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# HUMAN RIGHTS BEHIND BARS: ANALYZING CUSTODIAL DEATHS AND THE QUEST FOR JUSTICE IN INDIA

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## *Abstract*

Custodial deaths in India represent a grave violation of human rights, eroding public trust in law enforcement and judicial systems. This paper examines the systemic failures contributing to custodial deaths, focusing on unchecked authority, abuse of power, and inadequate accountability mechanisms. It highlights the legal frameworks, such as the Indian Constitution and judicial precedents like *D.K. Basu v. State of West Bengal*, that seek to protect detainees rights but often fail due to inconsistent enforcement and systemic biases. The role of socioeconomic disparities, racial discrimination, and overcrowded prisons exacerbates detainees' vulnerability, particularly among marginalized communities.

The paper underscores the necessity of independent oversight mechanisms, such as state-level Custodial Oversight Commissions, and technological interventions like mandatory CCTV surveillance and body cameras for transparency. It advocates for enhanced legal aid, medical oversight, and family notification rights to safeguard detainees. Drawing comparative insights from practices in the UK, US, Norway, and Japan, the paper identifies best practices in independent investigations, detainee rehabilitation, and humane treatment.

Recommendations emphasize legislative reforms, including codifying judicial guidelines, adopting international standards, and ensuring uniform implementation across states. The study calls for a paradigm shift toward accountability and transparency, urging India to ratify the Optional Protocol to the Convention Against Torture (OPCAT) and align with global human rights principles. Through these measures, the paper aims to advance justice and uphold the dignity of those most vulnerable within the criminal justice system.

**Keywords:** Custodial deaths, Human rights, Law enforcement, Judicial systems, Accountability mechanism, Detainee rights, Abuse of power, Marginalized communities.

## Introduction

Custodial death represents a chilling betrayal of trust, where those entrusted with safeguarding individuals' rights and well-being instead become perpetrators of violence and abuse. It stands as one of the most egregious crimes against humanity, where the very institutions designed to uphold justice and protect citizens morph into instruments of oppression and injustice. In custodial death cases, the fundamental principles of duty and rights are grotesquely violated. The duty of law enforcement and custodial authorities to ensure the safety and welfare of those in their care is disregarded, while the inherent rights of individuals to due process, protection from harm, and the presumption of innocence are callously disregarded. This egregious breach of trust shatters the foundation of society's faith in its legal and governmental institutions.

Motivations behind custodial deaths often reveal a grim tapestry of corruption, negligence, and abuse of power. Whether driven by financial gain, career advancement, or personal vendettas, the perpetrators prioritize their own interests over the lives and rights of the individuals in their custody. In this realm of moral bankruptcy, innocent lives are treated as expendable pawns in a macabre game of power and impunity.

Furthermore, custodial deaths underscore the perilous consequences of unchecked authority and the absence of accountability mechanisms within law enforcement and custodial systems. When individuals entrusted with upholding justice act with impunity, exceeding their mandate and acting beyond their responsibilities, the very fabric of civil society is torn asunder, leaving a trail of injustice and despair in its wake.

Custodial death jurisprudence delves into the legal principles surrounding deaths that occur in custody, often within law enforcement or correctional facilities. It addresses issues of accountability, use of force, human rights, and procedural justice. Philosophically, it intersects with concepts of justice, rights, power dynamics, and the role of the state in safeguarding individual liberties.

One of the most concerning aspects of custodial death is the potential for abuse of power and violation of human rights. Authorities entrusted with care and protection of individual in custody have a duty to ensure their safety and wellbeing. When this duty is neglected or abused, it undermines the trust between law enforcement agencies and the communities they serve. Moreover, custodial death can exacerbate existing tension between marginalized communities

and the criminal justice system, particularly when victims belong to minority group who may already face disproportionate scrutiny and mistreatment.

### **What is Custodial Death?**

The term "custodial death" describes an accused person's death either before or after a conviction. Police actions during their detention, whether direct or indirect, are to blame for the killing. It covers deaths that happen in jail as well as on private or medical property, in a police car, or in another vehicle. Three categories can be used to categorize fatalities in custody.

- The death happened in the police custody
- The death happened in the judicial custody
- The death happened in the custody of army or paramilitary forces

When a prisoner or suspect passes away from sickness, for example, it can happen for natural causes without any wrongdoing on the part of the authorities. However, an issue occurs when law enforcement officials become involved in a person's death while that person is under their care.

