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CUSTODIAL DEATHS IN INDIA: A CRITICAL LEGAL ANALYSIS OF HUMAN RIGHTS, ACCOUNTABILITY AND STATE RESPONSIBILITY

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ABSTRACT

Custodial death remains one of the gravest violations of human rights within modern criminal justice systems, particularly in developing countries like India. Despite constitutional guarantees and statutory safeguards, instances of deaths occurring in police and judicial custody continue to rise, raising serious concerns about abuse of authority, lack of accountability, and systemic deficiencies. The phenomenon is not recent; rather, it traces its roots to colonial policing practices that normalized coercion and violence as tools of investigation.

This research paper critically examines the increasing trend of custodial deaths in India through a legal and analytical framework. It explores constitutional protections, statutory provisions under criminal law, and judicial interventions aimed at safeguarding the rights of individuals in custody. The study also evaluates empirical data from national agencies such as the National Human Rights Commission (NHRC) and the National Crime Records Bureau (NCRB), highlighting alarming statistics and the low rate of conviction of erring officials.

The paper further analyses landmark judicial pronouncements that have attempted to curb custodial violence by laying down procedural safeguards. It also examines the role of institutional mechanisms such as the NHRC in monitoring custodial abuses. Additionally, contemporary cases and socio-political responses are discussed to understand the evolving nature of the issue.

The research concludes that although India has an extensive legal framework addressing custodial violence, its implementation remains weak. The absence of a dedicated anti-torture law, combined with institutional bias and lack of transparency, continues to undermine justice. The paper suggests the need for structural reforms, stricter accountability mechanisms, and greater awareness to effectively prevent custodial deaths and uphold the rule of law.

INTRODUCTION

Custodial death refers to the death of an individual while under the supervision or control of law enforcement authorities or within institutional custody such as prisons. It may occur during police interrogation, judicial detention, or even while being transported. While some custodial deaths may arise from natural causes, a significant number are attributed to excessive use of force, torture, negligence, or denial of medical care. The concept raises serious legal and moral questions because the state assumes responsibility for the safety and well-being of individuals once they are deprived of their liberty.

The issue of custodial deaths is not new in India and can be traced back to colonial policing systems that prioritized control and coercion over rights and accountability. Despite the evolution of constitutional governance, remnants of these practices persist in contemporary law enforcement. The increasing number of reported custodial deaths in recent years has intensified public scrutiny and raised concerns about systemic failures in the protection of human rights. The Constitution of India guarantees the right to life and personal liberty under Article 21, which has been interpreted expansively by the judiciary to include protection against torture and inhuman treatment. However, the persistence of custodial violence reveals a gap between legal provisions and their practical implementation. This research paper seeks to critically analyse this gap and explore the effectiveness of legal mechanisms in preventing custodial deaths.

LITERATURE REVIEW

R. S. Verma & I. B. S. Thockchom – *Law Relating to Custodial Death and Human Rights*

This book provides a comprehensive legal analysis of custodial deaths within the Indian constitutional framework. The authors examine how fundamental rights, particularly Article 21, have been interpreted by courts to include protection against custodial violence. The work extensively discusses judicial precedents and highlights the evolution of state liability in cases

of custodial deaths, emphasizing compensation as a public law remedy. It concludes that while the judiciary has been proactive, effective enforcement mechanisms remain weak.

Jonika Lamba & Esha Jain – *A Study on Police Accountability and Custodial Violence in India*

This study critically analyses the issue of custodial violence by focusing on police accountability. The authors identify various forms of custodial abuse, including physical and psychological torture, and attribute them to systemic pressures such as the need for quick investigation results and lack of oversight. The study emphasizes the importance of institutional reforms, transparency, and strict accountability mechanisms to reduce custodial deaths.

Prisha Jain – *Custodial Violence and Its Impact*

This work explores the broader impact of custodial violence on individuals and society. It highlights the legal framework governing custodial practices and evaluates the effectiveness of institutions in addressing such violations. The author discusses the physical, psychological, and social consequences of custodial violence and stresses the need for strict adherence to procedural safeguards and increased awareness among law enforcement authorities.

