

THE INVERSE RELATIONSHIP BETWEEN CUSTODIAL VIOLENCE AND CUSTODIAL PROTECTION: AN ANALYSIS

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*'Dharma' and 'Danda' has been the underlining concept of governance in our ancient times and from the time immemorial the function of Indian Police, has always been as the principal law enforcement agency. "This huge reservoir of trained manpower can become a very important catalyst of positive change in society provided they are made to serve the rule of law and held accountable for their sins of commission and omission, if any. The issue of holding them accountable is very closely linked to the type of control and superintendence exercised over them."¹ Therefore, role of police personnel's is very crucial in our state. Violence conducted during custody is a **Janus faced creature** as the conduct of the officials is both insincere and deceitful to the law of the land. Physical violence like beating, rape or death or mental torture both are the ways exercised by the law custodians. The exercise of custodial violence is mainly exercised against the socially or economically weaker section of the society. The Impact of these atrocities is such that they tend to hamper victim's mind, his peace or life. Article 21 of the Constitution of India provides for Right to life and Personal Liberty but the exercise of the inhumane treatment against the people leads in hampering their basic fundamental right. The article below would critical analyse in its violence that is exercised against the person in custody by the people who are by law under a derogation to protect them i.e. the police atrocities against the person in custody.*

INTRODUCTION

"Custodial crimes and torture of persons in police custody are heinous and revolting as they reflect betrayal of custodial trust by a public authority against the defenceless citizen; such practices violate fundamental rights and human rights".

-Law Commission of India Report, August 26, 1994

¹ G.P.Joshi, "Police Accountability in India"

[file:///C:/Users/H%20P/Downloads/police accountability in india%20\(2\).pdf](file:///C:/Users/H%20P/Downloads/police%20accountability%20in%20india%20(2).pdf) (last visited on 04th November 2017)

India is a country rich in its culture, heritage and traditions and it has from time immemorial kept Human Rights jurisprudence at its highest pedestal. It is no unknown fact that what is given primacy by the other parts of the world now has always been in the roots of Indian traditions. Human rights are the rights of person which he has simply because they are born or are human being and all people can universally and equally exercise these rights. According to United Nation Human rights office of the High Commissioner “Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.”² and the violation of these rights are even restricted and punished by the international and domestic regimes. In India we have our Criminal Laws to punish people who abridge the free human rights of others. The term violation lies in the epicentre of the criminal justice system and the initiation of its actions. The law custodians are bestowed with the responsibility for the initiation of these actions and also have the ultimate reliance of common man for protection against their rights and to provide redressal for the mayhem caused to them. But the law keepers ushered with the power of regulating the civil society by the nation matches it as their power to destroy degrading the trust of the authorities and losing the faith of mankind in the system of governance. According to the Article 21 of the Constitution of India “No person shall be deprived of his life or personal liberty except according to procedure established by law”, which is also inclusive of other rights like right to privacy, right against solitary confinement, right against delayed execution, right against custodial violence,. etc³. In a civilised society, like that of India custodial violence stands as one of the worst crimes. There is no specific meaning of the term custodial violence under any law but it is a combination of two words- custody and violence. Custodial violence means when a person is in police custody or in prison and violence like torture, rape, death and other excesses takes place against him.

According to Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has defined ‘torture’ as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from actions inherent in or incidental to

² <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

³ Unni Krishnan v. State of A.P. 1993 AIR 2178

lawful sanctions.” Different countries have their individual laws against exercise of custodial violence, but in spite of different laws, conventions and commitments custodial violence is an only human right which has been violated mostly in these countries which is supposed to be banned in all of its forms. The inhumane treatments to a person while he is in custody is exercised due to various reasons one of which is to extract information from him and then these protectors of the laws get hold of the law by causing harm to these convicts in order to do the same the police official exercises different degrees of torture on the convicts which may sometimes lead causing Custodial death.

