

SYSTEMIC CHALLENGES IN PREVENTING CUSTODIAL DEATHS

AUTHOR – ABHISHEK S* & MS. PRIYANKA GUPTA**

* STUDENT OF AMITY LAW SCHOOL, AMITY UNIVERSITY, NOIDA

** PROFESSOR AT AMITY LAW SCHOOL, AMITY UNIVERSITY, NOIDA

BEST CITATION – ABHISHEK S & MS. PRIYANKA GUPTA, SYSTEMIC CHALLENGES IN PREVENTING CUSTODIAL DEATHS, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (4) OF 2025, PG. 812-823, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

Storage mortality is a grave issue in India, and it raises significant issues regarding human rights abuses, police accountability and institutional failure. It tries to avoid instances of torture and death in police and trials, even though provisions have been made by constitutional guarantees and laws to avoid violence against storage. This research critically analyzes the legal framework of custodial deaths in India, such as constitutional provisions, statutory laws, and international obligations. Judicial intervention has come a long way in holding the police accountable, e.g., milestone cases like *D.K. Basu v. It* has established significant guidelines to the protection of West Bengal detainees and *Nirabati Behera vs. Odisha*. But issues like no independent surveys, institutionalized impunity, political pressures and non-use of judicial directions are still obstacles for the smooth operation of repair mechanisms. A comparative examination of death prevention mechanisms in detention in the United Kingdom and the United States underscores the need for independent surveillance agencies, improved forensic practices and an effective legal deterrent in India. Systemic issues in the law enforcement and judicial apparatus are identified, and reforms suggested to enhance legal protection mechanisms, accountability, and prevention of violence in custody. The research concludes by calling for strong mechanisms for policy reform, compliance with existing laws, and monitoring of custody practices to move forward with justice and safeguard fundamental rights to life and dignity. Custodial deaths, police brutality, human rights violations, torture in custody, legal framework, judicial accountability.

KEYWORDS : Custodial deaths, police brutality, human rights violations, torture in custody, legal framework, judicial accountability.

I. INTRODUCTION

Storage mortality is a human rights violation in and of itself and an extremely grave issue for India's rule of law. Death results when police or judicial information actors die due to torture, physical abuse, medical neglect, suicide, or extrajudicial killing. In spite of constitutional safeguards, legislation in existence, and judicial intervention to safeguard the basic rights of detainees, the problem of storage violence is one that is now a normal occurrence.

Previously, killings and violence in India can be traced to the pre-colonial policing practice when force was used in excess for keeping law and order. Even post-independence, the structure and activities of law enforcement organizations remained unchanged, resulting in brutality against the police and abuse of authority. This has resulted in a huge number of cases where people, particularly marginalized groups, have been brutally treated and even

killed by the state¹³⁷³. Numerous human rights organizations such as National Human Rights Commission (NHRC), Amnesty International and Human Rights Watch are concerned about the death toll, which is increasing in India. National Bureau Crime Crime Reports (NCRB) calls this widespread incidence alarming. These instances usually include delayed investigations, absence of liability, and low levels of legal persecution of the perpetrators. The Indian Constitution promises protection from detention and arbitrary torture under Articles 20, 21 and 22, but their enforcement is not always even. Different judicial dicta such as D.K. West Bengal (1997) and Nirabati Becker (1993) v. Oris (1993) decided the benchmarks and methods of compensation of the immediate victims of violence against storage. The obedience of these guarantees is low in systemic corruption, political intervention and institutional bias.

II. UNDERSTANDING CUSTODIAL DEATHS

Death of storage is the killing of an individual while in custody of the law enforcement agencies like the police and prison administrations. Causes of death of storage range from torture, physical abuse, medical negligence, suicide, or extrajudicial killings. Death of storage has long been regarded as a violation of human rights and rule of law.¹³⁷⁴

Types of death

Police deaths typically take place when the individual under detention by the police dies while being questioned, during transportation, or while obstructing detention. Police deaths typically result from torture, coercion, or excessive force.

