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Swift Justice, Silent Graves: Unveiling Custodial Deaths in India

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Custodial deaths in India have surged alarmingly over the past decade, laying bare the deep-seated flaws in the country's criminal justice system, gaps in law enforcement accountability, and the failure to uphold fundamental human rights. This paper examines the legal aspects and institutional framework governing custodial violence, highlighting the systemic loopholes that enable impunity to persist. It also examines the socio-political factors that fuel these violations. By analysing ten landmark cases, the study uncovers troubling patterns of instances of torture, extrajudicial killings, and prolonged judicial delays that continue despite constitutional safeguards and Supreme Court directives. The findings indicate that weak enforcement of legal provisions, political interference, and the absence of independent oversight are key factors contributing to this crisis. Addressing this issue requires urgent legislative reforms, including ratifying the United Nations Convention Against Torture (UNCAT), the creation of independent investigative bodies, and the strict enforcement of the D.K. Basu guidelines. Strengthening forensic investigations, setting up fast-track courts for custodial violence cases, and improving police accountability through better training and oversight are crucial measures. Without immediate and decisive intervention, the rule of law and public trust in law enforcement will continue to erode, delaying justice and ultimately denying it.

Keywords: *custodial death, justice, police violence, custodial violence.*

INTRODUCTION

The energy industry is a vital part of modern economies, just like capital, labour, and land. Custodial deaths represent a serious breach of human rights, highlighting fundamental shortcomings in law enforcement practices and judicial oversight mechanisms. Such occurrences, taking place while individuals are held in police or judicial custody, signify a misuse of authority that weakens the core principles of justice and human dignity. The increasing prevalence of custodial deaths in India over the past decade indicates a profoundly troubling pattern that requires urgent and decisive action.¹ The principle that justice hurried is justice denied is especially pertinent in such cases, as extrajudicial killings and instances of police torture are frequently rationalised under the pretext of expediting justice or maintaining crime control.²

From a legal standpoint, custodial deaths constitute a violation of the fundamental rights enshrined in the Indian Constitution,³ specifically Article 21, which safeguards the right to life and personal liberty⁴. Article 20(3) protects against self-incrimination, ensuring individuals cannot be compelled to testify against themselves.⁵ Article 22 guarantees protection against arbitrary detention, safeguarding individuals' rights in matters of custody.⁶ Despite these constitutional safeguards, a significant disparity persists between legal provisions and their practical implementation. Cases of custodial violence frequently go unpunished due to weak accountability mechanisms, lack of independent investigative agencies, and judicial delays.⁷ The *D.K. Basu v State of West Bengal* (1997)⁸ Case laid down crucial guidelines for arrest and detention procedures to prevent custodial torture, but these safeguards are often flouted in practice.⁹

¹ Kumar Nishant, 'Custodial Death – A Violation of Human Rights' (*Kanoon Junction*, 19 October 2023) <<https://kanoonjunction.com/custodial-death-a-violation-of-human-rights>> accessed 06 March 2025

² *Ibid*

³ Prajwal Verma 'Law & Custodial Death' *Live Law* (12 January 2023) <<https://www.livelaw.in/columns/custodial-death-constitution-article-21-indian-penal-code-torture-nhrc-218757>> accessed 06 March 2025

⁴ Constitution of India 1950, art 21

⁵ Constitution of India 1950, art 20

⁶ Constitution of India 1950, art 22

⁷ Priyanka Kumari, 'Custodial Death in India: Misuse of Power' (2022) 2(6) *Indian Journal of Integrated Research in Law* <<https://ijirl.com/wp-content/uploads/2022/11/CUSTODIAL-DEATH-IN-INDIA-MISUSE-OF-POWER.pdf>> accessed 06 March 2025

⁸ *D.K. Basu v State of West Bengal* (1997) 1 SCC 416

⁹ *Ibid*

Beyond national legislation, India's commitment to international human rights laws also remains inadequate. Although India is a signatory to the United Nations Convention Against Torture (UNCAT), it has yet to ratify the convention, leaving a legislative void in explicitly addressing torture and custodial abuse.¹⁰ Human rights organisations, including the National Human Rights Commission (NHRC), have repeatedly raised concerns about rising custodial deaths, yet their recommendations often lack enforcement.¹¹

