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# **CUSTODIAL DEATHS AND ACCOUNTABILITY** **MECHANISMS IN INDIA**

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## **Abstract**

The issue of custodial deaths continues to be a critical human right issue in India, casting grave concerns on the issue of power between the state and protection of freedom of individual beings. Tortures and in-custodial killings remain as litany of problems in the execution of law and the management of prisons despite the constitutional right to life and individual freedom. This paper highlights the laws that underpin the practice of custody in India, in terms of constitutional rights, the legislative rights that are established through the criminal laws, which are currently enacted and the human rights legislations. It examines the extent of rights granted to people in custody, the procedural protections that must be completed to allow the prevention of abuse, and the responsibilities that the state must maintain to provide accountability. How the judiciary has influenced the role of deciphering the concept of custodial rights by broadening the interpretation of its provisions in the constitution, which emphasizes the importance of dignity, fairness, and humane treatment, is also discussed. Although the legal and institutional framework indicates a great commitment to the safeguarding of rights, the frequent cases of custodial deaths indicate the loopholes in the implementation, accountability, and enforcement. The paper claims that the prevention of custodial mortality needs not just effective legal measures, but also structural change of police, alternative forms of control, and the cultural change to the transparency and respect towards human rights in law enforcement agencies. Finally, it also reminds that protecting the rights of people in custody is not only a constitutional duty but also a key action towards fairness of a democratic society.

**Keywords:** *Custodial deaths; custodial torture; Article 21; fundamental rights; Bharatiya Nyaya Sanhita; Bharatiya Nagarik Suraksha Sanhita; Bharatiya Sakshya Adhiniyam; Protection of Human Rights Act; guidelines; police accountability; human rights; compensation jurisprudence.*

## I. Introduction

Custodial deaths refer to the death of a person while in the custody of law enforcement or prison authorities in police lockups, during transit, in judicial custody, or while under sentence.<sup>1</sup> These deaths frequently implicate torture, excessive use of force, neglect, or the denial of timely medical care.<sup>2</sup> Despite constitutional guarantees under Articles 20, 21 and 22,<sup>3</sup> custodial deaths remain a recurrent human rights concern in India, undermining public confidence in the criminal justice system and the rule of law.<sup>4</sup>

Data from the National Crime Records Bureau (NCRB) consistently reports hundreds of deaths in custody each year, while independent assessments by the National Human Rights Commission (NHRC) and civil society groups like the People's Union for Civil Liberties (PUCL) indicate even higher numbers, highlighting the issue of systemic underreporting. For instance, the NHRC documented over 1,800 deaths in custody from 2017 to 2022, yet the prosecution and conviction of culpable officials remain extremely uncommon. The low conviction rate—often below 10 percent<sup>5</sup>—reflects a deep-seated institutional impunity, where investigations are cursory, medical documentation is falsified, and the requirement for prosecution under laws such as Section 197 of the Code of Criminal Procedure (now BNSS 2023) serves as a procedural barrier for errant officers.

The contradiction is stark: India possesses a well-structured constitutional framework, progressive judicial rulings, and statutory protections under the new criminal codes (BNSS, BNS, and BSA, 2023), yet incidents of custodial torture and death continue. This discord highlights that the issue is not only legal but also significantly institutional and cultural, entrenched in policing methods, insufficient oversight, and a societal tolerance of coercive law enforcement practices.

Positioning custodial deaths within the global human rights framework further emphasizes India's responsibilities. Despite being a signatory to the International Covenant on Civil and Political Rights (ICCPR), India has not ratified the United Nations Convention Against Torture (UNCAT), despite repeated calls from treaty bodies and the Law Commission of India.<sup>6</sup> This situation reveals a discrepancy between India's international obligations and the domestic implementation of rights within custody.

In light of this context, the current paper explores the issue of custodial deaths through an extensive legal and doctrinal examination. It investigates constitutional and statutory protections, judicial actions, and the mechanisms for institutional accountability, before critically assessing the disparity between legal standards and actual practices. The paper contends that effective solutions necessitate not just more rigorous legal enforcement but also structural reforms in investigations, independent oversight, medical protocols, and police training, alongside cultural shifts within law enforcement agencies.

