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Life Behind Iron Bars: The Public Secret of Authoritarian Impunity, Custodial Torture and the Failure of Human Rights Governance in India

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Contemporary India faces the critical challenge of custodial violence, caught at the crossroads between the constitutional guarantee of life and liberty under Article 21 and the persistence of custodial torture behind the iron walls of the prison. Despite the existence of an extensive judicial and human rights framework, the state fails to uphold its obligation of guaranteeing liberty, dignity, and freedom to every citizen. This paper argues that custodial torture is not an isolated act of police brutality but reflects a deep institutional failure characterised by ineffective enforcement of human rights principles and lack of state accountability. To further this argument, the paper traces the historical evolution of custodial torture and the connection between colonial torture practices and contemporary custodial violence, analyses the present human rights framework, undertakes a detailed sociological and jurisprudential analysis of custodial torture, and highlights the urgent need for institutional reform. It concludes by proposing a four-step roadmap to strengthen prisoners' rights and transform the prison system from a punitive to a reformatory model.

Keywords: *custodial torture, colonial continuity, human rights governance, institutional accountability.*

INTRODUCTION

The legitimacy of the criminal justice system lies not merely in its ability to punish offenders but in its commitment to safeguard their rights and uphold the constitutionally guaranteed principles of justice, liberty, and equality. However, the practice of custodial torture marks a grave shift from the constitutionally guaranteed rights and reduces a prisoner from the position of a rights-bearing citizen to a mere individual stripped of their fundamental rights and lawful protection. As defined by Black's Law Dictionary, imprisonment means, 'the act of putting or confining a man in prison; the restraint of a man's personal liberty; coercion exercised upon a person to prevent the free exercise of his powers of locomotion.'¹ Therefore, imprisonment serves as a legal mechanism to punish prisoners and restrain them in an enclosed space. Prisons act as institutionalised spaces that lawfully deprive prisoners of their right to self-determination and freedom of movement to ensure the protection of law-abiding citizens. However, imprisonment should not subject prisoners to unlawful coercion and inhumane treatment that inflict pain and suffering beyond legitimate punishment awarded by the court. Rather, it should serve as a rehabilitative and self-reflective mechanism enabling the reintegration of prisoners into society as respected and law-abiding citizens upon their release. As Mark Twain observes, 'Reflection is the beginning of reform. There can be no reform without reflection.'²

Over the years, India has been a signatory to multiple international conventions guaranteeing the right to life, liberty, and security, such as the United Nations Convention Against Torture (CAT)³ on 14 October 1997 and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)⁴ on 6 February 2007. It ratified treaties such as the International Covenant on Civil and Political Rights (CCPR)⁵ and the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁶ on 10 April 1979. However, despite these commitments, India has failed to uphold its international human rights obligations to treat prisoners with dignity and prohibit torture and ill-treatment. The systematic and persistent

¹ Henry Campbell Black, *Black's Law Dictionary: Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern* (revised 4th edn, West Publishing Co 1968)

² 'Mighty Mark Twain Overawes Marines' *The New York Times* (12 May 1907)

<www.twainquotes.com/19070512.html> accessed 21 July 2026

³ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984

⁴ International Convention for the Protection of All Persons from Enforced Disappearance 2006

⁵ International Covenant on Civil and Political Rights 1966

⁶ International Covenant on Economic, Social and Cultural Rights 1966

use of torture highlights the institutionalisation of disproportionate power and illegitimate coercion by the authorities. Against the backdrop of such prevalent custodial violence, this paper traces the historical inception of prison torture, analyses the contemporary human rights framework and legal jurisprudence, studies the behavioural dynamics of prison inmates and prison guards, and concludes by suggesting reforms governing custodial practices.

ORIGIN AND EVOLUTION OF PRISON TORTURE IN INDIA

Tracing the history of the penal system in ancient India shows that the system was deeply rooted in moral and religious principles. The Vedic principle of dharma (righteousness and duty to moral law and ethics) represented the cosmic and moral order that sustained the universe and the individual's duty to uphold ethical duties and conduct.⁷ Law enforcement was guided by Dharmashastras (Hindu legal treatises) like Manusmriti (ancient Hindu legal code), which laid down detailed punishments for civil and criminal offences.

Ancient India was socially fragmented and worked on a rigid varna (hereditary social class structure) system. Society was divided into four varnas: the Brahmin, the Kshatriyas (warrior class), the Vaishya (merchants and farmers) and the Shudras (labour class). The punishments were administered according to the varnas, wherein the same crime incurred different punishments according to the hierarchy. For instance, the Manusmriti laid down that if Brahmins committed a grave offence, they were subjected to banishment or a higher amount of fine rather than death sentences, extreme beatings, and physical mutilation. Unlike Shudras, who were often subjected to corporal punishments, Brahmins were punished by branding the committed crime on their forehead.⁸ On the other hand, Shudras, for the same crime, faced severe physical torture, the death penalty, or loss of limbs.⁹ Treatises like Kautilya's Arthashastra (an ancient treatise on statecraft and governance) were more comprehensive statutes and laid down detailed punishments for traitors.¹⁰ Nevertheless, the administration of punishments was largely dominated by the varna system.

⁷ Dr. Krishna Panda, 'The Concept of Rta in the Vedas: Cosmic Order and Its Ethical Dimensions' (2025) 1(60) National Journal of Hindi & Sanskrit Research <https://sanskritarticle.com/wp-content/uploads/08-60-Dr.Krishna.Panda_.pdf> accessed 28 July 2026

⁸ Ganganatha Jha (tr), *Manusmriti with the Commentary of Medhatithi* (Motilal Banarsidass 1920)

⁹ *Ibid*

¹⁰ Rudrapatna Shamasastri (tr), *Kautilya's Arthashastra* (Global Vision Publishing House 2019)

However, during the Mughal era, the judicial administration moved away from being rooted in religion and the varna system to a more political and centralised system combining both the Islamic Shariat law (Islamic law) and the ruler's personal decree. Judicial administration in Mughal India was governed by three broad agencies¹¹. The Emperor and his agents administered the political cases, and the Qazi presided over Shar'i (sacred) law and disputes concerning family law, marriage, inheritance, and criminal cases. For Hindus and the village population, there were separate courts of the Brahmin Pandit and caste-elders. Various forms of punishment were awarded, including banishment, flogging, imprisonment, and forfeiture of rank and title, although capital punishment could not be inflicted arbitrarily without the emperor's permission. There were three 'noble-prisons or castles' in Mughal India: the fort at Gwalior was reserved for nobles; criminals condemned to death punishment were sent to the fort of Ranthambore; and nobles who were condemned to perpetual imprisonment were sent to Rohtas. However, there were no specific rules or fixed time period for imprisonment, and the release of prisoners depended on the will of the Qazis who visited the prisons and released those who showed signs of repentance.

