



A QUALITATIVE REVIEW OF HUMAN RIGHTS VIOLATIONS IN POLICE CUSTODY IN TAMIL NADU AND PATHWAYS FOR REFORMS

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ABSTRACT

This article presents a comprehensive qualitative review of custodial violence and lock-up deaths in Tamil Nadu since 2018, based on media reports, judicial records, Non-Governmental Organisation investigations, autopsy documents, and data from human rights commissions. The findings underscore systemic failures, institutional inertia, and a chronic lack of accountability mechanisms. Despite constitutional protections and landmark legal judgments, over 478 custodial deaths occurred in the state from 2016 to 2022, with no convictions. Case studies such as the deaths of Jeyaraj & Bennix and Ajith Kumar highlight recurring patterns of abuse and official complicity. This paper assesses judicial interventions, policy responses, and oversight mechanisms, while proposing systemic reforms to ensure justice, accountability, and the protection of fundamental rights.

KEYWORDS : Custodial Violence, Human Rights Violations, Judicial Accountability, Lock-up Deaths, Tamil Nadu Police Reforms.

I. INTRODUCTION

Custodial violence represents one of the crucial challenges to the supreme law of the land Constitution of India. The Indian Constitution enshrines the right to life and personal liberty under Article 21, a provision that has been expansively interpreted by the judiciary to include protection from torture, inhumane treatment, and unlawful detention (*Maneka Gandhi v. Union of India*, 1978 AIR 597). Despite these guarantees, the persistence of custodial violence and lock-up deaths in Tamil Nadu signals a fundamental breach of constitutional and human rights principles (*People's Union for Civil Liberties v. Union of India*, AIR 2005 SC 2419). The Universal Declaration of Human Rights upholds the right to life, dignity, and freedom from torture (Articles 3 and 5, UDHR, 1948). Similarly, the International Covenant on Civil and Political Rights (ICCPR), ratified by India, mandates that no person shall be subjected to torture or cruel, inhuman or degrading treatment or punishment (Article 7, ICCPR, 1966). These international commitments, however, remain poorly enforced in custodial contexts (NHRC Annual Report 2020-21). Tamil Nadu, a state with a history of progressive jurisprudence and civic activism, has paradoxically seen over 478 custodial deaths between 2016 and 2022 without a single conviction (National Campaign Against Torture, 2022; *The Hindu*, 478 Custodial Deaths in Tamil Nadu and No Conviction, 2023). This systemic impunity has sparked concern from civil society, the judiciary, and international observers (Human Rights Watch, India: End Police Impunity for Custodial Deaths, 2022).

The landmark procedural safeguards to protect detainees from custodial abuse including arrest memos, regular medical examinations, and magistrate oversight were laid out in the Supreme Court ruling in the *D.K. Basu v. State of West Bengal* case. (*D.K. Basu v. State of West Bengal*, AIR 1997 SC 610). Despite these safeguards, recurring violations suggest a deeper malaise rooted in institutional culture and a lack of accountability. (National Campaign Against Torture, 2022).

Police reform was emphasised in the *Prakash Singh v. Union of India* case (*Prakash Singh v. Union of India*, AIR 2006 SC 2177), with advocacy for fixed tenures, independent oversight bodies, and the separation of investigation from law and order functions. Yet, the implementation of these reforms has been inconsistent, predominantly in cases involving lower-rung police personnel and politically sensitive regions (Commonwealth Human Rights Initiative, 2020).

This study conducts a qualitative analysis of custodial violence trends in Tamil Nadu from 2018 onwards. By

synthesising data from media reports, judicial records, NGO investigations, and human rights commissions, it identifies persistent patterns of brutality and state apathy (Human Rights Watch, 2022; NHRC, 2021). It also evaluates the response of the judiciary and oversight bodies, highlighting key case studies such as the custodial deaths of Jeyaraj & Bennix (2020) (*The Hindu*, 2020) and Ajith Kumar (2025) (*The News Minute*, 2025).

The objective of this article is not to criticise any political party or defame the Tamil Nadu police system, but to address the comprehensive legal, institutional, and educational reforms that are needed to restore the primacy of human rights and the rule of law in custodial settings (Baxi, 2020). This paper argues that custodial violence is not merely a law enforcement issue but a constitutional crisis (India Justice Report, 2022).

II. Some Important Case Laws in Tamil Nadu

1. In re: Sterlite Protest Shootings, Thoothukudi (2018): While not a typical custodial case, the judicial inquiry into the police firing during the anti-Sterlite protests marked a landmark assessment of police conduct in Tamil Nadu. Thirteen protestors were killed in the firing. The inquiry concluded that the police action was unjustified and excessively violent. Though it did not result in custodial death prosecutions, the case remains critical for understanding excessive use of state force and gaps in command accountability. The Madras High Court endorsed the findings and emphasised the state's responsibility for the unlawful deaths.