The paper is organized into several sections: it starts with a statement of the issue and the development of research inquiries, followed by an evaluation of the importance, scope, and methodology. A literature review offers the academic and judicial context, after which the legal and conceptual framework is examined. The paper then looks at the operation of accountability mechanisms, critiques systemic shortcomings and challenges, and finally suggests targeted recommendations before concluding with reflections on the constitutional and moral obligation to eliminate custodial deaths.

<sup>1</sup> D.K. Basu v. State of West Bengal, (1997) 1 S.C.C. 416, ¶ 15.

<sup>2</sup> INDIA CONST. art. 20, cl. 3; art. 21; art. 22.

<sup>3</sup> NAT'L HUMAN RIGHTS COMM'N, ANNUAL REPORT 2019-20, at 45 (2020).

<sup>4</sup> Harsh Mander, *Looking Away: Inequality, Prejudice and Indifference in New India* 234-56 (Speaking Tiger Books 2015).

<sup>5</sup> Commonwealth Human Rights Initiative, *Open Sesame: Looking for Accountability in the Police* 45-67 (2005).

<sup>6</sup> Law Comm'n of India, 273rd Report, *Implementation of 'United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' Through Legislation* (2017).

## II. Statement of Problem

Although India has developed a comparatively robust set of legal norms—including judicial directions, statutory safeguards in the BNSS (2023), and administrative guidelines—implementation lags behind. Official statistics and reports indicate hundreds of custodial fatalities in recent years, while prosecutions and convictions of responsible officials remain rare. The core problem is a systemic one: weak independent investigation, limited medical oversight, institutional impunity for certain categories of officers, and inadequate external

monitoring mechanisms.

### **III. Research Questions**

1. How effective are the existing constitutional, statutory, and institutional safeguards in preventing custodial deaths in India?
2. What systemic gaps in investigation, medical care, and oversight contribute to continued custodial fatalities?
3. How have judicial interventions shaped accountability and preventive measures?
4. How effective are magisterial inquiries, NHRC interventions, and technological measures (like CCTV) in practice?
5. What legal and policy reforms would materially reduce custodial deaths and improve redress?

### **IV. Significance, Scope & Limitations**

The study is significant because custodial deaths directly implicate the right to life and the state's duty to uphold human dignity. By examining legal frameworks, institutional practices, and judicial responses, the paper contributes to policy debates on policing, prison reform, and human rights compliance. Scope is limited to police and judicial custody within India; military and paramilitary custodial deaths are excluded. The analysis is doctrinal and relies on statutes, case law, official reports and secondary literature; empirical fieldwork is outside the study's scope.

### **V. Research Objectives**

- To analyse constitutional and statutory safeguards addressing custodial deaths.
- To evaluate the effectiveness of magisterial inquiries, NHRC oversight, and judicial remedies.
- To identify enforcement gaps and institutional weaknesses.
- To recommend legal and policy measures to strengthen accountability and prevention.

### **VI. Research Methodology**

This paper follows a doctrinal methodology. It examines primary legal sources (Constitution, BNSS 2023, relevant penal provisions) and secondary materials (NCRB statistics, NHRC reports, academic commentary). Key judgments and administrative guidelines are analysed to assess the interaction between law and practice. Comparative references to international norms,

such as the UN Convention against Torture (UNCAT), are used to benchmark India's obligations.

## VII. Literature Review

This research paper is mainly based on custodial deaths and laws relating to them, including case laws and their analysis.

### Primary Sources

#### Case Laws:

##### 1. Sunil Batra v. Delhi Administration (1978)<sup>7</sup>

The Supreme Court held that prison inmates retain fundamental rights, and custodial torture or solitary confinement without due process violates Article 21. It expanded judicial oversight over prison conditions and emphasized humane treatment.

##### 2. Sheela Barse vs. State of Maharashtra (1983)<sup>8</sup>

The Court laid down safeguards for women and children in police custody including separate lock-ups, legal aid access, prompt production before magistrates, and prohibition of detention in police stations overnight without cause.

