for preventing torture, unlawful detention, and arbitrary methods, which come from influential decisions, still lack proper implementation. Reporting cases pertaining to custodial deaths, extricated confessions, and violations while making arrests indicate that there is still a considerable deviation between what is mandated by law and what is achieved.

Objectives of the Study

- To understand how the Indian Supreme Court interprets its Indian Constitution in giving guidance for maintaining the dignity and constitutional rights of police detainees.
- In order to judge the efficiency of the current legal protection system with regard to the custodial practices of the police and identify loopholes in its actual application.

Hypotheses Testing

- Interventions by the Supreme Court have improved the legal environment surrounding the respect for detained dignity; however, they have not ended the phenomenon of detention abuses.
- The continuous disregard is more a result of poor enforcement with regard to institutional weaknesses than a lack of rights.

Research Methodology

This research takes a doctrinal and analytical method, relying on secondary sources such as constitutional and statutory provisions, Supreme Court cases, reports of statutory organizations, books, articles, and research papers. Important Supreme Court cases on police custody and the rights of detainees are referred to in an effort to establish the evolution of custodial

jurisprudence. International human rights norms are cited, if necessary, for comparative reference. The methodology adopted in this research will be descriptive and analytical.

Scope of the study

The discussion is specifically focused on the role played by the Indian Supreme Court in protecting the rights and dignity of police detainees. The discussion is related to the provisions and decisions of the Indian Supreme Court and statutes that relate to the arrest, detention, and custody of detainees with the police. The discussion has focused on the decisions and developments that relate to custodial practice and occasionally to legislative developments that have recently occurred. The discussion does not relate to the management of prisons not under police custody or empirical researches that relate to individual states.

Limitations of the Study

This study relies on the secondary sources because the primary empirical research, such as an interview with jail and police authorities, isn't considered. The disparities among the jail treatment systems throughout various states and districts are also unanalyzed. Also, note that quick legislative updates may lead to changes in jail security systems that go beyond the current study. This study still contributes to an appropriate legal analysis on the custodial dignity and judicial safeguards despite such limitations.

Legal Framework for Protection of Custodial Dignity in India

Custodial dignity occupies the central position in the Indian constitutional democracy. In our country, the relationship between the state and the arrestee is not governed by the spirit of the criminal procedure code alone. However, the relationship is governed by a broader constitutional cultural ethos. An arrestee's being in custody neither abrogates basic rights but rather enhances the state's obligation to deal with the person in a humane manner. The Supreme Court always underscored the fact that police power must remain within the constitutional framework; otherwise, investigation turns into oppression or violence.

Constitutional Foundations of Custodial Protection

Article 21: The Right to Life and Human Dignity: Article 21 deals with the protection of life and personal liberty; however, its ambit does not end there. Rather, by judicial interpretation, the provision has been extended to cover the "right to life with dignity" even

when an individual has been arrested or detained. In *Maneka Gandhi vs. Union of India* (1978), the Court held that all procedures that otherwise implicate the individual's liberty must be just, fair, and reasonable. This immediately applies to detention and related matters and prohibits torture, degrading treatment, or arbitrary detention. In *Francis Coralie Mullin vs. Administrator, Union Territory of Delhi* (1981), the Court held that the Right to Life includes within its ambit protection against cruel, inhuman, or degrading treatment and thus the dignity in detention that is inherent in Article 21.

Article 22: Procedural Guarantees against Arbitrary: Article 22 provides tangible guarantees during the time of arrest. The person arrested should be informed about the reasons for arrest and should be produced before a magistrate within 24 hours. Arresting and holding a person beyond that period without the sanction of a magistrate is unconstitutional.

Article 20(3): Protection against under Article 20(3), a suspect cannot be compelled to testify against himself. This provision is a direct response to jail torture aimed at procuring confessions from a suspect. The Indian Supreme Court has clearly held that coercion-induced confessions are invalid and violative of the Indian Constitution, thereby assaulting the criminal justice system.