### **Historical Context**

As long as human civilization has been, there have been crimes and criminals, and since torture violates fundamental human rights, it is regarded as the most heinous act against mankind.

Throughout history, including the ancient, medieval, and contemporary eras, harsh behavior and harsh punishment were mandated for offenders.

### **Evolution of Legal Framework**

*Tens of thousands of prisoners die every year around the world, although the exact numbers are unknown due to the prevailing inadequacies in recording, investigating and reliably reporting these deaths*<sup>1</sup>. The International Covenant on Civil and Political Rights (ICCPR) 1966<sup>2</sup> remains the fundamental treaty on the protection of prisoner rights, India ratified the treaty in 1979<sup>3</sup>. Some of the covenants ratify in the ICCPR as follow:

- No one should be subject to cruel, inhuman, degrading treatment.
- No one shall be subject to arbitrary arrest and detention.
- No one should be imprisonment due to mere not fulfilment of contractual duty.

<sup>1</sup> Morris Tidball-Binz, UN Special Rapporteur

<sup>2</sup> [International Covenant on Civil and Political Rights | OHCHR](#)

<sup>3</sup> [tinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR](http://tinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR)

- No one is liable to punishment for the same act in which he is already punished/acquitted The Geneva Convention 1949 contains exhaustive provision related to treatment of prisoners of war.

## **Rights of Person in India**

### **Detention:**

- The person who is arrested should be produced before the concerned magistrate within the 24 hours of time frame excluding the time taken for travelling.
- No laws can permit the detention more than 3 months. Parliament may by law prescribe on the basis of advisory board that it should be extended.
- The authority shall disclose the reason of detention to the concerned person as soon as possible subject to restriction specified by state on the basis of against the public interest.

### **Under Trials:**

An accused individual detained in judicial custody while their case is under trial is known as an under-trial prisoner. An individual detained by the police will be physically held by police officers at the police station. They will be in the care of a magistrate in a jail while they are in judicial custody. Prisoners awaiting trial are kept by the court, not the police.

- Right to a prompt trial: both a prompt trial and a fair trial are guaranteed under the constitution.
- Right against inhuman treatment: People are entitled to dignified treatment and are not allowed to endure torture or other cruel treatment of any kind<sup>4</sup>. In order to prevent this, individuals are not permitted to be handcuffed during their transfer from prison to court unless there are legitimate justifications available.<sup>5</sup>
- If an under-trial prisoner has been held for half the amount of time specified for the offense, they should be released if they are not charged of a crime that carries a life sentence or the death penalty.<sup>6</sup>
- Right to legal aid: During their incarceration until trial, individuals are eligible to receive legal aid to help with their case. By submitting an application to the court, they

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<sup>4</sup> Article 21 Constitution of India

<sup>5</sup> Section 49(3) Bhartiya Nagarik Suraksha Sanhita

<sup>6</sup> Section 479 Bhartiya Nagarik Suraksha Sanhita

can obtain free legal services if they lack the funds to do so<sup>7</sup>.

- Right to see family: The prisoner's friends or family should be notified of their arrest and given the opportunity to see them, subject to a number of security requirements.

### Prisoners

Prisons Act 1894 provides:

- The number of prisoners should not exceed the maximum capacity of prison<sup>8</sup>.
- Examination of prison by qualified medical practitioner. The female prisoners have a right to be examined by the female matron<sup>9</sup>.
- Under trial prisoners shall be kept apart from convicted criminals. Civil prisoners shall be kept apart from criminal prisoners.<sup>10</sup>
- Prisoners who are sentenced to rigorous imprisonment shall not engage more than 9 hours of manual work.

### Cases that Shape the Perception and Policies

Despite the legal protection afforded to detainees and prisoners, instances of violence against them persist. Both the Supreme Court and different High Courts grappled with significant cases addressing this issue. However, custodial death continues to be prevalent and a pressing concern with our justice system. **DK Basu vs State of Bengal**<sup>11</sup> is widely considered as a landmark case in criminal jurisprudence. DK Basu was the Executive Chairman of the non-political Legal Aid Services in West Bengal. He brought up news stories regarding deaths in police custody and lockups in a letter to the Indian Supreme Court. He made clear in the letter that despite efforts to address the issue, incidences of this kind of brutality against inmates frequently went unpunished.