BIRTH OF CUSTODIAL VIOLENCE

The growing cry of the society is that the very people designated with authority to protect and maintain the law order are especially the one taking it in their hands by exercising violence against people they are bound to keep safe. The concept of Custodial violence is not very new to the country it has been practiced for a really long time now. The traces of which can be located in the history too. In ancient history the entire family of Chandra gupta Maurya and were put into prison and were provided with food sufficient for only one person of family during the reign of Nanad Mahapadam. Even Kautilya in his Arthashastra has mentioned about the different kinds of tortures such as burning of limbs, tearing by wild animals, trampling to death by elephant and bulls, cutting of limbs and mutilation etc⁴. Even while the Britishers were ruling the country there are evidences of violence to be used to extract information's, taxes from the common people in the custody by the revenue and police officials. A commission was constituted by Colonial government in 1855 called Torture commission which by their report gave evidences that there was prevalence of exercise of torture by the officials. The Torture commission also defined 'Torture means as pain by which guilt is punished or confession extorted'. 'A structural problem of policing' was termed to custodial violence by the report prepared by the commission and also laid the foundation for setting up police Commission, 1860⁵.

Post independence, both union and state made different attempts to deal the issue of Custodial violence by constituting different Commissions and also to look into the working of police and their conduct in maintaining law and order in society. Torture and the different degrees of torture was highlighted to be commonly exercised by officials due to some political pressure, or to force confessions, in exercise of corruption, etc. And in the year 2003 Malimath committee came in front with its report on **Reforms of Criminal Justice system** by examining the functioning of criminal system. The committee observed

⁴Concept of custodial violence and types of torture

https://www.academia.edu/9267466/CONCEPT_OF_CUSTODIAL_VIOLENCE_AND_TYPES_OF_TORTURE (Last Visited on 03 November, 2017)

⁵ Ibid.

that “If tortured, an accused should have the freedom to apprise the Magistrate of the incident, when produced before him. In such cases, the magistrate can remand him to judicial custody. This should be true of any violence or sexual offence perpetrated against an accused person in custody. In all such cases, there must be a detailed inquiry.” The Government of India after analysing the report given by the committee replaced the police act 1861. The new act focus on social responsibilities of the officials like human rights and the special focus was made to the exercise of their right towards the minorities.

CUSTODIAL VIOLENCE: A PRELUDE OF ABUSE

To take care or to provide safety or guardianship is the meaning of Custody. A person is said to be in police custody when dominance like restrictions or surveillance is levied on a person’s movement by police officials. Custodial violence means any kind of course of action legal or not by the police official which is not guaranteed by the government to be exercised. In the guise of investigation or interrogation an act of violence is conducted by the Police officials upon the person in custody. The conduct of violence is so easily and frequently practiced as the people against whom it is conducted are unable to protect themselves. When considering other forms of violence the chance of violence being exercised by the police officials much easier as it is conducted in the guise of authority or power authorised to them by the government or in the name of their uniform and within the walls of the police station, in the situations like these the victims becomes totally helpless. In the zeal to find out the real culprit, the police officials tend to violate the human rights of the people under their custody. To take a person in custody is to limit his freedom⁶.

Violence conducted during custody is a **Janus faced creature** as the conduct of the officials is both insincere and deceitful to the law of the land. Physical violence like beating, rape or death or mental torture both are the ways exercised by the law custodians. The exercise of custodial violence is mainly exercised against the socially or economically weaker section of the society. The Impact of these atrocities is such that they tend to hamper victim’s mind, his peace or life. Article 21 of the Constitution of India provides for Right to life and Personal Liberty but the exercise of the inhumane treatment against the people leads in hampering their basic fundamental right⁷. In the case of *SAHELI- a Women Resource Centre v. Police Commissioner of Delhi*⁸,

Supreme Court has interpreted the meaning of custodial violence as when police places some restrictions on the liberty of a person either directly or indirectly. The control over

⁶ Concept of Custodial Violence

<file:///C:/Users/H%20P/Documents/Custodial%20Violence/custodial%20violence%20article.pdf>
(last visited on 3rd November 2017)

⁷ *Joginder Kumar v. State of U.P.*, (1994) 4 SCC 260

⁸ AIR 1990 SC 513

the inmates by the police officials is what the key point of the custodial violence is. It stands immaterial whether or not injury is caused but what matters is the torture or assault has been conducted within the custody of police.

