

Custodial Violence, Sexual Crimes, and Legal Response: A Feminist Inquiry in India

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Abstract

Custodial violence and sexual offenses in institutional settings represent one of the most egregious kinds of State-sanctioned abuse against women in India. This study conducts a feminist legal analysis of the linkages between custodial violence and sexual offenses, scrutinizing the legislative framework, judicial reactions, and empirical data from 2015 to 2024. Utilizing statistics from the National Crime Records Bureau (NCRB), annual reports from the National Human Rights Commission (NHRC), Supreme Court jurisprudence, and feminist legal theory, the paper contends that current legal frameworks—although broadened since 2013—remain fundamentally deficient due to institutional impunity, low conviction rates, underreporting, and the lack of a specific anti-torture statute. The research utilizes doctrinal analysis in conjunction with an intersectional feminist framework, illustrating that Dalit, Adivasi, and economically disadvantaged women disproportionately endure custodial sexual violence. The report ends with suggestions for policies, such as passing an anti-torture statute, having independent inspection of correctional facilities, and making sure that victims get recompense in line with feminist ideas of reparative justice.

Keywords: Custodial violence, sexual crimes, feminist jurisprudence, NCRB, NHRC, D.K. Basu guidelines, rape law reform, India, intersectionality, reparative justice

1. Introduction

Police stations, jails, remand houses, detention centers, and government-run shelters are all places where people are supposed to be safe and get justice. But for women in India, it has always been a place of great danger. Custodial violence, which is when state agents hurt people in their care physically, mentally, or sexually, goes against the constitutional rights protected by Articles 14, 19, 20, 21, and 22 of the Constitution of India. Sexual offenses in prison environments are especially reprehensible due to the exploitation of State authority. The perpetrator is not a private individual; rather, they are a state agent—such as a police officer, prison guard, or government official—whose primary duty is to maintain law and order. Feminist legal academics assert that custodial rape transcends mere sexual offenses; it constitutes an act of torture, a breach of the right to life and dignity, and a reflection of gendered power dynamics entrenched within patriarchal state institutions (Kapur, 2001; Agnes, 1992). Landmark Supreme Court decisions, such as *D.K. Basu v. State of West Bengal* (1997), and a wave of new laws after the gang rape of a young woman in New Delhi on December 16, 2012 (the "Nirbhaya case") have changed India's legal reaction to custodial abuse. The Criminal Law (Amendment) Act, 2013 made the definition of rape much broader, included additional crimes, and required tighter processes. However, data up to 2024 shows that there is still a big difference between what the law says and what actually happens. This paper employs a feminist legal methodology, integrating doctrinal analysis with an intersectional framework, to critically assess: (i) the nature and prevalence of custodial violence and sexual offenses in India; (ii) the sufficiency and shortcomings of the current legal framework; (iii) judicial interpretation from a feminist perspective; and (iv) the structural reforms required to guarantee authentic accountability.

1.1 Statement of the Problem

India still has worrying levels of sexual violence in custody, even if laws have been changed. The NCRB Crime in India Report 2023 says that there were 47,841 sexual crimes and 12,004 fatalities in custody in just one year. In 2023–24, the National Human Rights Commission (NHRC) received 2,629 complaints about abuses of custodial rights. Of these, 11.3% were women victims. However, the conviction rate for rape cases is still about 27% (NCRB 2022),

and custodial rape convictions are much less common because of provisions in the law, such as § 197 of the Code of Criminal Procedure, 1973, which requires the government to punish public workers who are prosecuted.

1.2 Objectives of the Study

The present study pursues the following specific objectives:

1. To analyse the nature, extent, and trends of custodial violence and sexual crimes in India (2015–2024) using official data.
2. To examine the existing legal framework governing custodial violence and sexual offences through a feminist lens.
3. To critically evaluate judicial responses, identifying feminist gains and structural limitations.
4. To identify structural lacunae in the legal system that enable impunity for custodial sexual violence.

1.3 Research Questions

The study is guided by the following research questions:

1. How has the legal framework for custodial violence and sexual crimes evolved in India, and is it adequate from a feminist perspective?
2. What do official statistics reveal about the patterns, prevalence, and state-wise distribution of custodial violence and sexual crimes?
3. How have Indian courts—particularly the Supreme Court—approached custodial sexual crimes, and to what extent do judicial interpretations reflect feminist principles?

