

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

CUSTODIAL DEATHS IN INDIA: A CRITICAL ANALYSIS OF CONSTITUTIONAL SAFEGUARDS, HUMAN RIGHTS, AND POLICE ACCOUNTABILITY

AUTHORED BY - S.KALILATHA, BCA

Designation: II LL.B., Student of S. Thangapazham Law College, Vasudevanallur, Tenkasi,
Tamilnadu.

CO – AUTHOR: K. RAJESH KUMAR, B.COM.ML.,(Ph.D)

Designation: Faculty of Law, S. Thangapazham Law College, Vasudevanallur, Tenkasi,
Tamilnadu.

1. Abstract

Custodial deaths constitute one of the most significant challenges within India's criminal justice system, as they involve a delicate balance between the State's responsibility to maintain public order and its constitutional duty to protect individual liberty, human dignity, and the rule of law. Despite the constitutional safeguards guaranteed under Articles 14, 20, 21, and 22 of the Constitution of India, along with judicial guidelines and national and international human rights standards, incidents of deaths occurring in police and judicial custody continue to raise serious legal, ethical, and constitutional concerns. Such incidents not only affect public confidence in law-enforcement institutions but also highlight the need for effective mechanisms to ensure accountability and transparency. This study critically examines the constitutional and legal framework governing protection of persons in custody and evaluates the effectiveness of the existing safeguards intended to prevent custodial violence and ensure police accountability. The research seeks to determine whether the persistence of custodial deaths results from deficiencies in implementation, institutional mechanisms, and enforcement of existing safeguards. The study adopts a doctrinal research methodology based on constitutional provisions, statutory enactments, judicial precedents, reports of the National Human Rights Commission reports and Law Commission of India, and scholarly literature. Further, the paper analyses the relationship between human rights and law-enforcement powers through an examination of landmark judicial decisions and institutional responses to custodial violence. Particular attention is given to procedural safeguards during arrest and detention, the

role of accountability mechanisms, and the responsibility of State authorities to safeguard the fundamental right to life and personal liberty. Rather than questioning the legitimacy of India's constitutional framework, this research aims to identify the gap between legal guarantees and practical realities and to contribute to discussions on strengthening transparency, protecting human dignity, and promoting responsible policing within a constitutional democracy.

Keywords: Custodial Deaths, Constitutional Safeguards, Human Rights, Police Accountability, Right to Life, Criminal Justice System, Custodial Violence

2. Introduction

A custodial death refers to the death of a person while he or she is under police custody, judicial custody, or the custody of any law-enforcement authority. In a democratic society governed by the rule of law, the State has the responsibility not only to maintain public order but also to protect the life and dignity of every individual, including those in custody. Therefore, custodial deaths raise serious concerns regarding the exercise of police powers, the protection of fundamental rights, and the accountability of public authorities. The Constitution of India provides several safeguards to prevent arbitrary arrest, torture, and abuse of power. Articles 14, 20, 21, and 22, along with other constitutional safeguards, guarantee equality before the law, protection against self-incrimination, the right to life and personal liberty, and safeguards against arbitrary detention. In addition, the judiciary, the National Human Rights Commission, and statutory and institutional mechanisms have established guidelines to ensure transparency and accountability in cases of custodial violence. Despite the existence of these constitutional and institutional safeguards, incidents of custodial deaths continue to attract public attention and legal scrutiny. This research paper examines the constitutional provisions, human-rights principles, and accountability mechanisms relating to custodial deaths in India. It seeks to analyse the effectiveness of the existing legal framework and to understand the challenges involved in ensuring justice, transparency, and the protection of human dignity within the criminal justice system.