Statutory Framework of Arrest and Custody

The Power of Arrest under CrPC & BNSS: Code of Criminal Procedure, 1973 has been superseded by the “Bharatiya Nagarik Suraksha Sanhita, 2023,” which deals with the manner in which arrest and detention are to be conducted. As provided in Section 35 of the BNSS (former Section 41, CrPC), an arrest is to be made only if there is reasonable suspicion or credible information. In the case of *Joginder Kumar vs. State of U.P.* (1994), the Supreme Court held that arrest cannot be automatic and must be necessitated by something like preventing future crimes or to bring the suspect to stand trial.

Notice of Appearance and Reduced Custodial Abuse: Further, in Section 41A CrPC, which is now a part of BNSS, demands a notice of appearance in lieu of an arrest when the punishment is for an offence punishable with imprisonment for a term not exceeding seven years. In the case of *Arnesh Kumar v. State of Bihar* in 2014, the Court expressed its disapproval of mechanical arrests and directed disciplinary action in violation of these safeguards.

Safeguards During

The Act offers the following safeguards:

- The reason for the arrest disclosed
- Preparation of an arrest memo
- Notifying relatives or friends.
- Medical Examination of the Accused
- Appearance before a magistrate within 24 hours

These steps ensure that there is no detention or ill-treatment in secrecy.

Remand and Custodial Limits the Limitations on Police and Judicial Custody: This section, known as section 187 BNSS (previously section 167 CrPC), regulates the parameters for police and judicial custody. This section holds that the police custody cannot go beyond the total period of 15 days. After that, it will have to be judicial custody. This section ensures that excessive interrogation does not take place in the custody of the police. The magistrate must use his judicial discretion judiciously.

Contribution to Custodial Dignity by the D.K. Basu: In the case of *D.K. Basu v. State of West Bengal*¹⁹ (1997), robust guidelines to curb torture were laid down by the Supreme Court. These include:

- Arrest memo signed by witnesses
- Notification of the family members
- Right to counsel
- Regular medical checks
- Maintaining accurate custody documents

This code of practice became enforceable through Article 141, where it became binding law.

Sunil Batra vs. Delhi Administration²⁰: In the case of *Sunil Batra vs. Delhi Administration* (1978), it was ruled that convicts have basic rights, except where these are appropriately curbed by conviction. Solitary confinement and unreasonable restrictions were pronounced to be unconstitutional. Broadly, Justice Bhagwati, in a significant judgment, in the case of *Prem Shankar Shukla vs. Delhi Administration* (1980), prohibited the practice of

¹⁹ *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416.

²⁰ *Sunil Batra vs. Delhi Administration*, 1980 AIR 1579.

Paramvir Singh Saini vs. Baljit Singh²¹ (2021): In the case of Paramvir Singh Saini vs. Baljit Singh (2021), the Indian Supreme Court made it mandatory for the installation of CCTV cameras in the police stations and interrogation rooms. This measure aims at increasing transparency and accountability while providing a deterrent against the use of custodial violence.

Role of Human Rights Institutions

The National Human Rights Commission (NHRC), functioning under the Protection of Human Rights Act, 1993, also keeps a check on custodial deaths and cases of torture. The police are required to give reports regarding custodial deaths within a period of 24 hours.

In theory, the Indian system regarding the dignity of arrested persons is sound and robust, thanks to the constitution, statutes, and progressive jurisprudence. The Supreme Court has played a crucial role in making the custodial environment more humane. But the challenge actually lies in making such rights a reality on the ground. To make rights a reality for arrested persons, we need to improve monitoring, improve training of the police, and ensure that accountability is enforced across the board.

Analysis and Discussion

A close look at India's custodial jurisprudence reveals the gulf between what the law says and what happens on the ground. The Constitution and the Supreme Court judgments are insistent on the propositions of dignity, fairness, and accountability in custody, but actual enforcement falls short. The Court has gone ahead-taking a proactive stance, whether by way of D.K. Basu or Arnesh Kumar-to stall arbitrary arrests and custodial mistreatment, yet frequent reports of custodial violence show that they regularly remain more on paper than in actual practice.