In Christian community Welfare Council of India(retg.) v Government of Maharashtra and Another⁹, the High court made the observation that police officer should have respect for the rights and liberties of the victims as they are the custodians of law and order and they should not flout the laws by stooping to such bizarre acts of lawlessness and they should not be acting arbitrarily in the name of power devised to them and should exercise their power in such a way that they don't abduct laws rather protect it.

In the landmark case of **Joginder Singh's** Supreme Court has tried to strike a balance between indiscriminate arrest by the police or the enforcement of laws by the police and the protection of human rights from oppressions or torture from law enforcers. And, stated that a realistic approach should be exercised in this regard. Law of arrest is one of the balancing individual rights or privileges, and duties or responsibilities are the other; while weighing and balancing the rights or privileges of single individual or that of individuals collectively; where the weight should be put or what is wanted or where the emphasis should be applied more for what comes first civil society or criminal; of law violator or law avoider¹⁰; And the Supreme Court also laid few guidelines to be followed as the fundamental rights of "an individual are inherent in Articles 21 and 22(1) of the Constitution and are required to be recognised and scrupulously protected. For effective enforcement of these fundamental rights, we issue the following requirements:

1. An arrested person being held in custody is entitled, if he so requests to have one friend, relative or other person who is known to him or likely to take an interest in his welfare told as far as is practicable that he has been arrested and where he is being detained.
2. The police officer shall inform the arrested person when he is brought to the police station of this right.
3. An entry shall be required to be made in the diary as to who was informed of the arrest. These protections from power must be held to flow from Articles 21 and 22(1) and enforced strictly.

It shall be the duty of the Magistrate, before whom the arrested person is produced, to satisfy himself that these requirements have been complied with". But even after laying so many guidelines and restrictions on the exercise of custodial violence the number of cases recorded about the same has been increasing over the years. According to the National Human Rights Commission Annual report the number of Custodial death reported by State governments or union territories in the year 1997 was around 888 and in the year

⁹ 1996(1) BOM CR 70

¹⁰ AIR 1994 SC 1349

2007 it was reported to be around **1,00,616**. The National Crime Records Bureau (NCRB) publication, India 2015 has reported around **97 cases** of custodial death¹¹. *So now the question that comes to our mind is that whether the persons entrusted with the maintenance of law and order and are called as custodians of law are really justifying their power or are rather depredators of civil liberties???*

INVERSE RELATIONSHIP BETWEEN CUSTODIAL PROTECTION AND CUSTODIAL VIOLENCE

Normal Environments cannot be observed in prisons. The environment and life encompassed within the prison is not according to the whims and fancies of the jail inmate. Troubled human beings are brought to prison, people often having background of violence either as a victim or as any offender and are kept within the four walls of jail against their own wishes. The loss of freedom and the environment inside the prison causes deep psychological trauma and the need of their preservation from the deviant prison culture is felt. Police officials are men trusted with the duty to look after the conduct and are also entrusted with the responsibility to protect and safeguard them. Different laws and regulations are included in different international conventions and domestic laws for the proper exercise of the power devised and for the safe custody of the people. Freedom from confinement and humane treatment is a personal liberty within the meaning of Article 21 of the constitution¹². The Custodial Crimes (Prevention, Protection and Compensation) Bill, 2006, defines custodial crime as “an offence caused against any arrested person or a person in custody when that person was in the custody of a police”. The conduct is such that people are physically brutalised and are mentally wretched so that one or the other purpose of the officials are satisfied. Violence against the person in custody is exercised in different forms some of which are known and defined by the agencies as unacceptable but then there are other which are not entailed on data due to lack of records. Some of the leading kinds are¹³:

- Physical violence
- Mental violence
- Emotional violence

Physical violence is when violence is exercised such that bodily injury is made to the body of the person in custody. It is so the commonly exercised type and includes beating, rape etc. Mental violence is when violence is such that person in custody is mentally affected by its

¹¹ National Human Rights Commission Annual Report , www.nhrc.nic.in (last visited on 4th November 2017)

¹² Francis Manjooran and Others. v Government Of India (AIR 1966 Ker 20)

¹³ S.K Ghosh, “Torture and Rape in Police Custody” (1993)

outcomes. Electric shocks, Rigorous imprisonment are the example of mental violence. Emotional violence effects emotionally to the person who is in custody. Starving a person, or causing harm to the family member are the types by which a person gets emotionally affected. Adriana P. Bartow defines “Torture is wound in the soul so painful that sometimes you can almost touch it, but it is also so intangible that there is no way to heal it. Torture is anguish squeezing in your chest, cold as ice and heavy as a stone, paralysing as sleep and dark as the abyss. Torture is despair and fear and rage and hate. It is a desire to kill and destroy including yourself”.

