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Custodial Deaths in India and the Role of the Indian Judiciary: Accountability, Reforms, and the Struggle for Justice

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Abstract

Custodial deaths have long been one of the most serious human rights concerns in India. Despite constitutional guarantees for life and personal liberty, thousands of cases—ranging from deaths in police custody to those occurring in judicial detention—continue to expose systemic lapses and unchecked abuse of power. The Indian judiciary has, over the years, been at the forefront of interpreting the Constitution, issuing guidelines, and taking suo motu cognizance of abuses. This article examines the multifaceted nature of custodial deaths in India, the legal and constitutional framework that is meant to safeguard detainees' rights, landmark judicial interventions, and the ongoing challenges that remain in ensuring accountability and justice.

Keywords: Custodial Deaths, Police Brutality, Indian Judiciary, Human Rights, Judicial Activism, Article 21, Constitutional Safeguards

I. Introduction

India, the world's largest democracy, enshrines the right to life and personal liberty in its Constitution, most notably in Article 21. The promise of living with dignity, free from inhuman treatment, stands as a cornerstone of the nation's legal order. Yet, despite these guarantees, custodial deaths—deaths occurring while a person is under police or judicial custody—continue to plague the country. These deaths are not only a stain on the nation's human rights record but also raise deep questions about the accountability of state machinery.

The Indian judiciary has played a crucial role in exposing these abuses and setting benchmarks for police conduct. Through landmark cases and judicial activism, the courts have sought to impose accountability on law enforcement agencies and create an enabling environment for human rights. This article reviews the evolution of custodial deaths in India, discusses the legal mechanisms designed to prevent them, and critically analyzes the judiciary's role in curbing state violence.

II. Understanding Custodial Deaths in India

A. Definitions and Distinctions

Custodial death refers to the death of an individual while in the custody of state authorities. In India, the term covers two broad categories:

1. Police Custody Deaths: These occur when a suspect is held at a police station or temporary lockup. Under the Code of Criminal Procedure (CrPC), a person must be produced before a magistrate within 24 hours of arrest. However, failure to adhere to these procedures often leads to abuse and, in extreme cases, death.

2. Judicial Custody Deaths: These deaths occur when a detainee, already produced before a magistrate, remains in custody for extended periods. Judicial custody usually involves confinement in a prison or correctional facility, where the conditions may be substandard and medical care inadequate.

While both forms share common features of state control and vulnerability, the mechanisms for oversight differ. In police custody, the focus is on ensuring that arrest protocols are followed, whereas in judicial custody, the emphasis is on the

conditions of detention and access to healthcare.

B. Statistical Landscape

According to data reported by the National Human Rights Commission (NHRC) and the National Crime Records Bureau (NCRB), the scale of custodial deaths is alarming. For example, in the financial year 2021–22, government reports cited over 2150 deaths in judicial custody and 155 deaths in police custody. These numbers underscore not only the persistence of abusive practices but also the failure of accountability mechanisms at various levels of law enforcement and administration.

III. Constitutional and Legal Framework

A. Constitutional Safeguards

The Indian Constitution is the primary bulwark against state abuses. Several provisions are particularly relevant to protecting the rights of detainees:

Article 21 – Right to Life and Personal Liberty:

This article guarantees that no person shall be deprived of life or personal liberty except according to the procedure established by law. Over the years, the judiciary has expanded the interpretation of Article 21 to include the right to live with human dignity and free from torture or inhuman treatment.

Article 22 – Protection Against Arrest and Detention:

This article provides safeguards against arbitrary arrest and detention. It ensures that a person is informed of the grounds of arrest and has the right to consult and be defended by a legal practitioner.

These constitutional provisions mandate that any deprivation of liberty must adhere to strict procedural safeguards. Failure to do so not only violates the rights of the individual but also undermines public confidence in the justice system.

B. Statutory Provisions

Alongside constitutional guarantees, various statutes provide additional protection:

Code of Criminal Procedure (Cr.P.C): Sections of the CrPC prescribe mandatory procedures for arrest and detention. For example, the requirement to produce an arrested person before a magistrate within 24 hours is intended to prevent extended, unchecked detention that can lead to abuse.

