

Cruel Inhuman Treatment by Police

- Cause & Prevention

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Abhishek Garg

3rd Year Student, BBA, LLB (Hons.), Institute of Legal Studies and Research, GLA University, Mathura, Uttar Pradesh, India

 **AG** [0009-0008-4979-8814](https://orcid.org/0009-0008-4979-8814)

Correspondence: Abhishek Garg, abhishek.garg_bba.llb24@gla.ac.in

Abstract

Police are the most grassroot level point of contact and from the people to justice, whenever some injustice or wrong happens to them. But it's a sad truth of today's time that the image of police is not of hope or relief, but of fear and terror, owing to a few officers who misuse the powers vested in them by the system to serve the people, to exploit them and cover their own wrongdoings. They refuse justice only to maintain a fake image that serious crimes do not take place in their area, while victims of such offences suffer to death. This article aims to understand the powers and responsibilities of police, and what happens when they deviate from duties and start exploiting their powers. We see cases where victims have struggled with political leaders and in mass movements just to get the slightest progress in a case that the police refused to register or investigate. We see police officers exploit people and how the court and public respond. We look at the causes of such behavior and what provisions our legal system has, to deal with such cases. Lastly, we see what is missing in the procedural aspect of our executive system and what needs to be improved or done new that has not yet been done, to curb such mishappening and the role and necessity of having check and balance at every stage of our system to avoid misuse and exploitation of powers vested in different levels of our legal system.

Keywords: Police Brutality, Police Misconduct, Inhuman Treatment, Custodial Torture, Human Rights, Police Accountability, Constitutional Safeguards, Criminal Justice, Police Reform, India

INTRODUCTION

Police is the first resort of hope for any citizen of the nation whenever a wrong is committed. For most people they are the embodiment of hope that justice will be served, and the wrongdoer will be caught and

punished. Also, a police complaint is the first step in most cases of injustice or wrongful acts. The chargesheet prepared by the police is then moved to court.

But what if the very torch that was ideally supposed to give hope to the aggrieved people starts burning them? When the justice-doer himself turns corrupt and becomes the wrongdoer, what can people, who are too unequipped with their rights and the different bodies of a legal system, do? Do they have any other door to reach, to report the wrongful unjust acts of such corrupt, police officers? In most cases, the victim suffers more from the sense of helplessness than the offence itself.

ROLE OF POLICE

By literal definition, Police is a body set up under the Executive pillar of the government. Their main objectives include:

- Enforce the laws passed by the legislature
- Detain such offenders which are to be later presented in front of the court
- Punishing offenders for such petty offences, for which the law authorizes them to.
- Record and investigate the offences and detain the suspected culprit, along with all the evidence, witnesses, etc., that are further used in court to prove the crime and set liability and decide penalty.

Exercise of all such duties with integrity and fairness ensures smooth flow of a society and elimination of crime from society. (Bayley, 1994)

WHAT IS INHUMAN TREATMENT OR CRUELTY BY POLICE

Cruelty

Definition

When police deviate from their duties and indulge in malpractices and corruption it is called cruelty by police, as the victim comes to police with a hope to get justice, but when the police itself denies to register complaint, or frame the victim himself as guilty for the crime, the victim is left hopeless and helpless (Human Rights Watch, 2009). This deliberate neglect or misuse of power of police despite being capable of providing remedy to the victim counts as cruelty because, leaving such criminals open in society by not registering the victim's complaint, puts the peace and wellbeing and smooth flow of the whole society at risk.

Example

An immensely popular example is **Kuldeep Singh Sengar vs. Central Bureau of Investigation, 2026 Supreme (Online) (SC) 331**, the 2017 case where Kuldeep Singh Sengar raped a 17-year-old girl. Police denied filing the complaint and instead, arrested her father under false charges and beat him to death in police custody, just because the accused was a powerful BJP MP, which gave him both political and financial immunity. Further her two aunts were also killed in a car accident on the way to Rae Bareilly. (Kuldeep Singh Sengar v. Central Bureau of Investigation, 2026)

