

SILENCE, STATE POWER, & ACCOUNTABILITY DEFICIT IN CUSTODIAL TORTURE MATTERS

Abstract

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India has established a strong legal system to safeguard human rights and prosecute major crimes, yet the country continues to experience low conviction rates for multiple types of offences. NCRB data show that between 2018 and 2022, only -27 to 28% of rape cases resulted in convictions, while Delhi's total conviction rate dropped to approximately 78% in 2023 from 88% in 2022, which resulted in thousands of cases being dismissed or acquitted. The legal requirements for speedy trials and victim rights established in Article 21 continue to exist yet enforcement remains irregular while data monitoring processes show insufficient strength. The research gap exists because there is no fundamental tracking system that monitors how prosecution teams make their decisions both at the case level and throughout their entire process. The public lacks access to prosecutor workload statistics and detailed charge outcomes, which results in hidden case-level attrition from prosecutorial cases. Institutional incentives which stem from overloaded offices and insufficient oversight as factors that decrease conviction rates. The proposals for reform focus on increasing operational capacity and establishing better system transparency. Experts recommend that prosecution resources should be increased through state prosecutor hiring and forensic support and training while establishing mandatory data collection and reporting requirements. The implementation of common case-management systems and the legal requirement to report attrition rates and the establishment of laws that allow researchers to access de-identified prosecution records represents the actual progress achieved by the organization.

Key words:- Custodial torture, Data Collection, Accountability Deficit, prosecutorial accountability, Criminal Justice Data

Introduction

Custodial torture is the gap between the constitutional rights enshrined in the Indian Constitution and the actual working of the Indian law enforcement agencies. Article 21 of the Constitution of India guarantees the right to life and personal liberty, and the courts have interpreted this provision to include protections against arbitrary detention, coercion,

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and inhuman treatment. However, violence in police custody is not only happening, but it seems to be one of the features of the criminal justice system.¹ This persistence of custodial torture, despite formal safeguards, is rooted in deep systemic issues a culture of impunity within law enforcement, inadequate accountability mechanisms, weak oversight by supervisory authorities, and social acceptance of coercive policing as a means to achieve swift results. Combined with persistent under-resourcing and outdated training, these factors foster an environment where constitutional rights are often ignored in actual practice. Courts have expressed themselves on the issue and recognised that it is a tragedy.² The Supreme Court, in one of the most prominent criminal procedure judgments of the last decade, *D.K. Basu v. State of West Bengal*,³ specifically identified custodial torture as a fundamental rights violation and laid down detailed procedural safeguards governing arrest and detention. *Nilabati Behera v. State of Orissa*⁴ also held that the state could be held liable if a person dies in its custody without following lawful procedures.

Framework Against Custodial Torture

Following *D.K. Basu* Judgement, police departments across India were formally required to comply with guidelines such as mandatory arrest memos, timely medical examinations of detainees, and immediate notification to relatives upon arrest. Although these reforms have improved documentation and increased the visibility of police conduct, implementation⁵ on the ground remains inconsistent. In some states, courts have used these precedents to demand stricter oversight and disciplinary action against erring officers. However, neither judgment has led to a dramatic reduction in incidents of custodial violence, pointing to continued challenges in translating court-mandated safeguards

1 Sangeeta Mandal, *Custodial Torture and Human Rights in India*, 1 Indian J. L. & Just. 75 (2010), <https://ir.nbu.ac.in/server/api/core/bitstreams/2a2c7900-f14a-4897-9ca0-c912676be05f/content>

2 Aashka Vyas, *Custodial Torture in India: The Urgent Need to Align Domestic Laws with Global Standards*, NLIU-CRIL Int'l L. Blog (Mar. 17, 2025), <https://cril.nliu.ac.in/2025/03/17/custodial-torture-in-india-the-urgent-need-to-align-domestic-laws-with-global-standards/>

3 *D.K. Basu v. State of West Bengal*, (1997) 1 S.C.C. 416 (India)

4 *Nilabati Behera v. State of Orissa*, (1993) 2 S.C.C. 746 (India).