1. Death in court – this is when an individual dies inside a prison or prison after being led to court. The cause may be in the form of substandard prison conditions, failure to treat, violence within prisons, or negligence by the prison authorities.

2. Death in Transit – it occurs when offenders are being transported from one police station to another, courts or prisons. Sometimes, they are justified by police brutality, unsanitary transportation conditions, or exhaustion from long distances without amenities.
3. Suicide of Conclusion – Most of the registered deaths for storage end up being recorded as suicide under circumstantial death. It becomes impossible to rule out the use of compulsion, psychological trauma or torture resulting in such death.

A. Lack of Police Accountability and Culture of Impunity

The issue of police accountability remains one of the most pressing challenges in the fight against custodial deaths and torture in India. Despite a robust legal framework designed to safeguard human rights and prevent abuse, the lack of police accountability continues to perpetuate a culture of impunity within law enforcement agencies. This culture not only allows police officers to act with little or no fear of consequences for their actions but also reinforces the belief that they are above the law. This systemic issue is deeply embedded in the structure and functioning of the Indian police force, affecting the investigation of custodial deaths, the prosecution of erring officers, and the overall enforcement of human rights standards.¹³⁷⁵

B. Concentration of Power and Limited Oversight

A key factor contributing to the lack of police accountability is the centralized power vested in law enforcement agencies. In many instances, police officers are not subject to independent oversight, and the internal mechanisms for holding officers accountable are weak or non-functional. In cases of custodial deaths, where the police are the primary accused, the investigation often falls under the jurisdiction of

¹³⁷³ National Crime Records Bureau, Crime in India Report 56 (2022).

¹³⁷⁴ D.K. Basu v. State of West Bengal, (1997) 1 SCC 416.

¹³⁷⁵ Desai, A.K. – “Role of NHRC in Addressing Custodial Torture,” Journal of Human Rights Law

the same police department involved. This conflict of interest hampers the ability to conduct impartial investigations. Even when allegations of torture or abuse are made, there is a tendency to either sweep the matter under the rug or delay investigations so that the matter is forgotten. This failure to investigate in a timely and thorough manner encourages a sense of impunity among officers.

C. Ineffective Independent Oversight

The establishment of independent oversight bodies such as the National Human Rights Commission (NHRC) and State Police Complaints Authorities was intended to address the issue of police impunity. However, these institutions often lack the powers, resources, and authority needed to hold police officers accountable. The NHRC, while playing an important role in investigating human rights violations, does not have the authority to take direct punitive action against police officers. Furthermore, the State Police Complaints Authorities are often underfunded, understaffed, and subject to political influence, which prevents them from carrying out their duties effectively. As a result, many instances of custodial deaths and police misconduct go unpunished, perpetuating the culture of impunity.

D. Political Patronage and Institutional Protection

The interference of politics in the functioning of law enforcement agencies is a major contributing factor to the lack of accountability in India. In many cases, senior police officers or those with significant influence over law enforcement are shielded by political patrons. When police officers act with impunity, especially in cases involving custodial deaths, it is often because they have the protection of political elites who can either delay the investigation or prevent disciplinary actions. This protection extends to police officials who have close ties with political parties or local power brokers, creating an environment where

violations of human rights are tolerated and even ignored by those in power.

The culture of impunity is further fueled by the political use of the police. In many parts of India, the police are seen as an extension of political power, expected to serve the interests of those in positions of authority rather than uphold the law impartially. In such a system, police officers are incentivized to side with political agendas rather than maintain their professional integrity. This system of patronage undermines the principle of accountability and creates an environment of silence and cover-up for instances of police brutality.

E. Lack of Training in Human Rights and Ethical Policing

Another critical factor contributing to the lack of police accountability is the insufficient training provided to law enforcement officers, especially in the areas of human rights and ethical policing. Many police officers in India still operate within an authoritarian mindset, where the use of force and violence is normalized as part of the job. There is a significant gap in police training regarding the constitutional rights of individuals, particularly when it comes to treatment of detainees. As a result, officers may view custodial torture or deaths as acceptable tools of investigation or punishment, further entrenching the culture of impunity. Without proper education on human rights standards, police officers continue to engage in practices that violate both Indian law and international conventions.