And the case **In Re: Alleged Rape and Murder Incident of a Trainee Doctor in R.G. Kar Medical College and Hospital, Kolkata and Related Issues, Suo Motu Writ (Criminal) No. 2 of 2024, decided on 22 August 2024, Supreme Court of India, Criminal Original Jurisdiction, 2024 INSC 613**, where Moumita Debnath, a postgraduate trainee doctor was brutally raped and murdered. The police delayed the filing of the report, political leaders sent men to tamper the evidence, the crime scene and intimidate the witnesses. The police delayed the filing of the report, political leaders sent men to tamper the evidence, the crime scene and intimidate the witnesses, the police didn't preserve the crime scene properly, leading to contamination of crucial evidence like fingerprints of the accused, as many people came at the crime

scene. (*In Re: Alleged Rape and Murder Incident, 2024*)

Though one person was arrested as the culprit through CCTV footage and a Bluetooth earphone found on the crime scene, forensics suggest that it was a case of gang rape, which could not be admissible in court due to contamination of other sperm samples found in the vagina and clothes of the victim. (**Chisum & Turvey, 2011**)

And the **Saroj–Hemant Mohanpuria case**. *Rajasthan State Human Rights Commission Order dated October 2019, Case of Saroj (Lady Constable) and Hemant Mohanpuria, directing compensation of ₹1,00,000 for police resistance and inhuman treatment.*

Saroj's family had many high rank officials of police in it. Hence it had a very strong influence on the system. When Hemant was threatened, beaten, and intimidated by Saroj's family because they were strongly against their relationship, no police officer filed any report despite Hemant's desperate requests. That is why this case was never formally filed and never reached court for a formal hearing. (**Rajasthan State Human Rights Commission, 2019**)

And the **Khurja police inaction case**. A 16-year-old girl was kidnapped on 3rd June 2025 by a neighbor named Amarjeet and his companions, was held captive till 5th June 2025, when she escaped. During the captivity, she was gang raped by six men. Meanwhile, her family visited the Khurja Police Station repeatedly requesting FIR, first about the kidnap, then about the gangrape, but police clearly refused to act. (**National Human Rights Commission of India, 2021**)

Finally, on 10th June, police registered an FIR against 8 accused (7 men+ 1 woman). Subsequently, Police arrested four accused: Aditya, Sonu, Lalit, and Mangal, and all were sent to Judicial Custody and chargesheet was filed against them. Amarjeet and Rohit, two prime accused, were still absconding and sending death threats to the family. Despite the family's desperate pleading, police refused to act.

On 13th November 2025, **DIG Kalanidhi Naithani** (Meerut Range) conducting inspection at **Khurja Kotwali** police station. The victim **broke through the police cordon**, pushed past **nine policemen**, reached DIG's moving car, and begged to be heard. He stepped out, heard her, and ordered:

- Inquiry into police negligence
- SHO Pankaj Rai attached to police lines (**shifted from duty**)
- Special team formed to **arrest the accused absconding**
- **Change of investigating officer examined**

On 14th November 2025, the two main accused were caught on 19th November 4 Khurja police officials suspended **for gross negligence**.

INHUMAN TREATMENT

Definition

When police torture common people or breach their fundamental rights or deny them right to be heard and seek adequate remedy just to benefit the powerful. (**United Nations, 1984; Manfred Nowak, 2006**)

This practice is very common where caste, religion and/or economic discrimination are widely common, popular, and accepted. The police only hear the superior, and the weak is not even heard, his actions are amplified to prove false allegations imposed on him, and his words are twisted to be presented as self-incrimination. If the accused is weak and illiterate or lacks access to his legal rights and other necessary information, he is easily manipulated and exploited into losing everything and favoring the superior. If the people are too superstitious, the powerful twists the religious texts and even tells things that are nowhere written in the texts, just to suppress the naïve weak. (**Thorat & Newman, 2010**)

Example

Again, the **Kuldeep Singh Sengar vs. Central Bureau of Investigation, 2026 Supreme (Online) (SC) 331** re-appears as a prominent example. The part where the police beat the victim's father to death under false allegations. (*Kuldeep Singh Sengar v. Central Bureau of Investigation, 2026*)

Another prominent example was **CBI vs. S. Sridhar & Others 2026 Madurai Sessions (Death Sentence) — Sathankulam Custodial Deaths Case**. On 19th June 2020, Jayaraj was arrested violently by police for allegedly keeping their mobile accessories shop open past lockdown hours. His son Benicks went to get him bailed but was subsequently arrested himself. Both were brutally beaten, sexually assaulted and tortured. When their condition got worse and they went unresponsive unconscious, they were rushed to Kovilpatti Government Hospital, where on 22nd June 2020, Benicks passed away and just a day later, on 23rd June 2020, Jayaraj passed away. This raised massive public outrage.