The socio-political landscape further exacerbates the issue. The rise in encounter killings and police impunity reflects a dangerous normalisation of extrajudicial measures as a means of maintaining law and order.¹² Political patronage often shields officers involved in custodial violence from legal consequences, while institutional biases discourage thorough investigations.¹³ In many cases, forensic reports and autopsies are tampered with to cover up evidence of police brutality, further eroding trust in the justice system.¹⁴

The consequences of custodial deaths transcend individual rights violations, impacting governance, public confidence, and the integrity of the rule of law.¹⁵ A justice system that allows custodial torture cultivates an environment of fear and impunity, thereby eroding due process and the rule of law.¹⁶ Victims, frequently from marginalised communities, are exposed to disproportionate risks, further perpetuating systemic inequalities within the justice system.¹⁷

The paper aims to provide a comprehensive analysis of the crisis of custodial deaths in India by examining its legal, socio-political, and institutional dimensions. By highlighting recent cases and identifying systemic patterns, it proposes concrete reforms to bridge the gap

¹⁰ National Human Rights Commission, *Status of Ratification on Convention Against Torture* (2018)

¹¹ *Ibid*

¹² Akshat Bhushan, 'Extrajudicial Killings in India: Rule of Law v. Police Impunity' (*Jurist*, 30 July 2020) <<https://www.jurist.org/commentary/2020/07/akshat-bhushan-extrajudicial-killings-and-police-impunity>> accessed 06 March 2025

¹³ *Ibid*

¹⁴ *Ibid*

¹⁵ Sparsh Srivastava, 'Right to Life and Custodial Deaths' (*Manupatra*, 28 March 2023) <<https://articles.manupatra.com/article-details/Right-to-life-And-Custodial-Deaths>> accessed 06 March 2025

¹⁶ Rahamathulla S and Dr. M.A Saleem Ahmed, 'A Study of Constitutional Protections Against Custodial Violence: A Critical Analysis' (2024) 6(6) *International Journal for Multidisciplinary Research* <<https://www.ijfmr.com/papers/2024/6/30405.pdf>> accessed 06 March 2025

¹⁷ Khyati Deshmukh, 'Custodial Deaths and the Underprivileged – A Lone Voice in the Wilderness' (*Lex Erudites*) <<https://lexerudites.com/custodial-deaths-and-the-underprivileged-a-lone-voice-in-the-wilderness>> accessed 06 March 2025

between constitutional protections and their actual enforcement. The urgent need for independent oversight mechanisms, legislative amendments, and strict accountability measures is crucial in curbing custodial violence and upholding the fundamental principles of justice.

The legal framework governing custodial deaths in India is rooted in constitutional safeguards, statutory provisions, judicial precedents, and international treaties.¹⁸ Statutory provisions under the Indian Penal Code (IPC) (now Bharatiya Nyaya Sanhita) also criminalise custodial torture. Sections 330, 331, and 348 of IPC, and sections 120(1), 120(2) & 127(8) of BNS explicitly penalise acts of violence inflicted by law enforcement officers to extract confessions.¹⁹ The convictions under these provisions remain rare due to police resistance, political influence, and procedural inefficiencies.²⁰

Despite these legal protections, custodial deaths persist due to systemic loopholes, weak investigative mechanisms, and a lack of independent oversight. There is an urgent need to establish independent police complaints bodies at the state and national levels to ensure accountability.²¹ Moreover, fast-tracking judicial proceedings related to custodial violence, implementing rigorous police training programs on human rights, and mandating forensic documentation in all custodial deaths are critical reforms that must be prioritised. By strengthening the legal framework and ensuring strict enforcement, India can uphold the rule of law and protect citizens from state-sponsored brutality.²²

NOTABLE CASES OF CUSTODIAL DEATHS IN INDIA

India has witnessed several high-profile custodial deaths that have raised serious concerns about human rights violations, extrajudicial executions, and the lack of accountability in law enforcement. Among them, the Atiq Ahmed and Ashraf Ahmed case (2023) stands out, where the former MP and his brother were shot dead while in police custody, fuelling

