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THE RIGHT TO LIFE IN POLICE CUSTODY: A LEGAL ANALYSIS OF CUSTODIAL DEATHS IN INDIA

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ABSTRACT

Every person, including those who are arrested, detained, or otherwise under state custody, is entitled to the fundamental constitutional protection of the right to life, which is guaranteed by Article 21 of the Indian Constitution. Because a person in custody is significantly deprived of the power to defend their own physical integrity, custody generates a unique connection between the individual and the State. As a result, when someone passes away while in custody, the State has an increased obligation to protect life, stop torture and other cruel treatment, guaranty access to healthcare, keep correct records of detention, and offer efficient investigative procedures. Therefore, custodial killings raise important constitutional issues pertaining to state responsibility, institutional transparency, and the rule of law in addition to being instances of individual misconduct. The different evidentiary positions of the victim and the investigating authorities complicate the issue of custodial fatalities in India. The person may pass away on property under the authority of the same organization, whose staff will then have to provide an explanation for the death. Concerns about evidence suppression or manipulation, delayed case registration, inadequate medical documentation, untrustworthy injury explanations, missing or non-preserved CCTV footage, and reliance on police officers for vital information are all brought on by this structural conflict. As a result, judicial rulings, legislative protections, human rights procedures, and administrative directives have all contributed to the development of the constitutional response.

The change from the 1973 Code of Criminal Procedure to the 2023 Bharatiya Nagarik Suraksha Sanhita adds a significant modern element to the legal study. When someone passes away or vanishes while in police custody or another type of custody that has been approved by a magistrate or court, Section 196 of the BNSS expressly permits a magistrate's investigation. The clause works in tandem with the more general procedural protections that control custody, arrest, medical examination, and appearance before a court. Article 21 has gradually evolved from a formal ban on deprivation of life to a substantive guaranty of dignity and bodily integrity

thanks to the Supreme Court's jurisprudence, especially its rulings on custodial violence, compensation, arrest safeguards, and CCTV surveillance.

The institutional, legal, and constitutional framework controlling custodial deaths in India is critically examined in this paper. It makes the case that prevention calls for more than just disciplinary punishment or post-occurrence compensation. Independent investigation, preservation of digital and medical evidence, institutional separation between investigating agencies and custodial authorities, enforceable monitoring mechanisms, professionalization of interrogation, protection of complainants and witnesses, and significant judicial oversight are all necessary for effective accountability. The study concludes that only when the State's authority to detain is matched by an equally strong institutional obligation to protect can the constitutional promise of Article 21 be realized in custodial settings.

1.INTRODUCTION

A crucial part of the criminal justice system is police custody. In order to investigate crimes, identify suspects, retrieve important evidence, and safeguard society from criminal activity, law enforcement organizations need the legal authority to make arrests, detain people, and question them. However, these powers put people in a very precarious situation. After being placed under arrest, a person's regular freedom to move around, ask for help, ensure their physical safety, and interact with others is severely curtailed. Therefore, the use of coercive state power entails a duty to protect the person in custody's life, health, and dignity.

Because the death takes place in an area that is mostly under state control, a custodial death is very dangerous. The mere fact that someone was in custody does not prove that the death was caused by the police or other custodial authorities. Natural disease, pre-existing medical disorders, suicide, accidents, and other factors can all result in death. However, the State is more obligated to explain what happened because of custody. Determining whether an officer caused a death directly is therefore not the only important legal matter. It also raises questions about whether the authorities took adequate precautions, adhered to legal requirements, handled medical emergencies effectively, kept correct records, and made sure a reliable inquiry into the death's circumstances was conducted.

Article 21 is the main source of the constitutional significance of deaths that occur in custody. When someone enters a police station, lock-up, prison, or other legal site of imprisonment, the protection of life and personal liberty cannot be interpreted as vanishing. Conversely, the restriction of liberty increases the State's obligation since the State's actions diminish the detainee's ability to defend themselves. Therefore, the conditions under which a person is

detained and the way in which detention is carried out are covered by the constitutional guarantee.¹

The issue goes beyond acts of physical aggression. Torture, excessive force, denial of medical care, cruel treatment, intimidation, illegal questioning methods, extended imprisonment, psychological pressure, and neglecting to inform family members of the detainee's health are all examples of custodial abuse. The exact cause of death itself may be contested in some circumstances. The validity of the investigation becomes a subject of constitutional concern when official explanations clash with medical findings, witness statements, or computer records.