The trial proceeded from 2021 to 2026, and on 23 March 2026, The Madurai First Additional District and Sessions Court found nine policemen guilty of double murder, conspiracy, and destruction of evidence.

On 6th April 2026, the court pronounced the death penalty for all nine convicted policemen, calling it a “rarest of rare” case. A fine of ₹1.40 crore was imposed, to be paid as compensation to the victims' family. (*CBI v. S. Sridhar & Others, 2026; People's Union for Civil Liberties, 2020*)

Another example is the case **Soni Sori & Another vs. State of Chhattisgarh, Writ Petition (Criminal) No. 206 of 2011**, decided on 2 May 2012, Supreme Court of India. Soni Sori, an Adivasi activist from Dantewada, Chhattisgarh, who became a symbol of tribal resistance after her arrest in 2011 for allegedly being a Maoist conduit. From 2011 to 2013, she went through brutal custodial torture and sexual assault and later campaigned against police violence and mining-related displacement. She continues to fight for Indigenous rights despite facing acid attacks and state repression.

One disturbing detail about the custodian torture was that stones were inserted in her vagina and rectum. This was the same institute where she was sent for treatment after she was released from custody. (*Soni Sori & Another v. State of Chhattisgarh, 2012; Amnesty International, 2012*)

Also, the **Saroj–Hemant Mohanpuria case** again comes up as Saroj's brother was a head constable. Yet, due to his family's influence, he managed to avoid facing any real charges when he, along with other men associated with their family, beat up Hemant repeatedly and when Saroj's father called him to their home and beat him to near death and threatened him at gunpoint to leave Saroj. And lastly, the family ended up killing Saroj as a matter of Honor Killing and yet faced no consequences. When Hemant tried to report, the system turned him into a suspect of murder rather than a grieving fiancé. (*Rajasthan State Human Rights Commission, 2019*)

Lastly, **Pandav Kumar Murder case**. Midnight of 25th – 26th April 2026, Pandav Kumar and Krishnan, along with their friends, were coming from a birthday party. Neeraj Balhara, a constable, was returning drunk from duty. He encountered the group, abused them for being Bihari, and shot his service pistol across Pandav Kumar's chest; the bullet also severely damaged Krishnan's abdomen as it passed.

Pandav Kumar died on the spot and Krishnan received medical attention. Neeraj Balhara switched off his phone and fled. On 26th April, Neeraj Balhara was captured near Rohtak and charged with murder and attempted murder. On 27th April, Neeraj Balhara was suspended from duty and an inquiry was initiated. (*Commonwealth Human Rights Initiative, 2016*)

CAUSE

Both cruelty and inhuman behavior trace back to the same core causes.

- **Political power:** if the accused is an MP, MLA, or by any way, closely related to government officials, he is most likely to be favored in any case he finds himself in.
- **Financial power:** if a person is a big businessman, or rich by any means, he bribes his way out of any trouble he or any of his related people get into.
- **Social power:** if a person is immensely popular among people and has a very great goodwill and followers, people outrage if he is ever charged and refuse to take even the most reasonable reasons for the accusation. (**Transparency International, 2023**)
- **Powerful position in police or any form of executive system:** if the person holds a high rank in any executive body, he has a power of authority over most of the system, to the extent, that his influence, and the unity in the system can lead to getting him away with anything he commits, everything is covered up and the blame is shifted to an innocent or a well-known criminal whom no one will suspect of being falsely charged.
- **Connections with all the above:** if a person has contacts and connections with rich, political, social figures or high rank officials, he can leverage such connections to get away with any act by any of the above-mentioned means.
- **Excessive power:** when police feel too much power in their hands, they start exploiting it. When there is no check and balance, they assume the power of the entire system themselves, deciding whom to punish, how, under what charges. Then they frame fake charges on paper to justify their exploitation. It is only when such exploitation results in severe consequences like death, that these exploitations are revealed. (**Skolnick & Fyfe, 1993**)
- **Power games:** Even when such exploitations are revealed, political figures suppress them and the public outrage it causes, to maintain peace on the surface. Because if the public starts digging into one incident, a series of similar negligence, exploitation and corruption will be revealed like a chain reaction. This will expose many such political and public figures, who, on the surface, appear to be the cleanest and have a huge popularity, and make them lose their position and votes in the next elections.