After the collapse of Mughal rule, the East India Company established the colonial administrative system in India. The colonial regime focused on maintaining the colonial structures of power within the country rather than on the welfare of its subjects. The East India Company focused on forceful resource extraction and strict enforcement of regulatory regimes with an aim to assert dominance over the people. The colonial subjects were denied autonomous agency and forced to conform to the rationale and norms of the coloniser. The colonial government perpetuated the constant 'othering' of the Indian subjects by portraying them as irrational, morally deficient and incapable of self-governance. This narrative justified their act of maintaining strict surveillance and dominance over the colonised or 'the othered' who were supposed to obey and act according to the established rules.¹²

The colonial government administered various kinds of torture portrayed as a grand display of punishment to instil fear among the colonised people and coerce them into submission. Some of the corporal punishments imparted in the Presidency of Madras were, 'tying a man

¹¹ S P Sangar, 'ADMINISTRATION OF JUSTICE IN MUGHAL INDIA' (1964) 26 Proceedings of the Indian History Congress <<https://www.jstor.org/stable/44140316>> accessed 28 July 2026

¹² Deana Heath, 'The Tortured Body: The Irrevocable Tension between Sovereign and Biopower in Colonial Indian Technologies of Rule' in Stephen Legg and Deana Heath (eds), *South Asian Governmentalities: Michel Foucault and the Question of Postcolonial Orderings* (Cambridge University Press 2018)

in a stooping posture to the wheel of a cart' or 'compelling a man to sit on his heels, with brickbats or sharp stones under his hams' or 'binding a limb by twisting a rough rope round it, so as to impede the circulation, the intensity of the torture being increased by the application of a composition of red pepper, salt, and mustard.'¹³ Other methods included rubbing high concentrations of chilli into eyes, wounds, and private parts to extort confession and hanging from trees, which caused shoulder dislocation.¹⁴ However, when such violent practices were challenged, the courts often failed to administer justice. The colonial government viewed Indians as backward and regressive. They treated them as objects of suspicion, and therefore instances of extreme custodial violence were often treated as self-inflicted and dismissed by the court. Additionally, instances of torture inflicted by the police authorities were usually declared unreliable due to unavailability or poor medical evidence.

Upon achieving independence, India moved away from the overt public display of custodial violence by the police authorities. In the colonial era, violence was meted out in barbaric ways in conspicuous spaces, which evoked protests against the authorities. However, post-independence, torture was administered behind the dark walls of prison cells, making it a 'public secret'. This portrayed the existence of a colonial attitude of asserting dominance by inflicting torture on the weak prisoners to achieve and maintain control over them. Drawing on Giorgio Agamben's concept of 'bare life', it could be contended that modern prison violence extended beyond physical harm.¹⁵ Through this concept, Agamben described the situation where an individual is stripped of their fundamental rights, civil rights, and political status as a human being and is reduced to a mere biological being. The gruesome practise of custodial violence reduced a prisoner, an ordinary rights-bearing citizen, protected under Article 21, to a bare, unprotected body rendered vulnerable to state violence. The reduction of human beings to 'bare life' undermines the ideals of the international human rights framework and the constitutionally guaranteed fundamental rights, which necessitates the need to examine the human rights framework against torture and other forms of custodial abuse.

¹³ H L Deb 'TORTURE IN MADRAS' (1856) 141 Hansard <<https://api.parliament.uk/historic-hansard/lords/1856/apr/14/torture-in-madras>> accessed 28 July 2026

¹⁴ 'Britain's crimes in India – the truth behind the drama' (*Socialist Worker*, 10 February 2015) <<https://socialistworker.co.uk/in-depth/britain-s-crimes-in-india-the-truth-behind-the-drama/>> accessed 28 July 2026

¹⁵ Giorgio Agamben, *HOMO SACER: Sovereign Power and Bare Life* (Stanford University Press 1998)

HUMAN RIGHTS FRAMEWORK GOVERNING CUSTODIAL TREATMENT

The Second World War resulted in mass rape, genocide, starvation, and brutal punishment for war prisoners, which infringed their fundamental rights. In response to the atrocities committed, the Universal Declaration of Human Rights (UDHR) was drafted to establish a framework for laying out fundamental rights and guaranteeing protection to every individual. The UDHR was proclaimed by the United Nations General Assembly in Paris on 10 December 1948. Over the following decades, the United Nations pushed its member nations to establish domestic institutions to implement the norms laid down. This led to the Paris Workshop in 1991, which was later endorsed by the United Nations General Assembly on 20 December 1993 and popularly known as the Paris Principles.¹⁶ The Paris Principles outlined the international benchmarks for the establishment and functioning of National Human Rights Institutions (NHRIs) with a mandate to protect human rights and promote pluralism in society.

India founded the National Human Rights Commission (NHRC) in 1993 under the Protection of Human Rights Act (PHRA) 1993, following the mandate of the Paris Principles to establish independent and functional NHRIs.¹⁷ Section 2(1)(d) of the PHR Act, 1993 defined Human Rights as, 'the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.'¹⁸ Since its inception, NHRC has produced several guidelines and actively campaigned across the country to raise awareness and prevent custodial deaths. However, there was a major lacuna between India's proclaimed human rights commitment and the actual enforcement of the same. Section 18 of the PHRA stated that the functions of NHRC were merely recommendatory in nature and the government was not legally bound to implement them.¹⁹ Further, Section 36(2) of the PHRA barred the enquiry by the Commission on the alleged commission of human rights violence after a year from the date of complaint received.²⁰ Therefore, the structural design of the NHRC consisted of various statutory limitations that constrained its ability to function and reduced its status to a mere

¹⁶ *UN Paris Principles & Accreditation* (ENNHRI)

¹⁷ 'About the Organisation' (NHRC) <<https://nhrc.nic.in/about-the-organisation>> accessed 28 July 2026

¹⁸ The Protection of Human Rights Act 1993, s 2(1)(d)

¹⁹ The Protection of Human Rights Act 1993, s 18

²⁰ The Protection of Human Rights Act 1993, s 36(2)

recommendatory body rather than an effective authority responsible for governing human rights.