¹⁸ 'NHRC's Recommendations on Custodial Justice' (*National Human Rights Commission*) <<https://nhrc.nic.in/press-release/nhrccs-recommendations-custodial-justice>> accessed 06 March 2025

¹⁹ *Ibid*

²⁰ Human Rights Watch, *Bound by Brotherhood: India's Failure to End Killings in Police Custody* (2016)

²¹ NHRC's Recommendations on Custodial Justice (n 18)

²² *Ibid*

debates on extrajudicial killings and state complicity.²³ Similarly, the Vikas Dubey encounter (2020), where the notorious gangster was killed while allegedly attempting to escape, was widely perceived as a premeditated act to silence him, leading to a judicial commission inquiry but no definitive legal outcome.²⁴

The brutality of custodial torture was exposed in the Jayraj and Bennix case (2020) in Tamil Nadu, where a father and son lost their lives after severe police abuse for violating COVID-19 lockdown norms.²⁵ The incident sparked massive outrage, leading to the arrest of the police officers involved.²⁶ Another case that drew international condemnation was the Stan Swamy case (2021), where the Jesuit priest and tribal rights activist died in judicial custody after being denied proper medical treatment, highlighting neglect and systemic failures in prison healthcare.²⁷

Instances of custodial deaths due to alleged police brutality are not new.²⁸ In a tragic incident in Lucknow (2024), a young man named Mohit Pandey reportedly died in police custody under suspicious circumstances.²⁹ The family of the deceased alleged that he was subjected to torture by the police, which led to his death. This incident has sparked widespread outrage, with several political leaders, including opposition figures, condemning the police's actions.³⁰ The Khwaja Yunus case (2003) saw a software engineer allegedly tortured to death after being falsely implicated in the 2002 Ghatkopar bomb blast.³¹ Though some officers were convicted, the legal battle continues to drag on.³² Similarly, the Rizwan Asad Pandit

²³ 'No Pre-Planned Plot in Gangster Atiq Ahmed Killing: UP Judicial Panel' *Times of India* (02 August 2024) <<https://timesofindia.indiatimes.com/city/lucknow/no-pre-planned-plot-in-gangster-atiq-ahmed-killing-up-judicial-panel/articleshow/112212005.cms>> accessed 06 March 2025

²⁴ Pathikrit Chakraborty, 'Dubey Encounter: Judicial Panel Gives Clean Chit to Police' *Times of India* (21 August 2021) <<https://timesofindia.indiatimes.com/city/lucknow/dubey-encounter-judicial-panel-gives-clean-chit-to-police/>> accessed 06 March 2025

²⁵ Jayshree Bajoria, 'Deaths in Custody in India Highlight Police Torture' (*Human Right Watch*, 30 June 2020) <<https://www.hrw.org/n/s/2020/06/30/deaths-custody-india-highlight-police-torture>> accessed 06 March 2025

²⁶ *Ibid*

²⁷ *Ibid*

²⁸ *Ibid*

²⁹ 'SHO, Others Booked for Murder over Trader's Custodial Death in Lucknow' *Indian Express* (28 October 2024) <<https://indianexpress.com/article/cities/lucknow/sho-others-booked-for-murder-over-traders-custodial-death-in-lucknow-9641760>> accessed 06 March 2025

³⁰ Santosh Kumar Sharma, 'Lucknow Man Dies in Police Custody' *India Today* (27 October 2024) <<https://www.indiatoday.in/cities/lucknow/story/lucknow-police-custody-death-mohit-kumar-uttar-pradesh-akhilesh-yadav-yogi-adityanath-2624106-2024-10-27>> accessed 06 March 2025

³¹ *Ibid*

³² Sadaf Modak, '2003 Custodial Death Case: Yunus Was Never Handed Over to Me, Ex-Cop Sachin Waze Seeks Pardon' *Indian Express* (30 January 2024) <<https://indianexpress.com/article/cities/mumbai/2003->

case³³(2019) in Jammu and Kashmir remains under investigation after reports suggested that the school principal was subjected to brutal torture in custody, bringing to light the issue of security force excesses in conflict zones.³⁴