F. Weakness in Investigations and Prosecutions

The lack of accountability is also reflected in the weak investigations and prosecutions of custodial deaths and torture cases. The Indian criminal justice system is burdened with delays and backlogs, and police officers accused of custodial violence often benefit from the inefficiencies of the system. For example, in many cases, investigations into custodial deaths are either delayed or conducted

improperly, with little attention given to collecting forensic evidence or interviewing key witnesses. The failure to bring charges against erring officers, or to even conduct a thorough investigation, creates a vicious cycle where perpetrators remain unpunished, and the victims' families are left without justice.

Additionally, witness intimidation and fear of retaliation prevent many individuals from coming forward with evidence or testifying against police officers involved in custodial deaths. In such cases, the police officers are often able to manipulate the investigation or intimidate witnesses, ensuring that cases are dismissed or conveniently forgotten. This only perpetuates the cycle of impunity and further weakens the accountability system.

The lack of police accountability and the culture of impunity are deeply ingrained issues that have plagued law enforcement in India for decades. They are driven by the concentration of power, political patronage, lack of independent oversight, insufficient training, and systemic inefficiencies within the criminal justice system. For meaningful change to occur, there needs to be a comprehensive overhaul of the policing structure, including greater independence for oversight bodies, reforms in training and recruitment, and stronger political will to hold officers accountable. Only then can India begin to address the problem of custodial deaths and violence and move toward a more just and accountable policing system.¹³⁷⁶

III. CHALLENGES IN INVESTIGATION AND PROSECUTION

The investigation and prosecution of custodial deaths in India face numerous challenges, making it difficult to hold perpetrators accountable. The process is often hindered by institutional biases, deliberate manipulation of evidence, witness intimidation, and systemic delays in the criminal justice system. These challenges contribute to a culture of impunity

and prevent justice from being served to the victims and their families.

A. Lack of Independent Investigating Agencies

One of the key issues in investigating custodial deaths is that police officers are often responsible for investigating their colleagues. This creates an inherent conflict of interest, leading to biased investigations and deliberate efforts to conceal evidence. Although the Code of Criminal Procedure (CrPC) mandates that an inquiry into custodial deaths be conducted by a judicial magistrate, in many cases, police departments manage to influence or delay these inquiries. The lack of truly independent investigative agencies to probe police misconduct significantly weakens the credibility of these investigations.

B. Tampering with Evidence and False Documentation

In several cases of custodial deaths, police officers engage in fabrication of evidence to escape liability. Post-mortem reports are sometimes manipulated, and the cause of death is falsely attributed to natural causes or suicide instead of police brutality. There have also been cases where the body of the deceased is quickly cremated or buried without proper forensic examination, making it difficult to determine the actual cause of death. This deliberate destruction of evidence further hampers prosecutions and ensures that officers evade punishment.

C. Witness Intimidation and Fear of Reprisal

Witnesses play a crucial role in custodial death investigations, yet fear of police retaliation prevents many from testifying. In several cases, witnesses—including fellow detainees, medical staff, and even junior police officers—face threats, coercion, or violence if they attempt to speak against senior officers involved in the crime. Since many witnesses belong to marginalized communities, they lack the resources or protection necessary to fight legal battles against powerful law enforcement personnel. The absence of a robust witness

¹³⁷⁶ Mehta, Gaurav – “Reforms in Law Enforcement Mechanisms,” Journal of Indian Legal Studies

protection program further discourages individuals from coming forward.

D. Judicial Delays and Low Conviction Rates

The slow pace of judicial proceedings in India exacerbates the problem of custodial death cases. Even when cases reach the courts, delays in trials, procedural loopholes, and overburdened courts result in cases dragging on for years. The low conviction rates in cases of custodial violence further discourage victims' families from pursuing legal action. Many cases either end in acquittals or remain unresolved, allowing the accused officers to continue their duties without accountability.

