



## INDIA'S COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS STANDARDS IN THE ENFORCEMENT OF CRIMINAL LAW

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### ABSTRACT

This study examines India's compliance with international human rights standards in the enforcement of criminal law, by addressing the extent to which institutional practices align with international human rights obligations and identifying key factors that hinder such compliance. Despite India's ratification of major international instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the incorporation of human rights protections in its Constitution, significant gaps persist between legal norms and practical implementation. The study employs a normative and empirical analysis approach, through doctrinal legal analysis combined with descriptive statistical evaluation of secondary data, and relevant scholarly literature to using a three-tier compliance framework consisting of normative, institutional, and outcome dimensions. Key findings reveal that India's prisons are severely overcrowded, with average occupancy rates of 131% and some facilities exceeding 400%, adversely affecting access to basic amenities, healthcare, and rehabilitation programs. Additionally, approximately 76% of prisoners are undertrial detainees, reflecting prolonged pre-trial detention and systemic inefficiencies that undermine the presumption of innocence. Custodial deaths and instances of torture further highlight gaps in enforcement and oversight, disproportionately affecting marginalized populations. The study identifies a persistent norm-implementation gap, wherein legal frameworks exist but are inadequately enforced due to structural and institutional weaknesses. These findings underscore the urgent need for comprehensive reforms while also contributing to the development of an integrated framework for evaluating human rights compliance in criminal justice systems, including modernization of prison infrastructure, expedited judicial processes, strengthened monitoring mechanisms, systematic human rights training for law enforcement, and equitable access to legal aid. The study concludes that addressing these challenges is essential not only for India's compliance with international human rights obligations but also for establishing a more equitable, effective, and humane criminal justice system that protects the rights and dignity of all individuals.

### INTRODUCTION

The enforcement of criminal law in India reveals a persistent and structurally embedded disparity between institutional practices and the State's international human rights obligations, raising critical concerns regarding the legitimacy, accountability, and effectiveness of the criminal justice system in safeguarding fundamental rights. Key criminal justice institutions particularly the

police, judiciary, and correctional facilities reflecting broader challenges within rule of law theory and international compliance frameworks, where the existence of legal norms does not necessarily translate into effective implementation due to institutional and structural constraints. The India Justice Report (2025) notes that "the criminal justice system continues to face critical resource gaps, structural bottlenecks, and systemic inequities that impede the realization of fair



and humane justice” (India Justice Report, 2025, p. 12). The report highlights that prison overcrowding has reached a national average of 131%, indicating a chronic crisis in India’s correctional capacity. In several states, prisons have been reported to operate at 200–400% above their sanctioned capacity, exacerbating both physical and psychological suffering among inmates.

One of the most pressing issues is the exceptionally high number of pre-trial detainees. According to the National Crime Records Bureau (NCRB), approximately 76% of India’s prison population consists of undertrial prisoners, meaning that the majority of inmates have not yet received a judicial verdict (NCRB, 2024). This situation stands in stark contrast to the principle of the presumption of innocence, a universally recognized human rights norm articulated in Article 11 of the Universal Declaration of Human Rights (UDHR, 1948). Furthermore, prolonged pre-trial detention raises serious concerns regarding access to legal assistance, the efficiency of judicial processes, and the State’s capacity to ensure a fair trial. As the Law Commission of India observes, “prolonged pre-trial detention represents not only a procedural failure but a human rights violation in itself” (Law Commission of India, 2023, p. 45).

In addition to overcrowding and excessive pre-trial detention, the persistence of custodial violence and custodial deaths constitutes another urgent human rights concern. Data from the National Human Rights Commission (NHRC) indicates more than 2,100 deaths in judicial custody and 155 deaths in police custody within a single year (NHRC, 2024). Many of these deaths have been attributed to torture, inadequate medical care, and failures in institutional oversight. NHRC emphasizes that “custodial violence remains one of the gravest human rights concerns in India, reflecting persistent institutional weaknesses that hinder accountability” (NHRC, 2024, p. 9). These realities reveal a substantial gap between international human rights standards—such as the prohibition of torture under Article 7 of the

International Covenant on Civil and Political Rights (ICCPR)—and their practical implementation within India’s criminal justice system.

