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A LEGAL STUDY ON CUSTODIAL DEATH: A COMPARATIVE ANALYSIS OF INDIA, THE UNITED KINGDOM, AND THE UNITED STATES

AUTHORED BY – SEBASTIAN PRASANTH ADAIKALARAJ G

ABSTRACT

Custodial death represents one of the gravest violations of human rights and constitutional governance within the criminal justice system. It refers to the death of a person while under the custody or supervision of law enforcement agencies, prisons, or other state authorities. Such custodial death raise serious issues regarding abuse of power, torture, negligence, and lack of accountability. This paper examines the legal framework governing custodial deaths in India and compares it with the systems prevailing in the UK and the US. The study investigate constitutional safeguards, legal safeguards, judicial interpretations, and institutional mechanisms that address custodial violence and accountability. This paper's in depth analyses is the challenges faced by each jurisdiction and highlights the emergency need for reforms, particularly in India, where custodial torture and deaths continue to prevail despite of constitutional governance. This work concludes with recommendations for strengthening legal safeguards, ensuring transparent investigations, improving prison reforms, and promoting transparency and liability within law enforcement institutions.

INTRODUCTION

Custodial death is one of the most prevailing sign of abuse of state power within the criminal justice system. It occurs when a person dies under the custody or control of law enforcement agencies, prison administration, or other state institutions. The term includes deaths occurring during arrest, police interrogation, detention, imprisonment, or while being transferred between custodial institutions. Such incidents hit at the very foundation of democracy and the rule of law because the state assumes complete responsibility for the safety, dignity, and well being of individuals once they are deprived of personal liberty.

The issue of custodial deaths has gained growing attention globally due to extensive reports of police violence, torture, and organizational violence. In democratic societies, the criminal

justice system is expected to function within constitutional and human rights frameworks. However, custodial deaths often reveal fundamental flaws, misuse of power, and lack of accountability. These deaths not only violate the right to life but also Weakening legitimacy of legal institutions.

In current situation, custodial deaths continue to be a matter of serious concern despite constitutional safeguards and judicial law. This is reported by the National Human Rights Commission (NHRC) frequently indicate cases involving torture, medical error, and excessive use of force by police officials. Similar conditions exist in other countries as well also though the mechanisms for responsibility differ markedly. The UK implies human rights and independent administration, while the US addresses custodial deaths through constitutional remedies and civil rights litigation.

This paper seeks to analyse custodial deaths from a legal perspective through a comparative study of India, the United Kingdom, and the United States. This aims to examine the sufficiency of existing laws, identify loopholes, and suggest reforms for strengthening accountability and protection of human rights.

1.1. Meaning and Scope of Custodial Death

The expression “custodial death” generally refers to the death of an individual while in the custody of police, prison authorities, or any other state agency. The concept extends beyond direct physical violence and includes deaths caused by torture, denial of medical remediation, unawareness of mental harassment, or cruel prison conditions.

Custodial deaths may broadly be classified into the following types:

1. Death in Police Custody

These deaths occur during arrest, interrogation, investigation, or police detention. Such incidents are frequently associated with torture, forced confessions, illegal detention, and use of excessive force.

2. Death in Judicial Custody

These deaths which occurs in prisons, jails, or remand center after a Individual has been remanded by a court. Causes may include poor prison environment, overpopulation, lack of medical facilities, violence among inmates, or negligence by prison authorities.

3. Death in Custody of Other State Agencies

Deaths may also occur in the custody of military authorities, immigration detention centres, juvenile homes, psychiatric institutions, or other detention facilities administered by the state.

Custodial death is regarded internationally as a serious human rights violation because the state exercises complete control over the individual. Under international human rights principles, any death in custody creates a presumption of state responsibility unless proven otherwise.

1.2. Legal Framework in India

1.2.1. Constitutional Safeguards

The Indian Constitution provides strong protections against custodial violence and arbitrary detention.

Article 21 – Right to Life and Personal Liberty

Article 21 guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. The Supreme Court has interpreted Article 21 broadly to include protection against torture, cruel treatment, and custodial violence. The right to live with human dignity forms an essential component of Article 21.

Article 20(3) – Protection Against Self-Incrimination

This provision protects an accused person from being compelled to become a witness against himself. It acts as a safeguard against coercive interrogation methods and forced confessions.

Article 22 – Protection Against Arbitrary Arrest and Detention

Article 22 provides procedural safeguards to arrested persons, including the right to be informed of the grounds of arrest, the right to consult a legal practitioner, and the requirement to be produced before a magistrate within twenty-four hours.

The constitutional framework clearly establishes that custodial torture and deaths constitute direct violations of fundamental rights.