Even though the Article 21 of the Constitution provides with right to life but can the same be easily curtailed while the person is in custody according to ‘procedures established by law’?

Article 21 of the constitution states that “No person shall be deprived of his life or personal liberty except according to procedure established by law”. Our Criminal system talks about the laws under which if a wrong is committed by a person then he should be punished by the same. So, the police officials having the power of maintenance of law and order in society are devised with the power to have hold of such people and extract information about the act committed by them. In order to get their hands on the information the officials take people in custody sometimes without even accounting any entry in the registers. An entry to the register of the station is only made when the officials decides to present the person before the Magistrate showing arrest to be taken place just within the span of time. Whereas, Article 22 of the Indian Constitution talks about the protection against arrest and detention in certain cases as “No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice. Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate”¹⁴. By virtue of the above mentioned article such conduct by the officials not only abridges the fundamental right of a person rather also affects the liberty of an individual having greatest virtue in our country’s system. Thus, under situations like these personal liberty and social security of a person both should be balance within the bounds of law and the overall relationship between Police officials, jail Inmates and custodial facilities provided are also moulded. A ‘rehabilitative effect’ should be brought in the conduct of the officials that the inverse relationship of commitment (made for the

¹⁴ Article 22(1) and (2) of the Constitution of India

protection of people) and violence could be turned around. And, in all custodial facilities, violence should be admonished and sanctioned¹⁵.

ACCOUNTABILITY OF POLICE

'Dharma' and 'Danda' has been the underlining concept of governance in our ancient times and from the time immemorial the function of Indian Police, has always been as the principal law enforcement agency. "This huge reservoir of trained manpower can become a very important catalyst of positive change in society provided they are made to serve the rule of law and held accountable for their sins of commission and omission, if any. The issue of holding them accountable is very closely linked to the type of control and superintendence exercised over them."¹⁶ Therefore, role of police personnel's is very crucial in our state. Vulnerabilities like age, sex, race, status of offence of person in custody greatly leads to their victimisation. For efficient and effective accountability to the government custodians of law cause harm the accused by using violence or torture which may even sometimes lead to causing Custodial death¹⁷. Understanding the weakness of the person in custody it becomes easy for the police official to break him and rule over him by the exercise of violence against them. *The victimisation of person in custody usually go undiscovered as no one could be reported or held accountable as both the seats as listener are taken by police.* In India, there are numerous evidences showing of increasing police atrocities towards the person in custody. Incidents like brutality, torture for greed and other crimes committed by police officers in different parts of the country can always be accounted. Even after having very strong criminal legislations the inhumane conducts of the officials have no hold. In the name of accountability to the government they exercise their right arbitrarily and brutally involving bias. In spite Right to life or personal liberty under Article 21 of the Indian Constitution includes "a guarantee against torture and assault even by the State and its functionaries to a person who is taken in custody and no sovereign immunity can be pleaded against the liability of the State arising due to such criminal use of force over the captive person¹⁸". In **Prakash Singh v. Union of India** supreme court observed that "the popular perception all over the country appears to be that many of the deficiencies in the functioning of the police had arisen largely due to an overdose of unhealthy and petty

¹⁵ Donald J. Shoemaker and George A. Hillary Jr., "Violence and Commitment in Custodial Setting" Virginia Polytechnic Institute and State University <file:///C:/Users/H%20P/Downloads/DonaldJShoemakerGeorgeAJr.pdf>

¹⁶ G.P.Joshi, "Police Accountability in India" [file:///C:/Users/H%20P/Downloads/police accountability in india%20\(2\).pdf](file:///C:/Users/H%20P/Downloads/police%20accountability%20in%20india%20(2).pdf) (last visited on 04th November 2017)

¹⁷ Ross Homel and Carleen Thompson Griffith University, "Causes and Prevention of Violence in Prisons" https://www.griffith.edu.au/data/assets/pdf_file/0007/82618/causes.pdf (last visited on 04th November 2017)

¹⁸ D.K.Basu v. State of West Bengal (1997) 1 SCC 416

political interference at various levels starting from transfer and posting of policemen of different ranks, misuse of police for partisan purposes and political patronage quite often extended to corrupt police personnel¹⁹.” Thus in this case the Supreme Court laid guidelines according to which it was suggested that State Security Commission should be established to curb the unnecessary influence of legislators on the police.

