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Custodial Death in India: Human Rights Violations and Accountability of State Authorities

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At the time of death, the state and the individuals are under the direct control and protection because custodial deaths are the most serious forms of human rights concerns. If a person is arrested, detained, or imprisoned, the person will not lose his or her fundamental rights. When a person is in custody, the state assumes an increased duty of care towards a person, and any death resulting from torture, excessive force, negligence, refusal of medical care, or other unlawful conduct raises serious questions concerning the protection of the right to life and dignity. Arbitrary state action and Custodial violence provide protection against at these, particularly in the Indian constitution Articles 14 and 21 of the constitution.[1] The case law of the Supreme Court of India includes cases such as Nilabati Behera v State of Orissa and D.K. Basu v State of West Bengal;[2] in these cases, concerning state responsibility, the state has developed safeguards against custodial torture, investigation, and compensation. The court repeatedly said that if a person is being tortured or physically/mentally abused it is misconduct to human dignity and constitutional rights when this incident happens like this there should be a proper investigation and it should be effective.

On 1st July 2024, the Bharatiya Nagarik Suraksha Sanhita, 2023 came into force with the legal framework, which has gone through important statutory changes.[3] Deaths or disappearances existing in police or other custody for these the BNSS contains provisions regarding Investigation. Happenings of custodial deaths, whether in police or judicial custody, should be

[1] Constitution of India 1950, arts 14, 21

[2] *Smt Nilabati Behera alias Lalita Behera v State of Orissa and Ors* (1993) 2 SCC 746

[3] Bharatiya Nagarik Sursksha Sanhita 2023

reported within 24 hours; this was established by the National Human Rights Commission (NHRC). In India this research studies the constitutional and statutory safeguards, the role of courts and human rights institutions, accountable for state authorities holding the mechanisms. And the continuing challenges in avoiding custodial death. These legal is secure when they are attached by independent investigation, institutional accountability, proper medical and forensic procedures, timely prosecution, and effective remedies for victims' families.

Keywords: *custodial death, human rights, custodial violence, police accountability, state liability.*

INTRODUCTION

Individual place is a position of significant vulnerability is called Custody. For his or her safety, dignity and well-being, the state presumed physical control over that individual and hence a corresponding responsibility. For an example a death occurring during such custody hence there should be careful inspection of something, particularly where there are claim of torture, excessive force, negligence, denial of medical treatment, or other illegal activity.

In State custody, there are different forms of Custodial Death, along with police custody and judicial custody. Every death which is happening in custody can't be alleged to have causing from custodial violence, there should a proper investigation required for the every such death. The NHRC stated that custodial deaths may have different sources and that a conclusion concerning human rights violations should be reached only after examination of relevant materials such as investigation reports, post-mortem reports, medical records and Authoritative investigation reports.

The importance of custodial deaths making something longer beyond the individual victim. The functioning of law enforcement institutions, the rule of law, accountability of public officials and public confidence in the criminal justice system for these incidents raises the border questions. Under state control, when an individual dies, the state can't treat this incident as an ordinary death because the situation of custody creates a special duty to determine how and why the death took place. In this context, the Right to life under Article 21[4] of the constitution of India takes up a central position. Article 21 is mainly to protect not merely physical existence but also human dignity which was interpreted by the Supreme

[4] Constitution of India 1950, art 21

Court. Custodial torture and inhuman treatment have always been viewed as inconsistent with constitutional commitment.

In the Supreme Court case Nilabati Behera v State of Orissa[5], it was said that protection regarding arrest and detention is intended to prevent custodial torture and protect the rights of persons taken into custody. In the D.K. Basu case, the principles developed became an important part of India's jurisprudence on custodial violence.

In the Supreme Court case D.K. Basu v State of West Bengal[6], it was held that protection regarding State authorities applies to the commission of custodial deaths within 24 hours, even if the death occurs in police or judicial custody. The Commission's Investigation Division can investigate such cases and may seek assistance from forensic experts and medical professionals.

