



Original Article

Custodial Deaths and The Role of Indian Judiciary: A Critical study

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Abstract

Custodial deaths continue to be a significant concern in India, raising critical questions about human rights violations, accountability, and the effectiveness of the judicial system in addressing such issues. This paper provides a critical analysis of custodial deaths and the role of the Indian judiciary in preventing and addressing them. Custodial deaths refer to the deaths of individuals while in the custody of law enforcement agencies, often resulting from torture, abuse, or neglect. The paper examines the legal framework governing custodial deaths, focusing on constitutional provisions, domestic laws, and international human rights standards. It delves into the role of the judiciary in investigating, adjudicating, and holding perpetrators accountable, as well as its responsibility to ensure justice for victims' families. This study further analyzes landmark judgments that have shaped the discourse around custodial deaths and explores the challenges faced by the judiciary in delivering justice in these cases, such as political influence, inadequate investigations, and lack of police accountability. The research argues for stronger accountability mechanisms, independent oversight of law enforcement agencies, and prompt judicial redress to prevent custodial brutality. It suggests adopting international best practices, including ratifying the UN Convention Against Torture (UNCAT), as a step toward aligning Indian practices with global human rights standards.

Ultimately, this study calls upon the judiciary not only to issue guidelines but to ensure their rigorous enforcement through judicial activism, monitoring, and collaboration with civil society. It emphasizes that the judiciary must act as a guardian of constitutional rights and a check against state excesses to protect the most vulnerable in custody.

Keywords: - Custodial Deaths, Indian Judiciary, Human Rights, Police Brutality, Judicial Activism, Supreme Court, Constitutional Rights, Torture in Custody, Rule of Law, Accountability, Legal Reforms.

Introduction:-

Custodial deaths have emerged as one of the most pressing human rights issues in India, reflecting deep-seated problems within the country's law enforcement and criminal justice systems. The phenomenon of custodial deaths involves individuals dying while in the custody of police, judicial, or other law enforcement agencies. These deaths are often a consequence of police brutality, torture, or neglect during interrogation, and they raise serious concerns regarding the violation of the right to life, which is guaranteed by Article 21 of the Indian Constitution. Despite various legislative and judicial safeguards in place, the issue persists, highlighting significant challenges in ensuring accountability and justice.

The Indian judiciary plays a crucial role in addressing custodial deaths, providing a legal framework to safeguard individuals' rights during detention and investigating instances of death in custody. Judicial interventions through public interest litigation (PIL), landmark judgments, and the invocation of constitutional provisions have been pivotal in creating awareness and pushing for reforms. However, despite these efforts, custodial deaths continue to occur, and the process of seeking justice remains fraught with difficulties such as delays, inadequate investigations, lack of accountability, and political influence. This study aims to critically examine the role of the Indian judiciary in addressing custodial deaths, focusing on the legal frameworks, judicial interventions, and the challenges faced in preventing such occurrences. It will also explore the effectiveness of judicial responses in ensuring justice for victims and their families, identifying gaps in the current system, and proposing measures for reform. Through an analysis of relevant case law, constitutional provisions, and international human rights standards, this paper will assess the judiciary's role in curbing custodial deaths and promoting human dignity and accountability within the law enforcement system.

Review of Literature:-

The issue of custodial deaths and the role of the Indian judiciary in addressing them has been extensively discussed in legal, academic, and human rights literature. Researchers, legal experts, and activists have emphasized the gravity of the problem, the inadequacy of the existing legal mechanisms, and the pivotal role of the judiciary in upholding constitutional rights and ensuring accountability.

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This review synthesizes the key themes and findings from existing literature to provide a comprehensive understanding of the issue.

1. Constitutional and Legal Framework

Several studies highlight the constitutional provisions and legal frameworks that seek to prevent custodial deaths. Article 21 of the Indian Constitution guarantees the right to life and personal liberty, which has been interpreted by the judiciary as encompassing the right to be free from torture and custodial violence. Scholars such as V.R. Krishna Iyer (1981) and M.P. Jain (2004) have argued that custodial deaths constitute a violation of this fundamental right. The Indian Penal Code (IPC), especially Sections 330 and 331, criminalizes the use of torture by police, but the literature often critiques these provisions for their ineffectiveness and the lack of proper implementation.

International human rights law also plays a role in framing the debate on custodial deaths, with India being a signatory to various treaties like the United Nations Convention Against Torture. Works by scholars like Manoj Kumar Sinha (2010) have explored the contradictions between India's international commitments and domestic realities, noting that custodial deaths continue despite India's obligations under international law.

2. Role of the Judiciary in Addressing Custodial Deaths

The role of the judiciary in preventing and addressing custodial deaths is a prominent theme in the literature. Key judicial interventions through Public Interest Litigations (PILs) and landmark rulings, such as the D.K. Basu v. State of West Bengal (1997) case, have been significant in shaping legal safeguards against custodial violence. The Supreme Court's guidelines in D.K. Basu, which mandate certain protections for individuals during arrest and detention, are often cited as a critical judicial contribution to preventing custodial abuse. Scholars like Harsh Mander (2004) have discussed the positive influence of PILs in holding the state accountable for custodial deaths and improving police accountability. However, the literature also critiques the gaps in the judiciary's ability to effectively enforce its own directives and ensure that justice is delivered to victims and their families.