2.1 Background and Context

Custodial deaths refer to deaths that occur while a person is in police or judicial custody. Such incidents raise serious concerns regarding human dignity, fundamental rights, and police accountability. The Constitution of India guarantees protection against arbitrary arrest and detention under Articles 20, 21, and 22, particularly the protections relating to personal liberty

and arrest. Despite these constitutional safeguards, custodial deaths continue to pose a challenge to the criminal justice system. Accordingly, it is necessary to examine the legal framework and accountability mechanisms relating to custodial deaths in India.

2.2 Statement of the Problem

Despite constitutional protections, judicial guidelines, and human-rights safeguards, incidents of custodial deaths continue to occur in India. The persistence of such incidents raises questions regarding the effective implementation of legal safeguards and the accountability of law-enforcement authorities. Hence, there is a need to critically examine the existing framework governing custodial deaths.

2.3 Objectives of the Study

1. To examine the concept and causes of custodial deaths in India.
2. To analyse the constitutional safeguards available against custodial violence.
3. To study the role of human rights in protecting persons in custody.
4. To examine police accountability mechanisms.
5. To suggest measures for improving transparency and accountability.

2.4 Hypothesis

Although India has constitutional and legal safeguards to protect individuals in custody, shortcomings in implementation and enforcement continue to affect their effectiveness in preventing custodial deaths.

2.5 Research Methodology

The study adopts a doctrinal research method based on secondary sources such as constitutional provisions, statutes, judicial decisions, NHRC reports, books, journals, and research articles. An analytical approach has been used to examine the relationship between constitutional safeguards, human rights, and police accountability.

2.6 Scope and Limitations of the Study

Scope

The study focuses on custodial deaths in India and examines constitutional safeguards, statutory provisions, human-rights principles, judicial decisions, and police accountability mechanisms.

Limitations

The study is based only on secondary sources, including books, articles, statutes, and official reports. It does not include field surveys, interviews, or empirical research.

3. Conceptual Framework of Custodial Deaths

3.1 Meaning and Definition of Custodial Death

Custodial death refers to the death of a person while he or she is under the custody of the police, prison authorities, or any other law-enforcement agency. Such deaths may occur due to torture, violence, negligence, suicide, illness, or lack of proper medical treatment. Since the person is under the control of the State, the authorities have a legal and constitutional duty to protect his or her life and dignity. Custodial deaths are considered a serious violation of human rights because they affect the fundamental right to life guaranteed under Article 21 of the Constitution of India. ¹

3.2 Types of Custody: Police Custody and Judicial Custody

Police Custody

Police custody refers to the detention of a person by the police for investigation and interrogation. During this period, the police are responsible for the safety and well-being of the detainee.

Judicial Custody

Judicial custody refers to the detention of a person in prison under the orders of a magistrate or court. In judicial custody, prison authorities are responsible for the prisoner's safety. ²

3.3 Statistical Overview of Custodial Deaths

According to data and reports published by the National Crime Records Bureau (NCRB) and the National Human Rights Commission (NHRC), custodial deaths continue to be reported in different parts of India every year. The statistics show the importance of effective implementation of constitutional safeguards and accountability mechanisms. The continued occurrence of custodial deaths has raised concerns regarding prison conditions, medical facilities, and compliance with legal procedures. ³

¹ NHRC Guidelines on Custodial Death/Rape, 1993.

² Bharatiya Nagarik Suraksha Sanhita, 2023, Section 187–188.

³ NCRB, Crime in India Report 2023

3.4 Causes of Custodial Deaths

The major causes of custodial deaths are:

- * Physical violence and torture during interrogation.
- * Lack of proper medical care and treatment.
- * Overcrowding in prisons.
- * Mental distress, psychological vulnerability and suicide.
- * Procedural violations by authorities.
- * Weakness in monitoring and accountability mechanisms.⁴

4. Constitutional Safeguards Against Custodial Violence

4.1 Article 21: Right to Life and Personal Liberty

Article 21 of the Constitution guarantees that no person shall be deprived of his life or personal liberty except according to the procedure established by law. This right extends to every person, including prisoners and persons in custody. Torture, cruel or inhuman treatment, and custodial violence may constitute violations of Article 21, subject to the facts and circumstances of each case. ⁵