##### 3. Prem Shankar Shukla v. Delhi Administration (1980)<sup>9</sup>

The Court prohibited routine handcuffing and mechanical restraint, ruling they can only be used with recorded reasons approved by a magistrate, as such practices offend the dignity guaranteed under Article 21.

##### 4. D.K. Basu v. State of West Bengal (1997)<sup>10</sup>

A landmark judgement issuing detailed arrest and detention guidelines to prevent custodial torture including mandatory arrest memos, medical examination, informing relatives and magistrate oversight; non-compliance invites departmental and criminal action.

##### 5. Nilabati Behera v. State of Orissa (1993)<sup>11</sup>

The Court held the state strictly liable to compensate victims of custodial death, recognizing compensation as a public law remedy under Article 32/226 distinct from private law claims, reinforcing accountability for human rights violations.

#### Secondary Data:

##### 1. SCC Online Blog (2024 Mar 23)<sup>12</sup>

"Custodial Torture in India: Intersection of Criminal Law and Constitutional Right." Synthesizes case laws (D.K. Basu, Nilabati Behera) and statutory gaps.

**2. Economic & Political Weekly (2013, May 11)<sup>13</sup>**

"Ignoring Custodial Deaths in India" - EPW Web Exclusives. Early critique of normalized custodial violence and weak accountability.

**3. Indian Law Institute (2024)<sup>14</sup>**

"Torture in Lawful Custody in India, 2L2 Law Review." Overview of constitutional and criminal law safeguards; cites NCAT, NHRC figures.

**4. Kuchewar, S.V., et al (2020)<sup>15</sup>**

"Custody-related deaths in Maharashtra: Journal of Forensic and Legal Medicine." Forensic analysis of causes and patterns of custody related deaths; differentiates natural vs. unnatural.

**5. Police Atrocities and the Quest for Justice, Economic & Political Weekly (Dec 19, 2020)**

Frames Santhakumar (Jeyaraj-Benilx) within systemic failure of oversight.

**Reports:**

1. Status of Policing in India Report (SPIR) 2015<sup>16</sup>
2. NHRC Data on Pending Custodial Death Cases<sup>17</sup>
3. State Human Rights Commission Reports (Telangana, Tamil Nadu, etc.)

**Commentaries:**

1. Legislative Reforms in India and Custodial Violence (2024)<sup>18</sup> — International Journal of Criminal Common Statutory Law
2. Custodial Violence in India: Legal Safeguards and Judicial Responses (The Legal Quorum)<sup>19</sup>
3. Custodial Violence in India: Examination in Light of New Criminal Law Reforms (2023-24) by Dr. Nagendra Singh Raghav<sup>20</sup>

<sup>7</sup> Sunil Batra v. Delhi Administration, (1978) 4 S.C.C. 494.

<sup>8</sup> Sheela Barse v. State of Maharashtra, (1983) 2 S.C.C. 96.

<sup>9</sup> Prem Shankar Shukla v. Delhi Administration, (1980) 3 S.C.C. 526.

<sup>10</sup> D.K. Basu v. State of West Bengal, (1997) 1 S.C.C. 416.

<sup>11</sup> Nilabati Behera v. State of Orissa, (1993) 2 S.C.C. 746.

<sup>12</sup> Custodial Torture in India: Intersection of Criminal Law and Constitutional Rights, SCC ONLINE BLOG (Mar. 23, 2024).

<sup>13</sup> Ignoring Custodial Deaths in India, 48 ECON. & POL. WKLY., no. 19, May 11, 2013, at 12-15.

<sup>14</sup> Torture in Lawful Custody in India, 2 LAW REV. 89 (Indian Law Institute 2024).

<sup>15</sup> S.V. Kuchewar et al., Custody-related Deaths in Maharashtra, 67 J. FORENSIC & LEGAL MED. 45 (2020).