Beyond domestic institutions like the NHRC, the protection against custodial torture was also reinforced through the ratification of multiple international treaties and conventions. Article 5 of the UDHR laid down that no one should be subjected to torture or inhumane treatment or punishment.²¹ To enforce Article 5, the United Nations adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 1984. It required states to establish effective legislative, administrative, and judicial systems to prevent torture, degradation, and other violent acts towards prisoners. On 14 October 1997, India became a signatory to the Convention.

To facilitate ratification of the Convention, the Prevention of Torture Bill, 2010 was introduced in the Lok Sabha to punish acts of torture and provide protection to prisoners. However, the bill lapsed with the dissolution of the 15th Lok Sabha.²² India's repeated failure to pass appropriate legislation to facilitate the ratification of UNCAT demonstrated its reluctance to condemn torture, reminiscent of the doctrine that 'the King can do no wrong.'²³ Such reluctance was further reflected in the continued operation of the Prison Act 1894, a colonial-era law, which acted as the foundational framework governing prison administration in India. The Act was a punitive statute that aimed at retribution rather than rehabilitation of the prisoners.

In 2023, the government passed the Model Prisons and Correctional Services Act, 2023. However, the Act worked as an advisory document and a guiding framework rather than overruling the Prison Act. This limitation was further reinforced by the fact that the administration of prisons was listed under Entry 4 of the State List, barring the Parliament from legislating directly on prison administration. Therefore, the Model Prisons and Correctional Services Act, 2023 was circulated to the States and Union Territories as a non-binding template rather than as enforceable legislation.

²¹ Universal Declaration of Human Rights 1948, art 5

²² Kaviesh Kinger, 'The path for Indian torture legislation: Where are we now and where should we go?' (*Bridge India*, 18 November 2023) <<https://bridgeindia.org.uk/the-path-for-indian-torture-legislation-where-are-we-now-and-where-should-we-go/>> accessed 27 June 2026

²³ Herbert Barry, 'THE KING CAN DO NO WRONG' (1925) 11(5) *Virginia Law Review*
<<https://www.jstor.org/stable/1064929?seq=1>> accessed 27 June 2026

Although the other archaic criminal statutes underwent substantial reforms like the Bharatiya Nyaya Sanhita (BNS), 2023, the Bharatiya Nagarika Suraksha Sanhita (BNSS), 2023 and the Bharatiya Sakshya Adhiniyam (BSA), 2023 which replaced the archaic colonial-era laws of Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872 respectively, the administration of prison was fundamentally guided by the archaic Prison Act, reflecting the reluctance to enact norms to safeguard the rights and dignity of the prisoners. It was contended that offences like acts causing grievous hurt to extort confession²⁴ were addressed by the existing criminal statutes; however, such statutes failed to capture the gravity of custodial torture, which transcended the framework of ordinary criminal offences.

INSTITUTIONAL FAILURES AND THE CONTINUING CRISIS OF CUSTODIAL TORTURE

Despite the existence of constitutional guarantees and statutory safeguards, behind the veil of dark prison cells there exists complete invisibility and authoritarian impunity. The very laws enacted to guarantee legal protection to individuals fail to apply within the confines of the iron walls of the prison. The Global Torture Index 2025 classifies India as facing a high risk of torture and ill-treatment.²⁵ According to documented data, there exist several incidents of severe beating, forced confessions, and custodial deaths portrayed as suicides or natural deaths. The act of torture is a special nature of offence which should not be treated equally with ordinary offences.

Torture reflects a dark phase of humanity where the perpetrator abuses their position of power and breaches their duty of care towards the individuals whom they are supposed to protect. It is often seen that communities belonging to the lower strata of society and economically backward are generally suspected of committing the crime, and extreme violence is meted out to extort forced confessions. 'According to the New Delhi-based National Campaign Against Torture (NCAT), the NHRC had cited 95 illustrative cases of custodial deaths in which victims in 68 cases comprising 71.58% were from poor families

²⁴ Bharatiya Nyaya Sanhita 2023

²⁵ GLOBAL TORTURE INDEX 2025: INDIA FACTSHEET (World Organisation Against Torture, 2025)

while three victims accounting for 3.19% of the cases were from middle-class families.’²⁶ The existence of class division dominating arrests is exemplified by the instance where the National Campaign Against Torture’s (NCAT) coordinator Suhas Chakma said

A poor person lifting something is immediately accused as a thief and often beaten by the public or the police. But a celebrity or a rich person caught in a similar act may claim to suffer from kleptomania, an illness. This class division has a devastating impact on the administration of the criminal justice system in India.

Individuals from marginalised communities of Adivasis (indigenous inhabitants), Muslims, LGBTQIA+, and others often face a substantial risk of being targeted and subjected to third-degree torture.

To address the growing concerns regarding custodial torture and the systematic violation of prisoners’ rights, the Prevention of Custodial Torture Bill, 2023 was introduced in the Rajya Sabha by MP Manoj Kumar Jha. The bill aimed to comprehensively draft provisions, criminalise custodial torture by public servants and provide compensation mechanisms for the victims’ families. However, similar to the fate of the previous 2010 bill and 2017 bill, the 2023 bill failed to become an Act. The glaring failure to protect prisoners’ rights is further exemplified by the fact that

In March 2023, a group of six human rights organisations, viz Amnesty International, CSW, Front Line Defenders, Human Rights Watch, International Commission of Jurists, International Federation for Human Rights (FIDH) and World Organisation Against Torture (OMCT) 2023 in a joint letter 9th dated March 2023, demanded from Global Alliance of National Human Rights Institutions (GANHRI) Sub-Committee on Accreditation (SCA) deny the accreditation status of the National Human Rights Commission of India.²⁷

²⁶ 'NO EXCUSE OF KLEPTOMANIA: Poverty, Prejudices and Torture in India' (*National Campaign Against Torture*, 10 December 2020) <<https://www.uncat.org/by-country/india/no-excuse-of-kleptomania-poverty-prejudices-and-torture-in-india/>> accessed 20 July 2026

²⁷ Maryam Abdullah Al Attiyah, 'JOINT NGO LETTER: REVIEW OF THE ACCREDITATION STATUS OF THE NATIONAL HUMAN RIGHTS COMMISSION OF INDIA' (*Amnesty International*, 09 March 2023) <<https://www.amnesty.org/en/wp-content/uploads/2023/03/ASA2065352023ENGLISH.pdf>> accessed 27 July 2026

This necessitates an urgent need for the enactment of substantial laws which will substantially protect prisoners from inhuman and arbitrary torture by the authorities and safeguard their constitutionally guaranteed fundamental rights.