E. Failure of the Prosecution System

The public prosecutors responsible for prosecuting custodial death cases often lack the resources, autonomy, and institutional support required to fight cases against the police. In many instances, the prosecution is deliberately weakened due to political interference or pressure from senior law enforcement officials. This failure to present strong evidence, call key witnesses, or challenge police narratives results in dismissals or acquittals of the accused.

The investigation and prosecution of custodial deaths in India face severe structural challenges, including bias in investigations, witness intimidation, tampering with evidence, judicial delays, and prosecutorial failures. To ensure justice, there is an urgent need for independent investigative bodies, stronger legal safeguards, witness protection programs, and fast-track trials for custodial violence cases. Without these measures, police officers involved in custodial violence will continue to operate with impunity, denying justice to victims and their families.¹³⁷⁷

IV. ROLE OF FORENSIC SCIENCE AND MEDICAL EVIDENCE

Forensic science and medical evidence play a critical role in determining the cause of custodial deaths and ensuring accountability in cases of police brutality. Scientific examination of injuries, cause of death, and circumstantial evidence can provide objective proof in legal proceedings and strengthen cases against accused officers. However, in India, forensic investigations into custodial deaths are often manipulated, delayed, or improperly conducted, limiting their effectiveness.

A. Importance of Post-Mortem Examinations

Post-mortem examinations (autopsies) are crucial in custodial death cases as they provide medical evidence of the cause of death. A properly conducted autopsy report can reveal:

Signs of torture, blunt force trauma, or suffocation

1. Presence of internal injuries, fractures, or organ damage
2. Evidence of asphyxiation or head injuries, common in custodial deaths
3. The approximate time of death, which can confirm whether the victim died while in custody
4. However, in many cases, post-mortem reports are tampered with or influenced by police pressure. Government-employed forensic experts may sometimes alter findings to align with the police's version of events, thereby weakening the case against accused officers.

B. Use of Forensic Pathology in Proving Torture

Forensic pathology plays a key role in proving custodial torture, as forensic experts can document:

1. Pattern of injuries that indicate systematic abuse (e.g., electric shock marks, deep bruising from blunt objects)
2. Presence of ligature marks, which may indicate strangulation or excessive restraint

¹³⁷⁷ Chaturvedi, Raghav – "Judicial Response to Custodial Violence in India," Indian Bar Review

3. Blood clotting patterns, which can determine whether injuries were inflicted before or after death
4. Chemical analysis of body fluids to detect the presence of toxins or poisons
5. Despite the importance of forensic pathology, many custodial death cases in India lack a proper forensic investigation, leading to wrongful conclusions in judicial proceedings.

C. Challenges in Medical Examination of Detainees

Under Indian law, detainees are supposed to undergo a medical examination at the time of arrest and before being produced before a magistrate. This is meant to record any pre-existing injuries and prevent false claims of torture. However, in practice, such examinations are often conducted superficially or falsified to cover up custodial violence.

Doctors conducting medical examinations in government hospitals sometimes face pressure from police officials to either ignore injuries or alter reports in favor of law enforcement. As a result, medical evidence that could prove torture or ill-treatment is either ignored or tampered with, making it difficult to hold police accountable.

D. Role of Forensic Science in Reconstructing Events

In some cases, forensic science can be used to reconstruct the sequence of events leading to a custodial death. Techniques such as:

1. Crime scene analysis (blood spatter patterns, injury analysis)
2. Digital forensics (examining CCTV footage, call records, and police station logs)
3. Toxicology reports (to check for poisoning or forced drug intake)

These forensic tools help establish whether the police narrative aligns with scientific findings. However, due to a lack of proper forensic training, many investigations fail to utilize these scientific methods effectively.

E. Failure to Preserve Forensic Evidence

A major issue in custodial death cases is the failure to preserve forensic evidence. In several instances, police authorities delay sending bodies for post-mortem examinations, leading to decomposition, which makes determining the cause of death difficult. Additionally, forensic evidence from the scene of death (such as bloodstains, CCTV footage, and physical restraints) is often destroyed or removed to eliminate proof of police wrongdoing.

