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Position of Custodial Deaths in India: A Critical Analysis

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ABSTRACT

The Indian criminal justice system sorely lacks substantial guidelines/legislative provisions to regulate the custodial deaths. It is considerably pertinent to have a substantial legal framework on this issue, in the wake of gaining from different incidents in India, it is of utmost importance to India to set legitimate principles for Custodian Deaths. Many other countries have adopted a comprehensive legislative provision for custodian deaths whereas in India arrestees are often subjected to harassment, be it mental, physical or emotional and are denied basic protection, and therefore, there is an urgent requirement to fix this deficiency in our existing justice delivery framework.

Keywords: Custodial deaths, arrest, protection, remand, torture

I. INTRODUCTION

Whether a person loses his/her basic fundamental rights once s/he gets arrested? The answer to this question is an emphatic No, i.e., even if a person is arrested, his/her fundamental basic rights remain intact.

Police sometimes believe that they have a license to silence the arrestee, but this license needs to be revoked, i.e., the plight of these arrestees needs to be addressed. Arrestees are denied security, arrestees are denied safety, arrestees are denied basic protection, therefore, this situation requires a permanent solution. The researcher shall endeavor to address this big hurdle of custodial deaths in our justice delivery system.

Custodial Death is referred to as the death of a person who is under trial or has already been convicted of a crime. There can be several reasons for such deaths, such as natural causes like illness, due to suicide, infighting among prisoners but in many instances, it is police brutality and torture that constitutes the reason behind such deaths.

Custodial death is one of the biggest violations of human rights. It is a brutal attack on the right to life and liberty guaranteed by the Constitution of India. The obligation of protecting the life of the accused and the convicts lies with the State. Individuals accused of or convicted of crimes

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are, without any prejudice, entitled to a fair trial, safety and security in police/ judicial lock-ups, prisons and correctional homes. But the authorities often fail spectacularly in discharging their responsibility and what is even more ill-fated is that after such incidents happen, there is a full-on effort from the perpetrators to cover up their acts. Even the concerned government plays a big part in protecting the suspected officers.

Custodial torture is generally held to be one of the most brutal and heinous forms of human rights abuse. Authorities such as The Constitution of India, the Supreme Court, the National Human Rights Commission (NHRC) and the United Nations prohibit it. But the officials all over the the country disobey these institutions. Therefore, there is a need to strike a balance between the individual human rights and societal interests in combating crime by using a realistic approach.²

The Hon'ble Supreme Court, over time, has issued a multitude of directions and instructions to the Union and State Governments to take up the matter seriously, implement and devise ways to eliminate heinous incidents of custodial death, and punish the delinquent officials. But even then, not much progress has been made in the matter, as is quite evident from the ever-rising numbers of custodial deaths in the country.

Therefore, there is an urgent requirement to devise of a self- contained legislative framework that effectively deals with the menace of custodial deaths and is in accordance with the ground realities of the prevalent situation in India.

(A) Research Methodology

To achieve the Research Objective, application of apposite research methods while conducting a study is indispensable.

In this Article, the research methodology shall be Non-Doctrinal (empirical data from secondary sources, such as data from government websites). Non-doctrinal research, also known as social-legal research, is research that employs methods taken from other disciplines to generate empirical data that answers research questions. It can be a problem, policy, or a reform of the existing law. A legal non-doctrinal finding can be qualitative or quantitative, and a dogmatic non-doctrinal finding can be part of a large-scale project. The non-doctrinal approach allows the researcher to conduct research that analyses the law from the perspective of other science disciplines, and to employ those disciplines in drafting the law.³

Researcher shall rely on primary as well as secondary sources of data. The primary sources of

² Joginder Kumar v State of Uttar Pradesh, (1994) 4 S.C.C. 260.

³Salim Ibrahim Ali, et al., *Legal Research of Doctrinal and Non-Doctrinal*, IJTRD, Jan.-Feb. 2017, at 493.

data being the *Constitution of India, Code of Criminal Procedure, 1973, Indian Penal Code, 1860*. Researcher has referred to secondary source data as well. For the secondary sources, the researcher has consulted books as well as articles of various authors that are available in leading journals, newspapers, magazines and on the internet.

In this study, the provisions of Constitution of India, Code of Criminal Procedure, 1973 and The Indian Penal Code, 1860 shall be evaluated. Apart from this, judgments of the Hon'ble Supreme Court, High Courts and International Courts would be thoroughly examined.

II. EXISTING FRAMEWORK FOR SAFEGUARDING THE ARRESTED INDIVIDUALS

Custodial death is one of the most shameful crime in a country like India which is considered to be the largest democracy in the world and is society governed by rule of law. In India, rule of law, fairness, equality, transparency and accountability is inherent in each and every action and the right to life and liberty is the most versatile and significant fundamental right and is often treated as the crown jewel of the fundamental rights. Incidents of torture and use of third-degree methods upon the arrested persons, during detention and police remand raise a dirty finger on the very core of our administrative and justice delivery system.

What is interesting is that despite all this, India does not have a separate comprehensive anti-torture law. Many other countries across the world have implemented a detailed and proper legislative framework to battle this issue.

However, there are many treaties and conventions that have recognized and dealt with the issue of custodial deaths.