This imbalance could be lessened by modern technology. Contemporary evidence regarding the treatment of detainees can be produced by CCTV systems, body-worn cameras, electronic arrest records, digital station diaries, and secure medical documentation. However, technology is only useful when recording systems are operational, constantly observed, safely stored, and independently accessible while an investigation is underway. Effective institutional compliance is not always ensured by the existence of a legal directive, as seen by the ongoing judicial concern over CCTV installation. The Supreme Court once more examined police station CCTV infrastructure compliance in September 2026, including issues pertaining to Jharkhand.

There are consequences from custodial deaths that go beyond the deceased. Financial difficulties, psychological suffering, societal stigma, and protracted litigation are all possible outcomes for families. When accusations of torture are made, the deceased's family frequently has to rely on the same state institutions that ruled them in their last moments. Every time a custodial death is not thoroughly examined, the criminal justice system's legitimacy is consequently compromised.

2. RESEARCH PROBLEM

Even if Article 21 of the Indian Constitution guarantees the right to life and personal liberty, custodial deaths nonetheless pose a significant threat to the rule of law and police accountability. Despite the fact that India has established numerous institutional systems, statutory protections, and constitutional safeguards to control arrest, detention, and custodial treatment, the practical application of these safeguards is nevertheless uneven. The protection of detainees' fundamental rights is nevertheless threatened by issues with custodial brutality,

¹ Constitution of India, 1950, arts. 14, 20, 21 and 22.

delayed medical aid, poor preservation of medical evidence and CCTV footage, a lack of independent investigation, and procedural flaws in establishing culpability.

There are still concerns about the Bharatiya Nagarik Suraksha Sanhita, 2023's practical efficacy in guaranteeing openness, unbiased investigation, and significant justice for victims and their families, despite the introduction of a modern procedural framework with provisions for magistrate inquiry into custodial deaths. In order to prevent custodial deaths and successfully protect the right to life of individuals in police custody, this study critically evaluates whether the current constitutional, statutory, and institutional framework is sufficient.

3. RESEARCH QUESTIONS

1. What is the extent and constitutional importance of Article 21's right to life in relation to deaths that occur while a person is in custody?
2. What legal and statutory protections are now in place in India regarding the arrest, imprisonment, and treatment of individuals under police custody?
3. How have safeguards pertaining to violence and deaths in custody been understood and applied by Indian courts?
4. How successful are the current systems for accountability and inquiry in situations of deaths that occur while a person is in custody?
5. What part do the courts, police, NHRC, and other organizations play in protecting detainees and preventing fatalities in custody?
6. What institutional and legal changes are required to improve accountability and successfully stop fatalities in custody in India?

4. OBJECTIVE OF THE STUDY

The study aims to analyse the increased obligations placed on the State when someone is deprived of their freedom and to investigate the constitutional position of the right to life in the setting of police custody. Additionally, it looks at the legal and procedural framework under the current criminal law framework that governs arrest, detention, medical protection, investigation, and inquiry into deaths that occur while a person is in custody. The paper outlines the role constitutional courts play in protecting detainees and examines the evolution of judicial doctrines pertaining to custodial brutality. It assesses the efficacy of current institutional measures, such as technical surveillance, judicial oversight, the National Human Rights Commission, and magistrate inquiries. Additionally, the report looks at current trends and

pinpoints persistent flaws in the investigation and prosecution of cases involving custodial death. Lastly, the study suggests changes aimed at prevention, openness, institutional responsibility, and successful implementation of the constitutional guaranty of life and dignity.

5. MEANING AND NATURE OF CUSTODIAL DEATHS

In general, "custodial death" refers to a death that occurs while a person is in the custody of a custodial institution. A person who passes away while in police custody is explicitly referred to as a police custodial death. Because custody can take many various legal forms, the idea needs to be understood widely. A person may be detained in accordance with legal authority, placed on police remand, transferred by police officers, kept in police lock-up, or otherwise have their freedom restricted.

Custodial murder is not always the same as custodial death. Natural causes, suicide, unintentional injuries, health issues, or illegal activity can all lead to a death while a person is in custody. The State's increased obligation to clarify and look into the situation is what gives custody its legal meaning. The assumption that records, medical evidence, and other protections will allow an objective reconstruction of events increases with the extent of the State's control over the person's surroundings.

Therefore, three dimensions—causation, responsibility, and accountability—can be used to understand the nature of custodial deaths. Causation refers to the direct medical or physical cause of mortality. Whether a person or organization caused the death by an act or omission is a matter of responsibility. Accountability is concerned with how well the State's administrative and legal processes handle the situation.