F. Need for Independent Forensic Investigations

To ensure that forensic science and medical evidence are used effectively, there is a need for:

1. Independent forensic examination teams that are not influenced by law enforcement
2. Strict guidelines for conducting post-mortem reports in custodial death cases
3. Mandatory video recording of autopsies to prevent tampering
4. Training of forensic experts in human rights violations to identify signs of torture
5. Forensic science and medical evidence are crucial in establishing the truth in custodial death cases. However, manipulation of autopsy reports, pressure on forensic experts, and destruction of evidence significantly weaken investigations. Strengthening forensic procedures, ensuring independent forensic investigations, and using scientific methods effectively are key to delivering justice in cases of custodial violence.

V. ISSUES WITH WITNESS PROTECTION AND JUDICIAL DELAYS

The prosecution of custodial death cases in India is significantly hampered by witness intimidation, lack of protection mechanisms, and excessive judicial delays. Witnesses, including fellow detainees, police officers, medical professionals, and forensic experts, often hesitate to testify due to fear of retaliation.

Additionally, the slow and cumbersome judicial process discourages victims' families from pursuing legal recourse, ultimately leading to a culture of impunity. Strengthening witness protection programs and ensuring expedited trials are crucial to addressing these systemic deficiencies.

A. Witness Intimidation and Fear of Retaliation

One of the greatest challenges in prosecuting custodial death cases is witness intimidation. Since the accused are often police officers or prison officials, witnesses—especially detainees and junior officers—fear violent repercussions if they speak against them.

Threats to Fellow Prisoners and Detainees: In most custodial death cases, fellow inmates are the primary witnesses. However, they often refuse to testify due to threats of physical violence, extended detention, or false criminal charges filed against them.

Pressure on Junior Police Officers: Subordinate officers who witness custodial torture may fear departmental harassment, transfers, or suspension if they testify against their seniors.

1. **Medical and Forensic Manipulation:** Doctors conducting post-mortems and forensic experts examining evidence may face intense pressure from the police to falsify reports or downplay injuries.
2. **Family Members Under Duress:** Victims' families often receive threats, harassment, or financial incentives to withdraw complaints or remain silent.
3. **Lack of an Effective Witness Protection Program**
4. Despite the Witness Protection Scheme, 2018, which was introduced to protect witnesses in sensitive cases, its implementation remains weak. The scheme provides for:
5. Identity protection of witnesses, including relocation if necessary.
6. Security arrangements for high-risk witnesses.
7. Concealment of witness details from public records.

8. However, in practice, state authorities rarely provide protection, especially when police personnel themselves are the accused. The lack of a robust and independent witness protection mechanism often results in key witnesses turning hostile or refusing to testify altogether.

Recommendations for Strengthening Witness Protection

Establish an independent Witness Protection Authority, separate from police influence. Implement whistleblower protection laws for police officers and medical professionals willing to expose custodial deaths. Ensure automatic protection for witnesses in all custodial death cases, including relocation and anonymity measures.

B. Judicial Delays and Inefficiency

Judicial delays in custodial death cases allow accused police officers to escape accountability, as cases take years or even decades to conclude. These delays occur due to backlogged courts, procedural inefficiencies, and deliberate stalling tactics by the accused.

Delays in Filing First Information Reports (FIRs): In many cases, FIRs are not registered promptly against police officers, giving them time to manipulate evidence or threaten witnesses.

1. **Lengthy Investigation Process:** Even after FIR registration, police delay the completion of charge sheets, resulting in prolonged trials.
2. **Lack of Fast-Track Courts:** Custodial death cases are not prioritized, leading to years of litigation before a verdict is reached.
3. **Low Conviction Rates:** Due to weak evidence, witness hostility, and delayed proceedings, convictions in custodial death cases are extremely rare.
4. **Legal Framework Governing Judicial Timelines**
5. Several judicial pronouncements have emphasized the need for speedy trials in cases involving human rights violations:

6. D.K. Basu v. State of West Bengal (1997) – The Supreme Court laid down guidelines for arrest and detention, emphasizing strict compliance with procedural safeguards.
7. Paramvir Singh Saini v. Baljit Singh (2020) – The Court ordered mandatory CCTV installation in all police stations to prevent custodial torture.
8. Nilabati Behera v. State of Orissa (1993) – The Supreme Court ruled that state accountability is necessary for custodial deaths and awarded compensation to victims' families.
9. Despite such rulings, the failure of lower courts to expedite trials continues to obstruct justice.