Table 1 represents the number of deaths in prison, pending complaints before the NHRC and the prison occupancy rate (2022-24).²⁸

CATEGORY	Year 2022	Year 2023	Year 2024
Total Deaths	1995	1972	1960
Unnatural Deaths	159	150	166
Cause Not Known	63	35	57
Complaints Pending Before NHRC	257 out of 418 complaints received (61.4%)	306 out of 395 complaints received (77.4%)	370 out of 417 complaints received (88.7%)
Prison Occupancy Rate	131.4%	120.8%	112.7%

ANALYSIS

Table 1 presents NCRB data on prison deaths, including total deaths, unnatural deaths, deaths of unknown cause, and pending complaints before the NHRC for the period between 2022-24. The number of deaths due to unnatural causes has increased substantially from 159 in the year 2022 to 166 in the year 2024. The total number of deaths is disturbingly high, highlighting the normalisation of custodial deaths within the carceral system. It is pertinent to note the significant trend of an increasing number of complaints pending before the NHRC, rising from 61.4% in 2022 to 88.7% in 2024. The figures in the data portray the persistent increase in the number of unresolved complaints, suggesting the NHRC's low institutional capacity to deal with high volumes of cases alleging human rights violations.

²⁸ *Additional Table of PSI Reports* (National Crime Records Bureau, 2024)

Therefore, the increasing backlog reinforces concerns regarding the credibility and efficacy of the NHRC and weakens public confidence.

Furthermore, high prison occupancy rates show that the prisons are overcrowded and operate beyond their capacity, making essential facilities inadequate for the prison inmates. Therefore, the existing problem of a lack of a safe and secure environment is further aggravated by the poor prison infrastructure. This highlights the deficiencies of the prison administration system and the inability of the state to guarantee a prisoner's fundamental right to dignity, safety, security, and humane living conditions.

CONSTITUTIONAL SAFEGUARDS UNDER ARTICLE 21: JUDICIAL PRECEDENTS AND JURISPRUDENTIAL ANALYSIS

In one of the foundational judgments on custodial torture, Justice Kuldeep Singh and Justice A.S. Anand observed that, 'Custodial death is perhaps one of the worst crimes in a civilised society governed by the Rule of Law.'²⁹ In India, the Constitution guarantees the right to life and personal liberty to each individual. Article 21 of the Indian Constitution states that, 'No person shall be deprived of his life or personal liberty except according to procedure established by law.'³⁰ The scope of Article 21 was expanded in *Maneka Gandhi v UOI*, where the Hon'ble Supreme Court held that the right guaranteed under Article 21 was not confined to physical existence but also includes the right to live with dignity.³¹ An analysis of the principles established under Article 21 of the Constitution delineates that life and liberty are inalienable rights and are inextricably linked with each other. These rights form the basis of a dignified existence of individuals guaranteed by the Indian Constitution.

Torture portrays a darker side of human civilisation, depicting the assertion of dominance over an individual by a more powerful individual, hence violating the principle of equality. The Constitution does not define 'torture' explicitly, as the Constitution recognises positive rights guaranteed to individuals and aims to establish a just and fair rule of law. Yet, incidents of torture, assault, and rape in custody are considerably increasing, resulting in the violation of the established rule of law, thereby affecting the credibility of the criminal justice system. In *DK Basu v State of West Bengal*, the Court laid down 11 fundamental guidelines

²⁹ *Shri DK Basu, Ashok K Johri v State of West Bengal, State of UP* (1997) 1 SCC 416

³⁰ The Constitution of India 1950, art 21

³¹ *Maneka Gandhi v Union of India* (1978) SCR (2) 621

regarding arrest and detention.³² It reaffirmed the principles established under Article 21 of the Constitution and extended the constitutionally guaranteed rights to convicts, undertrials, detenues and other prisoners while being lawfully incarcerated. The Court held that any form of inhuman treatment, cruelty, or degrading treatment was in contravention of Article 21 and therefore unconstitutional. Out of the 11 guidelines laid down, the ones specifically relevant to combat the problem of custodial violence were the preparation of an arrest memo with the relevant details of time and date of arrest written and attested by a witness who may be a family member or respected person of the locality and countersigned by the arrested person. The Court necessitated the entry of relevant details of the arrestee in the police diary and upheld the right of the arrested person to inform a person chosen about the arrest and the place of detention or custody, the right to be medically examined by a qualified doctor every 48 hours during detention to prevent custodial torture and the right to consult a lawyer or access legal aid offered by the state. All these guidelines read together formed a comprehensive framework aimed at ensuring transparency, protection of individuals against arbitrary abuse and fostering a sense of accountability in the exercise of police power.

One of the foundational judgments delivered by the Supreme Court on the rights against abuse and custodial torture was *Sunil Batra v Delhi Administration*.³³ The facts of the case read that the petitioner, Sunil Batra, wrote a letter to Justice Krishna Iyer regarding the inhumane and barbarous treatment received by a fellow prisoner named Prem Chand. The jail warden inserted a baton into Prem Chand's anus, causing a serious anal rupture with the motive to extort money from Prem Chand's relatives. The Supreme Court converted the letter into a writ of habeas corpus under its epistolary jurisdiction, which empowered the Supreme Court to treat informal communication as a formal writ petition under Article 32 and under Article 226 in the High Court. It enabled the marginalised citizens and structurally deprived people to seek legal remedies and judicial protection against the abuse behind the hidden walls of the prison. Therefore, the Supreme Court exercised its epistolary jurisdiction in this case and allowed a fellow prisoner to seek justice for another. The Court held that although a prisoner's right to liberty was restricted, their right to dignity and protection against torture was protected under Article 21. Any state action which was arbitrary and unreasonable was violative of Article 14. If the action was unappealable and based on unguided discretion, it

³² *Shri DK Basu, Ashok K Johri v State of West Bengal, State of UP* (1997) 1 SCC 416

³³ *Sunil Batra v Delhi Administration* AIR 1980 SC 1579

was an unfair restriction under Article 19, and if it was violative of the principles of natural justice, it failed the test of reasonableness guaranteed under Article 21. The Court firmly established that, 'No iron curtain can be drawn between the prisoner and the Constitution.' Based on the guidelines laid down in the case of *Sunil Batra (No.1)*, the Court passed directions to prevent the use of torture and corporal punishment.