Custodial deaths are significant for the institutional response. Custodial deaths that happen within 24 hours of the incident should be intimated to the NHRC Commission if the death happens in police or judicial custody. In such cases, the Commission's Investigation Division examines and could seek guidance from forensic experts and medical professionals.

The Bharatiya Nagarik Suraksha Sanhita, 2023, which replaced the Code of Criminal Procedure, came into force on 1st July 2024; it must also be analysed as the present legal framework. The present criminal procedure structure rather than depending only on the former CrPC provisions this makes an important for entirely legal research to look at custodial death procedures. Hence, Criminal misconduct by individual police officers raises questions on custodial deaths. The state, to protect individuals whose liberty has been placed under state control, raises a broader constitutional issue regarding responsibility.

UNDERSTANDING CUSTODIAL DEATHS IN INDIA

When a person is under the custody, control, supervision or authority of the state or any of its agencies, the death of an individual refers to Custodial death[7]. When a person dies, the situation primarily covers police custody, judicial custody, prison custody or other forms of

[5] *Smt Nilabati Behera alias Lalita Behera v State of Orissa and Ors* (1993) 2 SCC 746
[6] *Shri DK Basu, Ashok K Johri v State of West Bengal, State of UP* AIR 1997 SC 610
[7] 'Investigation Division' (*National Human Rights Commission*) <https://nhrc.nic.in/investigation-division> accessed 05 September 2026

legally official detention. The special relationship is created between the individual and the state when the custodial death arises. When a person is taken into legal custody, there should be control over important things like the person's movement, security, medical access and daily living conditions. Custodial authorities become considerably greater than in ordinary circumstances in which the individual becomes dependent upon the custodial authorities.

Custodial death should not be the meaning of torture or physical assault. These are the cases in which a person may die during custody because of natural illness, an existing medical condition, accidental injury, prison violence, lack of medical attention, negligence or intentional unlawful conduct. Hence, the death happening in custody does not conclusively establish the cause of death or the liability of a particular authority. Conditions are examined individually through steady medical, forensic, documentary and testimonial evidence. It is important for maintaining the speed and integrity of custodial death investigations.

Custodial death in India is broadly classified into two principal categories: police custody and judicial custody. When a person is arrested during the investigation or under lawful remand, it involves the direct control of the police; this is known as Police Custody. Judicial custody follows an order of a qualified court and requires legal confinement in a prison or other legal institution. In this state of affairs involve limitation upon personal liberty, nature of established control differs. In police custody, the detainee will have direct and continuous interaction with the investigating agency, whereas in judicial custody, the detainee's responsibility rests with prison officials. The obligations of officials and investigate the situation previous death becomes distinction.

Custodial death can be in various forms and may require any of these direct and indirect forms of state obligation. When an official knowingly imposes physical injury or employs unlawful force against a person in custody, the person in custody will have a direct responsibility. When the government or administration fails to provide essential medical treatment, ignores a detainee's serious medical condition, fails to maintain proper security, or ignores the person's safety, then indirect responsibilities may arise. When the physical violence occurred, the investigation must not be confined. Under the supervision of the custodial authorities, they must fulfil the duties to protect the life and safety of the person.

In Custodial death cases when a person is died and no longer available to provide evidence in such cases it is difficult to find the what has happened it that case. When these happens in a closed institutional environment these becomes serious problem for the relevant events occurred. The administration may find important data connected to the detention, including arrest records, custody registers, medical records, scrutiny video, movement records and other official documents. The deceased person's family have the limited independent access to such matters. When the custodial death happened, the evidence is so important to know how the death had happened or not.

In custodial death investigations, medical and forensic examinations play a crucial role. The medical cause of death and charting physical findings or other physical findings help to identify and assist the post-mortem examination. The explanation given by the authorities' forensic evidence[8] may become an important physical finding in this question that may arise. Medical records sustained during custody may also show whether the person had complained of illness or injury, and whether they provided proper treatment or not. The materials, such as preparation, preservation and independent examination, have evidentiary value.

