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PREVENTING CUSTODIAL DEATH IN INDIA A CRITICAL STUDY OF THE LEGAL FRAME WORK AND INSTITUTION REFORMS

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Abstract

Custodial death is one of the most serious human rights violations and a serious challenge to the rule of law in India. "State custody places a person in a particularly vulnerable position because the State owes a heightened duty to protect a person's life, dignity and physical integrity. The matter of death in police and prison custody continues to be a matter of concern for the people in terms of accountability, transparency and effective enforcement, notwithstanding the constitutional safeguards, statutory provisions, directions of the judiciary and institutional mechanisms put in place to prevent custodial violence. The paper critically analyzes the legal framework of custodial deaths in India and assesses the effectiveness of the existing institutional mechanisms for preventing and investigating custodial deaths. It deals with the protection of life and personal liberty under Article 21 of Constitution, protection against unreasonable arrest and detention, provisions of criminal law, custodial safeguards evolved by judicial pronouncements and the role of institutions like National Human Rights Commission, State Human Rights Commissions, courts, police authorities and prison administration. The study also looks at the importance of independent investigation, medical examination, CCTV surveillance, accountability of public officials, compensation to victims' families and the implementation of preventive measures. The study found that the problem of custodial death cannot be solved by the existence of legal provisions alone. This requires that prevention is rigorous, investigations are independent, institutions are held accountable, policing is professional, prison administration is improved, detainees' rights are protected, and there is more transparency. The research, therefore, seeks to identify the gaps between the law and its implementation and suggests institutional and legal reforms aimed at increasing accountability and preventing custodial deaths in India.

Keywords: Custodial Death, Custodial Violence, Human Rights, Article 21, Police Accountability, Prison Reforms, Legal Framework, Institutional Reforms.

Introduction

Protection of life and personal liberty is a fundamental feature of a democratic constitutional system. In India, Article 21 of the Constitution says that no one shall be deprived of his life or personal liberty except in accordance with procedure established by law¹. This constitutional guaranty becomes especially important if a person is taken into police or prison custody. Once a person is in custody, the State has an obligation to ensure the person's safety, dignity and humane treatment. Any death in custody due to torture, excessive force, negligence or otherwise illegal conduct is a serious constitutional, criminal and human rights concern².

Custodial death is the most extreme form of custodial violence. It can happen in police stations, lock-ups, prisons or other forms of state custody. Such incidents, besides the loss of life, undermine public confidence in law enforcement institutions and sap the principle that government authorities themselves are subject to the law³. The problem is particularly acute because victims of custodial violence are often in a position of dependency and have a limited capacity to protect themselves or to establish independently what happened while they were in custody.

There are a number of safeguards in the Indian legal system to prevent arbitrary detention, torture and custodial abuse. These protections are rooted in constitutional guaranties of life, liberty, equality and protection from arbitrary arrest⁴. Public officials can also be held criminally liable for illegal acts. In addition, the judiciary has developed important procedural safeguards concerning arrest, detention, medical examination, legal representation and accountability of police officers. "The courts have consistently held that the power to arrest and detain a person does not include an unqualified power to infringe the fundamental rights of that person⁵.

This research, makes a critical study of the legal framework and institutional mechanisms relating to custodial death in India. It aims to review the adequacy of existing legal protections, the major gaps between law and practice, the effectiveness of institutional safeguards and suggest reforms that can contribute to enhancing accountability and prevent custodial deaths.

¹ (SADHAN R, 2026)

² (D. KANNANDHASAN, 2026)

³ (Munish Kumar, 2026)

⁴ (Bais, 2005)

⁵ (Khandelwal, 2022)

Finally, the study is premised on the idea that the duty to preserve life is all the more compelling when a person is deprived of freedom and under the authority of the state.

Literature Review

The right to life and personal liberty enshrined in Article 21 of the Indian Constitution forms the constitutional basis for the protection of custodial rights. This right has been stressed by scholars for a long time to extend to persons in custody who are still entitled to constitutional protection in the face of deprivation of liberty. Recently, the Delhi High Court too reiterated this stating that “persons in custody continue to be entitled to the protection afforded by Article 21” and that any custodial death “whether occasioned by violence, negligence, unexplained circumstances or even suicide, calls for judicial scrutiny.” Article 22 also provides protection against arbitrary arrest and detention and requires the person to be produced before a magistrate within 24 hours. But studies have shown that these constitutional guaranties are often undermined by weak enforcement and institutional indifference⁶.