Despite India’s formal commitments to international human rights law, including its status as a State Party to the ICCPR since 1979, numerous scholarly assessments indicate that a significant compliance gap persists. As Bhattacharya (2022) notes, “there is a substantial compliance gap between India’s international human rights obligations and the actual conditions within its criminal justice institutions.” This gap is compounded by weak accountability mechanisms, inadequate oversight, insufficient application of international human rights protocols in arrest and detention procedures, and limited institutional capacity (Pinto, 2020). These persistent disparities underscore the need for a deeper and more systematic academic inquiry into the alignment between India’s legal framework and its human rights obligations.

Although a growing body of scholarship addresses discrete issues such as prison overcrowding (Bhattacharya, 2022), custodial violence (Kumar, 2022), and judicial delays (Law Commission of India, 2023), these studies remain largely fragmented and lack an integrated analytical framework that connects empirical findings with normative human rights obligations. Many studies focus narrowly on prison overcrowding, police violence, legal aid, or procedural delays, without offering a holistic assessment of India’s overall compliance with international human rights standards in the enforcement of criminal law. The research gap lies not only in the absence of integrative studies, but also in the lack of a systematic compliance-based analytical model that simultaneously evaluates legal norms, institutional performance, and real-world human rights outcomes using recent post-reform data (2023–2025). Furthermore, few studies incorporate the most recent developments (2023–2025), despite the significant impact of legislative reforms such as the replacement



of the Indian Penal Code 1860 with the Bharatiya Nyaya Sanhita 2023.

This study addresses the following research questions: (1) To what extent does India comply with international human rights standards in the enforcement of criminal law? (2) What institutional and structural factors contribute to the observed compliance gap? (3) What reforms are necessary to enhance effective compliance

Against this backdrop, the study entitled “India’s Compliance with International Human Rights Standards in the Enforcement of Criminal Law” provides a timely and significant academic contribution. First, This study makes a significant contribution to the literature by advancing a compliance-based analytical framework that integrates normative legal analysis with empirical institutional assessment, thereby bridging the gap between doctrinal scholarship and data-driven policy evaluation in the context of criminal justice and human rights.” law. This enables a more comprehensive evaluation of the State’s level of compliance. Second, the study examines the structural and systemic dimensions of India’s criminal justice institutions and their implications for human rights protection—an analytical approach still underrepresented in existing scholarship. Third, the study proposes evidence-based recommendations to strengthen legal reforms, improve accountability mechanisms, and institutionalize the consistent application of human rights principles across all stages of criminal law enforcement (Pimpalkar, 2025). Through these contributions, the research is expected to advance academic discourse and support the development of a more humane and internationally compliant criminal justice system in India (Vrma & Sharma, 2025) .

## METHODS

This study adopts an integrated mixed normative–empirical legal research design in which doctrinal legal analysis is systematically combined with empirical data analysis through a sequential explanatory strategy (Rodriguez & Owusu, 2025). The

normative component establishes a benchmark of international human rights standards, while the empirical component evaluates the extent to which institutional practices conform to these benchmarks. This integrative approach enables a structured comparison between legal norms and observed outcomes, ensuring analytical coherence between theory and evidence. The normative component of the study focuses on analyzing international human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR), the Universal Declaration of Human Rights (UDHR), and the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), alongside domestic legal materials including the Constitution of India, the Bharatiya Nyaya Sanhita 2023, the Code of Criminal Procedure 1973, and landmark Supreme Court decisions pertaining to custodial rights and due process. To complement this normative foundation, the empirical component. The selection of these data sources is based on their institutional authority, methodological rigor, and national coverage. NCRB provides standardized quantitative data on crime and prison statistics, NHRC offers verified reports on human rights violations, and the India Justice Report supplies comparative institutional performance indicators. The triangulation of these sources enhances data reliability while mitigating potential biases inherent in single-source analysis, which detail patterns of custodial violence and institutional human rights violations. These datasets provide essential quantitative indicators—such as India’s average prison occupancy rate of 131%, the fact that 76% of inmates are undertrials, and the report of more than 2,100 judicial custody deaths and 155 police custody deaths in a single year—as well as qualitative evidence regarding systemic deficiencies in oversight, accountability, and treatment of detainees.