<sup>16</sup> COMMONWEALTH HUMAN RIGHTS INITIATIVE, STATUS OF POLICING IN INDIA REPORT 2015, at 89-92 (2015).

<sup>17</sup> NAT'L HUMAN RIGHTS COMM'N, DATA ON PENDING CUSTODIAL DEATH CASES (2023).

<sup>18</sup> Legislative Reforms in India and Custodial Violence, INT'L J. CRIM. L. 145 (2024).

<sup>19</sup> Custodial Violence in India: Legal Safeguards and Judicial Responses, THE LEGAL QUORUM (2024).

<sup>20</sup> Custodial Violence in India: Examination in Light of New Criminal Law Reforms (2023-24), Dr. Nagendra Singh Raghav.

### **VIII. Legal Framework**

The Indian law on the subject of custodial deaths is based on the amalgamation of constitutional provisions, substantive and procedural criminal legislation, evidentiary protection and special legislation meant to establish responsibility. Article 20(3) which protects against self incrimination, coerced confessions and against unjust arrest, Article 21 which grants right to life and personal liberty including security against torture and arbitrary killings and Article 22(1) and (2) which safeguard against arrested individuals' rights to know the reasons of arrest, right to counsel and production before a magistrate within twenty four hours. Article 32 and 226 are also used to enable people to demand writ remedies such as habeas corpus and compensation, whereas Article 39A<sup>21</sup> provides free legal assistance to help people gain access to justice.

Substantively, Bharatiya Nyaya Sanhita, 2023 (BNS) criminalizes custodial violence, including, but not limited to, Section 101 (murder), Section 105 (culpable homicide that is not murder), Section 106 (causing death by negligence) and Sections 118 and 119 (voluntarily causing hurt or grievous hurt to extort confessions). Section 120 to 123 deals with wrongful confinement with the intention to compel, and Section 196 provides that disobedience by a public servant, which is intended to result in injury, is penalized and Section 64(2) specifically makes custody sexual offences such as rape a crime.<sup>22</sup>

The procedural safeguard is stipulated in the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), under which conditions and manner of arrest are provided (Sections 35 and 43), unnecessary restraint is prohibited (Section 46), and right to be informed of grounds of arrest and bail is maintained (Section 47). Section 48, 51, 53 and 56 place obligations on governments to inform family members of arrests, provide compulsory medical treatment, and safeguard the health and safety of those who are incarcerated, whereas Section 57 and 58 demand that they produce before a magistrate and limit arrests to twenty-four hours. Importantly, Section 176 refers to the necessity of a judicial investigation of every death in custody, rape, or disappearance, and Section 200 strengthens the right of the arrested person to ensure that a nominated person is notified of his/her detention.

BSA Section 23 renders inadmissible any form of confession made through inducement, threat, or promise; Section 24 prohibits confessions made to police officers; and Section 25 confirms that confession is valid only when made in the presence of a magistrate. Importantly, Section 119 establishes a general liability of the police in terms of custodial deaths unless otherwise proved.<sup>23</sup>

Along with these are the Protection of Human Rights Act, 1993, which defines the National and State Human Rights Commissions, requires custodial deaths to be reported within twenty-four hours<sup>24</sup> and prescribes post mortems, magisterial inquiries, compensation and independent inquiries. Additional legal safeguards exist in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which dictates aggravated punishment in the case of custodial violence against SC/ST members; the Juvenile Justice (Care and Protection of Children) Act, 2015,<sup>25</sup> which safeguards minors against abuse in custody; and the Police Acts (both federal and state laws) which govern the behavior and responsibility of police officers. All these constitutional, statutory, and procedural protections together constitute a complex of legal protections to prevent the occurrence of custodial deaths and to hold to account such abuses.

<sup>21</sup> India Const. art. 39A; see also *M.H. Hoskot v. State of Maharashtra*, (1978) 3 S.C.C. 544.

<sup>22</sup> *Bharatiya Nyaya Sanhita*, 2023, No. 45 of 2023, § 64(2), India Code (2023).

<sup>23</sup> *Bharatiya Sakshya Adhinyam*, 2023, No. 47 of 2023, § 119, India Code (2023).