He implored the court to look into this situation and give the victims' relatives compensation. He asked that the correspondence be filed under the heading of "Public Interest Litigation" and be handled as a Writ Petition. The court acknowledged the significance of the concerns expressed in the letter, considered it a formal petition, and informed the defendants.

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<sup>7</sup> Section 12, Legal Service Authority Act 1987

<sup>8</sup> Sec 4 Prison Act 1894

<sup>9</sup> Section 24 Prison Act 1894

<sup>10</sup> Section 27 Prison Act 1894

<sup>11</sup> AIR 1997 SC 610

In *DK Basu v. State of West Bengal*, the Supreme Court reaffirmed that detainees and inmates shall not be deprived of their fundamental rights under Article 21 by citing the **Neela Bati Bahera v. State of Orissa**<sup>12</sup> decision. They may only be restricted from exercising their Fundamental Rights in ways that are permitted by law. The apex court laid down certain guidelines for police to secure an arrest of an accused:

- When making an arrest and questioning an arrestee, police personnel are required to wear name tags bearing their designations and conspicuous identification. Every police officer involved in the questioning process has to have their information entered into a register.
- At the moment of the arrest, the police officer making the arrest is required to prepare an arrest memo. At least one witness—possibly a family member or a well-known local— should be present when the arrest takes place. The arrested individual should countersign the memo and include the time and date of the arrest.
- Unless the person who witnessed the arrest is also a friend or relative, everyone who is arrested and being kept in custody has the right to be told as quickly as possible about their arrest and detention.
- If the arrestee does not reside in the district or town, the police are required to notify the next of kin of the time, place, and detention of the arrest. Within eight to twelve hours following the arrest, this notification must be sent through the district's Legal Aid Organization and the local police station.
- The police must let the next of kin know the time, location, and reason for the arrest if the person being arrested does not live in the town or district. This notification needs to be submitted through the local police station and the district's Legal Aid Organization within eight to twelve hours of the arrest.
- At the location of custody, an entry about the arrest needs to be recorded in the case diary. The name of the person notified of the arrest (next of kin) and the identities and contact information of the police officers handling the arrestee should also be entered in this entry.
- The arrestee, upon request, should be examined at the time of arrest and any visible injuries on their body, major or minor, should be documented. Both the arrestee and the police officer should sign an “Inspection Memo,” and a copy should be provided to the arrestee.

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<sup>12</sup> (1993) 2 SCC 746

- Throughout their detention, the arrestee must submit to a medical examination by a licensed physician every 48 hours. These medical professionals ought to be part of a panel of authorized physicians chosen by the State or Union Territory's director of health services. Every Tehsil and District should have a panel like this one prepared.
- For their records, copies of all paperwork—including the arrest memo—should be forwarded to the magistrate.
- While it's not always the case, the arrestee may be permitted to see their lawyer at some point during the questioning.
- There should be police control rooms at every state and district offices. Within 12 hours after making the arrest, the arresting officer is required to notify the control room of the arrest and the arrestee's place of custody. The control room should have a notice board with this information prominently displayed.