5 Sunil Kumar & Dhruv, *Custodial Violence in India: Legal Gaps and the Quest for Police Accountability*, 7 *Int'l J. L., Pol'y & Soc. Rev.* 155 (2025), <https://www.lawjournals.net/assets/archives/2025/vol7issue2/7059.pdf>.

into routine police and prosecutorial practice.⁶ These cases depict the possibilities and the limitations of judicial intervention in effecting systemic change. At the same time, conviction rates in cases of state violence are still very low and happy prosecutions are very rare. Public discourse often blames evidentiary problems, hostile witnesses, or police failure as the main reasons. While these reasons are a part of the situation, they hide the real issue, which is that transparency in prosecutorial decision-making is simply missing. Data on India's criminal justice system document crimes reported, charge sheets filed, and trial results, but they do not show how cases change at the prosecution stage. There is hardly any information on why cases are weakened, postponed, or dropped. The absence of transparency leads to an institutional black box where cases of custodial violence are most often done away with before the performance of any real judicial examination.

Black Box of Accountability

One major problem when discussing torture in custody in India is that There is no nation-wide, consistent, case-level dataset to follow up a complaint through investigation, court, trial, and final liability. The issue is especially severe on comparing those old cases registered under Sections 330 and 331 of the Indian Penal Code to those governed from 1 July 2024 under the Bharatiya Nyaya Sanhita, 2023. Section 120, BNS, criminalises causing hurt or grievous hurt to someone voluntarily to extort a confession or information. However, at the national level, there is still no such standalone offence, which could comprehensively correspond to the definition given by the Convention against Torture. The State of Policing in India Report 2025,⁷ which relies on official data, highlights severe gaps in police torture and accountability records. It states that NCRB data shows 1,107 deaths in police custody between 2011 and 2022 yet there is no case of police personnel being convicted for those deaths during that period. In light of the above situation, this paper will refrain from relying on a complainant-to-conviction numeric funnel without verification. Rather, it will treat the non-existence of a nationally coherent custodial-torture case trajectory as the accountability deficit itself.

6 *Custodial Deaths in India: Causes & Safeguards Available*, PMF IAS, <https://www.pmfias.com/custodial-deaths-in-india/> (last visited Apr. 3, 2026).

7 Common Cause, & Lokniti–Centre for the Study of Developing Societies. (2025). *Status of policing in India report 2025: Police torture and (un)accountability*. https://commoncause.in/wotadmin/upload/SPIR_2025.pdf

This kind of structural attrition is maintained by a combination of institutional and evidentiary constraints that are interlocked. The biggest one is the deep-seated conflict of interest inherent in the way investigations are carried out usually, allegations of torture are investigated by the very police force that the accused belong to. Without any independent investigative bodies, departmental inquiries and magisterial probes often lack both neutrality and power to coerce. The end result is a phenomenon that might be referred to as a closed-loop accountability failure, meaning that the very system that is supposed to find out who is guilty is, on account of its institutional nature, disincentivised from not doing so.

Adding to this is the delicate nature of evidence in custodial situations, which is most of the time intentionally manufactured rather than being an accident. Often medical examinations are done after long delays or done in a very superficial way which results in the injuries being dismissed as old ones or injuries that the person inflicted on him- or herself. The police stations having CCTV cameras that have to be used by law is not an idea that is implemented regularly, and the cameras even break down frequently. As far as the recording of forensic evidence goes, it is the weakest. The victims and witnesses who are usually the ones in the lowest socio-economic groups are sometimes forced through intimidation or other types of pressure to change their statements or become hostile during the trial. So, the courts get evidence files which don't seem to them to be very good, even if the violations themselves were very serious.

The existing law compounds the problem as we still lacks specific anti-torture law through which acts of violence in custody are handled. From the conduct occurring on and after 1 July 2024, the Bharatiya Nyaya Sanhada, which was passed in 2023, has become the effective penal code. Section 120 of this code deals with causing hurt or grievous hurt with voluntary intent for extorting the confession or giving certain information. The corresponding IPC provisions for the time before this including the sections 330 and 331 are still in force, yet one cannot really use these provisions to describe the level of pain and suffering one is subjected to in a torture scene, nor these provisions even recognize the fact that the torturer as human has an inherent advantage over the sufferer as a person who is tortured.

