

The background of the journal cover features a top-down view of a desk. On the left, a pair of black leather brogue shoes is partially visible. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag with a zipper and a black leather watch with a silver face are also visible. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

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# **“CUSTODIAL DEATHS AND POLICE ACCOUNTABILITY IN INDIA”**

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## **ABSTRACT**

Custodial deaths in India highlight a serious disconnect between the law and actual justice. These aren't just one-off events, they serve as painful reminders of what can go wrong when state power isn't properly checked and accountability is lacking. This study delves into custodial deaths in India, particularly focusing on police accountability. It raises the question of why these deaths keep happening despite the legal protections and judicial guidelines that are supposed to safeguard against them. It evaluates the constitutional validity under article of 14, 20, 21 of Constitution of India, focusing on right to life, personal liberty, dignity and equality. The research examines factors like custodial torture, negligence, the delay in providing medical care, shoddy investigations, and a culture of silence within institutions that allow these tragedies to keep recurring. Additionally, it looks into the struggles victims' families face when seeking truth and justice in a system that can often feel slow, unclear, and resistant to change. By scrutinizing legal standards, official documentation, and significant cases, the study argues that real accountability involves more than just punishing those responsible after a death; it needs proactive measures, transparency, and a genuine respect for human dignity throughout all levels of policing.

## **CHAPTER 1:**

### **INTRODUCTION:**

Custodial deaths in India are a major concern since they highlight the disconnect between justice ideals and actual law enforcement practices. When someone dies in police custody, it brings up troubling questions about safety, dignity, and the potential abuse of power by those

meant to protect citizens. These incidents go beyond legal matters; they're human tragedies that impact families, communities, and the overall trust in public institutions.

In a democracy like India, the police are supposed to uphold law and order while also respecting people's constitutional rights. Yet, persistent reports of custodial violence, torture, and slow accountability show that the system still has a long way to go in terms of transparency and self-restraint. Many victims come from vulnerable populations that often lack the power to advocate for themselves, which makes this issue even graver.

Holding police accountable is vital to preventing such abuses. If investigations aren't independent, if action is delayed, and if there aren't strict consequences for misconduct, then custodial deaths can continue unchecked. This research looks into not only the reasons behind custodial deaths but also the gaps in policing and oversight that let these incidents happen.

This topic matters because it touches on human rights and the trustworthiness of our justice system. A just and accountable police force is key to safeguarding lives, fostering public confidence, and ensuring that power is exercised responsibly.

### **1.1 Definition and scope of custodial death:**

#### **DEFINITION:**

Custodial death refers to the death of a person while under the control of the police, prison authorities, or any other agency responsible for detention. It can happen during arrest, questioning, transport, or confinement. Such a death may result from torture, physical violence, lack of medical attention, or mishandling by authorities. This situation highlights a failure of the state to protect the life and dignity of someone in its care. A custodial death is not just a legal issue; it is also a significant human rights concern. It shows the state's responsibility to ensure that no person suffers harm while in custody, no matter the allegations against them. Since custody places a person entirely under official control, any loss of life in that context requires thorough scrutiny, transparency, and accountability.

#### **SCOPE:**

The issue of custodial deaths is vast because it involves more than just the death of one person. It connects to several crucial areas, including law, administration, and human rights. It relates to police custody, judicial custody, prison conditions, interrogation methods, and how detainees are treated by the state. The topic also addresses the legal protections meant to stop abuse and the practical failures that allow these deaths to occur.

This subject also looks at police accountability, judicial oversight, medical care in custody,

and the state's duty to protect life and dignity. It explores how investigations proceed after a custodial death, whether they are fair and independent, and what kind of actions follow misconduct. The issue affects victims' families, public trust in law enforcement, and highlights the need for reforms in the justice system. More broadly, this issue helps us grasp how power is used by the state and the risks it poses to vulnerable individuals when checks and balances are weak. Therefore, it is not just a criminal justice matter but also a social and constitutional one.