Tamil Nadu was again in the spotlight with the Sathankulam custodial deaths (2020), where two traders were brutally tortured by the police, leading to a nationwide outcry and the arrest of the accused officers.³⁵ In Uttar Pradesh, the Manish Gupta case (2021) saw a businessman allegedly beaten to death in police custody, resulting in the suspension and arrest of the officers involved.³⁶ Another shocking instance of custodial violence within prison walls was the Munna Bajrangi jail murder (2018), where the gangster was shot dead inside Baghpat Jail, exposing corruption and political influence within the prison administration, though conclusive legal action remains elusive.³⁷

The plight of marginalised communities in custodial settings was exemplified in the Rajkumar case (2015), where a Dalit youth in Haryana died under mysterious circumstances in police custody, allegedly due to torture.³⁸ The case led to protests, but justice remains delayed. These cases collectively highlight deep-rooted issues within India's criminal justice system, including the abuse of power, lack of independent oversight, political interference, and procedural inefficiencies, reinforcing the urgent need for systemic reforms to prevent further custodial deaths and uphold the rule of law.³⁹

[custodial-death-case-yunus-was-never-handed-over-to-me-ex-cop-sachin-waze-seeks-pardon-9133772>](#)

accessed 06 March 2025

³³ Rifat Fareed, 'Clashes in Kashmir After Teacher Dies in Police Custody' *Al Jazeera* (19 March 2019)

<<https://www.aljazeera.com/news/2019/3/19/clashes-in-kashmir-after-teacher-dies-in-police-custody>>

accessed 06 March 2025

³⁴ *Ibid*

³⁵ 'Bail Denied to Former SI Accused in Sathankulam Custodial Death Case' *New Indian Express* (10 February

2024) <<https://www.newindianexpress.com/states/tamil-nadu/2024/Feb/10/bail-denied-to-former-si-accused-in-sathankulam-custodial-death-case>> accessed 06 March 2025

³⁶ *Ibid*

³⁷ Debjani Chatterjee, 'Uttar Pradesh Gangster Munna Bajrangi, Accused of Killing BJP Leader Krishnanand Rai, Shot Dead Inside Jail' *NDTV* (09 July 2018) <<https://www.ndtv.com/india-news/uttar-pradesh-gangster-munna-bajrangi-accused-of-killing-bjp-leader-krishnanand-rai-shot-dead-inside-1880030>> accessed 06 March 2025

³⁸ *Ibid*

³⁹ Arahath Dhivare, 'Custodial Deaths or an Exercise of Excessive Power Over the Marginalized?' (*Round Table India*, 04 January 2025) <<https://www.roundtableindia.co.in/custodial-deaths-or-an-exercise-of-excessive-power-over-the-marginalized>> accessed 06 March 2025

PATTERNS AND CAUSES

The persistence of custodial deaths in India can be attributed to a combination of institutional weaknesses, political influences, and policing culture.⁴⁰ Lack of oversight is one of the primary reasons for the prevalence of custodial violence.⁴¹ Weak institutional monitoring and the absence of independent investigative bodies allow law enforcement officers to act with impunity. The lack of proper checks and balances enables the use of excessive force during interrogations, often leading to torture and deaths in custody.⁴² Moreover, there is little transparency in custodial procedures, making it easier for police personnel to manipulate case records and shield themselves from accountability.⁴³ The *Nilabati Behera v State of Orissa* (1993) case serves as a landmark example of judicial recognition of custodial torture, wherein the Supreme Court emphasised that the State is liable for violations of fundamental rights and must ensure compensation to victims of custodial violence.⁴⁴

Political patronage further exacerbates the problem, as encounters and custodial deaths often serve political agendas. Law enforcement agencies usually act under political pressure to eliminate individuals perceived as threats, particularly in cases involving alleged criminals or political opponents.⁴⁵ Officers engaged in extrajudicial killings frequently receive protection from influential figures, discouraging independent investigations.⁴⁶ This unholy nexus between law enforcement and political leaders ensures that those responsible for custodial violence rarely face legal consequences.⁴⁷