<sup>24</sup> Protection of Human Rights Act, 1993, No. 10 of 1994, § 12A, India Code (1993).

<sup>25</sup> Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, § 10, India Code (2015).

## **IX. Accountability Mechanisms: Practice vs. Law**

This section compares formal mechanisms with on-the-ground practice. Key mechanisms include:

- **Magisterial Inquiries:** Statutorily important but often perfunctory; timelines and transparency are inconsistent.<sup>26</sup>
- **Police Internal Investigations:** Frequently lack independence, leading to conflicts of interest.
- **NHRC and State Human Rights Commissions:** Important for recommendations and monitoring but typically lack binding enforcement powers.
- **Criminal Prosecutions:** Section 166/304 IPC prosecutions against officers are rare; sanction norms and institutional protection impede prosecutions.<sup>27</sup>
- **Medical and Forensic Safeguards:** Delay in post-mortem, lack of independent forensic review, and poor record-keeping weaken accountability.

<sup>26</sup> Sanjoy Hazarika, *Rights and Riots: Policing Human Rights in India* 167-89 (Penguin Random House India 2018).

<sup>27</sup> *State of Maharashtra v. Ravikant S. Patil*, (1991) 2 S.C.C. 373.

## **X. Case Law and Statutory Analysis**

Custodial killing and torture have continued to confront the Indian criminal justice system and have cast grave doubts on the need to protect life and liberty under the Constitution by the state. The Supreme Court of India has over the years come up with key protective measures in landmark judgments. The cases of *Sunil Batra v. Delhi Administration* (1978), *Sheela Barse v. State of Maharashtra* (1983), *Prem Shankar Shukla v. Delhi Administration* (1980), *D.K. Basu v. State of West Bengal* (1997), and *Nilabati Behera v. State of Orissa* (1993) together form the jurisprudential core of protection against custodial torture. These decisions did not only help broaden the range of Article 21, but they also held the state accountable to breaches.

In *Sunil Batra v. Delhi Administration*, the Court held that prisoners did not lose their basic rights at the prison gate. Solitary confinement and custodial violence that is not supported by due process were determined unconstitutional. The ruling was a shift towards the perception of prisoners from objects of state authority to rights holders of inalienable rights. Notably, the Court supported judicial interference into the running of the prisons, which put prison practices under constitutional review. This ruling expanded the provisions of Article 21, holding that dignity and humane treatment are not negotiable even in the context of custody.

The decision in the case of *Sheela Barse v. State of Maharashtra* targeted vulnerable groups like women and children who are in custody. The Court made gender-sensitive directions, such as the creation of separate lock-ups and a prohibition on women being arbitrarily held overnight in police stations. It also required the right to legal assistance and immediate production before magistrates. The case indicated judicial acknowledgment of systemic weaknesses that increase the risks of custodial abuse. The Court applied the principle of equality under Article 14 and enhanced the protection of liberty under Article 21 by extending procedural safeguards to these categories.

In *Prem Shankar Shukla v. Delhi Administration*, the Supreme Court was vocal in opposing the dehumanizing habit of habitual handcuffing. The Court decided that such restraint could only be necessary in exceptional cases with documented reasons approved by a magistrate. The ruling emphasized that custodial tools should never be used disproportionately, and that dignity forms part of Article 21. By declaring mechanical restraint unconstitutional, the decision reiterated that administrative convenience cannot be used by the state to disenfranchise individual rights.

The most comprehensive guidelines on custody rights were established in *D.K. Basu v. State of West Bengal*. Brought about by the rising cases of custodial fatalities and torture, the Court established a charter of arrest and detention procedures. These guidelines comprised

preparation of arrest memos, obligatory medical investigations, notification of relatives about arrest, and court control. The Court also concluded that breaches of such protections would result in departmental punishment and criminal liability on the officers involved. The case codified anti-torture preventive measures and it is a pillar in preserving freedom, defining abstract constitutional rights into effective procedures binding all law enforcement officers across the nation.