1.2.2. Statutory Provisions

India does not possess a separate comprehensive anti-torture statute; however, several legal provisions address custodial violence.

Code of Criminal Procedure, 1973 (CrPC)

Section 176(1A): Mandates judicial inquiry in cases of custodial death or rape.

Section 54: Provides the right of the accused to medical examination.

Sections 46 and 49: Restrict the use of unnecessary force during arrest and detention.

Section 41B: Introduces arrest procedures and identification requirements for police officers.

Bharatiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita penalizes public servants who cause hurt or grievous hurt to extort confessions. Provisions relating to culpable homicide and murder also apply to custodial killings.

Indian Evidence Act, 1872

The Act excludes confessions obtained through coercion, threat, or inducement. This principle aims to discourage torture during interrogation.

Protection of Human Rights Act, 1993

This legislation established the National Human Rights Commission (NHRC), which monitors custodial deaths and recommends action against erring officials.

1.2.3. Judicial Approach in India

The Indian judiciary has played a crucial role in developing safeguards against custodial violence.

D.K. Basu v. State of West Bengal

In this landmark judgment, the Supreme Court laid down detailed guidelines regarding arrest and detention procedures. These guidelines include maintaining arrest memos, informing relatives, conducting medical examinations, and maintaining police diaries.

Nilabati Behera v. State of Orissa

The Supreme Court recognized compensation as a public law remedy for custodial death and held the state liable for violations of fundamental rights.

Joginder Kumar v. State of Uttar Pradesh

The Court emphasized that arrests should not be made routinely and must be justified based on necessity.

The judiciary has consistently recognized custodial torture as an assault on human dignity and constitutional morality.

1.2.4 Issues and Challenges in India

Despite constitutional and judicial safeguards, several problems persist:

1. Absence of a specific anti-torture legislation.
2. Delayed investigations and low conviction rates.
3. Political interference in police administration.
4. Dependence on forced confessions during investigations.

5. Lack of independent oversight mechanisms.
6. Poor prison conditions and overcrowding.
7. Inadequate medical care in detention facilities.
8. Fear among victims' families to pursue legal remedies.
9. The lack of accountability often results in impunity for officials responsible for custodial violence.

1.3. Legal Framework in the United Kingdom

1.3.1. Human Rights-Based Approach

The legal framework in the United Kingdom is heavily influenced by international human rights standards.

Human Rights Act, 1998

The Act incorporates the European Convention on Human Rights (ECHR) into domestic law.

Article 2: Protects the right to life and imposes a duty on the state to investigate deaths in custody.

Article 3: Prohibits torture and inhuman or degrading treatment.

Under these provisions, custodial deaths are viewed not merely as criminal wrongs but as failures of state accountability.

1.3.2. Institutional Mechanisms

The United Kingdom has established independent institutions to ensure transparency and accountability.

Independent Office for Police Conduct (IOPC)

The IOPC investigates deaths and serious complaints involving police conduct. It functions independently from police authorities.

Coroner's Inquests

Inquests are public judicial inquiries conducted to determine the cause and circumstances of death. They enhance transparency and public confidence.

Independent Monitoring Boards

Prisons are regularly monitored by independent boards that oversee conditions and treatment of prisoners.

1.3.3. Police and Criminal Evidence Act (PACE), 1984

PACE regulates police powers relating to arrest, detention, interrogation, and investigation.

Key safeguards include:

1. Right to legal assistance.
2. Mandatory recording of interrogations.
3. Medical examination of detainees.
4. Regulation of detention periods.
5. Codes of conduct for police officers.
6. The Act significantly reduced arbitrary practices and strengthened procedural fairness.

1.3.4. Key Features of the UK System

1. Strong emphasis on human rights.
2. Independent investigations into custodial deaths.
3. Public transparency through inquests.
4. Effective institutional oversight.
5. Greater accountability of law enforcement agencies.
6. The UK model demonstrates how independent monitoring mechanisms can strengthen public confidence in the criminal justice system.

1.4. Legal Framework in the United States

1.4.1. Constitutional Protections

The United States addresses custodial deaths primarily through constitutional guarantees.

Fourth Amendment

Protects individuals against unreasonable searches and seizures and prohibits excessive force during arrest.

Fifth and Fourteenth Amendments

Guarantee due process of law and equal protection.

Eighth Amendment

Prohibits cruel and unusual punishment in prisons and detention facilities.

1.4.2. Federal Laws and Accountability

Civil Rights Act – 42 U.S.C. 1983

This provision enables victims or their families to file civil suits against government officials for constitutional violations.

Custodial Death Reporting Act

The Act mandates reporting of deaths occurring in police custody or correctional facilities to

the federal government.

Department of Justice (DOJ) Investigations

The DOJ has authority to investigate systemic police misconduct and unconstitutional practices.