Moreover, these laws require you to show that there was an explicit motive, for example, the sole purpose of getting the person to talk for making a confession. If one is not able to rely on witnesses or direct pieces of evidence proving this, such a legal requirement might present itself as a problem in terms of lawfulness. Hence, one finds it legally possible to

allege that the person who has been subject the police to is at best only hurt or wrongfully confined, and in practice torture is treated this way without being properly accounted for as a serious breach of fundamental constitutional and civil human rights. Looking at police and judicial custody deaths side by side gives us a better picture of how the mechanisms for escape operate differently within the system. Even though police custody deaths are less numerous, they are much more directly linked to torture allegations and usually happen very soon after the arrest.⁸ On the other hand, most of them are never convicted mainly because their cases become protected and evidence being suppressed at an institutional level. At the same time, there are more judicial custody deaths because a larger number of prisoners are kept in custody, nevertheless, they are usually considered dead out of natural causes, illness or suicide. In other words, whenever a doctor finds someone dead in custody, that criminal act, if such was committed, is no longer the centre-piece, but it is the issue of negligence from those in charge which becomes the major point of the narrative. Still, the consequence is the same in either case, i.e., a very small number of penal consequences.

While these steps to improve documentation, they hardly change the outcomes, since they do not solve the key issues of independent investigation, prosecutorial autonomy, and the standards of evidence.⁹ All these aspects together result in what is aptly called an architecture of impunity. The practice of torture in custody in India continues not because the law gave up once, but because the system of law, institutions and procedures together make it difficult to hold the guilty accountable.¹⁰ The lack of dependable data hides the extent of the problem; the way of conducting investigations makes it impossible to find the truth; the way of handling evidence make the prosecutors' cases weak; and the rules do not adequately define torture as a separate and more serious type of violence by the state. In such a system, silence is not just an accidental consequence, rather it is a result that is intentionally produced and perpetuated by the very institutions that are supposed to uphold the law and the rule of law.

8 National Crime Records Bureau (NCRB), *Crime in India 2023* (dataset), data.opencity.in, <https://data.opencity.in/dataset/crime-in-india-2023>

9 IndiaStat, *Violation of Human Rights and Custodial Deaths (Crime and Law category)* (dataset), <https://www.indiastat.com/data/crime-and-law/violation-of-human-rights-and-custodial-deaths> (last visited Apr. 3, 2026).

10 Common Cause & Lokniti-Ctr. for the Study of Dev. Soc'y's (CSDS), *Status of Policing in India Report 2025: Police Torture and (Un)Accountability* (Mar. 20, 2025), <https://ruralindiaonline.org/en/library/resource/status-of-policing-in-india-report-2025-police-torture-and-unaccountability/>

How Structural Barriers Preclude Accountability

While the previous section shows the broader system of impunity, the real problem lies in the systematic barriers to addressing custodial torture can make it difficult to gather the evidence needed to secure conviction. The procedural requirements such as the prior permission requirement for the Bharatiya Nagarik Suraksha Sanhita (BNSS), can directly lead to dropping charges or acquittal. According to section 218, the BNSS government needs approval before the judge, magistrate, or public servant can be taken to task even if accused of a crime during the performance of official duties. This approval requirement serves as a procedural barrier, potentially holding or complicating the process of getting hold of officials.

Delays, refusals, or bureaucratic inaction with granting sanctions can further hold back the cases from the stage of investigation up to the point of trial, resulting in the criminal accountability problem being effectively handed over to the executive, whereby the State has become both the accused as well as the decision-maker about whether the prosecution can proceed.¹¹

Working discursively, these procedural difficulties are tied very closely to one another, and at the same time, a large evidential shortage is undermining the ability to prosecute torture cases. Independent forensic documentation has been lacking in the cases that make the news. Often, bodies are not properly examined sometimes examinations are delayed, and dirty work is done, or the last-minute changes of face become a norm. Police stations don't always find ways to make sure their Committees for the Prevention of Torture are functioning right through to the final phase. Deteriorating chain of custody protocols are damaging the integrity of the evidence in such a way that, in many cases, material proof can potentially be challenged in court. At the same time, the main evidence, witnesses' accounts, is being undermined with the help of fear, threats and their socio-economic weaknesses. Families of victims, particularly from marginalised backgrounds, often face significant discouragement from pursuing complaints, which can result in hostility or withdrawal of testimony in court. This points to the fact that the issue is not only with the judges/legal systems but with the obtaining and preserving of evidence/proof itself.