An anathema to human existence is knowing that when they are in custody they would be not be protected and will be ill-treated. Even though a wrong is committed by them but this does not imply any freedom for exercise of violence against them. “Torture in flouts the basic rights of the citizens recognised by the Indian Constitution and is an affront to human dignity. Police excesses and the mal-treatment of detainees/under trial prisoners or suspects tarnishes the image of any civilised nation and encourages the men in 'Khaki' to consider they to be above the law and sometimes even to become law unto them. Unless stern measures are taken to check the malady, the foundations of the criminal justice delivery system would be shaken and the civilization itself would risk the consequence of heading towards perishing. The courts must, therefore, deal with such cases in a realistic manner and with the sensitivity which they deserve otherwise the common man may lose faith in the judiciary itself, which will be a sad day²⁰”.

THE POLICE, THE PEOPLE, THE POLITICS AND THE VIOLENCE

“We have a lot of people that are oppressed. We have a lot of people that aren't treated equally, aren't given equal opportunities. Police brutality is a huge thing that needs to be addressed. There are a lot of issues that need to be talked about, need to be brought to life, and we need to fix those”. -Colin Kaepernick

India is a union of 28 states and 7 union territories and police are the driving force for the law enforcement in the states of the country. A custodian of law becomes handicapped when the power and authority authorised to them is in practical sense controlled by agencies arbitrarily according to their own whims. Sometimes police on their own exercise such lackadaisical attitude that they themselves hamper the peace of the society. One such thing is the exercise of the Brutality in their conduct i.e. taking unfair advantage of the enormous power given. The lack of accountability on the part of Police is the main reason why there is such continued impunity for custodial violence in India.

*As Colin Kaepernick quotes “there is a lot of things that needs to be changed. One specially? Police brutality. The main reasons for such conduct of the custodians of law are either due to **high pressure of work**. The Indian police have a lot to deal with like riots, terrorist attacks, political problems etc, and with so much on their hand they have the*

¹⁹ Writ Petition (civil) 310 of 1996

²⁰ State Of Madhya Pradesh vs Shyamsunder Trivedi 1995 SCC (Cri.) 715

pressure to deal with the people in custody and to extract information from them as soon as possible. In lieu of their highly weighed work pressure and to have easy access of the information they tend to take an easy way out by causing 'violence'. Another reason is of the **political Pressure**. The police officials are held up under the clutches of the political parties, who tend to keep them as puppets, make them move or work accordingly and get their work done. In order to ascertain a heavy vote bank they even pressurise the officials for efficient law enforcement and early extractions of information²¹. Acting as handicaps they tend to work according to the moulds given and exercise torture for results desired. A powerful and unstoppable power by the government of India with in the hands of the police officials leads them taking advantage of the same. Another reason for such conduct of the officials is for the **greed of Money**. In the guise of their uniform they tend to take the most advantage of the situation, exercise of the violence is in order to extract money from the person in the custody or from the family of the person. The greed of money is also used by the political parties to lure the officials for exercising violence and to extract the required information from the person in custody. Sometimes, the use of violence is made to even make an innocent person to accept the act of the other. The strangest reason of all for the exercise of the violence is that it is '**intended to be given as a punishment**'. There are few Policemen with firm believe that in order to reform an accused it is very essential that torture should be exercised and are even habitual offenders²². These law custodians believe in the reformation of the accused goes via torture, believing that it would create fear in the minds of the accused and he would easily change reminiscing the consequence of the act. In spite it has been decided by court that, punishment having sense of torture is considered unconstitutional²³. The list of reasons and causes is endless and a very strong need is felt of behalf of these law enforcement agencies to have a considerate mind and conduct while dealing with person in custody in parallel with his fundamental right of life and liberty. Thus, it is crucial that a proper balance is to be maintained in facilitating access of justice and simultaneously also maintaining the right of the person in custody. A sense of security should be given to the citizens and a more professional and efficient police force should be constituted so that properly the grievances of the person are custody is dealt²⁴.