Finally, in *Nilabati Behera v. State of Orissa*, the Court addressed the question of remedies for custodial deaths. It departed from traditional common law tort remedies and placed strict liability on the state to compensate victims of custodial violence. The Court explained that compensation under Articles 32 and 226 was a public law remedy, distinct from civil or criminal action. This acknowledgment of compensation as a constitutional right was paradigmatic and was used to strengthen state accountability and offer real-life relief to those who suffered and their families.

With such declarations by the judiciary, the continued occurrence of custodial deaths is a sign of lapses in implementation. Nevertheless, such decisions are crucial in keeping the state accountable, transforming legislative policies, and empowering the human rights discourse in India. They are still used as guiding precedents for courts, commissions, and civil society in the fight against custodial torture and deaths.

## **XI. Gaps and Challenges**

The continued phenomenon of deaths in custody in India, even with extensive legal frameworks, demonstrates a number of important systemic gaps that compromise the efficacy of current protections. The fundamental issue is the absence of a real independent mechanism for conducting investigations into custodial deaths, which automatically results in conflicts of interest when the police are investigating themselves. This organizational weakness is further exacerbated by hierarchical structures in most police agencies, meaning that officers conducting an investigation are frequently within the same chain of command as the accused officers, diminishing the objectivity of the investigation process as reflected by the conviction rate consistently remaining below 10% in cases of custodial deaths.

Another serious gap is medical negligence and procedural deficiencies. Delays in medical attention to individuals in custody, usually caused by inefficient healthcare systems within detention facilities and insufficient training of custodial staff to identify medical emergencies, are also a major contributor to preventable deaths. Delays in post-mortem examinations similarly compromise the integrity of evidence and the accuracy of forensic investigations.

Forensic investigations remain poorly equipped with contemporary tools and lack standardized procedures to identify signs of torture, especially when advanced torture methods are used that can leave no visible traces.

There are also significant accountability gaps due to administrative failures in record-keeping and documentation. The failure to maintain proper records of arrests, lack of detailed documentation of custody transfers, and inconsistent health monitoring systems make it very hard to trace a clear line of responsibility in cases of custodial deaths. Even though judicial orders require full CCTV coverage of police stations and detention facilities, the implementation is uneven throughout jurisdictions, with equipment maintenance problems and insufficient storage systems further undermining the effectiveness of surveillance. Digital record-keeping has not been universally adopted beyond metropolitan jurisdictions, leaving rural and semi-urban facilities especially susceptible to documentation lapses.

The small binding capacity of human rights commissions is a very important institutional flaw within the accountability system. Although the Protection of Human Rights Act, 1993 grants the NHRC and SHRCs substantial power to investigate and issue recommendations, their recommendations are not enforceable and the government remains largely free to disregard them. The lack of resources also exacerbates their performance, as insufficient personnel and financial resources inhibit their ability to probe the increasing number of custodial deaths in a proactive and exhaustive manner.

The cultural and institutional norms of law enforcement agencies that interfere with transparency and accountability may be the most difficult to change. The systemic culture of institutional defence whereby officers prioritize loyalty to colleagues over legal and ethical standards fosters an environment where custodial violence is normalized and abuse is not reported. Training on human rights is often superficial, emphasizing legal compliance more than changing the attitude of officers towards human dignity. The perpetuation of archaic interrogation forms, supported by the ideology of effective law enforcement, gives testimony to the ingrained belief that crime detection requires coercive means. This organizational culture, supported by weak disciplinary measures and infrequent prosecutions, fosters the idea that custodial violence involves little professional danger, thus perpetuating cycles of abuse that cannot be solved through legal systems alone.

## **XII. Recommendations**

Custodial deaths continue to be among the most prominent human rights issues in India, underscoring the large divide between Article 21 of the Constitution, which guarantees life and

liberty, and what law enforcement agencies actually do. To help narrow this gap, the paper suggests specific reforms on legal, institutional and procedural levels directed at improving accountability, transparency and victim protection.