3. Challenges in Investigating and Prosecuting Custodial Deaths

Despite judicial interventions, the literature identifies several systemic challenges in the investigation and prosecution of custodial deaths. A.K. Verma (2005) argues that police are often both the perpetrators and the investigators in custodial death cases, leading to conflicts of interest and biased investigations. Research by Amnesty International (2013) and Human Rights Watch (2014) highlights the lack of independent investigations and the reluctance of authorities to pursue cases of custodial deaths, often due to political influence and corruption. Sujata Manohar (1998) has pointed out the inefficiency of internal police inquiries and the absence of independent oversight bodies as contributing factors that hinder justice in custodial death cases.

4. Judicial Accountability and Delays in Justice

The issue of judicial accountability and delays in justice is another critical area explored in the literature. Ranjan Kumar (2011) critiques the slow pace of judicial proceedings in custodial death cases, noting that families of victims often face years of legal battles without resolution. The problem of backlogs in courts and the lengthy judicial

process make it difficult for victims to attain justice in a timely manner. Shankar Sen (2016) discusses the systemic delays in the judicial process, which, in many cases, lead to impunity for law enforcement officers responsible for custodial deaths.

Methodology:-

This study employs a combination of qualitative and analytical research methods to examine the issue of custodial deaths and the role of the Indian judiciary in addressing them. The research will be based on a review of primary and secondary sources, including case laws, judicial decisions, legal texts, government reports, and relevant scholarly articles. The methodology is designed to critically assess both the legal frameworks surrounding custodial deaths and the effectiveness of judicial interventions in combating this issue.

1. Research Design

This study adopts a descriptive and analytical research design to explore the legal and judicial aspects of custodial deaths. It aims to describe the legal provisions related to custodial deaths and evaluate the role of the judiciary in handling such cases. The research will analyze relevant judicial rulings, particularly from the Supreme Court and High Courts, to understand the evolution of judicial approaches to custodial deaths and the implications of those rulings for the protection of human rights.

2. Data Collection

The data collection process involves gathering primary and secondary sources from a variety of legal and academic platforms.

Primary Sources:

Judicial Decisions and Case Laws:

The study will review landmark cases such as D.K. Basu v. State of West Bengal (1997), Saheli v. Commissioner of Police (1990), and Nandini Satpathy v. P.L. Dani (1978). These cases are pivotal in shaping the judicial perspective on custodial deaths and police accountability.

Constitutional Provisions:

The study will analyze relevant sections of the Indian Constitution, particularly Article 21 (Right to Life), Article 22 (Protection against Arrest and Detention), and provisions of the Indian Penal Code (IPC) related to torture and custodial abuse.

Reports from Regulatory Bodies:

Reports from bodies like the National Human Rights Commission (NHRC), government commissions, and human rights organizations will be examined to gather data on custodial deaths in India.

Secondary Sources: Books, Articles, and Journals:

The study will review scholarly articles, books, and research papers by legal experts, human rights activists, and social scientists that discuss custodial deaths, human rights violations, and judicial accountability.

Government and NGO Reports:

Reports from national and international human rights organizations such as Amnesty International, Human Rights Watch, and National Crime Records Bureau (NCRB) will provide statistical data and insights into the prevalence and causes of custodial deaths in India.

Newspaper and Media Reports:

Media reports and investigative journalism on custodial deaths will be analyzed to understand public discourse and the socio-political implications of the issue.

3. Sampling

For this study, purposive sampling will be used to select key cases that have contributed to the development of legal norms concerning custodial deaths. Landmark judgments, as well as cases of significant public interest, will be prioritized. In addition, reports and documents from human rights organizations and governmental bodies that focus on custodial deaths will be included to provide a comprehensive understanding of the issue.

4. Data Analysis

The data will be analyzed using a thematic analysis approach, focusing on identifying recurring themes, patterns, and legal principles in the case laws and reports.

Legal Framework: Analyzing the legal provisions, judicial interpretations, and constitutional protections regarding custodial deaths, focusing on the rights of detainees and the responsibilities of law enforcement.

Judicial Intervention: Evaluating the role of the judiciary in addressing custodial deaths through judicial activism, PILs, and landmark rulings. The effectiveness of the judiciary in ensuring accountability and delivering justice in custodial death cases will be critically assessed.

Barriers to Justice: Identifying the challenges faced by the judiciary, such as political influence, delays in judicial processes, and insufficient police accountability, and assessing their impact on the administration of justice in custodial death cases.

Reforms and Recommendations: The study will analyze proposed reforms and the role of judicial recommendations in preventing custodial deaths. This will include an assessment of the role of oversight bodies, police reforms, and institutional changes suggested by legal scholars, human rights activists, and judicial authorities.

5. Comparative Analysis

In addition to analyzing domestic legal perspectives, the study will incorporate a comparative analysis of custodial death laws and practices in other democratic countries, such as the United States and the United Kingdom. This will help identify best practices and potential reforms that could be adopted to improve the Indian criminal justice system's handling of custodial deaths.