The criminal law framework dealing with custodial violence has recently witnessed a sea change with the introduction of Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS) and Bharatiya Sakshya Adhiniyam (BSA) in 2023 replacing the colonial-era IPC, CrPC and Indian Evidence Act. The Maharashtra government’s 2026 guidelines specifically mention these new codes, making it mandatory for magisterial inquests to be conducted under Section 194(4) of BNSS, and magisterial inquiries under Section 196(2). For all these legislative updates, scholars argue that punitive measures are “incomplete” and custodial abuse is pursued through “fragmented, dispersed and conflicting legislation” creating institutional conflicts and evidentiary distortions. There is no stand-alone anti-torture law, which has been identified as an essential legislative gap. The Prevention of Torture Bill, 2010 lapsed after being passed in the Lok Sabha but failing in the Rajya Sabha⁷.

In landmark judgments, the Supreme Court of India has taken proactive steps by laying down binding procedural safeguards to check custodial violence. The judgment in *D.K. Basu v. State of West Bengal* (1996) is universally acknowledged as a landmark judgment wherein the Court enunciated eleven procedural safeguards to be observed in arrest and detention, recognizing custodial torture as “an assault on the rule of law”⁸. Later cases like *Nilabati Behera v. State of Orissa* laid down the principle of public law liability in case of custodial deaths and the

⁶ (Delhi High Court orders ₹18 lakh compensation for death of 19-year-old in police custody, 2026)

⁷ (Maha govt issues guidelines to prevent custodial deaths, 28)

⁸ (*D.K. Basu v. State of West Bengal* , 1996)

principle of compensation for violation of constitutional rights. The Joginder Kumar case reinforced the right to legal representation and to be produced before a magistrate without delay⁹.

More recently in *Paramvir Singh Saini v. Baljit Singh* (2020), a detailed framework has been laid down for mandatory CCTV surveillance of police stations specifying cameras with night vision and audio recording at all entry and exit points, lockups, corridors and interrogation rooms with preservation of footage for 18 months. In *Shafhi Mohammad* (2018) too, videography was made mandatory as an evidentiary safeguard. But research shows stations continue to flout the order, either because they do not have working cameras or deliberately refuse to share footage, citing “technical glitches”¹⁰.

The Courts have consistently maintained the State’s duty of public law liability in cases of unnatural deaths in custody. The State’s duty to compensate the families of victims is irrespective of direct culpability. The Delhi High Court in the case of *Shyam Sunder v. State NCT of Delhi* (2026) observed that “an unnatural death in custody, even if by suicide, is not a private act divorced from State responsibility, but reflects an omission of duty on the part of those charged with safekeeping”. Likewise, the Allahabad High Court held that the State is “absolutely liable for unnatural deaths inside the prisons” and directed framing of guidelines for compensation by adopting the multiplier method as prescribed under the Motor Vehicles Act. These judgments are in consonance with Article 9(5) of the ICCPR ratified by India, which states that compensation rights for victims of illegal arrest or detention are actionable in a court of law¹¹.

The National Human Rights Commission (NHRC) and the State Human Rights Commissions (SHRCs) are important watchdogs that have powers to probe custodial deaths and suggest compensation. However, the effectiveness of such interventions has been called into question. Between 2010-11 and 2021-22, the NHRC recorded an average of over 1,700 cases on custodial deaths every year but serious punitive action remains the exception. Recent cases illustrate the role of, and the limits to, the Commission. The NHRC has issued notices to DGP and Police Commissioner in the *Sai Krishna* custodial death case (2026) expressing concern over alleged illegal detention, custodial violence and destruction of evidence including deletion of CCTV footage and cremation of the body to conceal evidence. In another case, the NHRC directed Rs 50,000 compensation to the family of a tribal youth who died after custodial torture in

⁹ (*Nilabati Behera v. State of Orissa*, 1993)

¹⁰ (*Paramvir Singh Saini v. Baljit Singh & Others*, 2020)

¹¹ (*Subhiksha Bharath*, 2026)

Telangana after the government failed to reply to show-cause notices¹².