This distinction is crucial because, even in cases when direct criminal causation is hard to prove, a person's death while in detention may indicate systemic failure. Questions of State culpability may arise on their own if the State fails to monitor a detainee, give timely medical care, perform necessary medical examinations, or preserve evidence. Additionally, the more general issue of custodial violence is intimately linked to custodial mortality. When a person is being questioned, transported, detained, or subjected to various forms of police control, they may experience physical or psychological violence. Therefore, the institutional setting that allowed the risk to materialize as well as the immediate circumstances of death must be addressed by the legal system.

6.CONSTITUTIONAL FRAMEWORK – RIGHT TO LIFE UNDER ARTICLE 21

According to Article 21, no one may be deprived of their life or personal freedom unless a legally prescribed process is followed. The wording of the constitution is very succinct. Article 21 is now one of the most comprehensive protections under Indian constitutional law because to judicial interpretation. There are two reasons why Article 21 is important in prison circumstances. First, a captive cannot be wrongfully deprived of their life by the State. Second, the State must prevent arbitrary, cruel, or humiliating treatment from arising from the use of lawful custody. Therefore, constitutional protection encompasses both the circumstances under which liberty is curtailed and the ultimate result of death.²

Human dignity, bodily integrity, health, and compassionate treatment have all been considered aspects of the right to life. A person cannot be placed outside of the constitutional order by custody. Until a legitimate legal procedure decides otherwise, a person accused of a crime is nonetheless a bearer of fundamental rights. A convicted prisoner is nonetheless protected from harsh and inhumane treatment by the constitution.

Thus, the idea that State power produces corresponding constitutional responsibility is the basis of the link between Article 21 and custodial death. Because society entrusts the police with upholding public order and conducting criminal investigations, they have significant coercive authority. The human body cannot be used as a research tool in the exercise of that authority. Because custodial violence may constitute the arbitrary or discriminatory use of state power, Article 14 is equally pertinent. While Article 22 provides particular rights with regard to arrest and imprisonment, Article 20 shields accused individuals against forced self-incrimination. Together, these clauses show that the Constitution does not view criminal investigations as an unrestricted area of executive authority.

The idea that appropriate remedies are necessary for fundamental rights strengthens the constitutional system. People who are unable to defend themselves while in state custody would have minimal protection under a right without a viable remedy. As a result, constitutional courts have created public-law remedies, such as compensation, investigative guidelines, and structural protections.

² Constitution of India, 1950, arts. 14, 20, 21 and 22.

7.LEGAL AND STATUTORY FRAMEWORK

The legal framework acknowledges that an arrest is more than just an administrative action. Procedures pertaining to medical examination, production before a magistrate, disclosure of grounds, information to family members or designated individuals, and preservation of health and safety serve as safeguards against arbitrary imprisonment.

Section 196 of the BNSS, which addresses a magistrate's investigation into the cause of death, is a particularly important clause. The clause mandates a magistrate's investigation in addition to the police investigation when someone passes away or vanishes while in police custody or another type of custody approved by a magistrate or court. The clause also includes protections for documenting evidence, examining the deceased, and, when possible, involving family members in the investigation.³

Section 196 is significant because it acknowledges that in a custodial-death case, police investigation could not be enough to establish institutional independence. An additional channel for responsibility and evidence is created via a separate, judicially overseen investigation. Another crucial precaution is a medical examination. Medical records can be crucial evidence in determining whether force was used, whereas physical injuries may change or disappear over time. Therefore, a medical check-up shouldn't be considered a standard procedural formality. It is a substantial defence against mistreatment and subsequent disagreements over the detainee's condition.

The Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023 must be comprehended in conjunction with the statutory framework. Criminal responsibility for killing, unlawful violence, and evidence destruction and manipulation must be evaluated in accordance with the relevant substantive and evidential provisions. However, depending on the relevant transitional provisions, behaviour that took place prior to the implementation of the new criminal legislation may still be subject to the existing legal framework.

8.JUDICIAL APPROACH TO CUSTODIAL DEATHS

One of the most significant advancements in Indian constitutional law is the Supreme Court's custodial-death jurisprudence. Because the State has direct control over their physical surroundings, the Court has consistently acknowledged that those in custody are more vulnerable. A constitutional understanding of custody as a circumstance that triggers heightened State accountability has gradually replaced the judicial approach's limited view of

³ Bharatiya Nagarik Suraksha Sanhita, 2023.

custody as a procedural step of criminal investigation. The acceptance of the public-law remedy is a significant aspect of the jurisprudence. Constitutional courts have the authority to award compensation in cases where State agents violate basic rights without the need for standard civil remedies. In a private tort action, such compensation is not the same as damages. It serves as a constitutional remedy for basic rights violations.