Dr. Ashwini Bidkar – *Custodial Torture in India: Legal Framework, Judicial Oversight, and Pathways to Reform*

This article examines the adequacy of existing legal provisions and the role of judicial oversight in preventing custodial torture. The author argues that although courts have laid down important guidelines, the lack of implementation and monitoring mechanisms continues to hinder progress. The study calls for structural reforms, stronger institutional oversight, and the introduction of a specific anti-torture law.

Samriti Mann & Kanika Aggarwal – *Custodial Violence: An Obstacle to Democracy and Development of Human Well-Being in Contemporary India*

This study places custodial violence within the broader context of democracy and human rights. The authors argue that such violence undermines democratic values and erodes public trust in state institutions. By combining legal analysis with socio-political perspectives, the study highlights how custodial deaths disproportionately affect marginalized communities and calls for comprehensive reforms to strengthen accountability and human rights protection.

Abhishek S & Priyanka Gupta – Systemic Challenges in Preventing Custodial Deaths

This work focuses on the institutional and structural challenges that prevent effective control of custodial deaths. The authors identify issues such as lack of independent investigation, inadequate police training, and weak enforcement of existing laws. The study concludes that without addressing these systemic barriers, legal provisions alone cannot prevent custodial violence.

Dakshita Bharti – Custodial Violence in India: What the Law Says and Why It Still Happens

This article analyses the gap between legal provisions and their practical implementation. The author argues that custodial violence persists due to legal loopholes, weak enforcement, and entrenched institutional practices within the police system. The study emphasizes the urgent need for a dedicated anti-torture law and stronger accountability frameworks to ensure effective protection of human rights.

RESEARCH PROBLEM

The persistent occurrence of custodial deaths in India, despite the presence of constitutional safeguards, statutory protections, and well-established judicial guidelines, reflects a serious gap between legal norms and their practical enforcement. This study addresses the fundamental problem of the ineffectiveness of the existing criminal justice framework in ensuring the protection of the right to life and dignity of individuals in custody. The continued prevalence of custodial violence indicates systemic deficiencies, including weak accountability mechanisms, institutional bias in favour of law enforcement authorities, inadequate implementation of legal safeguards, and the absence of a comprehensive anti-torture law. Consequently, the research seeks to examine why custodial deaths remain a recurring phenomenon and whether the current legal and institutional framework is sufficient to prevent such violations and ensure justice.

RESEARCH QUESTIONS

1. What constitutional and statutory legal provisions exist in India to prevent custodial deaths, and to what extent are these provisions adequate and effective in practice?
2. What are the primary structural, institutional, and socio-economic factors that contribute to custodial violence and deaths in India?
3. How effective is the role of the National Human Rights Commission and other oversight bodies in addressing, investigating, and preventing custodial deaths?

4. To what extent have judicial guidelines and landmark decisions been implemented, and does the existing legal framework ensure accountability of state authorities in cases of custodial deaths?

HYPOTHESIS

1. The continued occurrence of custodial deaths in India is primarily attributable not to the absence of legal safeguards, but to their ineffective implementation, weak enforcement mechanisms, and lack of institutional accountability within the criminal justice system.
2. The existing legal framework, in the absence of a comprehensive anti-torture law and independent investigative mechanisms, is insufficient to ensure accountability of state authorities and to effectively prevent custodial violence and deaths.

RESEARCH METHODOLOGY

This study adopts a doctrinal and analytical research methodology, focusing primarily on the examination of legal texts, judicial decisions, and secondary sources. The research relies on statutes such as the Indian Penal Code, Code of Criminal Procedure, and the Indian Evidence Act, along with constitutional provisions and judicial precedents. Secondary sources include academic articles, government reports, and statistical data published by agencies such as the National Human Rights Commission and the National Crime Records Bureau.

The research is qualitative in nature and involves critical analysis of legal principles and their application in real-world scenarios. By synthesizing legal provisions with empirical data, the study aims to provide a comprehensive understanding of custodial deaths in India.

LIMITATIONS OF THE STUDY

This research is subject to certain limitations. It relies heavily on secondary data, which may not always reflect the complete ground reality due to underreporting of custodial deaths. Additionally, access to detailed case records and internal police data is limited, which restricts the scope of empirical analysis. The study also focuses primarily on the legal framework in India and does not extensively compare international practices, except where necessary for contextual understanding.