Judicial delays also play a critical role in perpetuating custodial deaths. The slow pace of trials and the backlog of cases create an environment where extrajudicial actions become a convenient solution for law enforcement.⁴⁸ When judicial processes are inefficient and prolonged, police officers resort to shortcuts, including third-degree methods and summary

⁴⁰ Eva Verma, 'An Era of Guardians Becoming Perpetrators – Custodial Deaths: An Analysis Between the Laws of India and UK' (2024) 4(1) *International Journal of Criminal, Common and Statutory Law* <<https://www.criminallawjournal.org/article/73/4-1-10-665.pdf>> accessed 06 March 2025

⁴¹ *Ibid*

⁴² Human Rights Watch (n 20)

⁴³ *Ibid*

⁴⁴ *Nilabati Behera v State of Orissa* (1993) 2 SCC 746

⁴⁵ Saurav Das, 'Extrajudicial Killings May Be Frequent in India's Most Populous State' (*New Lines Magazine*, 05 August 2024) <<https://newlinesmag.com/reportage/extrajudicial-killings-may-be-frequent-in-indias-most-populous-state>> accessed 06 March 2025

⁴⁶ Human Rights Watch (n 42)

⁴⁷ Human Rights Watch, *World Report 2024: India* (2024)

⁴⁸ *Ibid*

executions, as a means of ensuring instant justice. This undermines the rule of law and erodes public confidence in the judiciary, as citizens perceive extrajudicial measures as more effective than legal proceedings.⁴⁹

Torture culture in policing is a significant contributor to custodial deaths. Traditional policing methods in India continue to rely on excessive force, coercion, and intimidation to extract confessions. Many police officers still believe that custodial violence is a necessary tool for maintaining law and order. Often reinforced by institutional norms, this mindset leads to widespread human rights abuses.⁵⁰ Training programs on human rights and proper interrogation techniques remain inadequate, further entrenching the culture of brutality in law enforcement agencies.⁵¹

IMPACT ON JUSTICE AND GOVERNANCE

Custodial deaths in India pose a significant threat to the justice system and governance by eroding public trust,⁵² undermining the rule of law and perpetuating human rights violations.⁵³ When individuals die in police custody under suspicious circumstances,⁵⁴ it fosters widespread fear and distrust among the public, particularly within marginalised communities.⁵⁵ This perception of complicity or incapacity on the part of judicial and law enforcement agencies discourages victims from seeking legal recourse, thereby weakening cooperation between the public and the police and ultimately hindering effective crime prevention and justice delivery.⁵⁶ The erosion of public trust in law enforcement and the

⁴⁹ Dhivare (n 39)

⁵⁰ Vijdan Mohammad Kawoosa, 'Police Not Trained Enough in Human Rights, Reveal Surveys' *Hindustan Times* (30 July 2020) <<https://www.hindustantimes.com/india-news/police-not-trained-enough-in-human-rights-reveal-surveys/story-Cbr9cc4oOYICZGR48aaQWO.html>> accessed 06 March 2025

⁵¹ *Ibid*

⁵² 'India: Killings in Police Custody Go Unpunished' (*Human Rights Watch*, 19 December 2016) <<https://www.hrw.org/news/2016/12/19/india-killings-police-custody-go-unpunished>> accessed 06 March 2025

⁵³ S. Sruthi, 'The Shadows of Justice: Custodial Violence and the Erosion of Human Rights in India' (*The Legal Quorum*, 12 January 2025) <<https://thelegalquorum.com/the-shadows-of-justice-custodial-violence-and-the-erosion-of-human-rights-in-india>> accessed 06 March 2025

⁵⁴ *Ibid*

⁵⁵ Jocelyn R. Smith Lee and Michael A. Robinson, "'That's My Number One Fear in Life. It's the Police': Examining Young Black Men's Exposures to Trauma and Loss Resulting From Police Violence and Police Killings' (2019) 45(3) *Journal of Black Psychology* <<https://journals.sagepub.com/doi/10.1177/0095798419865152>> accessed 06 March 2025

⁵⁶ *Ibid*

judiciary leads to an alarming situation where extrajudicial actions appear more effective than legal proceedings, further diminishing faith in democratic institutions.⁵⁷