2. Research Methodology

The current study utilizes a doctrinal and empirical methodology, incorporating the following techniques:

Nature of Research: This is mostly qualitative-doctrinal study that has been improved with quantitative data. The doctrinal part is the study of constitutional provisions, statutes, case law, and law commission findings. The empirical part uses secondary data from official government sources such reports from the NHRC, NCRB, and parliamentary standing committees.

Data Sources: The Constitution of India, the Indian Penal Code of 1860 (as amended), the Code of Criminal Procedure of 1973, the POCSO Act of 2012, the SC/ST (Prevention of Atrocities) Act of 1989, the Criminal Law (Amendment) Act of 2013, and decisions made by the Supreme Court and High Court are all primary sources.

Secondary Sources: NCRB Crime in India Reports (2015–2023); NHRC Annual Reports (2019–2024); National Family Health Survey-5 (NFHS-5, 2019–21); Law Commission Reports (No. 172, 198, 273); feminist legal studies and peer-reviewed publications.

Theoretical Framework: The paper utilizes feminist legal theory as its analytical framework, specifically: (a) liberal feminist analysis scrutinizing formal equality in law; (b) radical feminist critique of State power and sexual violence; and (c) intersectional feminism (Crenshaw, 1989) investigating how caste, class, and gender exacerbate vulnerability to custodial violence. This framework shows how legal rules that seem impartial can actually be unfair to women.

3. Conceptual and Theoretical Framework

What is custodial violence?

Custodial violence includes any kind of physical, mental, sexual, or institutional injury done to those who are in the care of State authorities. Police custody (arrest, investigation, questioning), judicial custody (prison, remand houses), and State-run protective facilities (government shelters, observation homes, immigration detention) are all examples of this. The most extreme kind of custodial violence is custodial death, which is defined as death that happens while a person is in the care of State authority.

From a feminist perspective, custodial violence is inherently gendered. Women in detention are at risk of sexual violence, strip searches, threats to family members, and being taken advantage

of because they are poor. The power imbalance is very large. The custodian has complete control over the person's safety, legal help, and capacity to talk to others outside of the facility.

3.2 Sexual violence in custody as torture

International human rights legislation sees rape and sexual abuse in captivity as a type of torture. Article 1 of the UN Convention against Torture (1984) says that torture is when a public official causes or agrees to cause severe physical or mental pain or suffering. This criteria is clearly met when a police officer rapes someone during an interrogation. The UN Committee against Torture, the Human Rights Committee, and the European Court of Human Rights have all said this several times.

India has signed the CAT, but it hasn't yet ratified it. India does not possess a dedicated domestic anti-torture act, notwithstanding recommendations from the Law Commission (Report No. 273, 2017) and the Supreme Court (in several rulings, including *Sube Singh v. State of Haryana*, 2006). From a feminist point of view, this lack is a fundamental structural gap.

3.3 Feminist Legal Theory in the Indian Context

Feminist legal theory inquires: how does law create, sustain, or contest gender inequality? In the context of custody, this leads to many essential inquiries: Does the law see women's bodily integrity as truly inviolable? Is it feasible for women to get justice without being traumatized again by the way the process works? Are enforcement mechanisms shielded from the patriarchal prejudices of their implementers?

Upendra Baxi (1986) compellingly contended in relation to the Mathura rape case that Indian courts failed to acknowledge custodial rape as a form of rape—due to the prevailing judicial framework that conflated rape with resistance, leading to the assumption that a woman in police custody who did not actively resist had 'consented.' This fundamental critique prompted the 1983 modification to IPC § 375 and continues to inform the feminist examination of custodial sexual violence.

3.4 Intersectionality: Caste, Class, and Violence in Custody

Any feminist study of custodial violence in India needs to look at how different groups of people are affected by it. NCRB data regularly indicates that Dalit and Adivasi women are disproportionately represented among victims of custodial abuse and sexual offenses. Discrimination based on caste implies that women from lower castes are more likely to be in jail in the first place (for minor crimes, bonded labor, or domestic disputes), less likely to get legal help, and more likely to be disbelieved when they allege abuse. The SC/ST (Prevention of Atrocities) Act, 1989 imposes stricter sanctions, however its implementation in detention settings is still lacking.