In *Nilabati Behera v State of Orissa*, the mother of the victim approached the Supreme Court by a Writ Petition filed under Article 32.³⁴ The facts of the case stated that a 22-year-old man, Suman Behera, was arrested and taken into police custody for theft. Later, his body was found on the railway track near the police station. The police claimed that he tried to escape and was subsequently run over by a train. However, the victim's mother claimed that her son was subjected to brutal custodial torture and claimed compensation. The Court observed the detailed post-mortem report of injuries, which indicated a violent custodial death caused by blunt objects such as lathi blows and rejected the escape theory presented by the police. The doctrine of strict liability was invoked, which recognised the State as the custodian of life and liberty of its citizens. It was held that when State agents like police officials breached their duty to protect the prisoners, the State would be strictly liable. The Court established that the defence of sovereign immunity was only available in private tort lawsuits and not in public law where there was a violation of fundamental rights.

Further, the doctrine enforced an obligation on the State to repair the damage caused to a citizen under Article 32, a public law remedy for violation of fundamental rights independent of private tortious claims. The Court upheld the mandatory obligation of the State to grant relief to the victim and subsequently awarded Rs. 1,50,000/- as compensation to the victim's mother. Therefore, the established jurisprudence reflects that the judiciary has consistently condemned the authoritarian impunity that perpetuates custodial violence and laid down the constitutional safeguards to protect the rights of the prisoners. Per contra, over the years, the courts have dealt with a substantial number of incidents of custodial deaths and torture. This demonstrates the persistent failure to adhere to the judicial safeguards and uphold the constitutional guarantee of life and liberty.

³⁴ *Smt Nilabati Behera alias Lalit Behera Through The v State of Orissa & Ors* 1993 (2) SCC 746

On 3 June 2026, the Gauhati High Court delivered its judgment in *Smt. Joyanta Maibangsa v the State of Assam*.³⁵ The Court upheld the guarantee of the fundamental rights to convicts, undertrials, and other prisoners and suspects under Article 21 of the Constitution. It emphasised the State's strict duty of care towards upholding a prisoner's right to life and liberty. The Court relied on various landmark judgments in adjudicating the matter. In *DK Basu v State of West Bengal*, the Supreme Court held that custodial violence violated the constitutional principle that State action must be right, just, and fair. The Court laid down that there was no straightjacket formula to calculate the quantum of compensation, and it should be decided by considering various circumstances like the age of the victim, loss of earnings, mental and physical suffering and other relevant facts of the case. The Court relied upon famous Latin maxims and observed that: The Latin maxim *salus populi suprema lex* (the safety of the people is the supreme law) and *salus republican suprema lex* (safety of the State is the supreme law) co-exist and are not only important and relevant but lie at the heart of the doctrine that the welfare of an individual must yield to that of the community.

The Court cited the judgment of *Rudul Shah v State of Bihar*, where the Hon'ble Supreme Court upheld the right to monetary compensation under Article 21. It enunciated the principle that the State authorities were responsible for the violation and, therefore, must pay monetary compensation to repair the damage committed. Likewise, in *Subey Singh v State of Haryana*, it was held that the grant of compensation was an appropriate and effective remedy for the violation of fundamental rights guaranteed under Article 21. Further, the Court cited the landmark judgment of *Nilabati Behera v State of Orissa* where the Supreme Court held that it derived the power to grant compensation for the violation of fundamental rights under Article 32 of the Indian Constitution. The Court stated that the awarded compensation in exercise of its public law jurisdiction would not preclude or interfere with other compensation granted under Section 357 CrPC (now Section 395 BNSS) or other relevant statutes. Therefore, drawing from the established judicial precedents, the Gauhati High Court ruled that the petitioner was entitled to compensation under Article 226 read with Article 21 of the Constitution of India as a public law remedy. The barbaric custodial torture that led to death was a gross violation of Article 21. It was also decided that the

³⁵ *Smt Joyanta Maibangsa v State of Assam & 4 Ors* (2026) GAU-AS:7734-DB

compensation granted by the Court would not bar the petitioner from seeing further remedies in civil law for additional damages.

In light of the aforesaid rulings, it can be demonstrated that Article 21 occupies the central role in combating custodial violence, guaranteeing prisoners' rights and awarding compensation to the victim's next of kin. The right to life guaranteed under Article 21 extends beyond physical existence and encompasses the right to live with dignity and respect. Judicial pronouncements have broadened the scope of Article 21 to include vital safeguards like the right to free legal aid and the right to speedy trial in cases like *Khatari v State of Bihar* (1980)³⁶ and *Hussainara Khatoon v State of Bihar* (1979),³⁷ respectively. Therefore, it may be observed that the deficiency lies in the effective enforcement and implementation of the legal and judicial safeguards. Consequently, it is imperative to move beyond law-making, towards the effective implementation of existing statutory safeguards to reinforce the rule of law and ensure adherence to constitutional safeguards.

Other constitutional safeguards include the right to be informed of the grounds of arrest and consult a legal practitioner of choice under Article 22(1),³⁸ the right to be produced before the Magistrate within 24 hours of the arrest under Article 22(2),³⁹ and the protection against self-incrimination under Article 20(3).⁴⁰ The principles of justice, equity and good conscience dictate that the procedure established by law cannot be arbitrary, fanciful, or offensive. However, in spite of comprehensive constitutional and judicial safeguards, there exist systematic violations of Article 21. The persistent custodial torture, prolonged undertrial detention, and arbitrary exercise of power by the state authorities show the routine disregard for the constitutional provisions. This disparity between the lived reality and constitutional guarantee results in prisoners being deprived of both legal safeguards and state accountability.