CONCEPTUAL UNDERSTANDING OF CUSTODIAL DEATH

The term “custody” fundamentally denotes care, supervision, and protection exercised by the State over an individual. However, within the framework of criminal law, it assumes a more coercive meaning, referring to the detention or confinement of a person by law enforcement authorities. Custodial death, therefore, arises when an individual dies while under such detention, whether in a police station, prison, hospital, or during transit between these institutions. Although the State assumes a duty of care over individuals once they are deprived of their liberty, custodial deaths expose a serious failure of this obligation, often raising concerns regarding abuse of authority, neglect, or systemic inadequacies.

Custodial deaths may be broadly classified into deaths occurring in police custody, judicial custody, and custody of other authorities such as armed forces or investigative agencies. Police custody deaths generally occur during interrogation or within lock-ups, where the risk of torture and coercion is highest. Judicial custody deaths, on the other hand, occur in prisons where individuals are held under court orders. Additionally, deaths may also occur under the custody of specialized agencies that possess the power to detain individuals for investigation. These deaths can further be categorized as natural or unnatural. Natural deaths typically result from illness, pre-existing medical conditions, or lack of adequate healthcare facilities, whereas unnatural deaths include suicides, accidents, and deaths resulting from torture, physical assault, or custodial violence.

In recent years, the conceptual understanding of custodial death has been shaped significantly by contemporary incidents, particularly in the State of Tamil Nadu, which has witnessed several high-profile cases. The most notable among them is the custodial death of P. Jayaraj and his son J. Bennix in Sathankulam, where both individuals were allegedly subjected to severe torture in police custody and died within days of their arrest. The case led to widespread public outrage and was eventually investigated by the Central Bureau of Investigation, culminating in a landmark judgment in 2026 where nine police officials were sentenced to death for their involvement, reflecting a rare instance of strict judicial accountability.

Similarly, more recent incidents continue to highlight the persistence of custodial violence. In 2025, a young man named Ajith Kumar in Tamil Nadu reportedly died after being subjected to illegal detention and torture during an unofficial interrogation, prompting judicial intervention and transfer of the case to the Central Bureau of Investigation. Furthermore, courts in Tamil

Nadu have ordered investigations into multiple alleged custodial deaths, indicating that such incidents are not isolated but part of a recurring pattern within the criminal justice system.¹

Empirical data also suggests that custodial deaths in Tamil Nadu often disproportionately affect individuals from economically weaker and marginalized communities, reinforcing concerns about systemic bias and unequal access to justice. The recurrence of such cases demonstrates that custodial death is not merely a legal issue but also a socio-political and institutional problem, rooted in structural deficiencies, lack of accountability, and entrenched practices within law enforcement agencies. Thus, the concept of custodial death extends beyond a mere legal definition and embodies a complex intersection of human rights, state responsibility, and institutional failure. It underscores the urgent need for stronger safeguards, effective enforcement of laws, and a shift towards a rights-based approach in the administration of criminal justice.

CONSTITUTIONAL AND LEGAL FRAMEWORK

The constitutional framework of India provides a robust foundation for the protection of individuals against custodial violence, embedding the principles of human dignity, personal liberty, and procedural fairness within its fundamental rights structure. At the core of this framework lies Article 21 of the Constitution, which guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. Over time, the judiciary, particularly the Supreme Court of India, has expansively interpreted this provision to include not merely the right to survive, but the right to live with dignity, free from torture, cruel, inhuman, or degrading treatment. In the landmark case of *Maneka Gandhi v. Union of India*, the Court transformed Article 21 into a dynamic and substantive guarantee by holding that any procedure depriving life or liberty must be just, fair, and reasonable. This interpretation laid the groundwork for recognizing custodial violence as a direct violation of fundamental rights.

Further strengthening this protection, in *Nilabati Behera v. State of Orissa*, the Supreme Court categorically held that prisoners and detainees do not lose their fundamental rights upon incarceration, except to the extent of lawful restrictions. The Court emphasized that the State has a strict duty of care towards individuals in custody and can be held liable for violations,

¹ R.S. Verma & I.B.S. Thockchom, *Law Relating to Custodial Death and Human Rights* (LexisNexis 2018)

including through the award of compensation under public law. Similarly, in *D.K. Basu v. State of West Bengal*, the Court laid down detailed guidelines governing arrest and detention procedures, such as mandatory medical examination, preparation of arrest memos, and the right to inform relatives, thereby seeking to prevent custodial abuse and deaths.