11 Srishti Rajput, *Evidence Mishandling and Chain of Custody Failures in India*, 3 **Innovation & Integrative Res. Ctr. J.** 786 (2025), <https://iircj.org/wp-content/uploads/81-Evidence-Mishandling-and-Chain-of-Custody-Failures-in-India.pdf>

Institutional dynamics additionally embed this pattern of non-accountability. For one thing, public prosecutors, under the strain of a huge workload, may be handling thousands of cases at a time and so, in practice, have very limited capacity to independently question the police investigations. On top of this is the structural overload, the feature that requires the prosecutors to rely on the evidence provided by the police, which gives rise to a situation where the prosecutors are only in a position to accept the police bias.

Often referred to as a brotherhood, the police themselves reinforce this very dynamic as they invariably protect each other and are not willing to expose a colleague even when he has committed a serious offence.¹² This results in investigations that are hardly in-depth, charge-sheets that are meagre and prosecutorial strategies that are not only fitting but also lacking the element of conviction. The factual result of this is blatantly clear while there have been cases of custodial deaths recorded in the hundreds in the past decade, there have been hardly any convictions of police officers in recent years, which is a clear indication of the systemic collusion or, at the very least, the institutional inertia in the matter. It is interesting to examine the various barriers that have been raised here, and one can see from that list that there is a hierarchy of dysfunction. For one thing, procedural constraints, like for instance the requirement of sanction, function as gatekeepers that quickly weed out cases even before they get off the ground. This means that they have the most impact when it comes to attrition. On the other hand, evidentiary shortfalls mainly affect only those cases that have already successfully made the journey, thus leading to acquittals rather than non-prosecution. One might say that it's at the institutional level where factors such as prosecutorial overload and the bias in the investigation really come into play, where they influence both the procedural and evidentiary aspects. In other words, this way, they augment the procedural and evidential weaknesses and the two together form a kind of domino effect that is, feeble investigations give rise to weak evidence; at the same time, weak evidence is a deterrent for prosecution; and not forgetting procedural vetoes which, at the end of the day, guarantee that even cases which are potentially viable, are very rarely brought before a court of law.

The efforts to address these problems through state-level mechanisms appear to have been only partly successful. Judicial magistrate inquiries ordered under Section 196(2) of the Bharatiya Nagarik Suraksha Sanhita,

12 *Supreme Court Petition Challenges BNSS on Judicial Prosecutions*, Supreme Today (Feb. 7, 2026), <https://supremetoday.ai/supreme-court-petition-challenges-bnss-on-judicial-prosecutions-20260207005>

2023 and interventions by State Human Rights Commissions have been marked by low levels of compliance and independence. Only a few custodial death cases come to the attention of the judicial authorities, and even then, the inspectors tend to accept the police reports, which results in the re-enactment of the prejudices that these inspections are supposed to be the remedy for. The results from such bodies rarely go beyond recommending compensation and have hardly any effect on criminal prosecution. Their reports are often not even public, which is one more reason why the mystery surrounding the violence in custody keeps on being the characteristic feature. The role of the Central Bureau of Investigation (CBI) as an external investigative agency becomes an issue of great importance. Based on the study of the case-law of the Supreme Court of India, it has been inferred that the CBI has a record of ensuring sentencing of custodial death cases at a significantly higher level than that of the state police¹³ due to the CBI having relative institutional independence and specialised investigative capacity.

In some cases, the CBI investigations, often ordered by a court, have led to the conviction of police officers, which is in sharp contrast with the usual situation of state courts, where failure to convict is nearly 100% of the cases. But the CBI is more of a help than a solution. It gets called in only after a few cases reach the courts or get a lot of media coverage. Moreover, its work takes a long time. So, all in all, while the CBI is a slightly better investigative option, it is not, and cannot be, a replacement for a whole package of changes in the usual criminal justice system.

Judicial responses to acts of violence in custody, especially with regard to bail, are an example of how the courts are beginning to acknowledge these deep-rooted disparities through law. In fact, the Supreme Court has recently stressed the importance of a tougher attitude in granting bail to police officers who are charged with custodial crimes, as it is well within their power to intimidate witnesses and destroy evidence. In cases of custodial violence, the Court, by making these police officers unfit for bail and giving importance to the violation of the right to life under Article

13 Common Cause & Lokniti-Ctr. for the Study of Dev. Soc'ys (CSDS), *Status of Policing in India Report 2025: Police Torture and (Un)Accountability* (Mar. 20, 2025), <https://ruralindiaonline.org/en/library/resource/status-of-policing-in-india-report-2025-police-torture-and-unaccountability>

21,¹⁴ as a result of brutality in custody,¹⁵ has indicated that it is ready to keep a more watchful eye on such cases. Nevertheless, these measures are still limited to the facts of the particular cases and do not really deal with the first-level problems, such as procedural, evidential, and institutional, that are mainly responsible for most of the cases not getting to a situation where the issue of bail even arises.