## **1.2 Objectives and methodology of the research OBJECTIVES:**

The main goal of this study is to look at custodial deaths in India and see how they relate to police accountability. It aims to identify the reasons for deaths in custody, including abuse, negligence, and insufficient oversight. The study also intends to check the legal protections available for detainees and evaluate how well they are put into practice. Another goal is to understand the role of police and detention authorities in preventing these deaths. It also focuses on how custodial deaths affect victims' families, public trust, and the credibility of the justice system. Additionally, the study seeks to suggest ways to reduce these incidents and improve accountability within law enforcement agencies.

## **METHODOLOGY:**

This study takes a qualitative and analytical approach. It looks at existing laws, constitutional provisions, court decisions, reports, and scholarly articles about custodial deaths and police accountability in India. Additionally, it dives into secondary sources like articles, books, legal commentaries, and public reports to get a better grasp of the legal and social backdrop of this issue. Being descriptive, the study aims to clarify the meaning, causes, and effects of custodial deaths in a straightforward and organized manner. It's analytical too since it assesses how effective the current safeguards and accountability systems are. By blending these approaches, the study seeks to provide a well-rounded view of the problem and pinpoint where reforms are necessary.

The research mainly relies on secondary data, using information that's already out there instead of gathering new data through fieldwork or interviews. This method works well for a topic that requires a legal and institutional perspective. It allows for a clear academic understanding of the issue, while keeping things simple, focused, and suitable for college-level projects.

## **CHAPTER 2: Historical and Legal Background Historical Background**

Over time, custodial deaths in India have turned into a serious issue, highlighting the ongoing abuse of power in places where people are supposed to feel safe under state authority. For years, this problem flew under the radar, as victims often lacked the power to raise their voices, and families found it tough to take on the system. Slowly, though, public awareness grew thanks to media coverage, discussions about rights, and attention from the courts, revealing that custodial violence isn't just an odd incident—it's a sign of a bigger structural issue. As cases of torture, wrongful detention, and unexplained deaths in police custody began to capture national attention, the problem became much more visible. These incidents laid bare the gap between what the Constitution promises and what actually happens on the ground. Courts and human rights organizations began to see custodial deaths as not just personal tragedies but as matters of public interest, which played a big role in shaping the ongoing discussion about police accountability.

### **Legal Background:**

In India, the legal framework surrounding custodial deaths revolves around the protection of life, liberty, and dignity. The Constitution ensures these rights, putting the onus on the state to make sure no one suffers harm while in custody. Beyond this constitutional guarantee, criminal procedure rules dictate that police must adhere to lawful practices during arrests, detentions, and interrogations, all while respecting the health and basic rights of those being held. Judicial oversight has been crucial in reinforcing these laws. Courts have been vocal about the fact that custody shouldn't be a breeding ground for abuse, insisting that police officers remain within legal boundaries. Important judicial guidelines, particularly regarding arrest protocols, access to medical care, and accountability, have become integral to the legal system. Additionally, human rights organizations have highlighted the importance of thorough documentation, independent investigations, and fair compensation in situations where a death occurs in custody.

### **2.1 Evolution of custodial practices in India**

Custodial practices in India have evolved over the years, but the core idea of controlling those accused hasn't really changed. In the past, custody was often tied to punishment and intimidation, with confessions being forced rather than obtained through lawful investigation. Eventually, the legal system started to recognize that custody needs to be regulated and that

anyone under state control should maintain their basic human dignity. Back during the colonial era, police and prison systems were set up more for control rather than for protection. Laws like the Police Act of 1861 and the Prisons Act of 1894 gave authorities a lot of power, promoting a harsh enforcement style that continued to impact Indian policing even after Independence. Since these systems didn't focus on rights and accountability, custodial abuse could happen with little oversight.

After Independence, India kept much of the colonial system, but constitutional values started to change how custody was approached. Courts began to highlight the importance of the right to life, personal liberty, and fair treatment, which slowly shifted perceptions around detention and interrogation. A significant turning point was the D.K. Basu v. State of West Bengal case in 1997, where the Supreme Court introduced important safeguards like arrest memos, medical exams, access to legal representation, and proper custody documentation.

These days, custodial practices are supposed to align with human rights standards, but the reality often falls short. Measures like CCTV monitoring, independent inquiries, and accountability practices have been brought in due to ongoing concerns, but adherence is still inconsistent in various regions. This highlights that the change in custodial practices in India isn't just about legal reforms; it's an ongoing struggle between state power and individual rights.