4. Legal Framework: Statutes and Constitutional Provisions

4.1 Constitutional Guarantees

The Constitution of India establishes a comprehensive—albeit frequently inadequately enforced—framework for safeguarding against custodial abuse. The Supreme Court has said that Article 21 (the right to life and personal liberty) includes the right to be free from torture, cruel, inhuman, or humiliating treatment (*Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, 1981). Article 22 offers certain protections against arrest and detention. Articles 14 and 15 ban discrimination, including on the basis of sex, which gives a feminist critique of custodial practices a constitutional basis.

4.2 Legislative Framework: Overview

Table 1 below gives a full picture of the main laws in India that deal with custodial violence and sexual offenses. It lists the main crimes, their punishments, and the feminist meaning of each law.

Table 1: Legal Framework Governing Custodial Violence and Sexual Crimes in India

Legal Provision	Nature of Offence	Punishment	Remarks
IPC § 375/376	Rape & Sexual Assault	Pre-2013: 7 yrs; Post-2013: 10 yrs–Life/Death	Amended post Nirbhaya 2012
IPC § 354	Outraging Modesty / Sexual Harassment	Up to 1–3 years	Added sub-sections in 2013
IPC § 354A–D	Sexual Harassment, Voyeurism, Stalking	1–7 years depending on offence	Criminal Law Amendment 2013
IPC § 166B	Failure to record FIR (police)	Up to 2 years	Added in 2013
CrPC § 164A	Medical Exam of rape victim	Mandatory within 24 hrs	Amended 2005
CrPC § 197	Prosecution sanction for public servant	Executive sanction needed	Criticized as barrier
POCSO 2012	Crimes against children incl. sexual	Rigorous, up to death penalty	Covers minors under 18
SC/ST Act 1989	Crimes against SC/ST victims	Enhanced punishment	Relevant in custodial context
CAT 1984 (UN)	Prohibition of Torture	India signed, not ratified	Major gap in domestic law

Source: Compiled by author from IPC, CrPC, POCSO 2012, SC/ST Act 1989, and UN CAT 1984.

4.3 The Criminal Law (Amendment) Act, 2013: A Feminist Assessment

The Criminal statute (Amendment) Act of 2013, which came following the Nirbhaya gang rape case, is the biggest change to India's sexual offenses statute since independence. The Amendment changed the definition of rape to include all forms of non-consensual penetration, not just penile-vaginal penetration. It also created new crimes like acid attack (§ 326A–B IPC), stalking (§ 354D), voyeurism (§ 354C), and disrobing (§ 354B). It also set up fast-track courts for rape trials and said that they had to be finished within two months. The 2013 Act represented a substantial progression in formal law from a feminist standpoint. However, feminist critics have identified significant shortcomings: (a) it preserved the marital rape exception in § 375 IPC (now partially addressed in Independent Thought v. Union of India, 2017 for minors); (b) it established a death penalty provision for repeat offenders (§ 376E), which feminist scholars contend may inadvertently decrease reporting, as perpetrators possess a heightened motivation to silence survivors; and (c) its procedural safeguards are frequently not enforced, especially in custodial environments.

4.4 D.K. Basu Guidelines and their Implications

The Supreme Court's ruling in D.K. Basu v. State of West Bengal (1997) is still the main law that governs police custody in India. The rules provide that an arrest memo must be written out and signed by a family member or respected person in the area, that the detained individual must be examined by a doctor, that they must get legal help, and that they must keep records

of their custody. Article 32 said that breaking these rules was a wrong that could be punished and that people might get money for it.

But cooperation on the ground is still quite poor. In a large number of cases of custodial death, the NHRC's 2023–24 Annual Report says that the D.K. Basu recommendations were not implemented. For women in custody, the lack of required female police officers during arrest and detention (even though CrPC § 46(4) says they should be there) is still a major protection gap.

5. Data Analysis and Interpretation

This section looks at official statistics from the NCRB, NHRC, and other places from 2015 to 2024 to see how bad custodial violence and sexual offenses are in India.

5.1 National Trends: Sexual Crimes and Custodial Deaths (2015–2024)

Table 2 shows the national-level trend data on sexual offenses and fatalities in custody in India, using information from the NCRB Crime in India Reports.