Data collection in this study relies on extensive document analysis, involving the review of international treaties, domestic legislation, judicial precedents, policy papers, institutional reports, and scholarly literature (Flores et al, 2021). This method



enables the construction of a robust normative benchmark against which India's compliance with international standards can be evaluated. Case studies are selected using purposive sampling based on criteria such as legal significance, representativeness of systemic issues, and availability of verified documentation. Each case is analyzed using a structured framework that examines legal context, institutional response, human rights implications, and judicial outcomes, thereby enabling analytical generalization to broader systemic patterns. Descriptive statistical analysis is employed to identify trends in prison occupancy rates, undertrial detention, and custodial deaths over the 2020–2025 period. Data are categorized by institutional type and temporal trends, followed by comparative evaluation across regions and time periods (Sharma et al, 2025). Normative interpretation is conducted through systematic content analysis of legal texts and judicial decisions, enabling a structured comparison between legal standards and empirical realities. Normative legal interpretation is used to examine the consistency between India's laws and its international obligations, while statistical and trend analysis of NCRB and NHRC data helps identify persistent patterns—such as prison overcrowding, rising custodial deaths, and prolonged pre-trial detention. The study further utilizes a three-tier compliance assessment model that evaluates normative compliance (alignment of laws with international standards), institutional compliance (functioning of police, courts, and prisons), and outcome compliance (real-world protection of rights).

Validity is ensured through construct validity (clear alignment between theoretical concepts and empirical indicators), internal validity (cross-verification of findings across multiple datasets), and external validity (comparative consistency with existing literature). Reliability is strengthened by using standardized datasets, transparent data coding procedures, and consistent analytical criteria across all sources. Furthermore, the use of the most recent data available between 2020 and 2025 strengthens

the accuracy of the empirical analysis. The study acknowledges certain limitations, including the reliance on secondary data due to restricted access to prison facilities and police records, inconsistencies in reporting standards among Indian states, and the political sensitivity surrounding issues such as custodial torture and police violence, which may affect transparency. Nevertheless, the triangulation of multiple high-credibility sources mitigates these limitations and enhances the robustness of the research. Ethical considerations extend beyond anonymization to include responsible interpretation of sensitive data, avoidance of harm through misrepresentation, and adherence to principles of academic integrity. Given the politically sensitive nature of custodial violence, the study ensures that all data are derived from verified and publicly accessible sources, thereby minimizing ethical risks while maintaining analytical rigor. Overall, this methodology provides a comprehensive, rigorous, and ethically grounded foundation for evaluating India's compliance with international human rights obligations in the enforcement of criminal law.

## RESULTS AND DISCUSSIONS

The present study highlights a persistent discrepancy between India's formal legal commitments to international human rights standards and the actual enforcement of criminal law (Kamble, 2023). The identified systemic weaknesses are not merely administrative shortcomings but reflect deeper structural constraints, including institutional fragmentation, inadequate resource allocation, and weak accountability mechanisms, which collectively hinder the effective internalization of international human rights norms within domestic enforcement practices.

From the perspective of compliance theory, extreme prison overcrowding illustrates a failure of institutional compliance, where formal legal commitments are undermined by inadequate implementation capacity and governance inefficiencies. NCRB (2024) reports that India's



prisons operate at an average of 131% capacity, with certain state prisons exceeding 200–400% occupancy. a rate significantly higher than international benchmarks and exceeding prison occupancy levels in many comparable developing jurisdictions, thereby highlighting the severity of India's correctional crisis in a global context (Chatterjee & NS, 2022). Overcrowding exacerbates poor sanitary conditions, insufficient ventilation, inadequate medical services, and restricted access to basic nutrition, creating a severe risk to prisoners' physical and psychological health. Such conditions directly contravene the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), which require that prisons maintain conditions compatible with human dignity and facilitate rehabilitation (United Nations Office on Drugs and Crime, 2015). Bhattacharya (2022) argues that overcrowding is not merely a logistical challenge but a structural human rights violation, demonstrating that the state's capacity to fulfill its legal obligations is insufficient.