2. Re: Death of Jayaraj and Bennix (2020): The custodial deaths of Jayaraj and his son Bennix in Sathankulam, Tamil Nadu, triggered nationwide outrage and scrutiny of police excesses. Arrested for a minor lockdown violation, they were subjected to prolonged torture and sexual assault in custody, resulting in their deaths. The High Court of Tamil Nadu grabbed suo-motu cognisance, ordered preservation of CCTV footage and medical records, and praised magistrates who intervened to ensure evidence collection. The CBI took over the case, and several officers were arrested under Section 302 of the IPC. This case is a pivotal moment in Tamil Nadu's custodial justice narrative, highlighting systemic police brutality, lack of CCTV enforcement, and judicial interventions that temporarily restored public trust.

3. S. Sushma v. Commissioner of Police (2021): This case before the Madras High Court involved a same-sex couple who feared custodial abuse and harassment. The judgment directed police sensitisation programs and banned conversion therapy. It extended constitutional protections

under Article 21 to LGBTQIA+ individuals in custody and beyond. While not a death case, it expanded judicial concern over custodial settings as potentially oppressive environments, particularly for vulnerable groups. The judgment's significance lies in its preventive approach to custodial violence and its reimagining of Article 21 as inclusive of psychological dignity.

4. In re: Death of Vignesh (2022): Vignesh, a 25-year-old man, died in custody after being arrested in Chennai. Police claimed a seizure of ganja, but post-mortem findings showed physical trauma. The case raised alarms over procedural violations, including a lack of medical examination and family notification. The Madras High Court monitored the investigation and directed the state to submit detailed compliance with D.K. Basu guidelines. Vignesh's case brought

III. Data Overview: Custodial Deaths in Tamil Nadu (2016–2025)

Year	Reported Custodial Deaths	Magisterial Enquiries	FIRs Filed	Police Arrested	Charge Sheets Filed	Convictions	Compensation Awarded	References
2016–17	67	Not disclosed	0	0	0	0	Not disclosed	NHRC Annual Report 2017; Factly, 2023
2018	53	12	1	0	0	0	₹5 lakh (1 case)	The Hindu, April 2023
2019	49	Not disclosed	0	0	0	0	Nil	Factly.in, 2023
2020	62	Partial	2	9 (Sathan-kulam)	Pending	0	₹10 lakh (Jeyaraj & Bennix)	Frontline, 2021; NHRC 2023
2021	48	Not disclosed	0	0	0	0	₹7.5 lakh (NHRC standard; ~23 cases)	NHRC Annual Report 2022
2022	54	Not disclosed	1	0	0	0	Compensation in 3 cases	NHRC Annual Report 2023
2023	53	Not disclosed	2	0	0	0	Compensation in progress	The Hindu, April 2023
2024	46 (estimated full year)	In progress	1	0	0	0	2 cases under process	NHRC Quarterly Bulletin, Q3 2024
2025 (till June)	21	Partial	2 (Ajith Kumar, Chennai South)	5 (Ajith case)	1 (Ajith case)	0	₹10 lakh (Ajith Kumar case)	The Indian Express, June 2025; Bar & Bench 2025

IV. Systemic Shortcomings

- **Judicial Abdication:** The lower courts have repeatedly authorised remand without assessing detainees' physical condition, effectively enabling abuse.
- **Medical Complicity:** Postmortem procedures are often opaque, failing to record injuries and withstand scrutiny.
- **Weak Oversight Institutions:** Despite NHRC recommendations and raised compensations (₹7.5 lakh), a lack of enforceable authority has rendered them largely ineffective.

Table 1 Role and Status of the Institutions

Institution	Role	Status in Tamil Nadu (2020–2024)
NHRC / SHRC	Oversight & recommendations	Advisory only; most directives ignored
Judicial Magistrate	Remand approval, injury check	Often fail to conduct visual checks
Medical Officers	Injury documentation/autopsy	Reports are often sanitised or delayed
State Human Rights Commission	Inquiry & compensation	Minimal enforcement; lacks suo-motu powers

V. Strengthening the Custodial Justice Mechanisms in Tamil Nadu

The recurring incidents of custodial deaths and police

renewed attention to the inadequate implementation of custodial safeguards and the urgent need for external monitoring of police stations in urban Tamil Nadu.