Related Legislations

Constitutional Safeguards

- **Article 21** – Right to life and personal liberty; prohibits torture and degrading treatment. (**Constitution of India, 1950, Art. 21; D.K. Basu v. State of West Bengal, 1997; Maneka Gandhi v. Union of India, 1978**)
- **Article 22** – Protection against arbitrary arrest and detention. (**Constitution of India, 1950, Art. 22; A.K. Gopalan v. State of Madras, 1950**)
- **Article 39A** – Mandates free legal aid to ensure justice for victims of police abuse. (**Constitution of India, 1950, Art. 39A; Hussainara Khatoon v. State of Bihar, 1979**)
- **Article 14** – Equality before law; prohibits discriminatory police conduct. (**Constitution of India, 1950, Art. 14; E.P. Royappa v. State of Tamil Nadu, 1974**)
- **Article 15** ensures police cannot act with bias or discriminatory cruelty. (**Constitution of India, 1950, Art. 15; Indra Sawhney v. Union of India, 1992**)
- **Article 19** ensures police cannot suppress freedoms through intimidation, wrongful arrest, or violence. (**Constitution of India, 1950, Art. 19; Romesh Thappar v. State of Madras, 1950**)
- **Part IV (DPSPs)** provides the moral and policy foundation against police cruelty. (**Constitution of India, 1950, Part IV; Kesavananda Bharati v. State of Kerala, 1973**)
- **Article 32** gives direct access to the Supreme Court for fundamental rights violations. (**Constitution of India, 1950, Art. 32; Romesh Thappar v. State of Madras, 1950; Bandhua**

Mukti Morcha v. Union of India, 1984)

- **Article 226** empowers **High Courts with wider jurisdiction**, making remedies more accessible and practical. (**Constitution of India, 1950, Art. 226; *T.C. Basappa v. T. Nagappa, 1954***)

Bharatiya Nyaya Sanhita (BNS), 2023

- **Section 124** – Public servant disobeying law with intent to cause injury. (**Bharatiya Nyaya Sanhita, 2023, § 124; formerly Indian Penal Code, 1860, § 166**)
- **Section 187** – Wrongful confinement by public servant. (**Bharatiya Nyaya Sanhita, 2023, § 187; *Sube Singh v. State of Haryana, 2006***)
- **Section 219** – Voluntarily causing hurt to extort confession.
- **Section 220** – Grievous hurt to extort confession. (**Bharatiya Nyaya Sanhita, 2023, §§ 219–220; *Selvi v. State of Karnataka, 2010***)
- **Section 223** – Wrongful confinement to extort confession. (**Bharatiya Nyaya Sanhita, 2023, § 223; *D.K. Basu v. State of West Bengal, 1997***)
- **Section 103** – Murder, applicable in custodial deaths.
- **Section 106** – Culpable homicide not amounting to murder, relevant in custodial negligence. (**Bharatiya Nyaya Sanhita, 2023, §§ 103, 106; *Nilabati Behera v. State of Orissa, 1993***)

Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023

- **Section 35** – Limits arrest without warrant; requires recorded reasons. (**Bharatiya Nagarik Suraksha Sanhita, 2023, § 35; *Arnesh Kumar v. State of Bihar, 2014***)
- **Section 43** – Procedure for arrest; prohibits excessive force. (**Bharatiya Nagarik Suraksha Sanhita, 2023, § 43; *D.K. Basu v. State of West Bengal, 1997***)
- **Section 48** – Restrains police from unnecessary restraint. (**Bharatiya Nagarik Suraksha Sanhita, 2023, § 48; *Prem Shankar Shukla v. Delhi Administration, 1980; Citizens for Democracy v. State of Assam, 1995***)
- **Section 51** – Duty to inform grounds of arrest and right to bail. (**Bharatiya Nagarik Suraksha Sanhita, 2023, § 51; *Joginder Kumar v. State of Uttar Pradesh, 1994***)
- **Section 183** – Mandatory judicial inquiry into custodial deaths or rape. (**Bharatiya Nagarik Suraksha Sanhita, 2023, § 183; *Nilabati Behera v. State of Orissa, 1993; National Human Rights Commission of India, 2021***)
- **Section 184** – Police must report custodial deaths to the Magistrate and the NHRC. (**Bharatiya Nagarik Suraksha Sanhita, 2023, § 184; Protection of Human Rights Act, 1993, § 12**)