THEORETICAL FRAMEWORK ON THE PSYCHOLOGY OF PRISON VIOLENCE

Human rights are inalienable to every individual, irrespective of being captive or free. Yet, as observed by Nitya Ramakrishnan, 'torture becomes a fantasy of justice', which reflects the

³⁶ *Khatari & Ors v State of Bihar & Ors* (1981) 1 SCC 627

³⁷ *Hussainara Khatoon & Ors v Home Secretary, State of Bihar, Patna* (1979) 3 SCR 532

³⁸ The Constitution of India 1950, art 22(1)

³⁹ The Constitution of India 1950, art 22(2)

⁴⁰ The Constitution of India 1950, art 20(3)

disturbing tendency of the state to equate justice with coercion.⁴¹ Custodial brutality is normalised as a necessary mechanism to extract the truth, maintain authority, or punish the wrongdoer. Such normalisation of violence legitimises the systematic violation of human dignity and institutionalises the deprivation of fundamental rights. This condition, where a human being is stripped of their rights, exposed to sovereign violence and reduced to bare life as described by Agamben, lays the foundation for explaining how unchecked power operates. However, it fails to elucidate how power is produced every day through institutional practice and why it is resisted rather than being endured. This limitation in explaining how power is exercised, internalised and resisted within prisons can be examined through Habermas's framework of communicative action and systemic power, Bourdieu's analysis of symbolic violence and institutional habitus and Paulo Freire's concept of Conscientisation (critical awakening).

German philosopher Jürgen Habermas explains the rationale behind the exercise of power and its repressive and corruptive nature through his discourse ethics and the theory of communicative action.⁴² Western philosophy presents a dichotomous system of the 'powerful' and the 'powerless' wherein the powerful actors possess authority, control resources, and establish control over the powerless actors who are compelled to comply with the orders of the dominant actor, forming the victim or the subordinate group.⁴³ Habermas offers a more nuanced approach by studying Western philosophy and the philosophies advanced by Immanuel Kant and Karl Marx. Kant proposes that human beings are autonomous, rational beings, guided by their free will and ethical reasoning. However, Marx argues that power comes from social structure and class division and acts contrary to reason, thereby undermining ethics and rationality. Drawing from both philosophies, Habermas argues that human beings are reasonable individuals and the dominant actors are responsible for establishing a powerless environment for the subordinate actors. However, the structural inequality resulting from class divide and other social factors corrupts morals and results in a power imbalance, giving rise to constant oppression of subordinates by

⁴¹ Nitya Ramakrishnan, *IN CUSTODY: Law, Impunity and Prisoner Abuse in South Asia* (SAGE Publications 2013)

⁴² Jürgen Habermas, *THE THEORY OF COMMUNICATIVE ACTION: REASON AND THE RATIONALIZATION OF SOCIETY* (Beacon Press 1985)

⁴³ Gerd Christensen, 'Three concepts of power: Foucault, Bourdieu, and Habermas' (2023) 16(2) *Power and Education* <<https://doi.org/10.1177/17577438231187129>> accessed 28 July 2026

dominant actors. Consequently, the goal becomes to neutralise the power imbalance and create a 'powerless setting' where 'the better argument' prevails.

Deploying Habermas's theory of power in the context of prison violence, the prison authorities, by virtue of their institutional authority, possess a powerful position. They deliberately oppress and force the prisoners, who form the subordinate, powerless agents, into submission. The unchecked power of the authorities corrupts them, resulting in custodial violence that reflects the misuse of institutionalised power. Consequently, to neutralise the punitive system, advocates and other legal representatives act as neutral actors who try to reduce the power disparities by facilitating an active dialogue and advancing arguments before the court. However, Habermas's theory villainises the individual actors and fails to explain why individuals internalise oppression and consent to their domination.

To address the gaps in the previous theory, it is pertinent to examine the French sociologist Pierre Bourdieu's theory of power dynamics, where power is shaped by historical struggle for dominance and the tendency to reproduce social inequality.⁴⁴ Although individuals possess and are capable of exercising independent agency, their actions are deeply rooted in the existing social structure and internalised habits. Bourdieu distinguishes between material power shaped by the distribution of economic resources and symbolic power shaped by cultural dominance, showing that power is relational and contextual in nature. At the core of the theory, he proposes the concept of habitus, which refers to a deeply internalised system of durable dispositions shaped by an individual's social experiences. Accordingly, power operates within a social arena surrounded by competition for cultural capital, economic wealth and social legitimacy. Bourdieu explains how violence is reproduced within the prison and is systemic and structural in nature. It does not consist of a single actor but a dominant class of actors with internalised structures, common schemes of perception, conception and action deploying oppressive practices over the subordinate class.

The tension between internalised dispositions and imposed structural power operates in the specific context of custodial violence. Bourdieu's concept of habitus explains the persistent gap between the juridical safeguards laid down in *DK Basu v State of West Bengal* and their continued non-compliance with the legal procedures of arrest and detention. The eleven

⁴⁴ Pierre Bourdieu, *The Logic of Practice* (Stanford University Press 1992)

formally codified guidelines established in the judgment act as external constraints on the institutionalised police practices. However, the authoritarian police habitus is shaped by years of coercive disciplinary practices, rigorous investigative routines, violent interaction with detainees, and institutional pressure to secure convictions and dispose of large volumes of cases in a limited period of time, which is in sharp contrast with the normative standard set by the judiciary with a view to establishing an ideal prison administration system in India.

Therefore, the DK Basu guidelines are perceived as externally imposed constraints on the existing institutional practices, leading to their routine disregard without conscious reflection. Recognising the structural gap, the Supreme Court, in *Paramvir Singh Saini v Baljit Singh*⁴⁵ (2 December 2020), directed the installation of CCTV cameras in every police station across India, which act as a mechanism of institutional oversight and accountability against the internalised dispositions that perpetuate custodial violence.

Bourdieu's theory also explains how prisoners unconsciously accept the dominant authority of the prison officials as normal and inevitable, thereby internalising powerlessness. Prison guards exercise control not only by physical means but through symbolic as well as cultural dominance, defining who deserves punishment. The theory further explains how prisons are institutionalised spaces that reproduce social inequality. People belonging to the lower social strata are frequently suspected of committing crimes without cogent evidence, leading to their arrest and thereafter subjecting them to extreme torture. After being discharged, they face barriers to reintegrating into society, thereby perpetuating cycles of incarceration over time.