The Maharashtra government's 2026 guidelines are a major step toward institutionalizing accountability, with the Crime Branch investigating in Mumbai and the State CID investigating across the rest of the state. These guidelines stipulate the immediate protocols including Securing the Scene of Occurrence Registration as Accidental Death on CCTNS Mandatory 24-hour reporting to NHRC/SHRC Mandatory magisterial inquiries under BNSS Video-recorded inquests with family inclusion Post-mortems by panels of three expert medical officers with audio-video recording. In case of suspicion of torture, forensic teams have to visit the spot with the help of eSakshya system and the Call Detail Records of the officers involved have to be analyzed. The guidelines also require CCTV surveillance, live display monitors in police station rooms and medical examinations prior to formal arrest to record existing injuries. Surprise inspections by State-Level and District-Level Oversight Committees¹³.

The most important gap identified in literature is the accountability deficit. Given the scale of custodial deaths, the rarity of conviction in custodial death cases is stark. Between 2018 and 2023, there were no custodial death cases with conviction. More than 300 judicial probes into custodial deaths between 2017 and 2022 failed to result in a single conviction. A rare exception is the Sathankulam case (2020) where P. Jayaraj and his son P. Bennix died after being tortured in custody, and where nine police officers were sentenced to death in 2026. But Amnesty International said the death penalty was not justice but "a deflection from the deeper reforms urgently required". This accountability deficit is a result of systemic failures: routine torture, weak oversight, a culture of impunity and institutional protection of errant officials¹⁴.

Gaps Between Law and Implementation

Non-Ratification of the UNCAT

Although India signed the United Nations Convention against Torture (UNCAT) in 1997, it has not ratified it, largely because ratification would require domestic legislation that has not been forthcoming. But no law has been passed, although the Law Commission's 273rd Report (2017) drafted a new Bill and called on Parliament to act. The absence of a specific anti-torture law, along with institutional biases and lack of transparency, continues to impede justice, scholars say. India has been put in the "high risk" tier for custodial violence in the Global Torture Index 2025. Amnesty International notes that even if not ratified, the ban on torture is

¹² (Srinivas, 2026)

¹³ (The SC's push for CCTV accountability, 2025)

¹⁴ (Murders of P. Jayaraj and J. Bennix, 2026)

part of customary international law and applies to all people in all situations.

Implementation Failure

Judicial directives and executive action: the recurring theme in scholarship. Continued defiance of CCTV norms, late medical examinations, evidence tampering and victim family intimidation are illustrative of the disconnect between constitutional safeguards and ground level reality. Wondering why there were no functional CCTV cameras, the Supreme Court, taking suo motu cognizance of a PIL in September 2025 on the basis of a newspaper report exposing 11 deaths in Rajasthan police custody in just eight months, had directed all states to file compliance affidavits. The Court's frustration is a reflection of the long history of reform efforts that have been ignored, from the National Police Commission reports (1977-81) to the Prakash Singh judgment (2006), change has remained elusive. The reason for the persistence of custodial violence is that such violence "thrives in opacity" and the state machinery shows little urgency to disrupt this culture.

Evidentiary and Investigative Challenges

Scholars have identified systemic obstacles to studying custodial deaths. Fragmented and conflicting legislation, institutionally conflicted investigations and evidence scattered due to record control, delays in medical documentation and intimidation have been identified. The Sai Krishna case is a classic example of such difficulties with allegations of deliberate deletion of CCTV footage, cremation of the body and disposal of the ashes to get rid of evidence. The Maharashtra guidelines attempt to address these issues by prescribing mandatory forensic rigor, multi-angle video recording of inquests, and seizure of digital evidence under Section 63 of the BSA. But implementation around the country remains inconsistent.

Constitutional and Legal Foundations of Custodial Rights

Article 21 and State Obligation

Persons in custody have the right to life and personal liberty under Article 21 and they continue to enjoy constitutional protection. The Supreme Court has ruled that persons in custody are protected by Article 21 and any custodial death, "whether attributed to violence, negligence, unexplained circumstances or even suicide, demands judicial scrutiny". This constitutional basis creates a higher duty for the State to protect detainees.

Article 22 Safeguards

Article 22 provides protection against arbitrary arrest and detention, requiring:

- Information of grounds for arrest
- Production before a magistrate within 24 hours
- Right to consult a legal practitioner

Article 22 provides protection against Arbitrary Arrest and Detention. It seeks to prevent abuse of police powers. It allows to know the reasons for arrest, the right to legal counsel and production before a magistrate within 24 hours. These safeguards are particularly relevant in cases of custodial death, to ensure transparency, accountability and protection of human dignity. Thus, Article 22 is an important constitutional device to protect individuals from the actions of the State illegally and custodial violence.