4.2 Article 20(3): Protection Against Self-Incrimination

Article 20(3) provides that no person accused of an offence shall be compelled to be a witness against himself. This protection operates against compelled self-incrimination and coercive methods used to obtain testimonial evidence during the investigation process.. ⁶

4.3 Article 22: Protection Against Arrest and Detention

Article 22 guarantees important safeguards to arrested persons. These include:

- * The right to be informed of the grounds of arrest.
- * The right to consult and be defended by a legal practitioner.
- * The right to be produced before a magistrate within twenty-four hours, excluding the time necessary for the journey.

These safeguards aim to prevent arbitrary arrest and custodial abuse. ⁷

⁴ Law Commission of India, Report No. 273 (2017)

⁵ The Constitution of India, art. 21.

⁶ The Constitution of India, art. 20(3).

⁷ The Constitution of India, art. 22.

4.4 Judicial Interpretation of Constitutional Safeguards

The Supreme Court has strengthened constitutional protections through various judgments. In *D.K. Basu v. State of West Bengal*, the Court issued guidelines regarding arrest and detention procedures. In *Joginder Kumar v. State of Uttar Pradesh*, the Court held that arrest should not be made arbitrarily. Similarly, in *Nilabati Behera v. State of Orissa* (1993), the Court emphasised the State's constitutional responsibility in cases involving custodial death and violation of fundamental rights. These judicial decisions have played an important role in ensuring accountability and protecting fundamental rights.⁸

5. Statutory and Institutional Framework

5.1 Provisions under the Bharatiya Nagarik Suraksha Sanhita, 2023

The Bharatiya Nagarik Suraksha Sanhita, 2023 contains provisions governing arrest, detention, investigation, remand, and related procedural safeguards. The BNSS contains procedural safeguards concerning arrest, communication of the grounds of arrest, and production before a magistrate within the prescribed time. These safeguards are intended to prevent arbitrary detention and custodial abuse.⁹

5.2 Provisions under the Bharatiya Sakshya Adhiniyam, 2023

The Bharatiya Sakshya Adhiniyam, 2023 regulates the admissibility and relevance of evidence, including provisions relating to confessions and statements made during investigation. The evidentiary framework seeks to ensure fairness in criminal proceedings and provides safeguards concerning the use of evidence.¹⁰

5.3 Relevant Provisions of the Bharatiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita, 2023 contains provisions relevant to offences involving public servants and abuse of authority, depending on the facts of the case, including acts involving abuse of authority and unlawful conduct. These provisions help in ensuring accountability for custodial violence and deaths.¹¹

5.4 Role of the National Human Rights Commission (NHRC)

The National Human Rights Commission (NHRC) plays an important role in monitoring

⁸ *D.K. Basu v. State of West Bengal*, AIR 1997 SC 610.

⁹ Bharatiya Nagarik Suraksha Sanhita, 2023, Section 47, 48, and 58.

¹⁰ Bharatiya Sakshya Adhiniyam, 2023, Section 22 and 23.

¹¹ Bharatiya Nyaya Sanhita, 2023, Section 196 and 198.

custodial deaths in India. The NHRC has issued guidelines requiring prompt reporting of custodial deaths and has prescribed procedures concerning inquiry and investigation and may recommend appropriate action, including compensation, based on its findings and applicable guidelines. The NHRC also issues guidelines to protect the rights of persons in custody and promote transparency in the criminal justice system.¹²

5.5 Role of State Human Rights Commissions and Police Complaints Authorities

State Human Rights Commissions and Police Complaints Authorities investigate complaints against police officials and examine cases of custodial violence. These institutions help ensure accountability and strengthen public confidence in law-enforcement agencies. Their role is crucial in protecting human rights and preventing the misuse of police powers.¹³