Beyond public distrust, custodial deaths directly challenge the rule of law. Law enforcement agencies are meant to uphold legal principles, yet the prevalence of extrajudicial actions, including third-degree interrogation methods and staged encounters, normalises the bypassing of due process.⁵⁸ When police brutality goes unchecked, it sends a dangerous message that justice can be administered outside the legal framework, fostering a culture where legal safeguards are ignored and arbitrary actions become standard practice.⁵⁹

Over time, this undermines judicial oversight and weakens democratic institutions,⁶⁰ allowing law enforcement agencies to operate with impunity rather than as protectors of justice.⁶¹ The National Human Rights Commission (NHRC) has documented numerous instances where such arbitrary actions by police officers, including torture and extrajudicial killings, bypass established legal procedures and create a culture of impunity, thereby undermining the foundational principles of justice and democracy.⁶² Arbitrary police actions, combined with a lack of strict legal repercussions, embolden law enforcement officers to take matters into their own hands, further deteriorating the integrity of the justice system.⁶³

Compounding these issues is the rampant violation of human rights in custodial settings. The absence of accountability mechanisms perpetuates systemic torture and inhumane treatment, as detainees are subjected to extreme physical abuse, forced confessions, and, in some cases, deaths that are covered up.⁶⁴ Despite being a signatory to the United Nations Convention Against Torture (UNCAT), India has yet to enact comprehensive anti-torture legislation, leaving a significant legal gap that permits such violations to continue unchecked.⁶⁵ Moreover, the lack of accountability for custodial violence perpetuates systemic

⁵⁷ National Human Right Commission, *Annual Report 2021-2022* (2022)

⁵⁸ *Ibid*

⁵⁹ *Ibid*

⁶⁰ Katherine Hawkins, 'Unqualified Impunity: When Government Officials Break the Law, They Often Get Away with It' (POGO, 22 October 2020) <<https://www.pogo.org/analysis/unqualified-impunity-when-government-officials-break-the-law-they-often-get-away-with-it>> accessed 06 March 2025

⁶¹ Brandon Hasbrouck, 'Unshielded: How the Police Can Become Touchable' (2024) 137(3) Harvard Law Review <<https://harvardlawreview.org/print/vol-137/unshielded-how-the-police-can-become-touchable>> accessed 06 March 2025

⁶² *Ibid*

⁶³ *Ibid*

⁶⁴ National Human Right Commission (n 57)

⁶⁵ *Ibid*

human rights violations. Studies have shown that inadequate training and oversight contribute to the persistence of torture and inhumane treatment in custody.⁶⁶ For instance, research indicates that a significant number of police personnel have not received proper human rights education, leading to continued abuses. The failure to establish independent investigative bodies further exacerbates the issue, as police officers accused of custodial violence often evade legal consequences, ensuring that justice is either delayed or denied. Without strong legal deterrents, the cycle of abuse and impunity remains intact.⁶⁷

The persistence of custodial deaths in India highlights deep-rooted flaws in the justice system and governance structure. The erosion of public trust, weakening of the rule of law, and continued human rights violations underscore the urgent need for systemic reforms. Establishing independent oversight mechanisms, enforcing strict legal accountability, and ensuring timely judicial intervention are critical to restoring faith in the justice system and upholding democratic values.⁶⁸ Addressing the lack of transparency, implementing continuous human rights training for law enforcement officers, and introducing stricter penalties for violations are essential steps in preventing further custodial deaths. Without meaningful change, these deaths will continue to threaten the very foundation of justice and governance in India, eroding democracy and weakening the social contract between the state and its citizens.⁶⁹

NEED FOR SYSTEMIC REFORMS

Addressing custodial violence in India necessitates comprehensive systemic reforms to uphold human rights and reinforce the rule of law. One crucial step is the establishment of independent investigation bodies at the state level to handle complaints of police misconduct. These bodies would ensure impartial investigations into custodial deaths and other instances of abuse, preventing conflicts of interest inherent in internal police inquiries. The National Human Rights Commission (NHRC) has emphasised the importance of such independent inquiries to strengthen accountability and deliver justice.