Article 20(3) of the Constitution further reinforces protection against custodial violence by guaranteeing that no person accused of an offence shall be compelled to be a witness against himself. This provision acts as a safeguard against coercive interrogation techniques and forced confessions, which are often at the root of custodial torture. In *Nandini Satpathy v. P.L. Dani*, the Supreme Court clarified that the right against self-incrimination extends not only to courtroom proceedings but also to police interrogations, thereby limiting the scope of custodial coercion.

Additionally, Article 22 provides procedural safeguards against arbitrary arrest and detention by ensuring that every arrested person is informed of the grounds of arrest, has the right to consult and be defended by a legal practitioner of their choice, and must be produced before a magistrate within 24 hours. These safeguards aim to introduce judicial oversight at the earliest stage of detention. In *Joginder Kumar v. State of Uttar Pradesh*, the Supreme Court stressed that arrest should not be routine and must be justified based on necessity, thereby discouraging arbitrary detention practices that often lead to custodial abuse.

Collectively, these constitutional provisions, as interpreted and expanded through judicial pronouncements, form the bedrock of legal protection against custodial violence in India. However, despite the existence of such a comprehensive framework, the continued occurrence of custodial deaths indicates a significant gap between constitutional ideals and their implementation in practice, underscoring the need for stricter enforcement and institutional accountability.

STATUTORY PROVISIONS

Apart from constitutional safeguards, custodial violence and deaths in India are addressed through a range of statutory provisions, primarily under the Indian Penal Code, the Code of Criminal Procedure, and the Indian Evidence Act. Although these laws do not specifically define “custodial torture” as a distinct offence, they indirectly criminalize acts that lead to custodial abuse and death. For instance, Section 302 of the Indian Penal Code imposes

punishment for murder and becomes applicable in cases where custodial death is the result of intentional acts by public officials. Similarly, Section 304 deals with culpable homicide not amounting to murder, covering situations where death occurs due to reckless or negligent conduct without the intention to kill. Sections 330 and 331 specifically address the infliction of hurt or grievous hurt for the purpose of extracting a confession or information, thereby targeting coercive interrogation practices commonly associated with custodial torture. Further, Section 348 penalizes wrongful confinement for extorting confession, reinforcing the prohibition against abuse of authority during detention.

Procedural safeguards are provided under the Code of Criminal Procedure, which plays a crucial role in regulating police powers and ensuring oversight. Section 57 mandates that no person shall be detained in police custody for more than twenty-four hours without being produced before a magistrate, thereby preventing illegal and prolonged detention. Section 167 further governs detention beyond this period, requiring judicial authorization and periodic review, which acts as a check on arbitrary custody. Importantly, Section 176 provides for a mandatory magisterial inquiry in cases of custodial death, rape, or disappearance, thereby introducing an element of independent scrutiny into such incidents. Complementing these provisions, Section 24 of the Indian Evidence Act, 1872 renders confessions obtained through inducement, threat, or promise inadmissible in evidence, thereby discouraging coercive methods of investigation.²

With the introduction of the new criminal law framework in India in 2023, particularly the Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Nagarik Suraksha Sanhita, 2023, certain changes have been made to modernize and streamline the criminal justice system. The provisions relating to offences such as murder, culpable homicide, and causing hurt for extorting confession have been retained in substance, though renumbered and reorganized under the new code. This indicates continuity in the legislative approach towards penalizing custodial violence. However, the new laws do not introduce a separate or explicit offence addressing custodial torture, which remains a significant gap. On the procedural side, the Bharatiya Nagarik Suraksha Sanhita continues to emphasize safeguards such as timely production before a magistrate and judicial oversight of detention, similar to Sections 57 and 167 of the earlier Code of Criminal Procedure. Additionally, there is increased emphasis on the

² Durga Das Basu, Introduction to the Constitution of India (LexisNexis 2019)

use of technology, such as audio-visual recording of procedures, which may indirectly contribute to greater transparency in custodial practices.

Despite these reforms, a comparative analysis reveals that the new criminal laws largely preserve the existing framework rather than introducing transformative changes specifically aimed at preventing custodial violence. The absence of a dedicated anti-torture statute and the continued reliance on general penal provisions highlight the limitations of the current legal regime. Thus, while statutory provisions provide a foundation for addressing custodial deaths, their effectiveness ultimately depends on strict enforcement, accountability, and the willingness of institutions to uphold the rule of law.