Article 20(3) Protection

Excessive force, torture or inhuman treatment during interrogation are the usual causes of custodial deaths. Law enforcement officials may try to obtain confessions through unlawful means in many cases, disregarding the constitutional rights of the detainees, which is not admissible in the court. These practices directly violate Article 20(3) because any confession obtained by coercion is incompatible with the prohibition of self-incrimination. Officials are more likely to use torture and intimidation to extract information, resulting in more frequent incidents of serious injury or death in custody. Therefore, Article 20(3) has a preventive function in that it discourages the use of coercive interrogation methods and promotes lawful investigative methods.

Article 20(3) is an important constitutional protection against self-incrimination and coercive interrogation of the accused. When considering custodial deaths, it is an important mechanism to prevent torture and custodial abuse. Article 20(3) protects the fundamental rights against custodial violence by prohibiting the compulsion of any person to be a witness against himself thereby protecting the principles of human dignity, fairness and the rule of law.

Judicial Safeguards and Procedural Directives

D.K. Basu Guidelines (1996): The Supreme Court described custodial torture as “an assault on the rule of law” and laid down eleven binding procedural safeguards for arrest and detention. These safeguards include the handling of arrest memos, notification of relatives, medical examinations, access to legal aid and prompt production before magistrates.

Paramvir Singh Saini Vs Framework (2020): This landmark judgment laid down a comprehensive framework for surveillance based oversight of police stations. The Court had directed the installation of CCTV cameras at entry and exit points, lock-ups, corridors, lobbies and interrogation rooms with strict specifications regarding audio-video recording, nite vision, uninterrupted power supply, stable internet and preservation of footage for a minimum of one year (preferably 18 months) and many stations have not complied with the order yet.

Prakash Singh Directives (2006): The Supreme Court mandated the establishment of independent Police Complaints Authorities (PCAs) at the state and district levels, to be headed by retired judges, to investigate allegations of police misconduct. These authorities are vested with the power to take cognizance of allegations involving death, grievous hurt or rape in police custody. The PCA has not been effectively and independently implemented by many states.

Statutory Framework Under New Criminal Laws

Section 196 BNSS - Magisterial Inquiry: The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 mandates that a Magistrate must investigate circumstances when a person dies or goes missing while in police custody. Key provisions include:

- Power to record evidence and summon witnesses
- Medico-legal examination within 24 hours (unless valid reasons given)
- Notification to relatives with opportunity to attend inquiries
- Power to order exhumation for post-mortem

Section 196 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, strengthens accountability in cases of custodial deaths, disappearances and alleged abuse, by mandating an independent Magisterial Inquiry whenever a person dies, disappears or is alleged to have been subjected to misconduct while in police custody. Although the provision is available still the custodial death is common in India due to the inactivity of the higher authorities on the custodial death.

Section 379 BNSS - Criminalisation of Torture: Section 379 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) makes provisions for a judicial remedy for certain offenses affecting the administration of justice. Section 379 does not create an offense of torture or prescribe punishment for custodial torture. It is not the “criminalisation of torture” as it has been termed. It lays down the procedure to be followed in the case of an offense covered by Section 215 BNSS, which appears to have been committed in connection with a court proceeding or in relation to a document produced or given in evidence before the court. Where the court is of

the opinion that an inquiry is necessary in the interests of justice, it may hold a preliminary inquiry, record its finding, make a written complaint and forward the matter to a competent Magistrate for further proceedings. The provision thus reinforces the judicial control over offenses which may have an impact on the integrity of court proceedings and provides that the prosecution of such offenses is initiated through a legally regulated process and not an unbridled police mechanism.

CCTV Surveillance Architecture and Implementation

The Kerala Model as Benchmark: Kerala has implemented a comprehensive CCTV system across its approximately 550 police stations, covering the entire station premises (excluding toilets) and going beyond Supreme Court requirements. The system features:

- Centralised dashboard system for remote monitoring from district headquarters
- Mobile application access for authorised senior officers
- Live feed monitoring capability
- Two ONVIF cameras with monitoring systems at district control rooms installed in 272 police stations since 2018

Technical Specifications:

- Night vision capability
- Audio and video recording
- Uninterrupted power supply
- Stable internet connectivity
- Minimum 12-month storage capacity

Constitutional Obligation: The Supreme Court has stressed that the installation of CCTV is not just an administrative matter but a constitutional obligation under Articles 21 (right to life and dignity) and 22 (protection against arbitrary arrest). Station House Officers have been made personally responsible for the maintenance of systems and preservation of recordings and this should be followed all over India in public offices and specifically for the police stations and jails.