6. Judicial Response and Landmark Cases

6.1 D.K. Basu v. State of West Bengal (1997)

This is one of the most important cases relating to custodial violence. The Supreme Court laid down procedural safeguards to be followed during arrest and detention, including preparation of an arrest memo duly attested and appropriately recorded, informing the family members of the arrested person, and conducting medical examinations. The Court emphasised that custodial torture violates fundamental rights guaranteed under the Constitution.¹⁴

6.2 Nilabati Behera v. State of Orissa (1993)

In this case, the Supreme Court held that the State is responsible for protecting the life of persons in custody. The Court also recognised the right of victims' families to receive compensation in cases of custodial death.¹⁵

6.3 Joginder Kumar v. State of Uttar Pradesh (1994)

The Supreme Court held that the power to arrest does not mean that the police can arrest a person arbitrarily. The Court stated that the reasons for arrest must be justified and that a friend, relative, or other person interested in the welfare of the arrested person must be informed.¹⁶

¹² National Human Rights Commission, Guidelines on Custodial Death/Rape, NHRC, New Delhi, 1993.

¹³ Protection of Human Rights Act, 1993, §§ 21 and 28.

¹⁴ D.K. Basu v. State of West Bengal, AIR 1997 SC 610.

¹⁵ Nilabati Behera v. State of Orissa, (1993) 2 SCC 746.

¹⁶ Joginder Kumar v. State of Uttar Pradesh, (1994) 4 SCC 260.

6.4 Other Significant Judgments

Other important judgments, such as *Sheela Barse v. State of Maharashtra* and *Prakash Singh v. Union of India*, strengthened the rights of prisoners and emphasized the need for police reforms and accountability.¹⁷

6.5 Implementation of the D.K. Basu Guidelines

Although the Supreme Court has laid down detailed guidelines to prevent custodial violence, challenges remain in their implementation. Effective monitoring, strict compliance with legal procedures, and institutional accountability are necessary to ensure the protection of fundamental rights.¹⁸

6.6 Sathankulam Custodial Death Case (2020)

The Sathankulam custodial death case is one of the most significant incidents of custodial violence in Tamil Nadu. P. Jayaraj and his son J. Bennix died following their detention in police custody in Thoothukudi district during the COVID-19 lockdown. The incident attracted nationwide attention and led to an investigation by the Central Bureau of Investigation (CBI). The case highlighted the importance of constitutional safeguards, police accountability, and the protection of fundamental rights. It resulted in criminal proceedings against the accused police personnel and raised serious concerns regarding custodial violence and the effective implementation of legal safeguards. The incident also emphasized that custodial violence undermines the right to life and personal liberty guaranteed under Article 21 of the Constitution of India.¹⁹

6.7 Significance of Recent Cases in Tamil Nadu

Recent custodial death cases in Tamil Nadu demonstrate that, despite constitutional protections and judicial guidelines, challenges remain in ensuring their effective implementation. These incidents have strengthened public discussions on police reforms, institutional accountability, and the protection of human rights. They also emphasise the need for strict compliance with legal procedures and greater transparency within the criminal justice system.²⁰

¹⁷ *Sheela Barse v. State of Maharashtra*, AIR 1983 SC 378.

¹⁸ *D.K. Basu v. State of West Bengal*, AIR 1997 SC 610

¹⁹ *CBI v. P. Sridhar and Others (Sathankulam Custodial Death Case)*, Additional District and Sessions Court, Madurai, Judgment dated 8 April 2026.

²⁰ National Human Rights Commission, Guidelines on Custodial Death/Rape, 1993.