First, there is a compelling need to create an independent statutory investigation body that has the mandate not only to enquire but also to investigate, prosecute and recommend disciplinary measures in cases of custodial deaths. This would address the conflict of interest inherent in handing over investigations to police departments against their own staff members, and allow impartiality in the discovery of truth.

In conjunction with this, there is a need to institutionalize compulsory and independent medical examination whereby detainees receive immediate examination by independent medical officers upon arrest and at regular intervals in custody. Post-mortems in cases of custodial deaths should be done under judicial supervision with video recording as a mandatory procedure to avoid the manipulation of medical evidence that normally hinders justice.

These reforms must be complemented by the establishment of digital custody records. Tamper-evident logs of arrests, transfers and custodial movements in real time, coupled with mandatory CCTV cameras in prisons and police stations, would be a critical deterrent to torture and abuse. Public access protocols to such digital records must be properly designed to bring out transparency while addressing privacy concerns.

Moreover, changes in the criminal sanction process cannot be avoided. The current requirement of government sanction for prosecution of police officers under Section 197 of the CrPC (now BNSS) frequently leads to delay or rejection. Streamlining such sanction processes by restricting executive discretion and establishing statutory deadlines would see guilty officers prosecuted on time and help build public confidence in the judicial system.

In line with this, the National Human Rights Commission (NHRC) and State Human Rights Commissions (SHRCs) should be granted binding powers in certain specified aspects. Their recommendations, especially on interim relief, must be translated into binding guidelines with strict follow-up systems to ensure that state agencies implement their directives.

On the preventive end, police reform and training is of vital importance. Human-rights-based training modules, medical protocol awareness, and regular independent reviews of custodial practices should be institutionalized as professional policing exercises. This would assist in sensitizing officers to constitutional values and international human rights standards, and thereby reduce systemic violence.

Lastly, reform agenda should not neglect victims and their families. Setting up open statutory compensation frameworks and rehabilitation policies would bring necessary relief and

acknowledgment to the victims of custodial death. Such a structure should be associated with the results of independent investigations and paid over a period of time. All these actions will not only improve accountability and prevent custodial violence, but will also contribute to the rebuilding of public trust in the rule of law. By incorporating the elements of independence, transparency, and victim-centricity within the criminal justice system, the suggested reforms will be an essential step towards narrowing the divide between law and practice in the case of custodial deaths in India.

### **XIII. Conclusion**

Custodial deaths are one of the most serious human rights abuses as they strike at the very essence of constitutional protection in Articles 20, 21, and 22. They reveal the conflict between the state's exercise of law and order on one hand and its responsibility to safeguard individual freedom and dignity on the other. The Indian legal system, which now includes the Bharatiya Nagarik Suraksha Sanhita (2023), Bharatiya Sakshya Adhinyam (2023), Bharatiya Nyaya Sanhita (2023), and the Protection of Human Rights Act (1993), offers procedural and substantive protection against custodial torture. The SC/ST (Prevention of Atrocities) Act and the Juvenile Justice Act are special legislations that underscore the role the state has in safeguarding vulnerable groups. Combined, these laws constitute a progressive effort to match the criminal justice system to constitutional morality as well as international human rights principles.

The judiciary has additionally contributed to transformation by widening the interpretation of Article 21 and demanding accountability through landmark cases like Sunil Batra, Sheela Barse, Prem Shankar Shukla, D.K. Basu, and Nilabati Behera. These rulings have established fundamental protections including humane treatment, banning the practice of regular handcuffing, providing detailed principles of arrest and detention, and acknowledging compensation as a constitutional redress.

Nevertheless, the prevalence of custodial deaths in India even after these measures implies that the system is not working. Police impunity, inadequate adherence to judicial instructions, and lack of accountability among the police continue to threaten constitutional protections. Consequently, effective reform will also involve formidable legislation and judicial supervision, besides structural modification of policing strategies, independent investigations, and sensitization of law enforcement organizations. Finally, the elimination of custodial deaths is not only a legal but also a moral requirement, and at its core the maintenance of the rule of law, provision of justice, and the safeguarding of the dignity of all people under a constitutional

democracy.

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