Indian Evidence Act, 1872: Provisions within the Act, such as Sections 24 and 25, render confessions made under duress inadmissible. This is critical in custodial settings, where torture is often used to extract confessions.

Despite these safeguards, implementation on the ground remains inconsistent. The failure to adhere to these provisions has contributed significantly to the occurrence of custodial deaths.

C. International Commitments

India has also signed international instruments such as the United Nations Convention Against Torture. Although India has not fully ratified all of these conventions, their existence adds to the legal and moral pressure on the state to prevent torture and custodial violence.

IV. The Role of the Judiciary in Addressing Custodial Deaths

A. Judicial Activism and Landmark Judgments

Over the past few decades, the Indian judiciary has taken an assertive stance against custodial abuses. Several landmark judgments have set out guidelines and laid the foundation for police reforms. Some of the most significant cases include:

1. D.K. Basu v. State of West Bengal (1997)²

In this case, the Supreme Court laid down detailed guidelines to prevent custodial torture. These include:

Mandating that police officers prepare a “memo of arrest” at the time of arrest.

Requiring that at least one family member or an independent person be present during the arrest process.

Insisting on strict adherence to the rule that a person must be produced before a magistrate within 24 hours.

The Basu guidelines have been repeatedly cited as the touchstone for cases involving custodial violence. They serve as a constant reminder that police power is not absolute and that any breach of these procedures is subject to judicial scrutiny.

2. Nilabati Behera v. State of Orissa (1993)³

In the Nilabati Behera case, the Supreme Court addressed the issue of compensation for victims of custodial death. The court held that the award of

compensation is not merely a private remedy but a public law remedy designed to enforce fundamental rights. This case established that state officials are strictly liable for breaches of fundamental rights, thus opening the door for financial redress to families of custodial death victims.

3. Sohrabuddin Sheikh Case

Although fraught with controversy, the Sohrabuddin Sheikh case highlighted the judiciary’s role in investigating and questioning police narratives. In several instances, the courts have taken suo motu cognizance of custodial deaths and ordered independent inquiries. While criticisms remain about the delays and lack of convictions, such cases underscore the need for a vigilant judiciary that does not shy away from holding law enforcement accountable.

4. Other Cases and Interventions

Judicial interventions in cases such as those of P. Jayaraj and J. Bennicks have drawn national attention. In these cases, the courts ordered thorough forensic investigations, videographed autopsies, and even transferred police personnel implicated in custodial brutality. The judiciary’s intervention has often resulted in public outcry, leading to wider debates on police accountability and reforms.

B. Expanding the Scope of Article 21

The judiciary has consistently interpreted Article 21 to mean more than mere survival. It has recognized that the right to life includes the right to live with dignity. This broader interpretation has been vital in custodial death cases, as it challenges not only the physical abuse but also the neglect and degrading treatment that many detainees face. Through its rulings, the judiciary has affirmed that failure to provide adequate medical care, safe conditions, and humane treatment violates the right to dignity.

C. Mechanisms for Judicial Oversight⁴

Judicial oversight is not limited to issuing guidelines and delivering judgments. Courts have also:

Ordered Judicial Inquiries: In cases of custodial death, the court may order an independent inquiry by a judicial magistrate. For instance, following incidents of custodial violence, some courts have directed that inquiries must be conducted by judges rather than executive magistrates to ensure impartiality.

Monitored Forensic Processes: Courts have increasingly stressed the importance of transparent forensic investigations. The videorecording of autopsies, as mandated in some cases, ensures that the process is open to public scrutiny and minimizes the risk of evidence tampering.

Directed Compensation Schemes: In cases where custodial death is proven, the courts have not only condemned the acts of torture but have also directed state governments to provide compensation to the affected families, acknowledging that monetary redress is a necessary remedy when justice is denied.