Reform Proposals and Preventive Measures

Legal Reforms

Scholars and institutions have suggested a host of reforms to address the crisis of custodial deaths. There is a strong demand for a separate anti-torture law defining torture, prescribing punishment and providing for compensation. Ratification of UNCAT is considered an important step in legally binding India to international standards. The Law Commission's 273rd Report and the Prevention of Torture Bill, 2010 provide templates for legislation. The Maharashtra government's compensation framework – Rs 1 lakh for deaths caused due to police negligence and Rs 1.5 lakh where criminal cases are registered against officials – is a step toward standardized compensation. Courts have directed that guidelines for compensation should be framed on the basis of multiplier method.

Institutional and Procedural Reforms

Proposed institutional reforms include independent investigations, strengthened oversight committees, mandatory CCTV surveillance with 12-month backup, surprise inspections by judicial magistrates, and medical examinations before and during detention. The Supreme Court's directive that Station House Officers be personally responsible for maintaining CCTV systems is significant. Scholars advocate for transforming policing culture from a "force" to a "service," professional policing, and greater transparency. Institutional reform must be complemented by strict enforcement of existing safeguards, independent fact-finding systems that cannot be manipulated, and mechanistic systems of legal liability.

Dedicated Surveillance Mechanisms

Mandatory Judicial Inquiry

Section 196 BNSS requires magistrates to investigate every custodial death with powers equal to those of a civil court. The inquiry can be conducted jointly with, or in lieu of, a police investigation. Also, High Courts have directed the Chief Judicial Magistrates to conduct surprise inspections at random of police stations to check the functionality of CCTV systems. This proactive monitoring is meant to ensure compliance and to check for malfunctions before they become the basis for custodial death cases. New guidelines state that inquests must be video recorded and that the family must be involved to ensure the first investigation into deaths in custody is transparent.

CCTV Monitoring by Special Team

Custodial violence is a blot on the system today, in the shadows, as the Supreme Court noted, “Custodial violence and deaths are a blot on the system”. Supreme Court-praised “Kerala Model” of CCTV coverage:

- In Kerala, a centralized dashboard system allows senior police officers to view live footage on their mobile phones.
- CCTV coverage of entire station premises except toilets, in addition to the original requirements of the Supreme Court.

The Supreme Court has also suggested that CCTV feeds should be sent to a “centralised agency” and not just local police to avoid tampering and to take corrective action in case of camera failure and has been urging other states to follow this model. Just like the Passport service has been handed to a center, the CCTV monitoring and alerting should be done by a special team at the center.

AI-Powered Monitoring

The Court has also pointed out the possible role of Artificial Intelligence (AI) in improving transparency and accountability in police stations and other custodial institutions. It suggested roping in reputed technical institutions like Indian Institutes of Technology (IITs) in the development of AI-based software that would be able to monitor CCTV feeds round the clock. Such a system could automatically detect interruptions, camera shutdowns, tampering, unusual gaps in recording or other attempts to interfere with surveillance. Automated monitoring with standard artificial intelligence can reduce over-reliance on human supervision and provide an automated mechanism for early identification of potential violations. The system can also raise alerts in real time if a CCTV camera is deliberately switched off or its recording interrupted, thus providing an additional layer of institutional accountability. Well-designed AI surveillance can ensure that CCTV systems operate continuously and custodial activities are subject to independent technological oversight. At the same time, safeguards relating to privacy, data security, access control, retention of footage, and protection against misuse of AI-generated alerts would be necessary to ensure that technological monitoring itself remains consistent with constitutional guaranties of dignity, privacy, and due process.

What happens when the CCTV system itself fails?

A camera can be turned off. A recording DVR may break down. Network connectivity can go away. Storage may not be available anymore. Footage can be swapped out. A camera may be

theoretically possible but not practically useful. Thus, the central problem is no longer just the absence of CCTV cameras. What is missing is an independent monitoring architecture that can ensure that CCTV systems are always operational and violations are detected before they become irreversible.