However, while prisoners internalise the systematic violence and submit to the institutional authority, there are acts of resistance and defiance. The rationale behind such acts of resistance against the authority is not adequately captured by the theories advanced by Habermas and Bourdieu. While both theories explain the operation and internalisation of power, they do not elucidate why prisoners challenge and resist the oppressive system despite internalising the dominance of the authorities. This phenomenon of challenge and

⁴⁵ *Paramvir Singh Saini v Baljit Singh* (2020) SCC OnLine SC 983

active resistance against dominant power can be understood by the theory of Conscientization advanced by Paulo Freire.⁴⁶

Conscientization comes from the Spanish term *Conscientización*. It refers to the process through which individuals develop a critical awareness of their social reality. Their social reality shapes their lives and their capability to transform reality through collective and individual actions. Freire conceptualises the process through four levels:⁴⁷

Intransitive consciousness explains the initial phase where people are preoccupied with their elementary needs and fail to comprehend the socio-cultural situations surrounding them.

Semi-intransitivity or magical consciousness explains the phase where people internalise the socio-cultural situations as 'givens.' They are characterised by low self-efficacy and dominated by external control.

Naïve or semitransitive consciousness explains the phase where people slowly begin to reflect and question the normalised behaviour. They realise that they have some control over their lives and that silence is not the solution.

Critical consciousness explains the final phase where people deeply reflect and critically analyse their social reality. There is an awakening of critical consciousness where they realise that the situation, they are subjected to is a man-made phenomenon. Therefore, they believe that they have the power to change the situation. This phase is marked by the union of critical reflection along with active participation to change the situation by resisting it.

The facts of *Sunil Batra v Delhi Administration* illustrate the operation of Freire's theory of conscientization against the framework of custodial violence. Sunil Batra's letter to the Supreme Court regarding the alleged ill-treatment and torture of his fellow prisoner, Prem Chand, by the prison warden, exemplifies the phase of critical consciousness marked by the ability to critically reflect and actively participate in transforming the situation. Although Batra is not the victim of the torture himself, he refuses to accept the normalised violence and challenges it. His letter represents a transition beyond the initial phases of magical consciousness, where individuals internalise the torture and take it as an unchangeable

⁴⁶ Paulo Freire, *EDUCATION FOR CRITICAL CONSCIOUSNESS* (Bloomsbury Academic 2021)

⁴⁷ Frances K Stage et al., 'Creating Learning Centered Classrooms: What Does Learning Theory Have to Say?' (1998) 26(4) ASHE-ERIC Higher Education Report

phenomenon and naïve consciousness, where they begin to reflect upon the social circumstances to which they are subjected but have not yet taken a transformative action. Batra's action marks the stage of critical consciousness where he realises that the man-made punitive and abusive system of incarceration can be changed not only for him, but for all the fellow prisoners. His letter to the Court constitutes an act of active resistance against the punitive order, which illustrates the awakening of critical consciousness followed by a transformative legal action.

The facts of the case thus explain the gradual awakening of consciousness among the prisoners. They elucidate the mechanism of transformation of the prisoners from internalising the torture meted out by the prison guards and wardens to gradually developing a critical consciousness where they gain the ability to reflect upon the oppression and resist it. The trauma and painful confinement lead to such conscious behaviour, which ultimately results in active resistance against the authoritarian rule.

THE PROPOSED FOUR-STEP ROADMAP TO REGULATE PRISON ADMINISTRATION

To combat custodial violence, it is imperative to ratify the United Nations Convention Against Torture, which presents a formal commitment towards achieving the mandate of preventing torture and recognising the fundamental rights of prisoners. However, mandating ratification without addressing the present concerns regarding it will not be meaningful. Currently, India lacks standalone legislation to condemn and criminalise torture, aligning with the UNCAT guidelines. The protections are dispersed across various criminal statutes like the Bharatiya Nyaya Sanhita (formerly IPC), Bharatiya Nagarik Suraksha Sanhita (formerly CrPC), and constitutional and judicial safeguards. Further, 'Police' and 'Prison' come under the State List under the Indian Constitution, which limits the Parliament's legislative competency to implement a uniform legislature on subjects belonging to the State List.⁴⁸ Additionally, India has certain punitive security legislation like the Armed Forces (Special Powers) Act, 1958 (AFSPA),⁴⁹ which grants extraordinary powers to the armed forces to arrest and maintain public order in certain notified areas. This gives

⁴⁸ Constitution of India 1950, sch VII, List II

⁴⁹ Armed Forces (Special Powers) Act 1958

broad immunity and results in limited accountability, which may fall short of the UNCAT obligations.

Beyond the domestic legislative shortcomings, India's human rights practices fail to align with Article 3 of the UNCAT. Recently, the United Nations and various human rights organisations have voiced their criticism about India's treatment of the Rohingya refugees, alleging detentions and forcible returns to Myanmar despite potential risks of torture and death. This is incompatible with the principle established in Article 3 of UNCAT, which prohibits the expulsion, return (refoulement) or extradition of a person to another State where it is believed that he would be in danger or subjected to torture.⁵⁰ Hence, in order to ratify UNCAT, there is an urgent need to address the concerns which have led to non-ratification of the convention.

Therefore, the first step would be to adopt a uniform standalone legislation in consultation with and with sustained political consensus of the states, which lays down a detailed framework against prison violence. In 2023, the Ministry of Home Affairs formulated the Model Prisons and Correctional Services Act, 2023 as a model template for states and union territories.⁵¹ However, the Act suffered from various shortcomings and therefore failed to be an effective correctional framework. Since the management of prisons comes under Entry 4 of List II (State List) of the Constitution of India, the Act was not compulsorily enforceable against all the states, and as of August 2025, no state government had confirmed the adoption of the Act.