Procedural safeguards are another significant judicial development. The Court has acknowledged that precautions that can stop abuse before it starts must accompany arrest and imprisonment. Instead than just being punitive, the goal is preventive.

Additionally, the judiciary has placed a greater emphasis on institutional accountability. Transfer to an independent body may be required when local police authorities are unable to examine accusations against their own employees in a credible manner. Independence is crucial to the public's trust in the legal system and goes beyond administrative choice.

9.LANDMARK CASE LAWS

9.1 NILABATI BEHERA v STATE OF ORISSA (1993)

A key ruling on compensation for deaths in custody is the Nilabati Behera ruling. The Supreme Court acknowledged that a public-law remedy may be justified by constitutional authority if the right to life is violated. The ruling made a crucial distinction between regular private-law damages and constitutional compensation.

The ruling is significant because it acknowledges that the State cannot avoid constitutional obligations by simply mandating that the victim's relatives file a regular civil lawsuit. Constitutional courts have the authority to offer an appropriate remedy when a basic right has been violated.

As a result, the case changed the legal reaction to death in custody from being solely a criminal or tortious issue to one including State responsibility under the Constitution.⁴

9.2 D.K. BASU v STATE OF WEST BENGAL (1997)

One of the most important Supreme Court rulings on arrest and brutality in custody is D.K. Basu. The Court adopted comprehensive safeguards governing arrest and detention in recognition of the grave risk of torture and abuse associated with police custody.

D.K. Basu's significance goes beyond the specific demands placed on law enforcement personnel. It stands for the constitutional requirement that law enforcement function within an

⁴ Nilabati Behera alias Lalita Behera v State of Orissa, (1993) 2 SCC 746.

accountable and transparent system. In order to provide an evidence, trail and lessen the likelihood of abuse, measures such as medical evaluation, communication with family, and documentation of arrests were put in place. The ruling also established that an institution tasked with upholding the law cannot itself turn into a breeding ground for illegal violence, making custodial violence a direct attack on the rule of law.⁵

9.3 PARAMVIR SINGH SAINI v BALJIT SINGH (2020)

By mandating CCTV surveillance systems at police stations and other places related to custodial procedures, the Supreme Court's ruling in Paramvir Singh Saini greatly increased technical accountability. The goal was to produce an impartial record that may support the examination of claims of assault against detainees. CCTV is crucial for both surveillance and evidence retention. Movements, entry and leave, treatment of detainees, and interactions between officers and those in custody can all be independently documented by a working recording system.

However, how the idea is put into practice determines how effective it is. Meaningful accountability cannot be provided by cameras that are malfunctioning, positioned incorrectly, disconnected from storage systems, or deleted for no apparent reason. The ongoing Supreme Court cases pertaining to CCTV compliance show that institutional enforcement is necessary for technological safety.⁶

9.4 HANSURA BAI v STATE OF MADHYA PRADESH (2025)

In the 2025 ruling in Hansura Bai & Anr. v. State of Madhya Pradesh & Anr., the Supreme Court examined grave issues related to the inquiry into a death that occurred while a person was in custody. The case was transferred to the Central Bureau of case after the Court discovered circumstances that suggested local police officers might have affected certain areas of the investigation, especially issues pertaining to medical evidence.

The ruling is important because it exemplifies the idea that an investigation cannot be considered independent just because it has been officially started. Structural independence is required when the police or institutional authorities involved in accusations of custodial abuse have control over witnesses, medical procedures, or investigative materials. The case also supports the more general idea of *nemo iudex in causa sua*, which states that when an institution's involvement jeopardizes impartiality, it should not decide accusations about its

⁵ D.K. Basu v State of West Bengal, (1997) 1 SCC 416.

⁶ Paramvir Singh Saini v Baljit Singh

own behaviour. As a result, the ruling adds to the growing body of knowledge about independent investigation in cases involving custodial death.

9.5 SATHANKULAM CUSTODIAL DEATH CASE (2020)

P. Jeyaraj and his son J. Beniks were arrested by the Sathankulam Police in Tamil Nadu on 19 June 2020 for allegedly violating COVID-19 lockdown restrictions. They were reportedly subjected to severe custodial violence and later died after being taken to judicial custody. The case raised serious concerns regarding police brutality, custodial torture and violation of Article 21.

The CBI investigated the case, and the prosecution alleged that police personnel were responsible for the deaths. In 2026, the Madurai First Additional District and Sessions Court convicted nine police personnel and awarded them the death penalty, treating the case as falling within the rarest of rare category. The case is significant for demonstrating the importance of independent investigation, police accountability and protection of the right to life of persons in custody.