Recommendations:-

Based on the findings and analysis of the issue of custodial deaths and the role of the Indian judiciary, several recommendations are proposed to strengthen legal safeguards, improve accountability, and ensure that justice is delivered to victims of custodial abuse. These recommendations aim to address systemic issues, enhance the judicial process, and promote the protection of human rights within the criminal justice system.

1. Strengthening Independent Oversight Mechanisms**Establishment of Independent Police Complaints Authorities:**

The creation of independent, autonomous bodies to investigate allegations of custodial deaths and abuse is crucial. These bodies should be separate from law enforcement agencies to ensure unbiased investigations. They should be empowered to conduct investigations, recommend disciplinary actions, and pursue legal actions

against law enforcement officers responsible for custodial deaths.

National Human Rights Commission (NHRC) Empowerment:

The NHRC should be provided with enhanced powers to enforce its recommendations and hold authorities accountable. It should have the authority to take direct legal action in cases of custodial deaths and ensure the timely prosecution of offenders.

2. Reforms in Police Training and Accountability

Comprehensive Police Reforms: Police training programs must be restructured to include comprehensive training on human rights, ethical standards, and procedures to prevent custodial abuse. This training should emphasize the prohibition of torture, the necessity of humane treatment for detainees, and the legal implications of custodial violence.

Incentives for Ethical Conduct: A system of rewards and recognition should be introduced for police officers who demonstrate exemplary conduct in accordance with human rights standards. Similarly, strict penalties should be imposed on officers involved in custodial deaths or torture.

3. Improved Investigation and Transparency

Independent Investigations: Investigations into custodial deaths must be conducted by independent agencies, free from the influence of law enforcement bodies involved in the death. Special investigation teams (SITs) comprising members from outside the local jurisdiction should be constituted for high-profile cases to ensure impartiality.

Transparency in Reporting: Custodial deaths should be mandatorily reported in a transparent and public manner. Police stations should maintain transparent records of all arrests, and any death in custody should be investigated immediately with an independent medical examination to rule out torture or foul play.

4. Judicial Reforms and Expedited Trials

Fast-Tracking Custodial Death Cases: Special fast-track courts should be established to handle cases of custodial deaths and police brutality. This would ensure that cases are heard promptly, minimizing delays in justice for the victims and their families.

Continuous Judicial Oversight:

Courts must monitor the progress of investigations into custodial death cases. Judges should ensure that law enforcement agencies adhere to court orders and provide timely updates on the status of ongoing investigations. Judicial oversight would also discourage attempts to cover up or delay proceedings.

Wider Use of Public Interest Litigations (PILs): The judiciary should encourage the use of PILs to address instances of custodial deaths. This approach would allow courts to take suo-motu notice of widespread abuses and intervene proactively to protect human rights.

Conclusion:-

Custodial deaths continue to be a significant issue within the Indian criminal justice system, highlighting deep-rooted systemic flaws, including abuse of power, inadequate legal safeguards, and a lack of accountability. Despite numerous judicial interventions and landmark judgments, custodial deaths remain prevalent due to issues such as underreporting, weak investigation mechanisms, and political interference. The Indian judiciary, though instrumental in issuing directives and guidelines to prevent custodial torture and deaths, faces significant challenges in ensuring enforcement and accountability.

The role of the judiciary has been pivotal in shaping legal standards to protect individuals in police custody. Landmark judgments, such as *D.K. Basu v. State of West Bengal* and *Saheli v. Commissioner of Police*, have provided essential guidelines for arrest procedures, the treatment of detainees, and the investigation of custodial deaths. However, despite the judicial framework in place, effective implementation remains a critical concern. The lack of an independent and empowered oversight mechanism for investigating custodial deaths, coupled with the slow pace of trials and political influence within law enforcement, often results in a culture of impunity.

This study reveals that there are significant gaps in the legal, institutional, and procedural frameworks necessary to address custodial deaths effectively. The police force remains largely unreformed, and investigations are often marred by bias and a lack of transparency. While the judiciary has made strides in addressing these issues, its capacity to prevent custodial deaths is limited without stronger enforcement of its directives and greater cooperation from other branches of the state. The recommendations proposed in this study, such as the establishment of independent oversight bodies, police reforms, fast-tracking custodial death cases, and strengthening legal provisions, provide a roadmap for addressing the challenges faced by the judiciary in tackling custodial deaths. To make meaningful progress, however, the Indian state must show greater political will, improve institutional mechanisms for accountability, and create a culture of transparency and justice within law enforcement agencies. In conclusion, while the Indian judiciary has played a crucial role in addressing custodial deaths, the problem persists due to systemic inadequacies and a lack of political will. A multi-dimensional approach, involving judicial oversight, police reforms, legislative changes, and a more robust human rights framework, is essential to eliminate custodial deaths and uphold the fundamental rights of individuals in police custody. By adopting the recommendations outlined in this study, India can work toward a criminal justice system that ensures dignity, fairness, and justice for all its citizens.

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Conflicts of Interest

The authors declare that there are no conflicts of interest regarding the publication of this paper

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