Closely related is the issue of pre-trial detention, which constitutes a major source of human rights concerns. Approximately 76% of the prison population in India comprises undertrial prisoners which not only reflects procedural inefficiencies but also indicates systemic inequities in access to justice, particularly for economically disadvantaged groups who lack the resources to secure timely legal representation or bail who have not been convicted of any crime (NCRB, 2024). Extended pre-trial detention violates the principle of presumption of innocence, guaranteed under both the Universal Declaration of Human Rights (UDHR, 1948, Art. 11) and the International Covenant on Civil and Political Rights (ICCPR, 1966, Art. 14). Empirical evidence shows that prolonged detention is often a consequence of systemic judicial delays, lack of access to legal representation, and administrative inefficiencies in the criminal justice system (Law Commission of India, 2023). The disproportionately high number of undertrials suggests that India's criminal justice system prioritizes expediency over

human rights protection, creating a structural vulnerability that disproportionately affects marginalized populations.

Custodial deaths and incidents of torture represent another critical area where India falls short of international standards which can be attributed to a combination of factors, including weak oversight mechanisms, entrenched policing cultures that tolerate coercive practices, lack of accountability, and insufficient training in human rights standards. The NHRC (2024) reported over 2,100 deaths in judicial custody and 155 deaths in police custody in a single year, with causes ranging from physical abuse to lack of medical care. Analysis of custodial deaths reveals a pattern: the majority occur in overcrowded facilities, often in states with limited institutional oversight and resource constraints. Kumar (2022) emphasizes that custodial violence is not only a violation of legal obligations but also indicative of systemic impunity, as few cases result in accountability for perpetrators. This finding aligns with the observations of Raghavan (2021), who notes that policing practices in India frequently involve excessive use of force, arbitrary arrests, and procedural lapses that compromise human rights compliance.

The institutional weaknesses underlying these challenges are multifaceted. India Justice Report (2025) highlights chronic understaffing in prisons, inadequate training of law enforcement personnel in human rights principles, and insufficient judicial resources to handle case backlogs. Sharma (2020) notes that in states with the highest occupancy rates, courts experience severe delays, causing prolonged pre-trial detention that exacerbates systemic human rights violations. In addition, inadequate funding for correctional facilities and insufficient legal aid further compounds the vulnerability of undertrial prisoners, who are often unable to secure timely representation. These findings suggest that human rights violations are not only a legal issue but also a consequence of structural and institutional deficiencies within the criminal justice system.



A critical dimension revealed by this study is the socio-economic disparity embedded within criminal justice outcomes (Singh et al, 2025). Undertrial prisoners disproportionately belong to marginalized groups, including lower-income communities and socially disadvantaged castes. Limited access to legal aid, low literacy rates, and economic constraints hinder these individuals from navigating complex judicial procedures, often resulting in extended pre-trial detention and heightened exposure to custodial abuse. Chakraborty (2023) emphasizes that the intersection of socio-economic disadvantage and systemic inefficiencies creates a compounded vulnerability, reflecting a structural inequity in India's criminal justice enforcement.

While India's legal framework demonstrates strong normative compliance, the empirical findings reveal a significant disconnect between legal provisions and institutional practices, thereby reinforcing the existence of a norm-implementation gap. Constitutional provisions (Arts. 20-22) protect individuals against arbitrary detention and ensure due process, while the Bharatiya Nyaya Sanhita 2023 codifies procedural safeguards for arrested persons. The country has also ratified major international human rights instruments, including the ICCPR and the UDHR, indicating formal normative compliance. However, the empirical data demonstrates a persistent norm-implementation gap, where legal provisions exist but their enforcement is weak, inconsistent, or absent. Bhattacharya (2022) argues that without functional institutional mechanisms and accountability structures, formal compliance remains largely symbolic.