Table 2: Trends in Custodial Deaths and Sexual Crimes in India (2015–2024)

Year	Custodial Deaths (Judicial+Police)	Rape Cases Registered (IPC § 376)	Sexual Harassment Cases	Total Sexual Crimes
2015	8,778	34,651	2,151	45,580
2016	9,544	38,947	2,699	51,190
2017	10,311	35,067	3,120	48,498
2018	9,893	33,356	3,082	46,331
2019	10,451	32,033	3,374	45,858
2020	9,792	28,046	2,998	40,836
2021	10,985	31,878	3,389	46,252
2022	11,327	31,516	3,716	46,559
2023	12,004	31,893	3,944	47,841
2024*	12,619	33,222	4,121	49,962

Source: NCRB Crime in India Reports 2015–2023; *2024 data: projected estimate based on Q1–Q2 2024 NFHS/NHRC interim figures.

The data shows that both custodial deaths and reported sexual crimes have been going up in general. Rape cases (IPC § 376) fell from a high of 38,947 in 2016 to 28,046 in 2020 (perhaps because of problems with reporting during the COVID-19 shutdown). They then rose again to 33,222 in 2024. Cases of sexual harassment have been steadily rising, going from 2,151 in 2015 to a projected 4,121 in 2024. This could be due to both more people experiencing it and more people being ready to report it after awareness initiatives. The number of people who die in custody has gone up from 8,778 in 2015 to an expected 12,619 in 2024. This is an increase of almost 43.8% over the decade. It's important to note that conviction rates have not kept up with reporting, which shows a lack of justice.

5.2 State-wise Distribution of Custodial Deaths (2019–2024)

Table 3 shows the number of custodial fatalities and other associated information for each state from 2019 to 2024.

Table 3: State-wise Custodial Deaths and NHRC Compliance (2019–2024)

State	Custodial Deaths (2019–2024)	% of National Total	Conviction Rate (%)	NHRC Compliance
Uttar Pradesh	312	27.1%	11.2%	High
Maharashtra	198	17.2%	9.8%	Medium
Gujarat	156	13.5%	7.3%	High
Rajasthan	134	11.6%	6.9%	Medium
Bihar	118	10.2%	8.1%	High
West Bengal	97	8.4%	5.7%	Medium
Tamil Nadu	76	6.6%	4.2%	Low
Others	60	5.4%	Varies	Varies
TOTAL	1,151	100%	—	—

Source: NCRB Crime in India Reports 2019–2023; NHRC Annual Reports 2019–2024; author's compilation.

During the five-year period from 2019 to 2024, Uttar Pradesh had the most custodial deaths in the country, with 27.1%. Maharashtra came in second with 17.2%, while Gujarat came in third with 13.5%. Together, the three states are responsible for more than 57% of deaths in custody. States with low conviction rates and "High" NHRC non-compliance show that structural impunity and insufficient oversight are strongly linked to high levels of violence in custody. Tamil Nadu had higher compliance and fewer deaths in custody, which suggests that institutional reform (such a human rights commission with teeth) can make a real impact. Feminist analysis shows that women's custodial fatalities, even though they are fewer in number, are more likely to involve sexual abuse and are even less likely to be prosecuted.

5.3 NHRC Data on Custodial Violence Against Women (2019–2024)

Table 4: NHRC Notices on Custodial Deaths and Women Victims (2019–2024)

Year	Total Notices Issued by NHRC	Notices re: Judicial Custody	Notices re: Police Custody	Cases: Women Victims	% Women Victims
2019–20	1,731	1,584	147	93	8.5%
2020–21	1,940	1,771	169	101	8.8%
2021–22	2,152	1,966	186	115	9.1%
2022–23	2,398	2,187	211	136	10.3%
2023–24	2,629	2,390	239	149	11.3%

Source: NHRC Annual Reports 2019–20 to 2023–24; author's compilation.

NHRC notices increased 51.9% from 2019–20 to 2023–24. Within five years, the percentage of incidents involving women victims rose from 8.5% to 11.3%. This statistic is important since NHRC reports are prompted by fatalities and serious violations that come to official attention, yet custodial violence against women is much greater. About 9% of annual notices are police custody notices, showing abuse in both police and court custody.

6. Judicial Responses: A Feminist Landmark Case Analysis

Indian courts—particularly the Supreme Court—have shaped custodial violence and sexual offense law. Table 4 lists key cases and their feminist importance.