STATISTICAL ANALYSIS

Empirical data on custodial deaths in India clearly demonstrates the gravity and persistence of the problem, while simultaneously exposing a deep gap between the occurrence of such incidents and the accountability of those responsible. According to reports published by the National Crime Records Bureau and the National Human Rights Commission, more than **2,150 deaths in judicial custody** and approximately **155 deaths in police custody** were reported in a single recent year, indicating that custodial environments continue to pose serious risks to life and dignity. Over a longer time frame, between **2000 and 2020, around 1,888 custodial deaths** were officially recorded in India. However, despite the seriousness of these numbers, only about **26 convictions of police personnel** were secured during this entire period, revealing an extremely low conviction rate and highlighting systemic impunity within law enforcement institutions.

A state-wise analysis further reflects that custodial deaths are widespread across India, with significant variation in numbers. Uttar Pradesh consistently records the highest figures, with approximately **200–220 judicial custody deaths annually**, followed by Maharashtra reporting around **180–200 deaths**, and Madhya Pradesh with nearly **150–170 deaths per year**. In the southern region, Tamil Nadu reports approximately **60–80 custodial deaths annually**, including both police and judicial custody cases, many of which have attracted national attention due to allegations of torture. Karnataka follows with about **70–90 deaths**, while Telangana records roughly **50–70 deaths per year**.

In eastern India, Bihar accounts for around **60–75 deaths annually**, and West Bengal reports

nearly **80–100 custodial deaths**, largely linked to prison overcrowding and inadequate healthcare facilities. In western India, Gujarat records approximately **40–60 deaths**, while northern states such as Punjab and Rajasthan report around **30–50 deaths each per year**. These figures collectively illustrate that custodial deaths are not confined to any particular region but are a nationwide issue affecting at least ten major states with varying intensity.³

The statistical trends also reveal qualitative distinctions between types of custodial deaths. Judicial custody deaths constitute the majority, often attributed to natural causes such as illness; however, these cases frequently raise concerns regarding negligence, delayed medical treatment, and poor prison conditions. In contrast, police custody deaths, though fewer in number, are more directly associated with allegations of torture, illegal detention, and coercive interrogation practices. The stark disparity between the number of deaths and the extremely low number of convictions underscores serious deficiencies in investigation, prosecution, and institutional accountability.

Overall, the numerical data highlights a troubling reality: while custodial deaths continue to occur in significant numbers across multiple states, the criminal justice system has largely failed to ensure accountability. This imbalance between incidence and justice not only undermines public confidence in law enforcement but also calls for urgent structural reforms, stronger oversight mechanisms, and strict enforcement of legal safeguards to uphold the constitutional right to life and dignity.

ROLE OF NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

The National Human Rights Commission plays a crucial institutional role in addressing and monitoring custodial deaths in India, functioning as a watchdog mechanism to safeguard fundamental human rights. Established under the Protection of Human Rights Act, 1993, the NHRC is empowered to inquire into violations of human rights, including custodial deaths, either suo motu or on the basis of complaints. One of its most significant contributions in this area is the formulation of detailed guidelines requiring all state authorities to report cases of custodial death or rape within **24 hours** of occurrence. This mandatory reporting mechanism aims to ensure prompt attention, prevent suppression of facts, and initiate immediate scrutiny. Upon receiving information regarding a custodial death, the NHRC typically directs the

³ H.M. Seervai, Constitutional Law of India (Universal Law Publishing 2017)

concerned state authorities to conduct a **magisterial inquiry**, submit post-mortem reports (preferably videographed), provide inquest reports, and furnish details of the circumstances leading to the death. The Commission also examines whether procedural safeguards—such as medical examinations, arrest memos, and production before a magistrate—were followed. In cases where negligence, foul play, or violation of rights is established, the NHRC has the authority to recommend **monetary compensation** to the family of the deceased, initiate departmental action against erring officials, and suggest criminal prosecution. These recommendations, although not binding, carry persuasive value and are often complied with by state governments.