So, the presence of a camera does not necessarily prove the presence of surveillance. Then a useful distinction could be made between four levels:

Level	System	Legal significance
Level 1	Camera installed	Physical compliance
Level 2	Camera recording	Functional compliance
Level 3	Footage independently preserved	Evidentiary compliance
Level 4	Independent real-time monitoring	Preventive accountability

This is a crucial distinction, because a CCTV system might satisfy the first level requirement but not the third or fourth. Recent judicial proceedings have shown this very concern. The Supreme Court has raised questions about the working of CCTV systems and whether the feeds from cameras should go to a centralized agency so that technical breakdowns can be detected at once.

Every district will have a secure centralized platform to monitor CCTV linked to the police stations. Specially designated team could access the system according to the regulated roster and they forward the incidents to the magistrate periodically and if there are any threats in the zone, they may alert the magistrate immediately.

CCTV → Central Server → AI Monitoring → Alert Engine → Special Team → Dashboard → Intervention

Institutional Oversight and Accountability

The National Human Rights Commission (NHRC) and State Human Rights Commissions (SHRCs) have a very important role to play in dealing with custodial deaths, torture, illegal detention and other human rights violations by public authorities. These institutions provide an independent forum for victims and their families to seek reparation, to investigate allegations of human rights violations, to call for reports from public authorities and to recommend compensation and appropriate remedial measures. The main disadvantage is that the recommendations of human rights commissions are usually recommendatory and not directly enforceable, thus lessening their practical effect when government authorities fail to implement

them in time. Police are the authorities responsible for enforcing the law and they fail to take action against the other police when they do wrong.

The Police Complaints Authorities (PCAs) at the state and district levels are meant to provide an independent mechanism for receiving and inquiring into complaints against police personnel, especially allegations of serious misconduct, abuse of authority, custodial violence, illegal detention, torture and dereliction of duty. They are important because they give citizens a way to seek justice outside the immediate police chain of command and thus reduce the risk of bias in the department when citizens complain about police officers. Nevertheless, several structural and implementation-related limitations still prevent PCAs from being more effective. Serving police officers' presence or influence creates a conflict of interest potential and compromises the perceived independence of the authority. Similarly, the lack of transparent and truly independent appointment procedures may allow the executive or the police to influence the functioning of the PCA. In a number of States the recommendations of the Authorities are not sufficiently backed by binding enforcement mechanisms, with the result that they are delayed or not complied with by the relevant police or government authorities. Another major weakness is the absence of an effective and accessible complaint mechanism in practice, especially where citizens are not aware of the PCA, have difficulties in filing complaints or do not have information about the progress and outcome of their complaints. Thus, establishing PCAs in law alone is insufficient. They need to be institutionally independent, have adequate financial and investigative resources, transparent appointment procedures and accessible channels for complaints, and effective means to ensure compliance with their findings. Most notably, police personnel found guilty of obstruction of investigations, suppression of complaints, manipulation of records or otherwise interfering with the administration of justice should face appropriate disciplinary action and, where applicable, criminal action. This is critical so that the police accountability mechanism in itself does not become a further obstacle to justice.

From 'Force' to 'Service' Culture

The fact that custodial deaths continue to occur despite judicial safeguards is indicative of a deeper cultural failure. The gap between judicial directions and executive action has helped custodial violence to fester. The Supreme Court's frustration is born of decades of ignored reform efforts including the National Police Commission (1977-81) and the landmark Prakash Singh judgment (2006). We have to change our notion of the police from a "force" to a "service." The change has to be driven by relentless, institutionalized accountability where the

executive is bound by clear legal and procedural rules, not optional circulars.

Conclusion

The literature presents a disturbing paradox: despite constitutional guarantees, legislative provisions and a long line of judicial safeguards, custodial deaths continue in India and convictions are exceedingly rare. The legal framework is substantively robust but its implementation is undermined by weak enforcement, institutional bias, lack of transparency and a culture of impunity. India's failure to enact a separate anti-torture law and to ratify UNCAT is indicative of the ambivalent approach of India to international human rights obligations. Recent interventions by the judiciary, including ordering the installation of CCTV cameras in the Paramvir Singh Saini case and taking up PILs on its own, are a testimony to its resolve, but compliance with these directions has been patchy. The literature consistently stresses that preventing custodial deaths requires not simply legislative action but a fundamental transformation in law enforcement culture, independent investigations, institutional accountability and greater transparency. Constitutional principles must become routine institutional practice, and custody must not be a "hiding place behind which law enforcement officers can escape the grip of accountability" if prevention is to be effective.

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This response is AI-generated, for reference only.

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