CONCLUSION AND SUGGESTIONS

The faith or the confidence of the people in the effectiveness of the legal regime of Indian society is eroding as the justice desired is not really reached out to the people in the need

²¹ S.K. Ghosh, "Politics of Violence" (2012)

²² D.J. Vaghela v. Kantibai, 1985 CrLJ 974 (Guj)

²³ Mohd. Dastagir v. State of Madras AIR 1960 SC 756

²⁴ G.P.Joshi, "Police Accountability in India"

[file:///C:/Users/H%20P/Downloads/police accountability in india%20\(2\).pdf](file:///C:/Users/H%20P/Downloads/police%20accountability%20in%20india%20(2).pdf) (last visited on 5th of November 2017)

of it. The drag of legal proceedings for the umpteen numbers of year leads keeping the accused in the police custody and this custody of police causes enormous torture to the person by all physical, mental and emotional means sometimes leading to cause Custodial Deaths. Since the violence caused or the death is not happening in the public domain justice is not really reached out to the people affected.

A coercive environment in prison stands as a biggest obstacle in the free living of the person in custody. The situational strategies devised by the police of violence or torture for the easy access of the information acts as a weakest weapon in the armoury of our legal system. So it is very important that police should understand that their job is to establish the rule of law rather not to establish rule relating politics. The outside control and influence trying to establish arbitrary or illegitimate autonomy on the functioning of the police should be insulated. Once they secure the freedom to function then they should be held responsible for the acts they pursue not validated by law. Therefore, there is a need of strengthening and improving the existing mechanisms governing the conduct of the police authorities.

Recently, in July 2017 a case of custodial violence was brought before the Delhi high court Involving Suresh Chandrashekharan arrested in connection of bribery case involving AIADMK factor leader T.T.V. Dhinakaran. Where he was kept in high-risk cell despite it was made especially for dangerous criminals. And when inquired by the police officials they denied the conduct. Such Police atrocities in such high profile case were highlighted as it involved big people. So, two conclusions can be situation, one that police officials are so frequent in their conduct that such political person was even deprived of his fundamental right. Second that such conduct when was practiced with such big political person because of which it got highlighted, imagine what all the people not so socially, economically or financially strong might be facing. In 2016 a video went viral where cops from Mangalwad Police Station in Chittorgarh District thrashed two people brutally for committing the act of theft. Not just been beaten badly they were also detained even when they were just a suspect or their act could be proved guilty. Not just this two recent death row of Burhan Wani's elder Brother Khalid Muzaffar Wani in Kashmir to Angelo Valdaris death in Mumbai (2014) who were shrouded in mystery while they were in the custody of police. To cope with the existing situations there are different factors which lead to causing violence all of which should be properly kept in mind and to be dealt with the authorities if we wish to evade the number of custodial violence in the country. Proper training should be provided to the police officials regarding how should they deal with the jail inmates and the culture inside the prison and its management conditions should also be effectively enhanced. These Management practices would lead to provide a safe and free environment to the person in custody. The Impact of outside influences like Political pressure on the police regarding the administration of prison; or in their ways of dealing with the person in custody; or the greed to attain money from the prisoner's family should all be lessened

and controlled. The prison inmates should be segregated or classified in accordance to the crime committed by them and should be kept in different kinds of prisons for promoting and maintaining good peace and order in the society. These factors if devised by the custodians of law may lead to achieve the rehabilitative goals we aspire to reach. Checks and balances to be made on the arbitrary use of the power devised on the Custodians of law. In order to reduce coercive control of police on the person in custody effectively the laws relating to the custodial violence be properly dealt with and implementation of these laws should regularly be checked upon. A wholesome approach of police combined with all the improved strategies like situational, management, proper staff training and social impact prevention strategy should be entailed. The accountability of the police towards the person in custody and the government should be manned up in such a manner that both of them should go Hand in Hand and only then reduced interpersonal prison violence can be controlled.