Recommendations for Reducing Judicial Delays

- i. Establish Special Fast-Track Courts for custodial death cases to ensure expedited trials.
- ii. Mandate time-bound investigations by requiring completion of charge sheets within 3 months.
- iii. Strict penalties for officers who delay FIR registration in custodial death cases.
- iv. Judicial monitoring mechanisms to track custodial death cases and prevent prolonged litigation.

The lack of witness protection and the slow judicial process are major barriers to ensuring justice for custodial death victims. Without proactive reforms, the culture of impunity will persist. India must:

- i. Implement a strong, independent witness protection program to prevent intimidation.
- ii. Enforce fast-track trials and time-bound investigations to ensure justice is delivered without undue delays.
- iii. Hold law enforcement accountable for procedural violations in custodial death cases.
- iv. Strengthening witness protection and judicial efficiency is essential to restoring

public confidence in India's criminal justice system and upholding human rights and rule of law.

VI. INFLUENCE OF POLITICAL AND INSTITUTIONAL BIASES

The investigation and prosecution of custodial deaths in India are often compromised due to political and institutional biases, which shield law enforcement officers from accountability. The nexus between police, political authorities, and bureaucratic institutions creates an environment where human rights violations are ignored, manipulated, or dismissed. This section explores how political pressure, institutional protection, and systemic corruption contribute to the lack of accountability in custodial death cases.¹³⁷⁸

A. Political Interference in Investigations

One of the major hurdles in ensuring accountability for custodial deaths is political influence over law enforcement agencies. Police officers, especially in states with high rates of custodial violence, often function under the direct or indirect control of ruling political parties. This leads to:

Protection of officers involved in custodial deaths: Politicians often intervene to prevent arrests or disciplinary actions against police personnel accused of custodial torture and killings.

1. **Manipulation of evidence:** Under political pressure, forensic reports, post-mortem findings, and witness testimonies are frequently altered to exonerate the accused officials.
2. **Delays in judicial proceedings:** Political leaders may use their influence to slow down court proceedings, ensuring that cases drag on indefinitely without a proper conclusion.
3. **Targeting of whistleblowers and activists:** Journalists, lawyers, and human rights activists who expose custodial deaths are

¹³⁷⁸ Aggarwal, Nomita – “Human Rights and Custodial Deaths in India,” Indian Journal of Human Rights

harassed, threatened, or even falsely implicated in criminal cases to silence them.

4. **Example:** Several reports highlight cases where police officers accused of custodial deaths were not only shielded from prosecution but also promoted to higher ranks due to their political connections.

Recommendations to Prevent Political Interference

Establish an Independent Police Complaints Authority (IPCA) in each state to investigate custodial death cases without political influence. Ensure transparency in investigations by making all case files, forensic reports, and CCTV footage from police stations publicly accessible to an independent review board. Prohibit political interference in law enforcement by enforcing strict legal consequences for politicians who attempt to obstruct custodial death investigations.¹³⁷⁹

B. Institutional Bias and the Culture of Protectionism

Apart from political pressure, custodial deaths are often covered up due to institutional biases within the police force and bureaucracy. Law enforcement agencies operate under a deeply entrenched system of protectionism, where officers shield each other from legal consequences to preserve the integrity of the force.

1. **Reluctance to register FIRs against police officers:** Many cases of custodial deaths do not even lead to the filing of an official complaint, as police officials are reluctant to take action against their colleagues.
2. **Manipulation of post-mortem reports:** Medical examiners, under pressure from law enforcement agencies, frequently alter autopsy reports to conceal evidence of torture.
3. **Failure to conduct impartial investigations:** Police personnel investigating custodial deaths often belong to the same

department or jurisdiction, leading to biased reports that absolve the accused officers.