The legal understanding of custodial death must incorporate both individual misconduct and institutional failure. Examination which focused merely identifying one officer may overlook inadequacy in supervision, training, detention conditions, medical arrangements or reporting procedures. Examining individual conduct may also result in an incomplete assessment of systemic failure. A thorough approach requires the situation of each case to be analysed based on evidence, while separately identifying individual, supervisory and institutional responsibilities wherever they arise.

Custodial deaths reflect the reporting mechanisms which applicable need for outer analysis. The National Human Rights Commission has studied procedures requiring custodial deaths to be reported to the Commission within a specific period, allowing the circumstances of the death to be analysed beyond the immediate custodial institution. When a person in the

[8] 'Guidelines - Death in custody/ encounter etc.' (*National Human Rights Commission*) <https://nhrc.nic.in/acts-and-rules/guidelines> accessed 05 September 2026

custody is been harmed or been dead whether same police department of the same authority investigation would not be fair. So, the investigation must go on neutrally and transparently.

Finally, in India, understanding custodial deaths requires recognition that custody creates a relationship of increased institutional responsibility. Central inquiry is not only whether a death happened within the police station, prison or other legal confinement facility, the duties imposed by the law whether the authorities are responsible for custody conditions leading to that death can be competently. Proper knowledge requires focus on the nature of custody, cause and manner of death, medical and forensic evidence, conduct of custodial authorities, institutional responsibility and mechanisms of independent analysis. In India, custodial deaths provide the necessary basis for examining the constitutional safeguards and the statutory and judicial safeguards governing them.

CONSTITUTIONAL FRAMEWORK AND HUMAN RIGHTS PROTECTION

A person who comes under the state custody the Indian Constitution provides protecting that person. An individual's constitutional rights do not withdraw upon arrest or detention. Based on established procedure, the State may lawfully confine personal liberty; such power and control remain subject to constitutional rules. In the situation of custodial deaths, Articles 14, 20, 21 and 22, with the constitutional remedies under Articles 32 and 226, are especially notable.[9]

Article 14 assures equality before the law and equal protection of the laws[10]. In custodial situations, it also functions as a guard against arbitrary State action. Police and prison governing bodies must exercise their powers based on verified legal grounds and cannot subject detainees to arbitrary or unfounded treatment. The discretionary exercise of custodial powers under this provision provides an important constitutional limitation.

Article 20(3) protects an accused person from being compelled[11] to become a witness against himself or herself. When an individual is in a defenceless position, the protection is especially important during police examination. Investigative governing bodies can't depend upon forcible methods to get information from the offender. In this provision, the constitutional

[9] Constitution of India 1950, arts 14, 20, 21, 22, 32 and 226
[10] *Ibid* art 14
[11] *Ibid* art 20(3)

principle of criminal investigation must value individual independence and can't be based upon unregulated force.

Article 21 is the central constitutional protection in cases involving custodial violence and death.[12] Against cruel treatment, the right to life has been lawfully defined to include the right to live with human dignity and protection. The fact that a person is restrained does not destroy protection. In the Supreme Court case of D.K Basu v State of West Bengal recognised the grave of custodial violence and built important safeguards connecting to arrest and detention.[13] The custodial governing body has an equivalent responsibility to protect the person in custody; this is the judgment enhanced by the Supreme Court.

Article 22 provides procedural safeguards to persons who are arrested or detained[14]. These include communication of the grounds of arrest, access to legal representation and production before a judge within the constitutionally required period, subject to recognised departure. The exercise of police power helps to prevent illicit or prolonged detention; judicial oversight is particularly important because it establishes an independent check.

Articles 32 and 226 are enhanced by the Constitutional protection, which provides remedies[15] for violations of fundamental rights. Article 32 permits a person to access the Supreme Court, while Article 226 permits High Courts to issue proper writs. In custodial death cases, the Constitution recognised damages as a public law remedy in suitable conditions.