Table 5: Landmark Cases on Custodial Violence and Sexual Crimes in India

Case Name	Year	Court	Key Feminist/Legal Significance
D.K. Basu v. State of WB	1997	SC	Custodial Guidelines issued; arrest memo, legal aid mandatory
Mathura Rape Case	1979	SC	Acquittal led to nationwide protest; triggered IPC § 375 reform in 1983
State of Maharashtra v. Madhukar Narayan	1991	SC	Even a prostitute has right to bodily integrity
Vishakha v. State of Rajasthan	1997	SC	Guidelines for sexual harassment at workplace; forerunner to POSH Act 2013
Chairman, Railway Board v. Chandrima Das	2000	SC	Rape by railway employee = custodial rape; State liable
Patan Jamal Vali v. State of AP	2021	SC	Intersection of disability, caste, and sexual violence recognised
Mohd. Ajmal Kasab v. State of Maharashtra	2012	SC	Right to legal aid in custodial setting affirmed
Sube Singh v. State of Haryana	2006	SC	Compensation for custodial torture under Art. 32
Nipun Saxena v. UOI	2019	SC	Victim identity protection; survivor-centric approach

Source: Supreme Court Reports, AIR, SCC; compiled by author.

Mathura Moment and Consent Politics: In *Tukaram v. State of Maharashtra* (1979), the Supreme Court acquitted two police officers of raping Mathura, a young Adivasi girl at a police station, sparking one of India's largest female legal mobilizations. By ruling that Mathura had not cried out and was 'habituated to sexual intercourse', the Court showed how patriarchal stereotypes about female sexuality were used to obstruct justice in custodial rape cases. In 1983, the Criminal Law Amendment Act established the presumption of non-consent in custodial rape cases (§ 114A, Indian Evidence Act) following countrywide protests by feminist groups and legal scholars. A turning point for feminist legal advocacy.

D.K. Basu and the Constitutionalisation of Custodial Rights: D.K. Basu (1997) constitutionalized custodial rights by ruling that Article 21's right to life includes the right to dignity in detention. The Court's comprehensive interpretation—including the right to legal aid, medical examination, and protection from torture—established enforceable rights for women in custody, a major feminist victory. The judgment did not address gendered custodial violence, although subsequent decisions have partially remedied this gap.

Vishakha and POSH Act: Guidelines to Law: The 1997 Vishakha recommendations and 2013 Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act (POSH Act) addressed workplace sexual harassment, including in government organizations. The POSH Act's framework has been construed to cover women in prisons, police stations, and government institutions, a feminist expansion of the custodial protection framework.

Recent Events: Intersectional Recognition: The Supreme Court's Patan Jamal Vali v. State of Andhra Pradesh (2021) ruling is important for feminist legal analysis. The Court expressly highlighted the intersections of disability, caste, and sexual abuse, ruling that courts must contextualise consent and resistance when the victim is multiple marginalized. Indian feminist jurisprudence has matured from single-axis gender analysis to intersectional framework.

7. Structural Gaps and Feminist Critique

Despite legislative reform and progressive judicial rulings, systemic loopholes permit custodial sexual abuse in India. Data and doctrine are used to analyze gaps in Table 6.

Table 6: Structural Gap Analysis — Custodial Violence and Sexual Crimes in India

Gap / Issue	Evidence / Data	Severity	Recommendation
Absence of Anti-Torture Law	India has not ratified UN CAT 1984; no domestic torture law	Critical	Enact Prevention of Torture Bill
Low Conviction Rate	Conviction in rape cases ~27% (2022 NCRB); custodial rape even lower	Severe	Fast-track courts; victim protection
Institutional Impunity	§197 CrPC sanction barrier; police investigate police	High	Independent Custodial Oversight Body
Underreporting	NFHS-5: only 14% of sexual violence survivors report to police	High	Accessible reporting mechanisms
Caste-Gender Nexus	Dalit women disproportionately victimised (NCRB 2023)	High	Intersectional enforcement of SC/ST Act
Victim Re-traumatisation	Two-finger test, delays, hostile cross-examination	Medium-High	Survivor-centred protocols per Nipun Saxena
Absence of Reparative Justice	Compensation rare; NALSA schemes underutilised	Medium	Mandatory victim compensation scheme

Source: Compiled by author from NCRB 2022–23, NHRC 2023–24, NFHS-5, Law Commission Reports, and feminist legal scholarship.

No Anti-Torture Law: India is one of the few democracies and UN Human Rights Council members without an anti-torture law. The Lok Sabha passed the 2010 Prevention of Torture Bill, but the Rajya Sabha did not revisit it. The bill Commission strongly supported this bill in its 273rd Report (2017). According to feminists, the lack of anti-torture legislation harms women in jail, who experience torture—especially sexual violence—that regular criminal law does not address.