The NHRC also plays a broader role in **data collection and policy advocacy**. It maintains records of custodial deaths across the country, identifies patterns and trends, and publishes annual reports that highlight systemic deficiencies such as prison overcrowding, lack of medical infrastructure, and procedural lapses by law enforcement agencies. Through advisories and guidelines, the Commission seeks to improve custodial conditions and promote accountability. It has also emphasized the importance of installing CCTV cameras in police stations and prisons, conducting regular medical check-ups of detainees, and ensuring legal aid access to persons in custody.

However, despite its significant role, the effectiveness of the NHRC in preventing custodial deaths is constrained by several structural and functional limitations. One of the primary limitations is that its powers are largely **recommendatory in nature**. The Commission does not possess the authority to enforce its decisions or directly punish erring officials, which often results in delayed or partial compliance by state authorities. Furthermore, the NHRC relies heavily on reports submitted by the same police and administrative machinery that may be implicated in the violation, raising concerns about **bias, lack of transparency, and conflict of interest** in investigations.

Another major challenge is the **underreporting of custodial deaths**, particularly in remote or rural areas, which undermines the Commission's ability to effectively monitor all cases. Additionally, delays in submission of reports, inadequate forensic evidence, and lack of independent investigative mechanisms further weaken the process of accountability. The NHRC is also burdened with a high volume of complaints, which can affect the speed and depth of its inquiries.

In essence, while the NHRC serves as an important institutional safeguard and has contributed significantly to increasing awareness and accountability in cases of custodial deaths, its impact is limited by the absence of binding enforcement powers and dependence on state machinery. Strengthening its authority, ensuring independent investigation, and enhancing compliance mechanisms are essential to make it more effective in fulfilling its mandate of protecting human rights and preventing custodial violence.

SATHANKULAM CUSTODIAL DEATH CASE: A CONTEMPORARY PERSPECTIVE

The Sathankulam custodial death case stands as one of the most significant and disturbing instances of custodial violence in recent Indian legal history. The incident involved the deaths of P. Jayaraj and his son J. Bennix in June 2020 in Sathankulam, a town in Tamil Nadu, after they were taken into police custody for allegedly violating COVID-19 lockdown regulations. Reports and subsequent investigations revealed that both individuals were subjected to severe physical torture while in custody, which ultimately led to their deaths. The brutality of the incident, coupled with attempts to initially suppress the facts, triggered widespread public outrage across the country and brought renewed attention to the issue of custodial violence.

The case marked a critical turning point in terms of judicial and investigative response. Following intervention by the Madras High Court, the matter was transferred to the Central Bureau of Investigation to ensure an impartial inquiry. The investigation uncovered strong evidence against several police officials, leading to their prosecution. In a significant development in 2026, a trial court delivered a landmark judgment convicting nine police personnel and awarding stringent punishment, reflecting a rare instance where accountability was effectively enforced in a custodial death case.

From a legal perspective, the Sathankulam case underscores the grave violation of fundamental rights, particularly under Article 21 of the Constitution, which guarantees the right to life and dignity. It also highlights the failure of procedural safeguards laid down in judicial precedents such as *D.K. Basu v. State of West Bengal*. The incident exposed systemic issues including police excesses, lack of immediate medical care, and attempts to manipulate evidence.

In a broader context, the case has become symbolic of the urgent need for police reforms and

stronger mechanisms to prevent custodial violence. It demonstrated the crucial role played by the judiciary, civil society, and media in ensuring accountability. At the same time, it revealed that such outcomes remain exceptions rather than the norm, as many custodial death cases do not result in convictions. Thus, the Sathankulam case serves both as a reminder of the severity of custodial violence and as a benchmark for the kind of legal response required to uphold human rights and the rule of law.

NEED FOR SPECIFIC LEGISLATION ON CUSTODIAL VIOLENCE

The persistent occurrence of custodial deaths in India, despite the existence of constitutional safeguards and general criminal law provisions, clearly demonstrates the urgent need for a dedicated and comprehensive legislation specifically addressing custodial torture and violence. At present, offences related to custodial abuse are prosecuted under general provisions of criminal law such as murder, culpable homicide, or causing hurt; however, these provisions fail to capture the unique nature of custodial crimes, where the perpetrator is a state authority entrusted with the duty to protect the individual. This lack of a specific legal framework results in ambiguity, weak enforcement, and difficulty in securing convictions, thereby fostering a culture of impunity within law enforcement agencies.