In the Supreme Court case of Nilabati Behara v State of Orissa[16], it recognised that the availability of a remedy is a situation for violation of fundamental rights arising from custodial death. This is significant because it permits the victim's family to seek constitutional comfort independently of normal civil or criminal proceedings.

Human rights protection in custody extends to preventing physical torture. It covers protection of life, dignity, bodily integrity, medical needs and procedural rights. When a person dies in custody, the Constitution requires that it be properly investigated and that responsible governing bodies remain liable.

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[12] *Ibid* art 21
[13] *Shri DK Basu, Ashok K Johri v State of West Bengal, State of UP* AIR 1997 SC 610
[14] Constitution of India 1950, art 22
[15] *Ibid* arts 32 and 226
[16] *Smt Nilabati Behera alias Lalita Behera v State of Orissa and Ors* (1993) 2 SCC 746

There is a basic principle where the constitutional place can be outlined: loss of liberty does not amount to a lack of constitutional protection. The life and dignity of the person detained state that the power to detain carries an equivalent duty to protect the person. This constitutional protection depends upon proper execution, independent investigation, institutional accountability and effective remedies for violations.

STATUTORY AND INSTITUTIONAL FRAMEWORK

Custodial deaths comprise criminal procedural laws, provisions dealing with offences and public accountability, and institutions accountable for monitoring human rights violations in India. These ensure that deaths happening in custody are properly investigated, relevant evidence is stored, and responsibility is assigned according to law.

Bharatiya Nagarik Suraksha Sanhita 2023 [BNSS]: The principal methodical framework for investigating deaths happening in suspicious or abnormal circumstances is under the Bharatiya Nagarik Suraksha Sanhita, 2023, which came into force on 1st July 2024. Police inquiries and reports regarding suicide, accidental death and other specified states of affairs come under Section 194 of BNSS[17]. It provides for the scrutiny of the obvious cause of death and the preparation of the required inquiry report.

Section 196 provides for an inquiry by a Magistrate into the cause of death[18]. As covered by the cases, the provision involving the death or fading of a person, rape of a woman, while in police custody or other custody authorised by a Magistrate or court, the statutory magisterial inquiry is obligatory. The conditions of the incident added mechanisms such as inquiry are in addition to the police investigation. Further legal action is justified, as provisions provide a formal method for investigating custodial deaths and are conclusive.

Bharatiya Nyaya Sanhita 2023 [BNS]: The significant criminal law applies to offences committed against persons in custody; this is provided by the Bharatiya Nyaya Sanhita, 2023. The applicable provisions of the Sanhita depend upon the facts and evidence; acts such as murder, voluntarily causing hurt, serious hurt, illegal imprisonment, or criminal conduct

[17] Bharatiya Nagarik Suraksha Sanhita 2023, s 194
[18] *Ibid* s 196

may attract liability. The persons concerned may be prosecuted in accordance with the law in which evidence finds criminal responsibility.

The applicable legal ingredients and the available evidence require an assessment of the particular conduct under these applicable provisions. Individual officer reality of custodial death does not by itself establish the criminal liability.

National Human Rights Commission [NHRC]: The Protection of Human Rights Act, 1993 has established the National Human Rights Commission[19]. Plays an important role in investigating stated human rights violations and neglect by public servants. Under the Act, the Commission may inquire into complaints, seek relevant records, guide investigations within its statutory powers and advise appropriate corrective measures. Within 24 hours, the NHRC requires information on custodial deaths, whether in police or judicial custody. It inspects applicable documentation, including post-mortem and inquiry reports and may seek guidance from medical forensic experts. The immediate custodial institution's input and analysis provide an additional layer of oversight.

State Human Rights Commissions and other Authorities: Within their specific statutory jurisdiction, the Human Rights Commissions execute similar human rights protection functions. Their role can be important in investigating complaints against public governing bodies and recommending remedial measures[20]. Magistrates, investigating agencies, medical professionals and forensic experts help to establish the state of affairs of custodial deaths. Their duties include conducting inquiries, preserving evidence, examining medical findings and providing conclusions necessary for further proceedings.