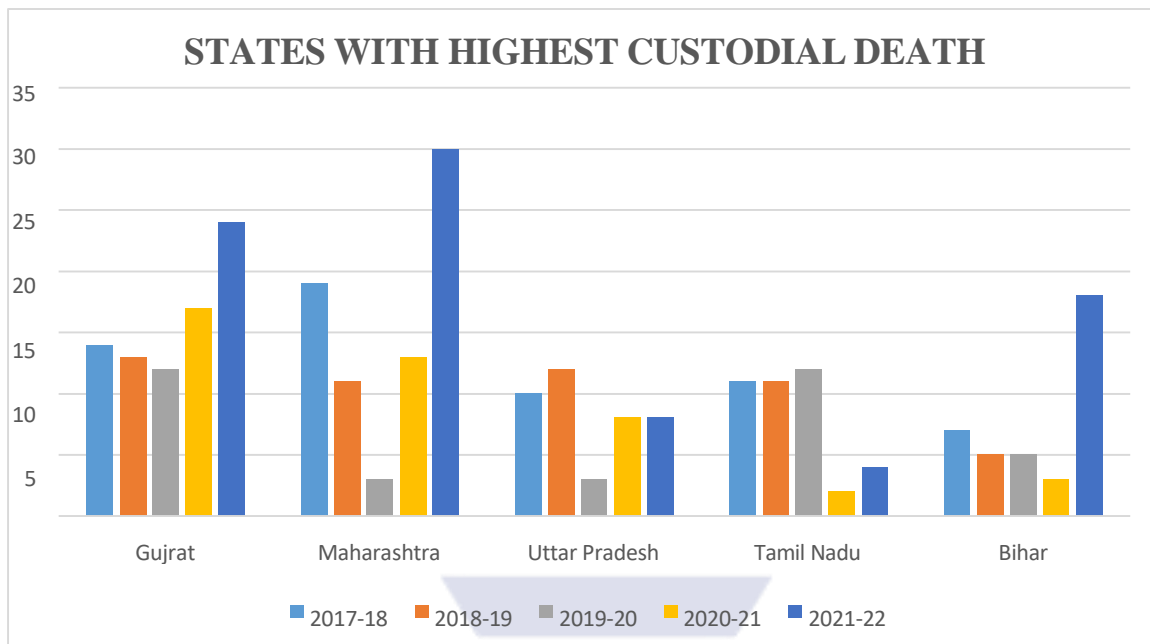
Many people view the DK Basu v. State of West Bengal case as a turning point in criminal law. Following DK Basu v. State of West Bengal, the Code of Criminal Procedure (Amendment) Act, 2008 incorporated the rulings from that case into the Criminal Procedure Code, 1973, with effect from November 1, 2010.

Custodial violence and killings were commonplace prior to the DK Basu case, and while compensation was occasionally granted, there were no explicit laws or regulations holding anyone responsible for these kinds of crimes. The case came to light as a critical reaction to the urgent problem of violence and fatalities in custody. It signaled the start of making the police accountable for their detention-related behaviors.

Although there has been a decrease in violence and fatalities in custody as a result of this case, these problems have not completely disappeared. Some of the rules mentioned in the case are still more like theoretical rules on paper than regularly followed procedures in the actual world.

### **The Relevant Data**

The data released by National Human Rights Commission suggest that the we are very far from achieving the peaceful and equitable society, custodial death are still in the braces of our justice system, but the custodial violence is a habitual act of police administration where the person are victim of very rife act of brutality by police officers.



### Causes of Custodial Death

**Use of force and excessive violence:** unfortunately, there are multiple instances where police personnel use force against the accused to extract the confession/information although the confession is not admissible in the court of law but accused are not aware about these things. The police authority arbitrary use their powers.

**Negligence, inadequate medical care, and lack of supervision:** the police personnel in the most of circumstances are careless regarding the health of detainee/arrestee, the person might be having any medical issues earlier and due to sudden shock of arrest might trigger the old trauma or medical conditions.

**Mental health issues and substances abuse:** the inadequate care of arrestee might lead to certain medical complication when the arrestee has any mental health issues and due to arrest and negligence of the administration it might lead to some serious consequences which also lead to death of the arrestee.

**Socioeconomic and racial disparities:** In India and other countries, jails are overflowing with detainees and undertrials from economically disadvantaged backgrounds and racial minorities. Living against the majority is usually the hardest effort, and minorities are the group most likely to be impacted by the abuse of administrative power because they adhere to diverse cultural, religious, and linguistic beliefs.

## Consequence of Custodial Death

Consider the families who lost loved ones because they believed the state was there to protect their lives and liberties. These families frequently experience grief, rage, and a sense of injustice. Communities may also harbor a strong mistrust and fear of the law enforcement agencies. The incidence may lead to create a concrete wall between the victim and law enforcement agency which led to the mistrust and tension and further create a tension and strained relations between public and law enforcement agency.

The incident often triggered the investigations to determine if any laws or regulations are violated, so the depending on the circumstances the charges may be framed against due to whom act the death was caused. Ethically it raises the question on the conduct and ability of the law enforcement agencies about the proper use power, the duty of care towards the individual who are in the custody.

Societal repercussions and implications for public policy: Subsequent custodial deaths often intensify public cry and pressure for accountability and systematic change, this increased attention may compel the policy maker to implement a legislation in hurry, which may lead to greater setback rather than preventing the custodial violence.