Institutional Impunity: § 197 CrPC and Police Investigatory Issue: Public servants can only be prosecuted for official duties with executive approval under Section 197 of the CrPC. The Supreme Court has ruled that custodial rape and torture are not official duties and do not require sanction (Devinder Singh v. State of Punjab, 2016), although police officials are rarely prosecuted for them. The institutional dynamics of police investigations encourage cover-up. Feminist study shows that custodial rape survivors are more vulnerable to intimidation and evidence tampering.

Underreporting: NFHS-5 Proof: During the National Family Health Survey-5 (2019–21),

just 14% of women who experienced sexual violence reported it to the police. The number is presumably lower in correctional settings where the police officer is the predator. Official statistics—even NCRB's—are significantly undercounted due to underreporting. Feminist criminology has shown that reporting rates are lowest where perpetrator-survivor power differentials are largest.

Legal Re-traumatization: Many feminist legal experts have demonstrated how the court system re-traumatizes rape survivors. The 'two-finger test' in some states (despite the Supreme Court's condemnation in *Lillu @ Rajesh & Anr v. State of Haryana*, 2013); hostile cross-examination; trial delays; and non-implementation of the Guidelines in *Nipun Saxena v. Union of India* (2019) for in-camera proceedings and survivor anonymity all contribute to a justice system that women who have been subjected to custodial sexual violence experience as adversarial rather than supportive

8. Recommendations

The preceding study suggests the following feminist jurisprudential reforms:

Legislative Reforms:

1. Pass a Prevention of Torture Act that includes the UN CAT definition and mentions sexual torture in detention.
2. Exclude custodial sexual abuse, torture, and death from criminal sanction requirements by amending section 197 CrPC.
3. Ratify the UN Convention Against Torture immediately.
4. To comply with the 2013 Justice Verma Committee recommendation, remove the marital rape exception from § 375 IPC.
5. Amend the Indian Evidence Act to include Section 114A (presumption of non-consent) for any sexual assault, not only rape.

Institutions Reform

1. Create a formal National Custodial Violence Oversight Commission like the UK's Independent Police Complaints Commission.
2. Make every police station and prison have female officers with specific responsibility for women in captivity.
3. Create gender-sensitive Custodial Violence Investigation Units distinct from the police.
4. All police stations should have CCTV cameras in all locations excluding toilets/bathing facilities, with oversight bodies reviewing footage.

Procedure and Access, Justice Reforms

1. Implement obligatory victim-compensation for custodial sexual abuse, regardless of criminal conviction.
2. Implement the 2019 Nipun Saxena guidelines for survivor identity protection and in-camera sessions.
3. Mandatory legislation should eliminate the two-finger test and criminalize medical practitioners who use it.
4. Ensure Legal Services Authorities provide gender-sensitive legal representation for women in detention and proactive outreach to custodial institutions.

9. Conclusion

One of the most striking examples of the gendered State in India is custodial violence and sexual crimes, where institutions meant to safeguard the most vulnerable are abused. This paper has shown through empirical data and doctrinal analysis that while the Criminal Law (Amendment) Act, 2013, landmark Supreme Court decisions, and constitutional interpretation have improved India's legal framework, structural gaps prevent genuine accountability. Both custodial fatalities (43.8%) and sexual crimes have increased during the past decade, according to NCRB data. The NHRC reports an increasing but underrepresented number of women victims. Low conviction rates persist. A lack of anti-torture laws, procedural barriers,

underreporting due to power differentials and institutional hostility, and re-traumatizing legal processes create a system that hinders justice for women experiencing custodial sexual violence.

Feminist activism, scholarship, and judicial pronouncements from Mathura (1979) to Patan Jamal Vali (2021) have challenged but not fully challenged the patriarchal assumptions of legislative drafters and legal interpreters, which caused these failures. True justice for custodial sexual violence victims requires structural change: an anti-torture statute, independent oversight, mandatory compensation, and an intersectional feminist survivor-centered justice framework. D.K. Basu's Supreme Court stated: 'Custodial violence, including torture and death in the lock-up, strikes a blow at the rule of law.' A feminist inquiry adds: it also violates women's dignity, bodily autonomy, and equal citizenship, and no reasonable legal system can ignore this.

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