## **2.2 Key constitutional provisions (e.g., Article 21 – Right to Life)**

The Constitution of India places a high value on human life and liberty. Article 21 defends individuals from unlawful harm, while Article 22 restricts arbitrary arrests and detentions. Together, these articles work to ensure that custody remains free from fear, violence, and injustice. The foundation for safeguarding individuals in custody is rooted in Article 21 of the Constitution, which ensures the right to life and personal liberty. Simply put, this means no one can be deprived of their life or freedom unless it's done through a fair and lawful process. This article serves as a key protection against the abuse of power in custody situations. It's a reminder to the state that even if someone is in custody, they still possess basic human dignity. Then there's Article 22, which is also crucial as it offers protection against arbitrary arrests and detentions. This article mandates that anyone who is arrested must be informed of the reasons for their arrest and has the right to legal help. These protections are essential because custody shouldn't become a place where rights disappear.

Moreover, the courts have played a significant role in reinforcing these rights through their interpretations. Landmark cases like Maneka Gandhi and D.K. Basu broadened the concept of personal liberty, highlighting the need for fairness, reasonableness, medical care, and

appropriate arrest procedures. This illustrates that constitutional protections go beyond just the written words; they really depend on how the law is applied in practice.

### **2.3 Relevant laws: IPC Sections 330, 331, 348; CrPC; Indian Evidence Act**

In India, there's a legal framework that focuses on custodial deaths, which includes laws tackling abuse, unlawful confinement, and the misuse of power during interrogations. These laws are crucial since they help keep police conduct in check and protect individuals from torture or detention without cause. Essentially, they reinforce the idea that law applies even in custody and that officers must operate within defined legal boundaries.

Sections 330 and 331 of the Indian Penal Code deal with the act of causing harm to someone to force a confession or gather information. These laws are particularly relevant in custodial contexts because they highlight that using violence during interrogations isn't just wrong—it's also a crime. Section 348 deals with wrongful confinement aimed at extorting confessions or information, making it a vital protection against illegal detention practices.

The Code of Criminal Procedure is also key in overseeing arrests and detentions. It outlines how arrests should be conducted lawfully, including the process for presenting individuals before a magistrate, medical check-ups in certain situations, and various safeguards to prevent the misuse of power. These guidelines aim to make sure that custody is handled legally, responsibly, and openly, rather than being arbitrary.

The Indian Evidence Act backs up this legal framework by restricting the use of confessions obtained through coercion or intimidation. This is important as it discourages torture as a way of investigating and helps maintain the integrity of criminal trials. Together, these laws embody the belief that no confession or result justifies a breach of human dignity.

### **2.3 International human rights standards (e.g., UNCAT)**

International human rights standards clearly state that no one should be tortured or treated in a cruel, degrading, or inhuman manner, even when they're in custody. These standards are crucial because they hold the state accountable for protecting individuals who are completely under its control. In cases of custodial deaths, these issues highlight that it's not just a national problem but a broader global human rights issue.

One key document in this arena is the United Nations Convention Against Torture (UNCAT). This convention flatly rejects torture in all its forms and mandates that governments must prevent it, conduct thorough investigations, and hold those responsible accountable. It stresses that no emergency or official reason can justify torture, making this protection absolute and

non-negotiable.

These standards are particularly significant for India as they establish a moral and legal framework for police behavior, detention practices, and accountability. They reinforce the idea that custody should never serve as an excuse for violence or abuse. For your project, this section can serve as a reminder that human dignity must be preserved, even when someone is arrested or detained.

### **HYPOTHESIS:**

In India, custodial deaths frequently occur due to a lack of accountability among police, inadequate oversight, and abuse of power during arrests and detentions. This study starts from the idea that when legal protections aren't enforced properly, the chances of mistreatment in custody go up. It also suggests that better monitoring, quicker responses, and more transparency could help reduce these deaths and build public trust in law enforcement. Another point to consider is that these deaths aren't just random events; they highlight larger issues within the criminal justice system. If we can improve police training, establish independent inquiries, and strengthen accountability measures, we're likely to see a drop in custodial violence. But if these protections remain weak, the issue will probably persist.