Significance of Institutional Coordination: This structure depends upon proper coordination between investigating agencies, magistrates, medical governing bodies and human rights institutions. The liability process is postponed by reporting, inadequate preservation of evidence, incomplete medical documentation or incomplete independent investigation. Moreover, suggestions by human rights commissions must be backed by binding judicial orders and criminal court findings; each institution operates under its own statutory powers. Therefore, investigating custodial deaths and examining official

[19] Protection of Human Rights Act 1993, s 12
[20] *Ibid* s 18

responsibility provides several mechanisms within India's statutory and institutional framework. However, its particular capability and meaningful execution depend upon timely reporting, worthy investigation, reliable forensic evidence and proper prosecution.

JUDICIAL APPROACH TO CUSTODIAL DEATHS

Custodial deaths, custodial violence and the misuse of governing bodies by law execution officials in evolving legal principles play a major role in the Indian judiciary. The Supreme Court has accountability said through said that the need for productive safeguards, fair investigations, accountability of public officials and proper remedies or victims and their families. When a person suffers serious injury or dies while under official control, judicial mediation has also helped to resolve the duties of the state.

D.K. Basu v State of West Bengal: The Supreme Court expressed unease concerning custodial violence and deaths in police custody in the case of D.K. Basu v State of West Bengal[21]. Requirements regarding the preparation of arrest records, notification of relatives or friends, medical examination and documentation of injuries and the maintenance of appropriate records are the guidelines laid by the court governing the arrest and detention. This protection has been given to make the exercise of police powers clearer and to reduce custodial abuse. Against custodial violence, the judgment remains an important precedent for preventing judicial measures.

Nilabati Behera v State of Orissa: Mother claims following the death of her son in police custody, in the Supreme Court case of Nilabati Behera v State of Orissa[22]. As a public law remedy for organised violations of fundamental rights, in which the court recognised the accessibility of compensation. As a remedy for violations referable to the state explained that constitutional compensation is distinct from a usual civil claim for damages which it serves. In this judgment, an important principle of State responsibility was reinforced, and the ability of victims' families to seek constitutional relief was strengthened.

State of Madhya Pradesh v Shyamsunder Trivedi: The Supreme Court case State of Madhya Pradesh v Shyamsunder Trivedi[23] stated that the obstacles involved in proving custodial

[21] *Shri DK Basu, Ashok K Johri v State of West Bengal, State of UP* AIR 1997 SC 610
[22] *Smt Nilabati Behera alias Lalita Behera v State of Orissa and Ors* (1993) 2 SCC 746
[23] *State of Madhya Pradesh v Shyamsunder Trivedi and Ors* (1995) 4 SCC 262

violence. Incidents which occur frequently within closed institutional settings, where independent witnesses may be unreachable and relevant evidence may remain under official control, which the court has recognised. In this case, the judgment spotlighted the need for courts to address the evidence in custodial violence cases with an awareness of these practical difficulties. The situation in which custodial violence occurs to avoid liability reinforced the importance of evaluating available evidence rather than allowing it.

Judicial Accountability and the Need for Effective Implementation: Custodial deaths extend beyond criticism of unlawful conduct; these decisions confirm the judicial approach. The importance of reliable investigations that courts have developed risk reduction, recognised constitutional compensation and highlighted. Their jurisprudence also establishes that the position of a person in custody must not become a barrier to gaining justice. However, Custodial violence cannot be eliminated by judicial directions alone. Their ability relies upon following rules by police and prison authorities, proper maintenance of evidence, independent investigation, timely prosecution and execution of court orders. Proceedings delayed by difficulties in obtaining reliable evidence may continue to block accountability.

There are two complementary objectives of the judicial approach: When violations are established, they prevent custodial abuse before it occurs and ensure appropriate legal outcomes. Through these principles, the judicial system contributes to strengthening the rule of law and ensuring that custodial authority is exercised within legally prescribed limits.