D. Challenges and Limitations

Despite a robust constitutional framework and a record of proactive judicial interventions, the fight against custodial deaths faces several challenges:

Implementation Gap: One of the major hurdles is the gap between legal provisions and their actual implementation. Guidelines such as those laid down in D.K. Basu are frequently ignored or only partially enforced by police forces.

Culture of Impunity: A deep-seated culture of “brotherhood” among police officers often protects those implicated in abuse. When the judiciary fails to secure convictions or when departmental inquiries are perfunctory, the perpetrators remain shielded.

Political Interference: Political pressures sometimes lead to the dilution of judicial directives. The reassignments of judges in sensitive cases or the failure to prosecute accused officers are examples of how extrajudicial influences can undermine accountability.

Delay in Justice: The Indian criminal justice system is notorious for its slow pace. Delays in the investigation and trial process mean that even when justice is eventually delivered, it may come too late for the victims and their families.

Resource Constraints: Understaffed forensic labs, inadequate funding for judicial inquiries, and poor prison conditions contribute to the persistence of custodial deaths.

V. Case Studies Illustrating Judicial Intervention

A. The Case of P. Jayaraj and J. Bennicks

In June 2020, the arrest and subsequent death of shopkeeper P. Jayaraj and his son J. Bennicks in Tamil Nadu highlighted the brutal realities of

custodial violence. Eyewitness accounts, video evidence, and forensic reports indicated that both were subjected to prolonged physical assault while in police custody. The Madras High Court took suo motu cognizance of the incident, ordering a judicial inquiry that included videorecording the autopsy and holding several police officers accountable.⁵ Although the investigation faced its own challenges, the case ignited widespread public protests and spurred calls for stringent police reforms. This incident underscores the dual role of the judiciary—not only in seeking justice for individual cases but also in signaling to law enforcement that any violation of constitutional rights will be met with swift and decisive action.

B. Nilabati Behera v. State of Orissa

The Nilabati Behera case remains a seminal moment in the jurisprudence surrounding custodial deaths. A mother’s quest for justice after the mysterious death of her son in police custody resulted in a landmark judgment wherein the Supreme Court upheld the award of compensation. The judgment underscored that the state, by failing to adhere to prescribed procedures and by engaging in custodial violence, had breached the fundamental rights guaranteed under Article 21.⁶ The decision in this case has been widely cited in subsequent judgments and serves as a powerful reminder that state-sanctioned abuses must be remedied through effective judicial intervention.

C. Sohrabuddin Sheikh Case

While the Sohrabuddin Sheikh case has been mired in controversy, it has nevertheless forced the judiciary to confront systemic issues within the police. The case brought to light serious lapses in adherence to procedural safeguards, with the police narrative often contradicting independent evidence. The Supreme Court’s handling of the case, including ordering independent forensic examinations and repeated inquiries, illustrates how judicial oversight can compel the state to account for its actions—even in situations where institutional pressures are immense.

VI. The Impact of Judicial Activism on Police Reforms

A. Strengthening Procedural Safeguards

Judicial activism in custodial death cases has led to the establishment of detailed procedural safeguards. The Basu guidelines, for example, require police to:

Maintain accurate records of the arrest,

Ensure the presence of an independent witness,

Produce the arrestee before a magistrate within 24 hours.

These measures, when enforced, help prevent arbitrary detention and reduce the scope for torture. Over time, several state governments have attempted to incorporate these guidelines into police manuals and training programs, although implementation remains uneven.

B. Enhancing Transparency and Accountability

The insistence by the judiciary on measures such as videorecording of autopsies and independent judicial inquiries has been instrumental in increasing transparency. Such directives not only protect the rights of detainees but also serve as deterrents against misconduct. When police know that their actions are subject to independent review and public scrutiny, the likelihood of excessive force diminishes.

C. Directing Compensation and Redress

Judicial rulings have played a critical role in ensuring that victims' families receive monetary compensation for their loss. Compensation serves a dual purpose: it provides immediate relief to the aggrieved family and acts as a symbolic acknowledgment of the state's failure to protect its citizens. The decision in the Nilabati Behera case, which awarded compensation to the victim's family, remains one of the most important judicial remedies in this context.