1.4.3. Judicial Standards

American courts evaluate custodial violence based on standards such as:

1. Whether the force used was objectively reasonable.
2. Whether prison officials acted with deliberate indifference.
3. Whether constitutional rights were violated.
4. Judicial review plays a significant role in determining liability.

1.4.4. Institutional Mechanisms

1. Civil rights litigation.
2. Federal oversight investigations.
3. Independent review boards in certain states.
4. Compensation through damages.
5. Media scrutiny and public accountability.

1.4.5 Challenges in the United States

Despite strong constitutional protections, several issues remain:

1. Qualified immunity often shields officials from liability.
2. Racial disparities in police violence.
3. Variations in enforcement across states.
4. Over-policing of marginalized communities.
5. Lack of uniform standards for accountability.
6. High-profile incidents have intensified debates regarding police reform and systemic discrimination.

1.5. Comparative Analysis

Aspect	India	United Kingdom	United States
Primary Legal Basis	Constitutional and statutory	Constitutional and statutory	Constitutional and statutory
Safeguards	Human rights-based framework	Constitutional and civil rights framework	Human rights-based framework
Anti-Torture Legislation	No comprehensive law	Strong protection under Human Rights Act	Human Rights Act
Other Protections	No single statute but multiple protections		

Investigation Mechanism Judicial inquiry under CrPC Independent bodies like IOPC
DOJ investigations and civil litigation

Judicial Role Active constitutional interpretation Oversight through inquests Case-based
constitutional review

Accountability Mechanisms Compensation and inquiries Independent investigations
Civil damages and federal oversight

Major Challenges Weak enforcement and delay Procedural complexity Qualified immunity
and inconsistency

The comparison reveals that while India possesses a strong constitutional foundation,
implementation remains weak. The United Kingdom emphasizes institutional independence
and transparency, whereas the United States relies heavily on civil rights litigation and
constitutional remedies.

1.6. Critical Evaluation

Custodial deaths reveals structural weaknesses within criminal lawfulness systems. In India,
fundamental rights and judicial activism have contributed significantly toward knowing
custodial torture as a violence against human rights. However, the absence of a loyal anti torture
law and weak execution mechanisms reduce the efficacy of these safeguards.

The UK provides a relatively stronger accountability framework due to independent law
enforcement agencies and transparent public inquiries. Its human rights purpose driven assure
greater institutional responsibility.

The US offers strong constitutional remedies and compensation mechanisms through
constitutional litigation. Nevertheless, legal principle such as qualified immunity often prevent
effective accountability. Racial discrimination and inconsistent enforcement continue to
perverting justice.

Across all jurisdictions, custodial deaths reveal tensions between law enforcement powers and
protection of individual liberties.

1.7. Suggestions and Reforms

The following reforms are necessary to reduce custodial deaths and strengthen accountability:

1. Enactment of a Comprehensive Anti-Torture Law

India should enact specific legislation criminalizing torture in accordance with
international standards such as the United Nations Convention Against Torture

(UNCAT).

2. Establish Independent Investigative Bodies

Independent agencies similar to the UK's IOPC should investigate custodial deaths to ensure impartiality.

3. Strengthen Custodial Monitoring Systems

Mandatory CCTV surveillance, regular medical inspections, and digital monitoring of detention centres can reduce abuse.

5. Police Reforms and Training

Police personnel should receive training on human rights, scientific investigation methods, and ethical interrogation techniques.

6. Speedy Investigation and Trial

Fast-track courts should handle custodial violence cases to ensure timely justice.

7. Victim Compensation and Rehabilitation

Victims' families should receive compensation, legal aid, and psychological support.

8. Prison Reforms

Improved prison infrastructure, medical care, and reduction of overcrowding are essential for preventing deaths in judicial custody.

9. Public Awareness and Transparency

Greater transparency in custodial procedures and public awareness regarding detainee rights can strengthen accountability.

CONCLUSION

Custodial death remains a serious challenge to democratic governance, constitutional morality, and human rights. The state bears a moral and legal obligation to protect individuals in its custody. Any death occurring during such circumstances raises query regarding abuse of power, negligence, and structural collapse.

India has developed important constitutional and judicial safeguards against custodial violence; however, implementation deficiencies continue to weaken accountability. In contrast, the United Kingdom demonstrates the importance of independent oversight and transparency, while the United States provides significant civil rights remedies despite practical limitations. The prevention of custodial deaths requires a multi-dimensional approach involving legal reform, institutional accountability, police modernization, prison reform, and public participation. A humane criminal justice system must prioritize dignity, fairness, and protection

of life above coercive methods of investigation and detention. Only through strict accountability and adherence to human rights principles can custodial violence be effectively eliminated.

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