## Investigation Process

One of the most crucial questions arise that if the police official involves in the crime who will gone to investigate the particular crime. If it is the case what will happen to *Nemo Judex in Sua Causa* “no one should be judge in his/her own cause” the Supreme Court held that no one should be judge in his own cause it is the accepted form of natural justice. A police investigation into a report of torture, harm, or death while in detention is also necessary, but such an investigation cannot be impartial or successful one to address the situation, the Central Bureau of Investigation (CBI) has been tasked with investigating cases of police torture. However, due to current legislation, the CBI is not able to investigate every case of custodial crime because the State Government's approval for the investigation may not always be available.

The best course of action would be to establish an impartial organization to conduct inquiries and investigations into these allegations; the new Human Rights Commission may be given this task. However, in the event that such a commission is not established, it would be imperative to have a separate organization to handle such cases in an impartial and objective

way. Allowing the courts to conduct an investigation into these accusations could be one approach. A magistrate designated by section 176 of the Code of Criminal Procedure is tasked with conducting an inquest in the event that an arrested individual passes away while in custody.

The object of this enquiry is to verify the cause of death. This enquiry is judicial but the Magistrate does not function as a court the inquest report or statement contained in the enquiry report do not constitute substantive evidence. The Commission is, however, of the opinion that in case of complaint of torture or injury caused in police custody, the Chief Judicial Magistrate who is head of the Magistracy in the District should have the power to hold enquiry into the complaint and for that purpose he may obtain the assistance of the police officers of his own choice.

### **Safeguard measures and how it is ineffective in Preventing Violence**

In India, the legal framework provides extensive safeguards to protect the rights of prisoners, undertrials, and detainees. The Constitution enshrines these rights, with Article 21 guaranteeing the right to life and personal liberty, ensuring humane treatment for those in custody. Article 22 further protects against arbitrary arrest and detention by mandating that detainees be informed of the grounds of their arrest, granting them access to legal counsel, and ensuring their production before a magistrate within 24 hours. Judicial pronouncements, such as those in *D.K. Basu v. State of West Bengal* (1997), laid down essential guidelines to prevent custodial torture, including mandatory arrest memos, timely medical examinations, and immediate family notification. Additionally, statutory provisions like Section 176(1A) of the Code of Criminal Procedure mandate judicial inquiries into custodial deaths, and the Prisons Act of 1894 provides for basic prisoner welfare.

Despite these safeguards, systemic challenges undermine their effectiveness. According to a report by the National Human Rights Commission (NHRC) in 2023, over 1,600 custodial deaths were reported in the previous year, reflecting an alarming persistence of custodial violence. The NHRC has frequently observed that "*systemic failures in accountability mechanisms*" allow custodial deaths and torture to go unpunished. Similarly, Amnesty International's 2021 report highlighted that India's detention practices often violate the UN Convention Against Torture (UNCAT), to which India is a signatory but has yet to ratify.<sup>13</sup> The

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<sup>13</sup> REPUBLIC OF INDIA: OVERUSE OF PRE-TRIAL DETENTION CONTINUES TO VIOLATE

report noted that overcrowded prisons, inadequate medical care, and the lack of legal awareness among detainees exacerbate the vulnerability of those in custody.

One of the key issues is the lack of independent oversight. While bodies like the NHRC and State Human Rights Commissions exist, their recommendations are often non-binding, and investigations into custodial deaths are frequently conducted by the same police forces implicated in these incidents. The UN Special Rapporteur on Torture has criticized this practice, stating in a 2020 report that "*such arrangements inherently compromise the impartiality of investigations, perpetuating a culture of impunity.*"<sup>14</sup> Additionally, a study by the Commonwealth Human Rights Initiative found that fewer than 30% of police stations in India had fully functional CCTV systems, despite a Supreme Court directive mandating their installation.<sup>15</sup>

Judicial guidelines and statutory provisions are also inconsistently enforced. Arrest memos, meant to document detentions, are often falsified or ignored, and routine medical examinations of detainees are either superficial or omitted entirely. The slow pace of judicial proceedings further compounds the problem. The National Crime Records Bureau (NCRB) reported in 2022 that 76% of India's prison population comprised undertrial prisoners, many of whom have spent years in custody without trial.<sup>16</sup> This overcrowding, combined with the lack of adequate infrastructure, violates the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), which emphasize the importance of dignity, health, and humane treatment for detainees.