Protection of Human Rights Act, 1993

- **Section 2(d)** – Defines *human rights* as rights relating to life, liberty, equality, and dignity guaranteed by the Constitution or international covenants. This is the foundation for treating police torture as a violation. (**Protection of Human Rights Act, 1993, § 2(d); United Nations, 1948; United Nations, 1966a; United Nations, 1966b**)
- **Section 12** – Functions of NHRC:
 - Inquire into complaints of violation of human rights (custodial deaths, torture, police excesses).
 - Intervene in court proceedings involving human rights violations.
 - Review safeguards provided under law for prevention of abuse. (**Protection of Human Rights Act, 1993, § 12; *People's Union for Civil Liberties v. Union of India, 1997***)
- **Section 13** – Powers of NHRC during inquiry: same as a civil court (summoning witnesses, requiring documents, examining evidence). Crucial for investigating custodial violence.

(Protection of Human Rights Act, 1993, § 13)

- **Section 17** – Procedure for inquiry into complaints of human rights violations. Directly applicable to custodial torture cases. **(Protection of Human Rights Act, 1993, § 17; *D.K. Basu v. State of West Bengal*, 1997)**
- **Section 18** – Steps after inquiry:
 - Recommend compensation to victims of police cruelty.
 - Suggest prosecution of guilty officers.
 - Recommend reforms in police practices. **(Protection of Human Rights Act, 1993, § 18; *Nilabati Behera v. State of Orissa*, 1993; *Rudal Shah v. State of Bihar*, 1983)**
- **Section 19** – Special procedure for human rights violations by armed forces; relevant when police act jointly with paramilitary forces. **(Protection of Human Rights Act, 1993, § 19; *Extra Judicial Execution Victim Families Association (EEVFAM) v. Union of India*, 2016)**
- **Section 21** – Establishes State Human Rights Commissions, which handle and oversee complaints of police brutality. **(Protection of Human Rights Act, 1993, § 21; *Rajasthan State Human Rights Commission*, 2019)**
- **Section 30** – Establishment of Human Rights Courts in each district for speedy trial of custodial violence cases. **(Protection of Human Rights Act, 1993, § 30; *Law Commission of India*, 2017)**

PREVENTIVE MEASURES

Check and balance: police and other executive bodies shall face surprise audits, checks and inspections by officials disguised as desperate needy victims, to see how they treat them and how efficiently they work. Also, their case records should be audited to understand how efficiently they have been performing. These audits should be done on irregular intervals by an independent body, which further gives this report to the high court and state government which further keep such bodies in check and balance. **(Walker, 2005)**

Warnings and penalties should be divided. For slight delay, for small amount bribery, for large amount bribery, for refusing to register or investigate a case. Also, if such negligence caused any severe breach of anyone's fundamental rights or caused death of a victim by the accused or by suicide by disappointment from the system. All sorts of negligence and corruption in the system should have separate punishments. Repeating offenders should receive more severe punishment. Whistleblowers should be protected and encouraged to highlight inefficiencies. **(Government of India, 2014)**

CONCLUSION

Police are an essential body in our executive system. But the greater the role, the higher the degree of responsibility. Because, for a vast population on ground level, police decide who gets representation and justice and who does not. If police refuse to file a complaint, it will never be officially recorded, never investigated or never reach court **(*Lalita Kumari v. Government of Uttar Pradesh & Others*, 2013)**. If police torture someone out of false charges, it is almost impossible to prove it. If they ask for a bribe to file a complaint, most people do not report, fearing being condemned by fake charges. Hence, police, being such a powerful and crucial body, if not properly checked and balanced, could turn into a full-scale mafia themselves, controlling who gets represented, who gets wrongly punished, who gets justice, who dies fighting for it.

Being a federal democracy means every department holds powers and duties as essential for their job, all work independently, but none is untouchable. The executive watches over the public, and judiciary watches over the executive, as well as people themselves watch over the executive and both or any of them

can report any inefficiency or arbitrariness in any act of the executive. People have a say, they can demand answers to any injustice, arbitrariness and inefficiency faced by them. No system is bad at essence, until the powerful (police) forgets, from whom he derives his power (people). (Montesquieu, 1748/1989; Seervai, 1991)

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