The study's findings also highlight the interconnectedness of legal, institutional, and outcome compliance. While India maintains normative compliance on paper, institutional weaknesses—including insufficient staffing, inadequate training, and logistical inefficiencies—undermine the realization of human rights in practice. Outcome compliance, measured by the actual

protection of prisoners' rights, reduction in custodial deaths, and adherence to procedural safeguards, remains inconsistent and insufficient (Wasiq, 2022). This three-tiered compliance framework illustrates that fulfilling international human rights obligations requires not only strong legal norms but also effective institutions and operational enforcement mechanisms.

The policy implications require a multi-level reform strategy that integrates legal reform, institutional capacity-building, and accountability enhancement (Chaney, 2020). This includes targeted investment in prison infrastructure, digitization of judicial processes to reduce delays, establishment of independent oversight bodies, and mandatory human rights training programs for law enforcement personnel. First, prison infrastructure must be modernized to reduce overcrowding and ensure compliance with international standards. Second, judicial reforms are critical to expedite trials, reduce case backlogs, and minimize pre-trial detention. Third, independent oversight mechanisms must be strengthened to monitor custodial conditions, investigate abuse, and hold perpetrators accountable (Qasim et al, 2025). Fourth, systematic human rights training for police and correctional staff should be institutionalized. Finally, equitable access to legal aid must be ensured, particularly for marginalized populations who are disproportionately affected by systemic weaknesses. Without these measures, India's compliance with international human rights standards will remain partial, uneven, and largely procedural rather than substantive (Jibril & Hussain, 2026).

This multi-layered compliance gap underscores the need to reconceptualize human rights compliance not merely as legal adherence but as a dynamic interaction between normative commitments, institutional capacity, and socio-political realities, thereby contributing to a more nuanced understanding of compliance in complex legal systems. Key findings include chronic prison overcrowding, high rates of pre-trial detention,



custodial violence, and systemic institutional weaknesses, all of which impede the full realization of human rights protections. These results highlight the urgent need for integrated reforms that address legal, institutional, and operational dimensions simultaneously. Effective enforcement of human rights norms in criminal law requires bridging the gap between formal commitments and real-world outcomes, ensuring that legal protections translate into tangible improvements in the lives of prisoners and detainees.

## CONCLUSIONS

This study makes an original contribution by offering an integrated normative–empirical assessment of India’s criminal justice system using recent data (2020–2025), thereby bridging the gap between doctrinal legal analysis and empirical human rights evaluation. Despite India’s ratification of major international instruments, such as the ICCPR, and constitutional guarantees protecting individual rights, the criminal justice system exhibits significant deficiencies in both institutional functioning and human rights outcomes. Rather than merely reflecting isolated institutional deficiencies, prison overcrowding should be understood as a structural manifestation of systemic governance failures, where judicial inefficiencies, policy inertia, and resource constraints converge to undermine the realization of fundamental human rights within the criminal justice system, healthcare access, and rehabilitation opportunities in violation of the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). Additionally, approximately 76% of prisoners are undertrials, highlighting systemic delays in judicial processes and inadequate access to legal aid, which undermine the principle of presumption of innocence and disproportionately affect marginalized populations. Custodial deaths and incidents of torture remain significant concerns, reflecting insufficient oversight, procedural inefficiencies, and structural weaknesses that prevent effective enforcement of legal protections. The study

also identifies socio-economic disparities as a compounding factor, as marginalized groups are disproportionately subjected to prolonged detention and custodial abuse. From a theoretical perspective, this study advances the understanding of human rights compliance by demonstrating that formal legal adherence must be complemented by institutional capacity and enforcement effectiveness, thereby supporting a multidimensional model of compliance that integrates normative, institutional, and outcome-based dimensions; effective human rights protection requires robust institutional mechanisms and operational enforcement. Comprehensive reforms should adopt a multi-tiered approach, including targeted investment in prison infrastructure to address overcrowding, procedural reforms such as fast-track courts and digital case management systems to reduce judicial delays, the establishment of independent oversight bodies with enforcement authority, and mandatory human rights training programs for law enforcement personnel to ensure compliance at the operational level. Addressing these issues is essential not only to fulfill India’s international human rights obligations but also to ensure a more equitable, effective, and humane criminal justice system that safeguards the rights and dignity of all individuals, particularly vulnerable and marginalized populations.

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