D. Catalyzing Policy and Institutional Reforms

The cumulative impact of judicial interventions has spurred debates in the public and political spheres. Activists and human rights organizations often leverage judicial pronouncements to press for broader reforms in the police and prison systems. Although the pace of reform is slow, sustained judicial pressure has gradually led to changes in policy, including:

The establishment of internal accountability mechanisms within police departments,

The creation of state-level human rights commissions with enhanced investigatory powers,

The push for ratification of international conventions against torture

VII. Challenges to Judicial Efficacy and the Road Ahead

A. Enforcement and Implementation

One of the primary challenges is the persistent gap between judicial pronouncements and their on-ground implementation. Despite clear guidelines, many police stations continue to violate procedures with impunity. The reasons include:

Lack of effective monitoring mechanisms : Even when courts order inquiries, follow-up by state agencies is often lackluster.

Resistance within police culture: A strong "code of silence" and internal solidarity among officers often undermines reform efforts.

Resource constraints: Inadequate funding and staffing in forensic laboratories and investigation units hinder the thorough implementation of judicial orders.

B. Political and Administrative Interference

The independence of the judiciary is sometimes compromised by political pressures. High-profile cases have shown that judges can be reassigned or pressured to change course, particularly when influential political figures are implicated. Such interference not only weakens the impact of judicial interventions but also erodes public confidence in the system.

C. Delays in the Justice Delivery System

India's justice system is infamous for its delays. Lengthy investigations, protracted trials, and delayed convictions mean that justice for victims of custodial deaths is often a distant reality. These delays compound the trauma for the victims' families and undermine the deterrent effect of judicial decisions.

D. Need for Systemic Reforms

While judicial activism has made significant strides, systemic reform requires a multi-pronged approach:

Strengthening internal accountability: Establishing independent police complaints authorities and enhancing the powers of state human rights commissions.

Comprehensive training for law enforcement: Emphasizing human rights, de-escalation techniques, and proper arrest protocols.

Institutional restructuring: Reforming prison conditions, improving medical facilities in detention centers, and ensuring that detainees receive prompt and impartial medical examinations.

Legislative intervention: Many activists argue that India still lacks a dedicated anti-torture law. Enacting comprehensive legislation that criminalizes custodial violence could fill a crucial gap in the current legal framework

VIII. The Broader Social and Political Context

A. Impact on Public Confidence

Custodial deaths have a profound impact on public trust in the state and its institutions. When citizens see that the state's own agents are responsible for killing those they are supposed to protect, it generates a sense of insecurity and alienation. High-profile cases spark widespread protests and media scrutiny, drawing attention to the need for transparency and accountability.

B. Intersection with Socioeconomic and Caste Biases

Statistics indicate that victims of custodial violence often belong to vulnerable communities—Dalits, Adivasis, Muslims, and economically weaker sections. The disproportionate targeting of these groups reveals deep-seated biases within law enforcement. The judiciary, through its rulings, has occasionally highlighted these disparities; however, broader social change requires sustained efforts across the political spectrum.

C. Role of Civil Society and the Media

Civil society organizations and the media have played an indispensable role in bringing custodial deaths to light. Through investigative journalism and advocacy, these groups have pressured the judiciary and the government to act. Social media campaigns, such as the use of hashtags following incidents like that of P. Jayaraj and J. Bennicks, have amplified public outrage and demanded accountability. The judiciary's willingness to take suo motu cognizance of certain cases reflects, in part, the impact of a vigilant civil society.