Technological Oversight & Its Discontents

The introduction of compulsory CCTV monitoring in police stations was initially thought of as a physical measure to deal with custodial violence.¹⁶ It was specifically targeted at the evidential problems that have always been a major hurdle in the prosecution of torture cases. In the landmark judgment of *Paramvir Singh Saini v. Baljit Singh*,¹⁷ the apex court of the country invoked Article 21 of the Constitution to justify this regulation, stating that openness in the custodial environment is even more crucial to the protection of life and liberty. The Court instructed the installation of the entire audio-visual recording systems in all police stations and law enforcement agencies so that not even a single spot where abuse can take place without anyone knowing can remain unnoticed.¹⁸ At the level of legal theory, the decision in this case is probably the biggest one in recent times. The judges have, for the first time, really tried to change things by making use of technology to understand how the state exercises its power and how individual rights are protected.

14 INDIA CONST. art. 21.

15 Ibiene Pamela Mbano, Osaretin George Izevbu & Rita Abhavan Ngwoke, *Human Rights Concerns in the Pardon Process: The Marginalisation of Petty Offenders in Nigeria*, 5 Int'l J. Crim. Com. & Statutory L. 98 (2025), <https://www.criminallawjournal.org/article/106/4-2-25-150.pdf>

16 *Supreme Court Takes Suo Motu Notice Over Non-Functional CCTV Cameras in Police Stations*, News on AIR (Sept. 4, 2025), <https://www.newsonair.gov.in/supreme-court-takes-suo-motu-notice-over-non-functional-cctv-cameras-in-police-stations/>

17 *Paramvir Singh Saini v. Baljit Singh*, (2021) 1 S.C.C. 184 (India).

18 Debby Jain, “Mere Installation of CCTVs in Police Stations Not Enough, They Should Also Work Properly”: Supreme Court in Suo Motu Case, LiveLaw (Jan. 29, 2026), <https://www.livelaw.in/amp/top-stories/supreme-court-suo-motu-mere-installation-of-cctvs-in-police-stations-not-enough-they-should-also-work-properly-rajasthan-521100>

Court stipulated that recording devices should be placed at every critical point in police stations,¹⁹ such as entry and exit gates, lock-ups, corridors, reception areas, interrogation rooms, and the offices of investigating officers. Even if the areas just outside lock-ups and washrooms have to be covered, caught on camera at all times, it would be ensured that the detainees remain under surveillance at all times without affecting their privacy in the least. The technical parameters set by the Court only reinforce the fact that the coming of the Court's intervention is a matter of great and serious concern the cameras must have night vision, record triple audio and video, and have backup power facilities so that the stoppage of power does not cause any problem. To make matters worse, the Court also went so far as to say that the recordings must not be deleted for at least a year to a year and a half and that they should be made available to the courts, human rights organisations, and law enforcement agencies whenever a case of police brutality comes up.

Yet, the true measure of this directive should be its practical impact, not its idealistic goals. The key finding is that, despite robust guidelines, empirical data show the installation of CCTV has not significantly reduced incidents of custodial torture. High non-compliance persists, as many police stations have cameras that do not work, inadequate storage, or intentional avoidance of surveillance. Importantly, alleged torture continues to occur in blind spots or during system downtimes. This demonstrates that surveillance alone cannot prevent or provide evidence of custodial abuse without strong accountability mechanisms.

The major weakness of the Supreme Court's strategy is its emphasis on administrative compliance rather than on enforcement through penalties. The court has, time and again, equated non-adherence to CCTV guidelines with a breach of human rights.²⁰ However, penalties for such breaches have mostly been in the form of warnings, and, to some extent, symbolic ones. Government functionaries have been ordered to submit compliance affidavits, and high-ranking officials like Chief Secretaries have been called to explain instances of delay. Nevertheless, there is hardly any

19 *Supreme Court Demands Accountability: Centre, States Pulled Up for Not Installing CCTVs in Police Stations*, Prime Legal Blog (Nov. 27, 2025), <https://blog.primelegal.in/supreme-court-demands-accountability-centre-states-pulled-up-for-not-installing-cctvs-in-police-stations/>