Furthermore, custodial safeguards are often inaccessible to marginalized communities, who constitute a disproportionate share of the prison population. According to the India Justice Report 2022<sup>17</sup>, members of Scheduled Castes, Scheduled Tribes, and economically disadvantaged groups face heightened risks of abuse due to systemic discrimination and limited access to legal representation. This aligns with findings from Human Rights Watch, which observed in its 2022 report<sup>18</sup> that the "*intersection of poverty, illiteracy, and lack of legal*

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#### DETAINEES' RIGHTS : AMNESTY JAPAN

<sup>14</sup> [A/HRC/34/54: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment | OHCHR](#)

<sup>15</sup> [1461662128Crime Victimization\\_Soft File\\_distribution.pdf](#)

<sup>16</sup> [Despite campaign, India saw number of prisoners increase in 2022](#)

<sup>17</sup> [IJR 2022 Full Report.pdf](#)

<sup>18</sup> [World Report 2022 | Human Rights Watch](#)

*awareness renders marginalized detainees particularly vulnerable to police excesses."*

### **Observation of Committees**

The Padhmanabhaiah Committee<sup>19</sup> on Police Reform placed greater emphasis on restructuring the police apparatus. It was suggested that the current constabulary undergo new training, have a positive attitude toward their profession ingrained in them, and fire any members who do not pass the program. Similar to the Riberio committee, this committee recommended separating the functions of law and order and inquiry.

The committee also demanded that the Police legislation of 1861 be replaced with a new police legislation and that court inquiries be made mandatory in situations of rapes or deaths that occur while a person is in custody. Nonetheless, the committee's position on complaints against police officers was unsatisfactory since it said that these kinds of complaints stem from the nature of police work and not the manner in which that job is done the issue stems from the Police Complaints Authority's membership, which was established by the Padhmanabhaiah committee. Of the four members, two are from the police department, making it difficult for a civilian to contact the PCA with a complaint.<sup>8</sup> Police cannot judge their own acts, and this kind of setup makes it impossible to trust that justice will be done.

The Malimath Committee<sup>20</sup> recommended to safeguard the accused and reduce the custodial violence with the establishment of interrogation centre and use of modern scientific approach of investigation.

### **Case Studies and Comparative Analysis**

1. United Kingdom Case: Sean Rigg (2008) Sean Rigg, a Black British man with mental health issues, died in custody due to the mishandling of his condition. An inquest criticized the Metropolitan Police for failing to follow established protocols Establishment of the Independent Office for Police Conduct (IOPC), which investigates complaints and deaths involving law enforcement. Introduction of enhanced training for officers in dealing with individuals with mental health conditions. Mandated the presence of medical professionals during interrogations and detentions for vulnerable individuals.

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<sup>19</sup> [analysis\\_padmanabhaiah.pdf](#)

<sup>20</sup> [Dr. Justice V.S. Malimath Report First pages.doc](#)

2. United States Case: George Floyd (2020) The killing of George Floyd during an arrest in Minneapolis led to global protests against police brutality and systemic racism. Increased adoption of body-worn cameras to ensure transparency during arrests and interrogations. Implementation of the "8 Can't Wait" initiative, advocating for policy changes like banning chokeholds and mandating de-escalation techniques. Establishment of Civilian Review Boards in several states to oversee police conduct.
3. Norway Case: Anders Breivik (2011) Anders Breivik, convicted of mass murder, alleged human rights violations in custody. The Norwegian courts partially upheld his claims, emphasizing humane treatment even for the most dangerous offenders. Focus on rehabilitation over punishment, even for those convicted of heinous crimes. Prisons designed to uphold dignity, with facilities for education, recreation, and healthcare. Regular monitoring of detainees' physical and mental health.
4. Japan Case: Suraj Singh (2007) An Indian national, Suraj Singh, died in custody under suspicious circumstances, raising concerns about detainee treatment. Introduction of stricter detention protocols for foreign nationals. Enhanced monitoring of detention centres through video surveillance and external audits. Increased training for law enforcement on cultural sensitivity.
5. European Union (General Practices) Adherence to the European Convention on Human Rights (ECHR), particularly Article 3 (prohibition of torture). Establishment of the European Committee for the Prevention of Torture (CPT), which conducts surprise inspections of detention facilities. Use of technology such as electronic tagging for non-violent offenders to reduce overcrowding in prisons. Ensuring access to legal counsel and medical professionals from the point of arrest.