ROLE OF NHRC AND OTHER INSTITUTIONS

National Human Rights Commission (NHRC): The National Human Rights Commission was established under the Protection of Human Rights Act, 1993; it is a principal institution responsible for the safeguard and promotion of human rights in India. The commission may inquire into complaints of human rights violations or negligence by public servants in preventing such violations. The conditions provided under the Act allow it to take its own lead on a complaint submitted by a victim or another person on the victim's behalf. Within 24 hours of the incident, the authorities must report to the NHRC in cases of custodial death[24].

[24] 'Fresh guidelines issued regarding intimation of Custodial Death' (*National Human Rights Commission*) <https://nhrc.nic.in/media/press-release/fresh-guidelines-issued-regarding-intimation-custodial-death> accessed 05 September 2026

The investigation analyses relevant records, including post-mortem reports and authoritative inquiry reports, and may seek expert assistance from medical and forensic professionals. Further charges may order fact-finding inquiries and recommend appropriate action. These help to ensure that the custodial deaths receive scrutiny beyond the immediate institution distressed.

To victims or their families, the prosecution or other remedial action, as suitable under its statutory powers. The answer of the concerned governing bodies must be ensured through mandatory judicial orders, and their fulfilment depends upon the applicable legal framework and the response of the concerned authorities.

State Human Rights Commission (SHRCs): Under the Protection of Human Rights Act, 1993, within their specific jurisdictions, the State Human Rights Commissions perform human rights protection. Human rights violations or carelessness by public servants, subject to statutory limitations, they may examine complaints regarding the violations. Their proximity to State-level institutions can simplify examination of complaints and analysis of imprisonment conditions. The protection of persons in custody also provides to identifying governing bodies shortage and recommending measures to improve.

Magistrates and Investigating Agencies: The situations around custodial death through legally prescribed inquiries Magistrates plays crucial role. Such query provides an additional mechanism for analyze the cause and situation of death. Official inquiries are responsible for collecting evidence, examining witnesses, conserving relevant records and determining whether criminal proceedings are warranted. Proper cooperation between these governing bodies is necessary to prevent evidence from being lost or endangered.

Medical and Forensic Institutions: By conducting post-mortem examinations, documenting injuries and analysing evidence relevant to the cause and manner of death, these are investigated by medical professionals and forensic experts. Medical records also show whether the deceased person received timely treatment during custody. The explanation offered by custodial governing bodies requires verification; an independent and systematic process and reliable assessment are essential.

Courts and Civil Society Organisations: Courts ensures that to help to get justice and accountability in custodial death cases. The organisations and legal aid institutions of civil

society help victims' families with to get legal support, evidence documentation and gives awareness to them. These two in custodial deaths cases helps to protect the rights of victim, according to the law, law supports the accountable support to the responsible person.

Institutional Effectiveness and Accountability: The efficiency of these institutions depends upon timely reporting, access to steady evidence, unbiased investigation and meaningful follow-up on advice. Weaknesses include delays in submitting reports, ineffective forensic documentation and weak execution of remedial measures. However, institutional cooperation must be accompanied by transparency and clear responsibility for obedience. In conclusion, the NHRC and other institutions execute reciprocal functions in addressing custodial deaths. Facilitating independent scrutiny, supporting evidence-based investigations, identifying human rights violations and promoting corrective action is their collective contribution.

CHALLENGES IN PREVENTION AND INVESTIGATION

India continues to face several practical challenges in the existence of legal safeguards and institutional mechanisms for the prevention and investigation of custodial deaths. These difficulties arise from institutional weaknesses, evidentiary limitations, delays in investigation and problems in ensuring accountability. Handling these challenges requires not only effective legal provisions but also consistent implementation and independent direction.

Difficulty in Establishing the Cause of Death: The actual cause and condition of a death that occurs in custody is one of the major hurdles[25]. Custodial deaths may result from natural causes, medical complications, accidents, suicide or unproven unlawful conduct. The encircling situations differentiate between these possibilities requires dependable medical evidence, forensic examination. Where records are incomplete, or clarifications are variable, establishing the facts becomes more difficult.