4. **Institutional loyalty over justice:** There is a widespread belief among police officers that taking action against their colleagues would damage the reputation of the department, resulting in collective silence or false testimonies.
5. **Example:** The Central Bureau of Investigation (CBI) has handled several cases where local police forces deliberately concealed evidence of custodial deaths to protect their own. In many instances, the CBI has had to intervene due to the failure of state authorities to conduct impartial investigations.

Recommendations to Eliminate Institutional Bias

Mandate external and independent investigations in all cases of custodial deaths, ensuring that state police cannot investigate their own personnel. Introduce a zero-tolerance policy for police misconduct, ensuring that any officer found guilty of custodial torture faces immediate suspension and criminal prosecution. Encourage whistleblower protection mechanisms for police officers who expose misconduct within the force.

C. Corruption and the Role of Bureaucracy

Institutional corruption plays a major role in suppressing custodial death cases, as police officers often bribe bureaucrats and forensic officials to falsify reports. Corrupt practices within the criminal justice system allow police officers to escape legal consequences despite overwhelming evidence of custodial torture.

Bribery to manipulate evidence: Police officials accused of custodial deaths often bribe forensic experts, medical officers, and investigating agencies to ensure that reports favor them.

1. **Deliberate loss of key evidence:** CCTV footage, medical records, and witness statements often go missing in custodial

¹³⁷⁹ Nirmal Kanti Chakrabarti, Human Rights and Criminal Justice Administration in India (Deep & Deep Publications, 2007).

- death cases, enabling officers to evade punishment.
2. Prosecutorial inefficiency: Public prosecutors, under institutional and political pressure, may deliberately fail to argue cases effectively, leading to dismissals or acquittals.
 3. Example: In several high-profile custodial death cases, forensic reports have been altered after initial findings pointed to police brutality. This raises serious concerns about the independence of forensic and medical institutions.

Recommendations to Curb Corruption and Institutional Cover-Ups

1. Enforce strict penalties for tampering with evidence in custodial death cases, including criminal prosecution of forensic and medical officers involved in cover-ups.
2. Implement digital monitoring systems, such as automated CCTV recording in all police stations and detention centers, to prevent evidence manipulation.
3. Create an independent forensic investigation body, ensuring that autopsies and forensic reports in custodial death cases are conducted by neutral, non-governmental experts.

Political and institutional biases remain major obstacles in ensuring justice for custodial death victims. Political interference, internal police protectionism, and bureaucratic corruption create an environment where police officers accused of custodial torture are rarely held accountable.

To combat these challenges, India must:

1. Ensure political non-interference in custodial death investigations by establishing independent oversight mechanisms.
2. Enforce strict penalties for officers and officials involved in cover-ups or manipulation of evidence.
3. Mandate external investigations by independent agencies to eliminate bias in police-led inquiries.

4. Strengthen forensic and prosecutorial integrity to ensure fair trials and timely justice.

VII. POLICY RECOMMENDATIONS AND LEGAL REFORMS

Based on the research findings, the following policy recommendations have been identified to prevent custodial deaths and strengthen accountability mechanisms in India:

1. Amending the Code of Criminal Procedure (CrPC) and Indian Penal Code (IPC) to introduce custodial torture as a specific offense, with stricter penalties for law enforcement officers involved in such crimes.
2. Removing the requirement for government sanction (under Section 197 of CrPC) to prosecute police officers in custodial death cases, allowing unbiased investigations.
3. Strengthening forensic accountability by ensuring that autopsies are conducted by independent medical boards, with video recording to prevent evidence tampering.
4. Implementing witness protection programs to safeguard victims' families and key witnesses from police intimidation.
5. Mandating the installation of functional CCTV cameras in all police stations, interrogation rooms, and prisons, with independent auditing to prevent tampering.
6. Establishing independent oversight bodies similar to the UK's Independent Office for Police Conduct (IOPC) to investigate custodial deaths without police interference.