5. Inquest into the Death of Ajith Kumar (2025): A 27-year-old temple guard named Ajith Kumar lost his life while in police custody in Sivaganga. Initially reported as a suicide, the case was reclassified as murder under pressure from civil society and legal activists. The autopsy was video-recorded under judicial oversight, and five officers were arrested. This case was one of the first to be prosecuted under the Bharatiya Nagarik Suraksha Sanhita, the new legal code replacing parts of the CrPC. It marked a rare instance of procedural transparency, family involvement in evidence review, and swift legal reclassification, setting a precedent for custodial death investigations in Tamil Nadu.

excesses in Tamil Nadu expose severe deficiencies in legal accountability, institutional oversight, and administrative will (Human Rights Watch, 2022; India Justice Report, 2022). A systemic approach is needed, blending legal reforms with educational and procedural restructuring to ensure custodial justice is upheld as a non-negotiable constitutional guarantee (Baxi, 2020).

a. Ensuring Independent and Impartial Investigations

A central recommendation is to establish independent mechanisms for investigating custodial death cases. Such investigations should not be carried out by the same police force implicated in the alleged abuse. Instead, responsibility should be assigned to external agencies like the Central Bureau of Investigation or specially designated human rights units, especially in sensitive or high-profile cases (National Campaign Against Torture, 2022). Judicial or magisterial oversight, as mandated under Section 176(1A) of the CrPC, must be strictly enforced with periodic reporting and public transparency (Code of Criminal Procedure, 1973).

b. Mandating Video Autopsies and Evidence Access

All autopsies in custodial death cases should be video recorded and conducted under strict forensic guidelines to avoid manipulation (NHRC, 2021). These recordings, along with CCTV footage from lock-ups, should be preserved and made accessible to the victim's family and legal representatives (Commonwealth Human Rights Initiative,

2020). Family access to evidence, including medical records, post-mortem reports, and FIRs, should be treated as a right, not a privilege, thereby building public trust and enabling legal recourse (The Hindu, 2020).

c. Empowering NHRC and SHRC

The State Human Rights Commission (SHRC) in its current form lacks enforcement teeth. In Tamil Nadu, SHRC recommendations are often delayed or ignored (People's Watch, 2022). A legislative framework must be adopted to grant these bodies binding powers, strict timelines for inquiry completion, and the ability to initiate criminal proceedings in clear cases of custodial abuse (Human Rights Watch, 2022). State-level amendments or administrative orders could operationalise these changes more quickly than waiting for national reform (India Justice Report, 2022).

d. Police Training and Accountability

Police officers at all levels require regular sensitisation training on custodial protocols, legal safeguards, and ethical policing (Prakash Singh v. Union of India, AIR 2006 SC 2177). Training should emphasise the consequences of custodial torture under constitutional and statutory provisions and instil awareness of citizens' rights under Article 21 and Article 22 (D.K. Basu v. State of West Bengal, AIR 1997 SC 610). Regular audits, internal accountability systems, and performance-linked human rights metrics should be introduced in police evaluations (Commonwealth Human Rights Initiative, 2020).

e. Integrating Human Rights Education in Higher Education

To instil a culture of constitutional values, human rights education must be mainstreamed into Tamil Nadu's higher education system (UGC, 2019). Courses on civil liberties, constitutional law, and custodial safeguards should be introduced in undergraduate programs, especially in disciplines like law, criminology, sociology, public administration, and political science. This will not only produce more informed citizens but also ensure that future police officers, civil servants, and legal professionals are grounded in human rights norms (Baxi, 2020; NHRC, 2021).

f. Legal Reform and Legislative Urgency

Tamil Nadu should advocate for stronger custodial protection laws, including the implementation of the long-pending Prevention of Torture Bill and specific amendments to the IPC and CrPC (Law Commission of India, 2017). Legal provisions must clearly define custodial torture and mandate minimum sentences to deter impunity (National Campaign Against Torture, 2022).

In conclusion, Tamil Nadu can serve as a model for custodial reform if it prioritises independent investigations, institutional enforcement, police accountability, and human rights education in equal measure (India Justice Report, 2022).

community outreach and independent oversight offer a comprehensive, actionable roadmap. By committing to these progressive steps, Tamil Nadu can become a model state in custodial justice reform. This manuscript thus fulfils its objective by providing a roadmap not only for critique but for constructive change, anchored in the spirit of constitutional morality, public accountability, and a humane criminal justice system.

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Table 2: Suggestions and Recommendations for Reforms

Suggestion No.	Reformation needed
1	State Security Commission to ensure political neutrality.
2	Fixed a two-year tenure for DGP and key officers.
3	Merit-based, transparent appointments.
4	Separation of investigation and law & order functions.
5	Police Establishment Boards for internal promotions/transfers.
6	Independent Police Complaints Authority (PCA) at the state and district level.
7	National Security Commission at the Union level.

V. CONCLUSION AND PROPOSAL

The findings of this study reinforce the urgent need for systemic reforms within Tamil Nadu's criminal justice framework, particularly in curbing custodial violence and restoring faith in the rule of law. The proposals outlined ranging from police training and legal education to