### **ACCOUNTABILITY OF POLICE:**

Police accountability is all about making sure that officers are held responsible for how they wield their power. This means they shouldn't misuse their authority or act outside the law, and they definitely shouldn't mistreat anyone in custody. In a democracy, this accountability is crucial because the police hold a significant amount of power, and that needs to be balanced with responsibility.

In India, there are both internal and external ways to ensure police accountability. Internally, it's about supervision within the police force, disciplinary actions, and following service rules. External accountability comes from sources like the courts, human rights organizations, complaint authorities, the media, and public oversight. These systems are designed to prevent abuse and deal with any wrongdoing that happens.

So, in simpler terms, police accountability means that the police have to act lawfully, fairly, and with respect while serving the public. It's critical because people in custody rely entirely on the police for their safety, and any betrayal of that trust can lead to serious consequences. Good accountability not only safeguards human rights but also maintains public trust in the justice system.

## **LEGAL AND CONSTITUTIONAL FRAMEWORK:**

In India, the legal and constitutional guidelines surrounding custodial deaths aim to keep police powers within the boundaries of the law. They acknowledge that individuals in custody still have rights to life, dignity, and fair treatment. This is crucial because being in custody shouldn't mean losing constitutional protections.

Here are some important points to remember:

- \* Article 21 ensures the right to life and personal liberty.
- \* Article 22 offers protection against arbitrary arrest and detention.
- \* Sections 330, 331, and 348 of the IPC penalize the use of harm, serious harm, and wrongful detention to force confessions or information.

The Code of Criminal Procedure outlines the rules for lawful arrests, remand, medical exams, and presenting individuals before a magistrate.

The Indian Evidence Act disallows confessions gained through torture, threats, or coercion. Courts have reinforced these protections with judicial guidance and compensation for victims of custodial abuse. Custodial deaths are not just the fault of individual police officers; they're indicative of a broader systemic failure. Together, the Constitution, criminal laws, and judicial rulings create a safety net designed to curb the misuse of power. When these protections are effectively put into practice, they promote a custody process that is lawful, transparent, and humane.

## **Reform Measures**

To really cut down on custodial deaths, the justice system needs to prioritize prevention just as much as it does punishment. We should focus on making the custody process safer, clearer, and more accountable at every level. It's not enough to just react after something bad happens; we need to set things up so that abuse is much less likely in the first place.

### **Important Measures**

1. There should be independent investigations into every custodial death to ensure fairness and to avoid bias from the department involved.
2. Police stations, lockups, and prisons need regular checkups, especially looking at hygiene, safety, and living conditions.
3. It's crucial to have CCTV monitoring in custody areas, along with proper handling and review of the footage.
4. Police officers should be trained in lawful interrogation methods, human rights, and how to treat detainees with respect.

5. After an arrest, there should be an immediate medical check-up and quick access to treatment when necessary.
6. There needs to be strong disciplinary actions for officers found guilty of torture, negligence, or illegal detention.
7. Access to lawyers and legal aid should be improved for arrested individuals, particularly for those who are poor or vulnerable.
8. Keeping clear records of arrests, interrogations, and detentions is essential to avoid hiding any wrongdoing.
9. Families impacted by custodial deaths should receive compensation and timely support.

These measures are crucial because custodial abuse tends to thrive in systems where power is unchecked and accountability is lacking. By creating a more transparent, humane, and disciplined system, we can help protect lives and rebuild public trust. Reform isn't just a nice idea, it's absolutely necessary for justice.

### **CONCLUSION:**

Custodial deaths in India highlight a harsh reality: when the state has control over someone's body and freedom, that authority should come with responsibility, caution, and a sense of humanity. Every death behind bars is more than just a legal issue; it's a betrayal that erodes trust in the police, the legal system, and the idea of justice itself. This study reveals that while laws and constitutional rights are in place, their effectiveness relies on genuine enforcement. A system that permits violence, silence, or delays in custody can't be considered truly just. What we need now goes beyond punishment after the fact; it requires a stronger focus on prevention, transparency, and accountability. In the end, custodial deaths should serve as a reminder that the real strength of a democracy is not measured by how it wields power over the vulnerable, but rather by how it safeguards them. Justice only holds real meaning when being in custody no longer brings fear, and when the law genuinely protects human dignity.