IX. Looking Forward: Reforms and Recommendations

To truly address the scourge of custodial deaths, a concerted effort is required from all stakeholders—judiciary, legislature, executive, and civil society. Some key recommendations include:

1. **Full Implementation of Judicial Guidelines:**
Ensure that all police stations strictly adhere to guidelines such as the D.K. Basu memo of arrest. Regular audits and monitoring by independent bodies should be mandated.
2. **Strengthening Oversight Mechanisms:**
Establish independent police complaints authorities with the power to investigate cases of custodial violence. State human rights commissions must be empowered and adequately resourced to conduct impartial inquiries.
- Comprehensive Anti-Torture Legislation:**
Although India has signed international conventions against torture, there is a need for domestic legislation that specifically criminalizes custodial violence and sets out clear penalties for offenders.
3. **Judicial Fast-Track Mechanisms:**
Create special courts or fast-track processes for cases of custodial death. This would help overcome the delays inherent in the current justice delivery system and ensure that justice is served in a timely manner.
4. **Enhanced Forensic Capabilities:**
Invest in forensic laboratories and training to ensure that evidence in custodial death cases is accurately and promptly analyzed. Videorecording of autopsies should be standard practice to prevent tampering.
5. **Training and Sensitization of Law Enforcement:**
Law enforcement agencies must receive regular training on human rights, ethical interrogation techniques, and de-escalation methods. Sensitization programs can help reduce the tendency to resort to excessive force.
6. **Public Accountability and Transparency:**
The government should establish a public registry of custodial death cases, along with details of inquiries and outcomes. This transparency will help build public trust and enable civil society to monitor progress.
7. **Legislative Reforms:** Parliament should consider amending existing laws or enacting

new legislation to ensure that the rights of detainees are protected. This includes clear provisions on medical care, periodic review of detention conditions, and compensation for wrongful deaths.

8. **Addressing Socioeconomic Biases:** Special attention must be paid to the fact that custodial violence disproportionately affects marginalized communities. Policymakers should develop targeted interventions to address these disparities and ensure equal protection for all citizens.

X. Conclusion

Custodial deaths in India represent a tragic paradox—a nation committed to democratic ideals and constitutional rights yet struggling to protect its most vulnerable citizens from state violence. The Indian judiciary has been a beacon of hope in this regard, often taking bold stands against police brutality, ordering independent inquiries, and providing redress to victims' families. Landmark judgments such as *D.K. Basu* and *Nilabati Behera* have not only established legal precedents but also underscored the fundamental importance of upholding human dignity.

However, the path to genuine reform is fraught with challenges. Implementation gaps, political interference, and a deeply entrenched culture of impunity continue to impede progress. For the judiciary's interventions to be truly effective, they must be complemented by systemic reforms within the executive and legislative branches. A multi-pronged approach—encompassing stringent oversight, legislative action, better training, and improved forensic and healthcare facilities—is essential.

Moreover, sustained public pressure and an engaged civil society are critical in ensuring that the state remains accountable. As long as custodial deaths continue to erode public confidence and disproportionately impact marginalized communities, the struggle for justice remains unfinished.

In reflecting upon the myriad challenges and the significant judicial efforts to date, it becomes clear that the fight against custodial violence is not just a legal battle but a broader social endeavor. Upholding the promise of a dignified life for every citizen requires not only robust legal safeguards but also a

cultural shift within law enforcement and the state. Only through coordinated action and unwavering commitment to human rights can India hope to bridge the gap between its constitutional ideals and the lived realities of its citizens.

The role of the judiciary, therefore, remains pivotal. It stands as a constant reminder that the state's power is not absolute, and that even those entrusted with enforcing the law are not above it. The call for accountability, transparency, and reform is louder than ever—and it is the duty of all stakeholders to ensure that the dark shadow of custodial deaths is finally lifted by the light of justice.

This article, by delving into the legal frameworks, landmark cases, and the dynamic role of judicial activism, highlights both the progress made and the work that remains in curbing custodial deaths in India. As reforms slowly take shape, the enduring hope is that India's judiciary will continue to serve as the guardian of human rights, ensuring that the promise of dignity and justice is extended to every citizen in custody.

References used in this article include data and insights from sources such as the National Human Rights Commission reports, landmark cases like D.K. Basu v. State of West Bengal and Nilabati Behera v. State of Orissa, as well as articles and research papers available on platforms like IJRASET, SCC Online, and investigative reports by Human Rights Watch and Reuters.

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