7. Human Rights Perspective

7.1 International Standards (ICCPR and UN Convention Against Torture)

International human-rights instruments recognise the right to life, dignity, and protection against torture. The ICCPR protects the right to life under Article 6 and prohibits torture and cruel, inhuman or degrading treatment under Article 7. Similarly, the United Nations Convention Against Torture (UNCAT) aims to prevent torture and protect the rights of persons in custody. These international standards emphasise that every individual, including an accused person, must be treated with dignity and fairness.²¹

7.2 India's Position on the UN Convention Against Torture

India signed the United Nations Convention Against Torture in 1997 but has not yet ratified the Convention. Nevertheless, the Constitution of India, judicial decisions, and statutory provisions provide safeguards against custodial violence and arbitrary detention. The Supreme Court has repeatedly emphasised that torture and custodial abuse are inconsistent with the principles of justice, equality, and human dignity.²²

7.3 Comparative Analysis of Global Safeguards

Many countries have adopted measures such as CCTV surveillance in police stations, independent investigation mechanisms, and regular monitoring of prisons to prevent custodial violence. In India, institutions such as the National Human Rights Commission and the judiciary play an important role in ensuring accountability. A comparative study of international practices highlights the importance of transparency, effective implementation of laws, and stronger institutional safeguards for protecting the rights of individuals in custody.²³

8. Police Accountability Mechanisms

8.1 Departmental Inquiries and Their Limitations

Departmental inquiries are conducted to investigate allegations of custodial violence and deaths involving police officials. These inquiries examine whether the officials followed the prescribed legal procedures and departmental rules. However, delays in investigation, lack of

²¹ United Nations, International Covenant on Civil and Political Rights, 1966, arts. 6 and 7; United Nations, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984.

²² United Nations Treaty Collection, *Convention Against Torture*, signed by India on 14 October 1997; *The Constitution of India*, arts. 14, 21 and 22.

²³ Law Commission of India, Report No. 273, *Implementation of the United Nations Convention Against Torture*, 2017.

transparency, and procedural difficulties often reduce their effectiveness.²⁴

8.2 Accountability in Police Custody and Judicial Custody Deaths

In cases of deaths occurring in police custody, appropriate independent, magisterial, judicial, or other legally mandated authorities may conduct inquiries depending on the circumstances and the applicable law to determine responsibility and ensure accountability. In cases of deaths occurring in judicial custody, prison authorities are responsible for maintaining the safety and well-being of prisoners. Magisterial inquiries, post-mortem examinations, and judicial review play an important role in determining responsibility and preventing the abuse of power.²⁵

8.3 Compensation and State Liability

The courts have recognised the State's responsibility to protect the lives of persons in custody. In cases of custodial deaths caused by negligence or abuse, constitutional courts may award compensation as a public-law remedy for established violations of fundamental rights. The principle of State liability ensures that public authorities are held accountable for violations of fundamental rights.²⁶

8.4 Challenges in Prosecution

Despite constitutional and legal safeguards, several challenges continue to affect the prosecution of custodial death cases. These include:

- * Delay in investigation.
- * Lack of independent evidence.
- * Procedural irregularities.
- * Difficulties in establishing custodial torture and individual criminal responsibility
- * Weak implementation of safeguards.

Addressing these challenges is essential to strengthen police accountability and protect human rights.²⁷

²⁴ National Human Rights Commission, *Guidelines on Custodial Death/Rape*, 1993

²⁵ Bharatiya Nagarik Suraksha Sanhita, 2023, provisions relating to magisterial inquiry and investigation into custodial deaths.

²⁶ Nilabati Behera v. State of Orissa, (1993) 2 SCC 746.

²⁷ Law Commission of India, Report No. 273, Implementation of the United Nations Convention Against Torture, 2017.

9. Critical Analysis

9.1 Gap Between Law and Implementation

India has a strong constitutional and legal framework to protect individuals from custodial violence. Articles 14, 20, 21 and 22 of the Constitution, together with statutory and judicial safeguards, provide important protections against arbitrary arrest, detention, and custodial abuse. However, the effective implementation and enforcement of these safeguards remain significant challenges. The gap between legal protections and their practical enforcement continues to raise concerns regarding custodial deaths.²⁸

9.2 Reasons for the Inadequate Implementation of Existing Safeguards

Several factors contribute to the ineffective implementation of existing safeguards, such as:

- * Delay in conducting investigations.
- * Lack of proper monitoring mechanisms.
- * Non-compliance with arrest procedures.
- * Inadequate training of police personnel.
- * Delay in disciplinary and legal action.