⁶⁶ Hasbrouck (n 61)

⁶⁷ *Ibid*

⁶⁸ *Ibid*

⁶⁹ National Human Right Commission (n 57)

Equally important is the strict implementation of the D.K. Basu Guidelines, established by the Supreme Court in *D.K. Basu v State of West Bengal*.⁷⁰ These guidelines mandate specific arrest and detention procedures, including preparing arrest memos witnessed by a relative or a respected community member, prompt notification to a friend or family member about the arrest, and mandatory medical examinations of detainees. Adherence to these directives can significantly reduce instances of custodial abuse. Ensuring compliance through regular training and monitoring is essential to embedding these practices within police protocols.

Another critical legislative measure is the enactment of comprehensive anti-torture legislation. Despite being a signatory to the United Nations Convention Against Torture (UNCAT), India has yet to implement domestic laws criminalising torture. Introducing robust anti-torture legislation would provide a clear legal framework to prosecute acts of custodial violence effectively, serving as a deterrent and aligning national laws with international human rights standards.⁷¹

Judicial reforms are also imperative to expedite trials related to custodial violence. Delays in legal proceedings often prolong victims' suffering and erode public confidence in the judicial system. Establishing fast-track courts and streamlining judicial processes can address case backlogs and ensure swift adjudication of custodial violence incidents.⁷²

Furthermore, enhancing police training and accountability is vital. Implementing comprehensive human rights education and regular training programs for law enforcement personnel can transform policing culture. Emphasising ethical practices, legal standards, and the consequences of custodial misconduct fosters a more humane approach to law enforcement. Additionally, robust monitoring mechanisms, such as body cameras and periodic audits, can enhance transparency and accountability within police operations. Implementing these reforms requires a concerted effort from government agencies, civil society, and the judiciary to create a justice system that respects human dignity and upholds the rule of law.⁷³

⁷⁰ *D.K. Basu v State of West Bengal* (1997) 1 SCC 416

⁷¹ Sanchita Kadam, 'Why has India still not ratified UN Convention against torture?' (*CJP*, 23 July 2021) <<https://cjp.org.in/why-has-india-still-not-ratified-un-convention-against-torture>> accessed 06 March 2025

⁷² Human Rights Watch (n 20)

⁷³ *Ibid*

CONCLUSION

The alarming rise in custodial deaths in India underscores the fragility of institutional safeguards designed to protect fundamental rights. Pursuing swift justice at the cost of due process compromises individual liberties and erodes public trust in law enforcement and the judiciary. The normalisation of extrajudicial actions, such as third-degree interrogation methods and encounter killings, signals a dangerous shift towards a culture of impunity within police institutions. While such actions are often justified under the guise of maintaining law and order, they ultimately weaken the democratic fabric of the nation and violate the core principles of justice.

Custodial violence persists despite the Supreme Court's landmark ruling in *D.K. Basu v State of West Bengal*, which established critical guidelines for the arrest and detention of individuals. The continued violation of these directives highlights systemic lapses in enforcement, revealing a justice system where legal protections remain largely ineffective against institutional excesses. The absence of independent investigative bodies further exacerbates the issue, as law enforcement agencies often shield their personnel from scrutiny and accountability. Additionally, judicial delays and the inefficacy of legal redress mechanisms contribute to the perception that extrajudicial measures offer quicker solutions, inadvertently encouraging unlawful police actions.

Addressing the crisis of custodial deaths requires a multifaceted approach rooted in legal reform, institutional accountability, and a commitment to human rights. Establishing independent police complaints authorities with prosecutorial powers, ensuring swift judicial action in cases of custodial violence, and mandating rigorous human rights training for law enforcement personnel are essential steps toward meaningful reform. Strengthening oversight mechanisms, reinforcing transparency in investigations, and promoting public confidence in legal institutions will serve as deterrents against custodial violence.

Justice must not be sacrificed for expediency. A fair, transparent, and accountable system is the only way to uphold the rule of law and restore faith in India's democratic and judicial institutions. In ensuring that justice is neither hurried nor denied, the state must reaffirm its commitment to protecting human rights and the sanctity of life. The fight against custodial

deaths is not merely a legal obligation but a moral imperative for a society that upholds the principles of justice and democracy.