20 Anukriti Mishra, *Every Room of Each Police Station Must Have CCTV Camera With Audio Facility, Any Lapse Will Be Deemed Contempt: Madhya Pradesh High Court*, LiveLaw (Oct. 24, 2024), <https://www.livelaw.in/high-court/madhya-pradesh-high-court/madhya-pradesh-high-court-contempt-action-non-compliance-police-station-cctv-installation-case-273516>

proof showing that court orders for contempt, monetary penalties, or personal responsibility of the culpable officials have been regularly and firmly executed. The divide between the concurring courts' judgment²¹ and its practical implementation largely diminishes the deterrent effect of the mandate and facilitates non-compliance without any significant consequences.

Oversight mechanisms established in line with the judgment have similarly faced challenges in bringing about accountability. Committees operating at the state and district levels, responsible for overseeing the installation and operation of CCTV,²² are often found lacking in terms of being independent, well-equipped, or having the authority to enforce decisions. Most of the time, their function is merely supervisory, with their work limited to pointing out shortcomings rather than fixing them. The result of this is a compliance culture emphasising formal installation at the cost of functional integrity. Therefore, there is the possibility that the cameras exist, but they are not maintained regularly, are not in the right position, or are not available in case the footage is required as evidence. Lack of live monitoring and independent checking only adds to this issue, allowing major loopholes to remain unnoticed till after the events have taken place.

Judicial measures against non-compliance at the High Court level are a clue to the possibility of stricter enforcement, though such judicial remedies are infrequent so far. Some High Courts have considered CCTV blind spots as a kind of contempt and have held the station-level officers responsible for intentionally avoiding the surveillance requirements. Nevertheless, these cases have not led to the setting of a national norm, and the enforcement still differs widely from one jurisdiction to another. As for the Supreme Court, it has expressed the possibility of strict action and contempt proceedings, yet they have not been implemented into a systematic scheme of penalties that could change the behaviour of the institutions.

21 *Monitoring Torture: SC's Suo Motu Action on Custodial Deaths and CCTV Camera Non-Compliance*, Sabrang India (Sept. 13, 2025), <https://sabrangindia.in/monitoring-torture-scs-suo-motu-action-on-custodial-deaths-and-cctv-camera-non-compliance/>

22 *Ctr. for Just. & Peace, CCTV in Police Stations: From Judicial Directives to Constitutional Accountability* (Sept. 12, 2025), <https://cjp.org.in/cctv-in-police-stations-from-judicial-directives-to-constitutional-accountability/>

The limitations of the CCTV mandate ultimately highlight a deeper structural point, as technology alone cannot replace institutional accountability.²³ Although continuous surveillance can be helpful in creating a stronger body of evidence and discouraging open violence, its effectiveness depends on the presence of mechanisms that guarantee adherence, maintain the sanctity of recordings, and punish wrongdoing. Without such mechanisms, CCTV systems are merely decorative symbols, there physically but in reality without any function.

Conclusion

Why custodial torture continues in India is not only due to loopholes in the law? As shown by this article, the law and courts' roles in arrest, detention, and state liability are quite strong both in terms of law and norms. Cases like *D.K. Basu v. State of West Bengal*²⁴ and *Nilabati Behera v. State of Orissa*²⁵ have not only declared custodial torture illegal but also held the state accountable for preventing and providing remedies. However, the ongoing occurrence of such human rights violations must be considered a failure over which a court of law cannot have control. As accountability cannot be present in a system that fails to recognise its mistakes through proper documentation. Until prosecutorial systems become transparent, we will not be able to confront the issue of custodial torture, and constitutional protections will remain a pipe dream. Addressing this issue cannot be done with simple reforms here and there but requires a fundamental dedication to transparency, truthful data, and accountability at the level of the entire criminal justice system.

23 *Tusharbai Rajnikantbhai Shah v. State of Gujarat*, SLP (Crl.) No. 14489 of 2023 (India Aug. 7, 2024) (order), https://api.sci.gov.in/supremecourt/2023/44034/44034_2023_3_301_54676_Order_07-Aug-2024.pdf.

24 *D.K. Basu v. State of West Bengal*, (1997) 1 S.C.C. 416 (India)

25 *Nilabati Behera v. State of Orissa*, (1993) 2 S.C.C. 746 (India).