These factors may weaken institutional accountability and public confidence in the criminal justice system.²⁹

9.3 Institutional and Systemic Barriers

Institutional barriers, including overcrowded prisons, shortage of staff, lack of medical facilities, and procedural delays, create obstacles in preventing custodial deaths. Strengthening institutional mechanisms and ensuring transparency are essential for the protection of human rights and the effective functioning of the justice system.³⁰

10. Application of Rules of Interpretation of Statutes

(a) Mischief Rule

The Mischief Rule, laid down in *Heydon's Case* (1584), requires courts to interpret statutes in a manner that suppresses the mischief and advances the remedy intended by the legislature. The rule seeks to identify the defect or problem that the law aims to address. In the context of

²⁸ D.K. Basu v. State of West Bengal, AIR 1997 SC 610

²⁹ Law Commission of India, Report No. 273, Implementation of the United Nations Convention Against Torture, 2017.

³⁰ National Crime Records Bureau, Prison Statistics India 2023.

custodial deaths, the Mischief Rule helps courts interpret constitutional and statutory provisions in a way that prevents custodial violence, arbitrary detention, and abuse of power. Judicial decisions such as *D.K. Basu v. State of West Bengal* have emphasised the protection of the rights of persons in custody and the need for police accountability.

(b) Purposive Interpretation

The rule of purposive interpretation requires courts to interpret legal provisions according to the purpose and object of the legislation. The objective is to ensure that the spirit of the law is fulfilled. In cases relating to custodial deaths, courts adopt a purposive approach while interpreting Articles 21 and 22 of the Constitution and the provisions of the *Bharatiya Nagarik Suraksha Sanhita, 2023*. This approach helps protect human dignity, personal liberty, and the fundamental rights of persons in custody. Thus, both the Mischief Rule and purposive interpretation play an important role in strengthening constitutional safeguards and ensuring accountability in cases of custodial violence.³¹

11. Suggestions and Recommendations

11.1 Legislative Reforms

The government may strengthen the existing legal framework relating to arrest, detention, and the protection of persons in custody. Clear procedural guidelines, effective enforcement of existing penal provisions, and, where necessary, appropriate legislative amendments relating to custodial torture and related misconduct can improve accountability and ensure better protection of fundamental rights.³²

11.2 Institutional Reforms

Institutions such as the National Human Rights Commission, State Human Rights Commissions, and Police Complaints Authorities should be adequately empowered, staffed, and operationalised to conduct independent and transparent investigations. Regular monitoring of police stations and prisons can help prevent custodial deaths.³³

³¹ *Heydon's Case* (1584) 3 Co Rep 7a, 76 ER 637; *New India Assurance Co. Ltd. v. Nusli Neville Wadia*, (2008) 3 SCC 279.

³² Law Commission of India, Report No. 273, *Implementation of the United Nations Convention Against Torture*, 2017.

³³ Protection of Human Rights Act, 1993.

11.3 Police Training and Accountability Measures

Police personnel should receive regular training on constitutional rights, human rights principles, and lawful investigation procedures. Effective installation and continuous monitoring of CCTV systems, appropriate use of body-worn cameras, and secure digital record-keeping can increase transparency and accountability.³⁴

11.4 Strengthening Human Rights Protection

Awareness programs, legal aid services, and prompt medical assistance should be provided to persons in custody. Effective implementation of constitutional safeguards and judicial guidelines is essential to protect human dignity and prevent custodial violence.³⁵

Conclusion

Custodial deaths continue to constitute a serious constitutional and human-rights concern in India's criminal justice system because they involve the protection of fundamental rights and the accountability of State authorities. Although the Constitution of India, statutory provisions, and judicial decisions provide safeguards against custodial violence, effective implementation and enforcement of these safeguards remain significant challenges. The study highlights the importance of constitutional safeguards, human-rights principles, and institutional accountability in preventing custodial deaths. Strengthening legal, institutional, and accountability mechanisms, ensuring transparency, and promoting responsible policing are essential for protecting the right to life and maintaining public confidence in the justice system.