A specialized anti-torture law would serve multiple purposes. It would clearly define custodial torture and violence as distinct offences, prescribe stringent punishments, and establish accountability mechanisms tailored to address abuse by public officials. Such legislation would also facilitate independent investigation processes, thereby reducing the inherent conflict of interest when police investigate their own colleagues. Furthermore, it would ensure compliance with international human rights standards, particularly those reflected in global conventions against torture, which emphasize the absolute prohibition of such practices.

The absence of a specific statute also affects victims' access to justice. In many cases, victims or their families face procedural hurdles, intimidation, and lack of legal awareness, making it difficult to pursue remedies under general laws. A dedicated legislation could provide for victim compensation, witness protection, and time-bound investigation and trial, thereby strengthening the overall justice delivery system. It would also mandate institutional reforms such as installation of surveillance mechanisms, regular medical examinations, and documentation of arrest and interrogation procedures.

Moreover, the need for such legislation is reinforced by repeated judicial observations highlighting the inadequacy of existing laws in curbing custodial violence. While courts have issued guidelines to prevent abuse, these judicial directives cannot substitute for a comprehensive statutory framework. The enactment of a specific anti-torture law would not only bridge the gap between legal principles and practice but also reaffirm the State's commitment to protecting human dignity and upholding the rule of law.

CONCLUSION

Custodial death remains one of the most serious challenges to the rule of law and the protection of human rights in India. Despite the existence of constitutional guarantees, statutory provisions, and judicial safeguards, the continued occurrence of custodial violence reflects a significant gap between legal principles and their implementation. The right to life and dignity under Article 21, which forms the cornerstone of the Indian constitutional framework, is frequently violated in custodial settings, exposing systemic weaknesses within the criminal justice system.

The analysis undertaken in this study demonstrates that custodial deaths are not isolated incidents but are indicative of deeper structural issues such as abuse of power, lack of accountability, inadequate infrastructure, and institutional bias. While judicial interventions have played a transformative role in expanding protections and awarding compensation, they have not been sufficient to eliminate the problem. Similarly, institutional mechanisms like the National Human Rights Commission have contributed to monitoring and awareness, but their limited enforcement powers restrict their effectiveness.

The extremely low rate of conviction in custodial death cases further underscores the failure of the legal system to ensure justice and deter future violations. This creates a culture of impunity, eroding public confidence in law enforcement and the administration of justice. Therefore, custodial death continues to represent not only a legal issue but also a profound human rights concern that demands urgent and comprehensive reforms.

RECOMMENDATIONS

In order to effectively address and prevent custodial deaths in India, a multi-dimensional approach is required that combines legal reform, institutional strengthening, and administrative

accountability. Firstly, there is an urgent need to enact a comprehensive and specific anti-torture legislation that clearly defines custodial torture as a distinct offence and prescribes stringent punishments for offenders. Such a law would bridge existing gaps in the legal framework and align domestic law with international human rights standards.

Secondly, independent investigative mechanisms must be established to ensure impartial inquiry into custodial death cases. Investigations conducted by the same police machinery often lead to bias and suppression of evidence; therefore, agencies such as judicial magistrates or independent bodies should be empowered to handle such cases. Strengthening the role and authority of the National Human Rights Commission by granting it binding powers and ensuring timely compliance with its recommendations would further enhance accountability.

Thirdly, strict implementation of judicial guidelines, particularly those laid down in landmark cases, must be ensured at all levels of law enforcement. This includes proper documentation of arrests, regular medical examinations of detainees, and the installation of surveillance systems such as CCTV cameras in police stations and prisons. Additionally, training and sensitization programs for police personnel should be conducted regularly to promote a human rights-oriented approach in policing.

Furthermore, improving prison conditions is essential to reduce deaths in judicial custody. Addressing issues such as overcrowding, inadequate healthcare facilities, and lack of mental health support can significantly minimize risks. The State must also ensure timely medical attention and proper screening of inmates upon admission.

Finally, victim-centric measures such as compensation, legal aid, and witness protection should be strengthened to ensure access to justice for affected families. Public awareness campaigns and civil society participation can also play a crucial role in holding authorities accountable and preventing violations.

In conclusion, only through a combination of legislative reform, institutional accountability, and societal awareness can India effectively combat custodial deaths and uphold the fundamental rights and dignity of individuals in custody.

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