However, this structural obstruction may be circumvented by application of Article 253 of the Constitution, which grants the power to the Parliament to make law for the purpose of implementing any treaty, agreement or convention with any other country.⁵² Beyond this enforceability gap, the structure of the Act was also flawed. Section 51⁵³ extended parole and furlough to convicted prisoners but excluded undertrials who constitute 74%⁵⁴ of the prison

⁵⁰ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984, art 3

⁵¹ 'ADOPTION OF MODEL PRISON RULES AND SUPPORT FOR PRISON LIBRARIES' (*Press Information Bureau*, 06 August 2025) <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2153179®=48&lang=2>> accessed 23 July 2026

⁵² The Constitution of India 1950, art 253

⁵³ Model Prisons and Correctional Services Act 2023, s 51

⁵⁴ Atul Thakur, '74% of prisoners are undertrials, and that's an 'improvement'' *The Times of India* (04 October 2025) <<https://timesofindia.indiatimes.com/india/74-of-prisoners-are-undertrials-and-thats-an-improvement/articleshow/124298582.cms>> accessed 23 July 2026

population. This was incompatible with the constitutional mandate of presumption of innocence rooted in Article 14 and Article 21 of the Indian Constitution.

Therefore, the existing criminal statutes have a limited statutory framework to establish safeguards against torture inflicted on prisoners. The proposed statute would establish detailed guidelines and identify the different forms of physical and psychological custodial torture, establish independent investigative mechanisms, prescribe distinct punishments for each offence and offer a fair amount of compensation to the victim or his closest kin. Simultaneously, there is a need to review and amend the punitive domestic security legislation such that it aligns with the international human rights standard.

The second step would require the development of cogent forensic facilities in India, which would shift the process of torture-oriented confession extraction methods to advanced and scientific ways of ascertaining the truth. Jinee Lokaneeta's *The Truth Machines: Policing, Violence, and Scientific Interrogations in India* shows how the police shifted to narcoanalysis and polygraphy tests until the Supreme Court declared such mechanisms illegal in 2010.⁵⁵ Therefore, it is evident that a previous attempt was made to bring a change in the system; however, such methods were declared violative of personal liberty by the Court. This underscores the need for adopting sustainable scientific mechanisms of forensic biology, DNA profiling, and behavioural analysis of the accused while interrogating them, instead of adopting inhumane practices and unconstitutional methods. However, the current forensic facilities in India are under-resourced and lack substantial resources. This results in huge backlogs, delaying the whole process and coercing the police authorities to extort a confession by lathi blows, severe beatings, punching, and kicking the accused to speed up the process and close the case, thereby resulting in a vicious, never-ending cycle of agony and pain. To address the structural inadequacies and for effective enactment of the proposed statute, the government should allocate resources to develop adequate forensic facilities.

The third step would be to organise sensitisation and police training programmes that would encourage them to adopt humane mechanisms for interrogating the accused. The vicious cycle of custodial torture must be disrupted by establishing a sense of accountability within the state authorities who act as agents of the criminal justice system. Such sensitisation

⁵⁵ Jinee Lokaneeta, *The Truth Machines: Policing, Violence, and Scientific Interrogations in India* (University of Michigan Press 2020)

programmes would encourage the authorities to recognise the constitutional rights of the prisoners. There should be an emphasis on the need for procedural fairness and prioritisation of human dignity to build credibility in the criminal justice system. Comparative experience of the Code C issued under the Police and Criminal Evidence Act (PACE) 1984 in the United Kingdom prescribes a detailed framework on the detention, questioning, arrest and other related principles that police officers must follow to protect the rights of the detained individual.⁵⁶ This illustrates the legislative emphasis on procedural fairness and human rights-oriented laws, which establish a sense of accountability among the authorities and reduce the adoption of coercive methods of investigation.

The fourth step would entail monitoring the effective enforcement of the proposed statute by both government and non-governmental organisations. Government bodies must ensure strict implementation of the proposed statute. They must conduct routine investigations in jails and establish investigating committees if a custodial death occurs under the guise of suicide or self-harm. A comparative jurisdiction includes the HM Inspectorate of Prisons under the UK's National Preventive Mechanism, an independent inspectorate which inspects the treatment of prison detainees by conducting regular prison inspections and publishes institutional reports that help to maintain transparency and compel authorities to be accountable for their actions.⁵⁷ Non-governmental agencies like Amnesty International and Commonwealth Human Rights Initiative generate public awareness through worldwide campaigns, research and analysis, strategic litigation and advocacy, and extensive media coverage, thereby creating a system of external accountability and facilitating legal and financial aid for the poor. This dual oversight mechanism of both governmental and non-governmental agencies mirrors Habermas's argument that the social order and legitimate practices emerge from active dialogue and public discourse rather than unilateral control.

THE UNFINISHED FIGHT AGAINST CUSTODIAL VIOLENCE

Despite decades of judicial precedents and established constitutional jurisprudence, prison authorities continue to mete out extreme torture. This demonstrates a glaring failure to comply with legal and judicial principles. The contemporary institutional practice is dominated by a colonial mindset and archaic laws that challenge its compatibility with

⁵⁶ Police and Criminal Evidence Act 1984

⁵⁷ Prison Act 1952

constitutionally established principles. The theoretical perspectives discussed in the paper delineate how custodial violence presents a systematic reproduction of punitive power rather than misuse of individual authority. Bourdieu's concept of habitus elucidates the persistence of deeply internalised institutional practices, which explains the routine non-compliance with the DK Basu guidelines, while Freire's framework of conscientization contextualises the act of resistance against the normalisation of custodial violence in Sunil Batra. Therefore, despite the constitutional guarantee of protection of life and liberty under Article 21 and landmark judicial pronouncements of Maneka Gandhi, D.K. Basu, Sunil Batra, Nilabati Behera and Rudul Shah, the prison administration continues to fall short, thereby perpetuating punitive treatment.

Piecemeal statutory fixes are inadequate, necessitating an urgent need to revamp the system. Ratification of the United Nations Convention Against Torture would mark the initial attempt, followed by the enactment of a dedicated custodial statute on torture mechanisms, development of alternative forensic methodologies, police sensitisation, and regular prison surveillance. The penal system should be transformative and rehabilitative rather than punitive and retributive. As Nelson Mandela observed, 'A Nation should not be judged by how it treats its highest citizens, but its lowest ones.'⁵⁸ The existence of custodial torture shows the failure of a democratic nation like India to guarantee freedom and dignity to every individual, thereby undermining its rich cultural heritage and constitutional guarantee. Custodial violence is not a mere legal failure but a fundamental blow to the promise of equality to the citizens of the country.

⁵⁸ Nelson Mandela, *LONG WALK to FREEDOM* (Abacus 1995)