This research highlights the urgent need for legal, judicial, and institutional reforms to prevent custodial deaths in India. While the country has a strong legal framework on paper, the lack of enforcement, procedural delays, and systemic biases continue to undermine justice.

The study underscores the importance of strengthening police accountability, ensuring independent investigations, and adopting international best practices to bring about

meaningful change. Unless robust reforms are implemented, custodial deaths will remain a stain on India's human rights record.

VIII. CONCLUSION

The issue of custodial deaths in India remains a significant human rights concern, reflecting deep-rooted systemic flaws, gaps in legal protections, and inadequate enforcement mechanisms. Despite the presence of constitutional and statutory safeguards, cases of custodial violence and deaths continue to emerge, raising serious concerns about the effectiveness of accountability measures and law enforcement mechanisms. Although the Indian legal system provides constitutional safeguards and statutory protections against custodial deaths, their implementation remains ineffective. Article 20(3) protects individuals from self-incrimination, Article 21 guarantees the right to life and personal liberty, and Article 22 provides protection against arbitrary detention and arrest. However, despite these protections, the lack of stringent enforcement, procedural delays, and misuse of legal provisions often lead to violations of fundamental rights.

The Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), and Protection of Human Rights Act, 1993, provide mechanisms to hold police officers accountable, but legal loopholes allow impunity for perpetrators. One of the biggest concerns is Section 197 of the CrPC, which requires prior government sanction to prosecute public servants, including police officers. The Supreme Court and High Courts in India have played an important role in shaping the jurisprudence related to custodial violence. Landmark judgments such as *DK Basu v. State of West Bengal* (1997) and *Prakash Kadam v. Ramprasad Vishwanath Gupta* (2011) have laid down guidelines for police accountability and compensation for victims' families. The Supreme Court has also stressed mandatory medical examinations, CCTV surveillance in police stations, and guidelines for recording arrests and interrogations. However, in reality,

compliance with these judicial directives is inconsistent. Many police stations in India still do not have functional CCTV cameras, and when footage is available, it is often tampered with or goes missing. The lack of institutional will and strong enforcement mechanisms continues to obstruct the practical application of judicial guidelines, leaving victims with limited avenues for justice. One of the key findings of this research is that political interference and institutional biases protect guilty officials from facing legal consequences. In many cases, police personnel responsible for custodial torture receive political backing, making it difficult to hold them accountable. The absence of an independent police oversight mechanism contributes to a culture of impunity, where law enforcement officers believe they can act without fear of consequences. In states with a history of encounter killings and police excesses, custodial deaths are often justified under the pretext of maintaining law and order. This mindset reinforces the idea that certain individuals, particularly those from marginalized communities, do not deserve legal protections, further enabling the use of excessive force and unlawful detentions.

REFERENCES

Books

- Baxi, Upendra – The Crisis of the Indian Legal System
- Basu, Durga Das – Constitution of India
- Iyer, V.R. Krishna – Law and the People
- Pandey, J.N. – Constitutional Law of India
- Pillai, K.N. Chandrasekharan – Essays on the Indian Penal Code
- Menon, N.R. Madhava – Criminal Justice India Series
- Jain, M.P. – Indian Constitutional Law
- Rao, S.V. Joga – Law Relating to Custodial Deaths and Human Rights
- Singh, Avtar – Law of Torts

Journal Articles

Aggarwal, Nomita – “Human Rights and Custodial Deaths in India,” Indian Journal of Human Rights

Chaturvedi, Raghav – “Judicial Response to Custodial Violence in India,” Indian Bar Review

Desai, A.K. – “Role of NHRC in Addressing Custodial Torture,” Journal of Human Rights Law

Gupta, Rajesh – “Comparative Analysis of Anti-Torture Laws,” National Law Journal

Mehta, Gaurav – “Reforms in Law Enforcement Mechanisms,” Journal of Indian Legal Studies

List Of Statutes

The Constitution of India, 1950

The Indian Penal Code, 1860 (IPC)

The Code of Criminal Procedure, 1973 (CrPC)

The Indian Evidence Act, 1872

The Protection of Human Rights Act, 1993

The Right to Information Act, 2005