Bibliography

Constitutional and Statutory Sources

1. The Constitution of India. Government of India, 1950.
2. The Bharatiya Nagarik Suraksha Sanhita, 2023. Government of India, 2023.
3. The Bharatiya Nyaya Sanhita, 2023. Government of India, 2023.
4. The Bharatiya Sakshya Adhiniyam, 2023. Government of India, 2023.
5. The Protection of Human Rights Act, 1993. Government of India, 1993.

³⁴ Prakash Singh v. Union of India, (2006) 8 SCC 1.

³⁵ National Human Rights Commission, Guidelines on Custodial Death/Rape, 1993.

Case Laws

1. D.K. Basu v. State of West Bengal, AIR 1997 SC 610.
2. Nilabati Behera v. State of Orissa, (1993) 2 SCC 746.
3. Joginder Kumar v. State of Uttar Pradesh, (1994) 4 SCC 260.
4. Sheela Barse v. State of Maharashtra, AIR 1983 SC 378.
5. Prakash Singh v. Union of India, (2006) 8 SCC 1.

Books

1. Basu, Durga Das. Introduction to the Constitution of India. 26th ed., LexisNexis, 2022.
2. Jain, M. P. Indian Constitutional Law. 9th ed., LexisNexis, 2023.
3. Takwani, C. K. Criminal Procedure. 9th ed., Eastern Book Company, 2022.
4. Seervai, H. M. Constitutional Law of India. Universal Law Publishing, 2015.
5. Kothari, C. R. Research Methodology: Methods and Techniques. New Age International, 2004.
6. Kumar, Ranjit. Research Methodology: A Step-by-Step Guide for Beginners. Sage Publications, 2019.

Government Reports

1. National Human Rights Commission, “Guidelines/Procedures to be Followed in Cases of Custodial Death and Death in Police Action, 2010 (updated from time to time).
2. National Human Rights Commission. Annual Report 2023–2024. NHRC, New Delhi, 2024.
3. Law Commission of India. Report No. 273: Implementation of “United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”. Government of India, 2017.

International Instruments

1. United Nations. Universal Declaration of Human Rights. 1948.
2. United Nations. International Covenant on Civil and Political Rights. 1966.
3. United Nations. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. 1984.

Websites

1. National Human Rights Commission (NHRC). <https://nhrc.nic.in>. Accessed 8 Aug. 2026.
2. National Crime Records Bureau (NCRB). <https://ncrb.gov.in>. Accessed 8 Aug. 2026.
3. India Code. <https://www.indiacode.nic.in>. Accessed 8 Aug. 2026.
4. Supreme Court of India. <https://www.sci.gov.in>. Accessed 8 Aug. 2026.
5. Law Commission of India. <https://lawcommissionofindia.nic.in>. Accessed 8 Aug. 2026.
6. United Nations Human Rights Office (OHCHR). <https://www.ohchr.org>. Accessed 8 Aug. 2026.
7. SCC Online. <https://www.scconline.com>. Accessed 8 Aug. 2026.
8. LiveLaw. <https://www.livelaw.in>. Accessed 8 Aug. 2026.
9. Manupatra. <https://www.manupatra.com>. Accessed 8 Aug. 2026.
10. Ministry of Home Affairs, Government of India. <https://www.mha.gov.in>. Accessed 8 Aug. 2026.