10.ROLE OF NHRC AND OTHER INSTITUTIONS

The National Human Rights Commission plays a crucial role in keeping an eye on deaths that occur while a person is in custody. The Commission has released guidelines pertaining to jail conditions, police lock-ups, post-mortem examination, video recording and photography of post-mortems, custodial rape, and magistrate inquiries. Standardization is what gives these principles their institutional relevance. Medical, documentary, and forensic evidence must be gathered quickly and methodically for custodial-death investigations. The capacity to determine the cause and circumstances of death may be impacted by variations in technique.⁷ Information on fatalities in custody is also sent to the NHRC, which may request reports, suggest remedy, and examine institutional reactions. However, governing officials' compliance is crucial to its efficacy. Monitoring and recommendations cannot completely replace independent inquiry or criminal prosecution.

The larger accountability framework is also influenced by State Human Rights Commissions, judicial magistrates, courts, jail officials, medical personnel, and police supervision procedures. The problem is not so much the lack of institutions as it is their fragmentation. Without an adequately integrated system for evidence preservation and follow-up, several entities may

⁷ Protection of Human Rights Act, 1993.

have overlapping obligations. Therefore, a coordinated protocol that automatically preserves CCTV and electronic records, conducts an independent medical examination, notifies the appropriate magistrate and human rights authorities right away, and transfers investigative responsibility in cases of institutional conflict would be beneficial to the institutional framework.⁸

11. CHALLENGES IN PREVENTING CUSTODIAL DEATHS

The power disparity between detainees and custodial officials is the first significant issue. A person in detention could not have instant access to family members, medical specialists, or independent legal counsel.

Institutional conflict is the second issue. Allegations involving other police officers from the same institutional setting may be first looked into by police officers. The public's trust might be damaged by the impression of institutional prejudice, even in cases where police behave professionally.

Inadequate evidence preservation is the third problem. Even if CCTV footage, station records, electronic communications, and medical evidence may be crucial, their worth quickly decreases if they are not stored right away.

The culture surrounding questioning is the fourth obstacle. Violence is more likely when interrogation is linked to coercion rather than evidence-based inquiry. Therefore, scientific procedures must take the role of coercive practices in professional investigative training.

Accountability following the occurrence is the fifth difficulty. While criminal processes may take years, departmental investigations may not always lead to criminal prosecution. Delays reduce the effectiveness of deterrence and raise the risk of witnesses, records, and forensic evidence being lost.

Inadequate execution of court orders is the sixth problem. The ongoing court review of CCTV compliance serves as an example of how Supreme Court protections are not always implemented at the local level.

Inadequate protection for complainants and witnesses is the eighth issue. Police officers, medical specialists, detainees, and locals may testify in custodial proceedings. Truthful testimony may be discouraged by fear of institutional reprisal.

⁸ National Human Rights Commission, Guidelines – Death in Custody/Encounter

12.SUGGESTIONS AND REFORMS

By enforcing rigorous adherence to legal and constitutional protections and bolstering police accountability, custodial deaths can be avoided. CCTV cameras should be operational in police stations, with appropriate monitoring and recording preservation. Every death that occurs while a person is in custody shall be the subject of an impartial, independent investigation in addition to the required magisterial inquiry and prompt medical assessment. Regular training on human rights and appropriate questioning techniques should be provided to police officers. Officers who actively engage in or carelessly allow violence against detainees should be held accountable. Families of victims should receive compensation when the State is shown to be at fault, and criminal and disciplinary actions should be finished right away. These changes have the potential to improve public trust in the criminal justice system, increase transparency, and strengthen the protection of Article 21.

13.CONCLUSION

In India, the right to life guaranteed by Article 21 of the constitution and human dignity are gravely violated by custodial deaths. When someone is arrested or placed under police custody, they do not automatically lose their fundamental rights. A robust legal framework to prohibit custodial violence and guarantee accountability is provided by the current constitutional protections, statute measures, and court rulings. Nonetheless, persistent instances of deaths while in custody point to deficiencies in implementation, oversight, investigation, and police accountability. Strict adherence to arrest and custody procedures, operational CCTV monitoring, independent investigation, appropriate medical evaluation, and prompt magistrate inquiry are all necessary for effective prevention. Thus, the State's primary duty must continue to be the protection of life and dignity while in custody. To preserve the rule of law and rebuild public trust in the criminal justice system, institutional accountability must be strengthened and victims and their families must receive timely justice.

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