### Key Differences

The UK emphasizes independent investigations and robust oversight mechanisms like the IOPC, which operate autonomously, unlike India, where police often investigate themselves. The U.S. utilizes technology like body cameras extensively and has empowered civilian review boards to hold law enforcement accountable, whereas India's use of technology and independent oversight is limited. Norway prioritizes rehabilitation and humane treatment over punitive measures, contrasting with India's overcrowded and underfunded prisons that often lack basic facilities.

Japan implements strict surveillance and external audits for detention centers, while India's

monitoring mechanisms, such as CCTV cameras, are inconsistently implemented. The EU's proactive inspections and alternatives to detention, like electronic tagging, reduce overcrowding and instances of custodial violence, whereas India still relies heavily on traditional incarceration methods.

## **Recommendations for Legislative and Policy Reforms on Custodial Death**

### **Prevention**

#### **1. Establish Independent Oversight Mechanisms:**

- Independent investigations eliminate bias and foster trust. Create a *Custodial Oversight Commission* (COC) in every state, modelled after the UK's Independent Office for Police Conduct (IOPC).
- Members should include retired judges, human rights experts, and forensic pathologists to ensure impartiality. The commission must investigate all custodial deaths within 60 days and publish findings publicly to ensure transparency.

#### **2. Strengthen Detainee Rights Protection**

- Require independent medical examinations at the time of arrest, after every 24 hours in custody, and immediately after any interrogation session. Maintain a *Medical Record Log* for each detainee, which must be accessible to family members and legal counsel.
- Ensure that every detainee has access to legal counsel within 6 hours of detention. Expand free legal aid programs under the *Legal Services Authorities Act, 1987*.
- Codify the obligation to notify families of detainees within 1 hour of arrest, including location and health status updates.

#### **3. Technology Integration for Transparency**

- Mandate installation of CCTV cameras in all police stations, jails, and detention centres, especially in interrogation rooms, with footage retained for a minimum of 6 months. Implement penalties for tampering or failing to record activities.
- Require all officers involved in arrests or interrogations to wear body cameras, with footage submitted to the judiciary in cases of custodial complaints.
- Establish a real-time, centralized system to monitor detainees' location, medical check-ups, and court proceedings, accessible to authorized personnel and oversight bodies.

#### **4. Legal Accountability and Prosecution**

- Amend existing laws to impose strict liability on custodial officers for deaths

occurring under their watch unless conclusively proven otherwise.

- Establish a *Custodial Victims' Compensation Fund* to provide immediate financial relief to the families of victims, as mandated in *D.K. Basu v. State of West Bengal*.

### **5. Reform in Custodial Practices**

- Shift detainees awaiting trial to independent detention facilities, minimizing interaction with arresting officers to reduce coercion risks.
- Mandate the use of scientific and psychological interrogation methods, replacing coercive tactics.
- Include mandatory human rights modules in police training programs, emphasizing de-escalation techniques and the ethical treatment of detainees.

### **6. Legislative Amendments**

- Incorporate the guidelines from *D.K. Basu v. State of West Bengal* into statutory law to ensure enforceability. Amend the *Bhartiya Nagrik Suraksha Sanhita (BNSS)* to explicitly mandate procedures for arrest, detention, and investigation of custodial deaths.
- Establish national-level monitoring under the Ministry of Home Affairs to ensure consistent adherence to custodial safeguards.

### **7. International Alignment**

- Ratify the *Optional Protocol to the Convention Against Torture (OPCAT)*, enabling external monitoring by the United Nations. Align domestic laws with principles outlined in the *International Covenant on Civil and Political Rights (ICCPR)* and the *Geneva Conventions*.
- Facilitate exchanges between Indian law enforcement agencies and counterparts in countries like Norway and the UK to adopt best practices for humane detention.

## **Conclusion**

Custodial deaths are a stark reminder of the dangers posed by unchecked authority and systemic neglect within our justice system. Despite robust legal frameworks and landmark judicial interventions, the persistence of such tragedies exposes deep-rooted flaws in enforcement, accountability, and institutional culture. True justice demands more than reform on paper—it requires unwavering commitment to human rights, transparency, and the dignity of every individual in custody. Only through sustained vigilance, meaningful policy implementation, and societal engagement can we hope to restore faith in our institutions and ensure that custodial death becomes a relic of the past, not a recurring headline.