Lack of Independent Evidence: Custodial events often occur within police stations, prisons or other restricted surroundings. Independent observers may be inaccessible, and relevant evidence may remain under the control of the institution in question. In investigations, CCTV

[25] *State of Madhya Pradesh v Shyamsunder Trivedi and Ors* (1995) 4 SCC 262

records, custody registers, medical records and other documents are crucial. If any of the evidence is delayed, this can affect its reliability and make it more difficult to establish responsibility[26].

Delays And Questions of Investigative Independence: An investigation into custodial death must be capable of inspecting the conduct of the officials responsible for the deceased person's custody. The institution under examination, concerns regarding fairness may arise where investigative responsibilities are not sufficiently separated. In a case, the delay in recording statements, conducting examinations or completing inquiries can additionally weaken the investigation. In the process, timely and independent analysis is therefore essential to establish public confidence.

Medical and Forensic Limitations: Medical and Forensic evidence is central to diagnosing the cases and manner of death. However, insufficient documentation, delays in examinations, lack of forensic institutions, and difficulties in gaining expert analysis may block the investigation. In the post-mortem, findings must be properly recorded and valued alongside medical history, witness statements and other available evidence. The explanation originally provided by scientific investigation is particularly important where the physical findings differ from the explanation.

Accountability and Prosecution Challenges: Evidence is incomplete, or witnesses are unwilling to testify, because establishing individual responsibility may be difficult. Fear of revenge, dependence on local authorities and uncertainty about legal remedies may discourage witnesses or affected families from participating fully in proceedings. Furthermore, punitive action and criminal prosecution serve different purposes and must be sought according to their respective legal and general needs. Failure to establish responsibility through a believable process may weaken the deterrent effect of accountability mechanisms.

Inadequate Monitoring and Implementation: The reality of reporting essentials and institutional guidance does not automatically secure effective avoidance. Implementation of required safeguards may create continuing risks like weak monitoring of detention facilities, inadequate training, insufficient medical arrangements and inconsistency. Human rights

[26] *Shri DK Basu, Ashok K Johri v State of West Bengal, State of UP* AIR 1997 SC 610

suggest that inquiry findings must receive proper follow-up so that they lead to corrective action rather than remaining undecided.

Vulnerability of Detainees and Limited Access to Remedies: Persons in custody may experience problems in communicating complaints, gaining legal assistance or advising family members about abuse. These obstacles can be greater for individuals who lack financial resources or social support. Pursuing legal treatment when a death takes place, the family may also face practical barriers in obtaining records, understanding the investigation process and seeking legal remedies. The interests of strained families within reach legal guidance and transparent communication are therefore important for protecting the families.

At last, the avoidance and investigation of custodial deaths require more than formal legal protection. The productive execution depends upon independent investigations, safekeeping of evidence, dependable medical and forensic procedures, protection of witnesses, institutional observation and timely legal action. Handling or managing these challenges is fundamental and basic to support accountability and ensure that accusations of custodial wrongdoing are investigated fairly, justly and in accordance with the law.

CRITICAL ANALYSIS AND SUGGESTED REFORMS

One of the major weaknesses is the limited efficacy of accountability mechanisms where allegations worry officials exercising custodial authority. Even though investigations and judicial proceedings may establish responsibility in appropriate cases, delays, inadequate evidence collection, and difficulties in securing independent testimony can obstruct the process. The precautionary value of legal safeguards may also be feeble. Therefore, institutional efficacy must be evaluated not merely by the reality of rules but by the uniformity with which violations are investigated, and appropriate consequences follow.

Another worry relates to the independence and clarity of investigations. Custodial deaths frequently occur in environments where access to evidence is controlled by public governing bodies. This creates a need for investigation procedures that can operate independently of the officials or institution whose conduct is under examination. The belief is that an investigation depends upon prompt evidence preservation, reliable medical documentation, objective forensic analysis and transparent appraisal of competing explanations. Without this

protection, even an investigation conducted under formal legal authority may fail to found public confidence in its findings.