The magistrates, who are to be the first line of judicial oversight, rubberstamp remand requests with inadequate scrutiny against the safeguards visualized by the law. At the police level, there is far too much reliance on custodial interrogation rather than on scientific and forensic methods. This increases the risk of coercion. CCTV and other technology brought about a degree of transparency, but even these fall victim to neglect and unequal access. In a nutshell, India's custodial dignity is robust on paper but fragile in practice. The Supreme Court remains

²¹ AIR 2021 SC 64.

an important constitutional sentinel, but without systemic accountability, better training, and genuine administrative will, the rights of persons in custody remain vulnerable to being routinely violated.

Findings

The paper contends that in India's case, "there exists a wide legal canopy that safeguards the dignity of persons in custody." The judications of the Supreme Court have constantly widened the ambit of Article 21 of the Constitution to embrace not only life and liberty but also the dignified treatment of persons in custody and those in prison. However, despite such safeguards, violence in custody remains widespread due to poor enforcement and accountability mechanisms. The study finds that arrest safeguards are systematically flouted, particularly in rural police stations that see limited business as compared to urban stations. Compliance with D.K. Basu guidelines remains inconsistent, and punitive measures against delinquent officers remain few and far between. The most important observation in this study is that custodial deaths can be traced back to nebulous medical grounds that limit criminal responsibility and public accountability for them.

The crucial role that monitoring agencies such as the National Human Rights Commission play in stemming custodial violence can have little deterrent effect since their recommendations are not binding on authorities in the matter. The transition to the Narcotics Bill's application in custodial deaths has improved procedural aspects but also depends for success on how institutional mechanisms respond to these improved procedures. Typically, it appears that custodial dignity has been recognized by virtue of being conferred by law but has not percolated down to become an official norm in law enforcement agencies yet.

Suggestions / Recommendations

Enhancing Supervision by the Judiciary: Magistrates should scrutinize applications for arrest and remand rather than seeing them as part of the normal process. Justifications should be given if the police are granted custody, and the physical appearance of the suspect should be demanded, except where the circumstances are manifestly exceptional.

Mandatory Police Training: Human rights education should also find a place in the training curriculum for the Police. Sensitization regarding constitutional rights, principles of ethical

interrogation, or the legal repercussions for abuse in custody may well bring about a change in the Police mindset.

Making Sure the CCTV and BWC Systems Are Also Effective: Cameras installed in police stations need to be functional, tamper-proof, and audited on a periodic basis by third-party organizations. The use of body cameras during arrest and during interrogation movements would increase the levels of transparency.

Autonomy of Investigation of Custodial Deaths: The concern of custodial deaths needs to be investigated by neutral agencies, unlike the present practice where police units conduct investigations to ensure objectivity.

Empowering Bodies on Human Rights: The National Human Rights Commission should also be given more proactive powers to pursue prosecution in serious cases of detention abuses. Defiance of National Human Rights Commission directives should also become mandatory.

Encouraging Scientific Investigation Techniques: The police should shift their focus away from confessional convictions and towards forensics, digital evidence, and other evidence-based methods. This would lead to a decrease in coercive interviews as well as improve the quality of convictions obtained. Compensation for Victims and Families.

In terms of compensation: There needs to be an implementation regarding the welfare of victims of custodial violence and their families through the provision of compensatory services and counseling.

Conclusion

The treatment of persons in custody is a barometer to gauge the adherence to constitutionalism and human rights by India. There is a gradual shift from ideas to action through the Supreme Court's efforts to make ideas a reality to prevent violation in custody. Article 21 has been given a futuristic twist, with strong procedural guidelines, to ensure that a person in custody is not deprived of their dignity. However, instances of custodial violence continue to paint a somber picture to establish a disconnect between constitutional provisions and their performance on the ground. Simply having laws on paper will not help to get justice on track without reviewing the performance on the ground through awareness and changes on the administrative front. It is necessary to see that enactment through law enforcement and judicial bodies strictly adheres

to constitutionalism on a daily basis to make the efficiency of custodial jurisprudence a reality. A dignified approach to custody is not only a legal constitutional necessity but a moral responsibility for a democracy.

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