The role of human rights institutions also requires critical consideration. The follow-up given to suggest monitoring and reporting mechanisms provides an important layer of external inspection, but their effectiveness depends upon the quality of information received and the timeliness of inquiries. They have limited practical impact where remedial measures are not applied effectively through institutional oversight. Equally, compensation to affected families, while important, cannot substitute for a proper investigation or criminal accountability where an offence has been established.

SUGGEST REFORMS

Strengthening Independent Investigations: Custodial deaths must be investigated through a process that ensures objectivity and minimises conflicts of interest. The officials whose conduct is under inspection wherever required by law and suitable to the circumstances where the investigating authority should be institutionally. Evidence should be maintained immediately, and any suspected criminal conduct should be examined without undue delay. The veracity of the process is to be clear; accountability for investigative exclusion would further boost it.

Improving Evidence Preservation and Forensic Standards: Police stations, prisons, and other custody facilities should maintain steady records of custody, medical examinations, movements and significant incidents. CCTV systems should be properly maintained, with clear general methods for protecting relevant footage and avoiding unofficial alteration and removal. Post-mortem tests and forensic investigations should follow fixed professional standards. To ensure that the outcome is based on scientific evidence rather than baseless assumptions, adequate forensic facilities and access to independent medical expertise will be necessary.

Enhancing Medical Care and Preventive Monitoring: Regular medical analysis, immediate access to emergency treatment, and suitable monitoring of vulnerable detainees should be essential elements of custodial administration. Workers responsible for detention should receive training to identify medical emergencies, signs of physical abuse, and situations

involving an immediate risk to life. Recurrent inspections should also analyse custody conditions, sanitation, overcrowding, and access to essential healthcare.

Strengthening Institutional Accountability: With custodial protection, police and prison departments should have clear procedures for reporting suspected wrongdoing and reviewing the following rules. The appropriate governing bodies and supervisory officers must ensure that complaints and recorded, applicable evidence are maintained and serious incidents are referred. Departmental disciplinary proceedings and criminal investigations should be conducted according to their respective legal requirements. Institutional notice should also identify periodic failures and recommend corrective measures.

Improving NHRC Monitoring and Transparency: Within their statutory powers, human rights institutions should have timely access. Informing the following rules, the progress of inquiries and the application of suggestions should be observed systematically. Proper public reporting, subject to privacy and investigative requirements, can help identify frequent institutional weaknesses and promote clarity. The applicable legal framework of the governing bodies must provide deliberate action and responses to suggestions and take proper follow-up action.

Protecting Witnesses and Supporting Victims' Families: Detainees, witnesses and family members should have reachable channels through which to report alleged custodial misconduct. Suitable witness protection measures should be availed where an actual risk of pressure or reprisal exists. The investigative progress can help families participate more effectively in proceedings, including legal aid, access to applicable records under applicable law and clear communication. As a replacement for other proper remedies as a compensation should be considered where legally justified without treating it.

Promoting Human Rights Training and Professional Standards: The rights of persons in custody: police and prison staff should receive regular training on lawful interrogation, professional conduct, medical emergencies, and evidence conservation. Training should be approved by supervision, performance review and enforceable standards of conduct. A professional culture that values lawful investigation and humane treatment is essential for making protective safeguards efficient in everyday practice.

In the end, meaningful improvement requires a shift from a mostly reactive response to a detailed system of avoidance, independent investigation and institutional integrity. Legal safeguards must be held up by adequate resources, professional norm, transparent watching and effective carrying out a plan. The ultimate objective should be to ensure that every custodial death is investigated impartially, every proven violation receives a suitable legal response, and systemic failures are addressed before similar incidents occur. Such reforms would bolster public confidence in the criminal justice system and strengthen the principle that the exercise of custodial authority must remain subject to the rule of law.