In the year 1948, after the horrible incidents of World War II, the General Assembly of the United Nations introduced the prohibition against torture provision in the significant Universal Declaration of Human Rights. Article 5 of the said declaration states: "*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*"

Torture is universally condemned. To deal with this blatant inhuman practice, apart from the Universal Declaration of Human Rights, it has been widely incorporated in a wide range of international and regional human rights treaties such as-

1. Article 7 of the International Covenant on Civil and Political Rights (ICCPR) (1966);
2. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);
3. The European Convention for the Protection of Human Rights and Fundamental Freedoms (1953);

4. African Charter on Human and Peoples' Rights (1979);
5. American Convention on Human Rights (1969).

In this context, it would be relevant to discuss the United Nations Standard Minimum Rules for Non-custodial Measures, popularly known as the Tokyo Rules. These rules were adopted by the UN General Assembly on 14th December 1990. They deal with basic principles to provide for non-custodial measures, as well as minimum protections for arrested persons, focusing on substitutes to imprisonment. The Rules aim to promote social justice and look into the rehabilitation needs of the offenders. The rules discourage the whole practice of pre-trial detention. They provide that judicial authorities should have a full range of non-custodial measures, such as verbal sanctions including admonition, reprimanding and warning; conditional discharge; economic and pecuniary sanctions, deferred and suspended sentences; house arrest, etc.

In the above background, it is important to discuss that India is one of the very few countries that have not yet ratified the UN Convention against Torture, which is not exactly ideal for the situation of protection of human rights in our country. India does not have a separate anti-torture law and ratifying it would require framing such a law. In fact, India's repeated requests of extradition of its citizens from other countries have mostly not been agreed to as these countries believe that in the absence of a proper anti-torture law, there would be cases of human rights violation including custodial torture for extracting evidence from the accused. Thus, such a law would serve a larger interest. An attempt in this regard was made in 2010 when the anti-torture law was passed in the Lower House. However, it was then referred to the Select Committee in the Rajya Sabha which recommended extensive changes. The bill thereafter lapsed and as per the Central Government, it is now lying with the Law Commission for its views, and this Bill becoming a law doesn't appear to be happening in near future.

III. PROACTIVE ROLE PLAYED BY JUDICIARY

*Despite having no self-contained legislative framework with respect to custodial deaths, Indian judiciary has played an important part in safeguarding the interests of arrestee. Supreme Court and High Courts of different states have been advocating for the protection of arrestees. Honourable Supreme Court in the case of *Munshi Singh Gautam v. State of Madhya Pradesh*⁴ has stated that:*

“The dehumanising torture, assault and death in custody which have assumed alarming

⁴ A.I.R. 2005 S.C. 402.

proportions raise serious questions about the credibility of the rule of law and administration of the criminal justice system... the concern which was shown in Raghbir Singh case more than two decades back seems to have fallen on deaf ears and the situation does not seem to be showing any noticeable change. The anguish expressed in the cases of Bhagwan Singh v State of Punjab, Pratul Kumar Sinha v State of Bihar, Kewal Pati v State of UP, Inder Singh v. State of Punjab, State of MP v Shyamsunder Trivedi and the by now celebrated decision in the landmark case of D K Basu vs. State of West Bengal seems ‘not even to have caused any softening of attitude in the inhuman approach in dealing with persons in custody’.”

Honorable Supreme Court in the case of D.K. Basu v. State of West Bengal⁵ has provided guidelines to safeguard the interest of arrestees, which are as follows:

“(1) The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.

(2) That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest a such memo shall be attested by at least one witness. who may be either a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be counter signed by the arrestee and shall contain the time and date of arrest.

(3) A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.

(4) The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.

(5) The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon he is put under arrest or is detained.

(6) An entry must be made in the diary at the place of detention regarding the arrest of the

⁵ 1997 (1) S.C.C. 416.

person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.

(7) The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her body, must be recorded at that time. The "Inspection Memo" must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.

(8) The arrestee should be subjected to medical examination by trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health Services of the concerned State or Union Territory. Director, Health Services should prepare such a panel for all Tehsils and Districts as well.

(9) Copies of all the documents including the memo of arrest, referred to above, should be sent to the illaga Magistrate for his record.

(10) The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.

(11) A police control room should be provided at all district and state headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous notice board.”

In spite of having all these protective guidelines and few legislative provisions for custodial deaths, India continues to see an increasing number of custodial deaths.

IV. RECORDS BY NATIONAL CRIME RECORD BUREAU

(A) Deaths in Police Custody/Lockup (Of Persons Remanded to Police Custody by Court)

National Crime Record bureau has maintained a record of numbers of deaths that has taken place in the Police custody/lockup (Of Persons Remanded To Police Custody By Court) from year 2002 to 2011 and it is surprising to know that even though 320 deaths have been reported during those year but only 21 police men have been charge sheeted, and what is more surprising is that none of them got convicted.⁶

(B) Deaths in Police Custody / Lockup (Of Persons Not Remanded To Police Custody By

⁶ Deaths in Police Custody/Lockup (Of Persons Remanded To Police Custody By Court), (Sept. 15, 2021, 3:07 PM), <https://ncrb.gov.in/en/crime-in-india-table-additional-table-and-chapter-contents?page=18>.

Court)⁷

National Crime Record bureau has also maintained a record of numbers of deaths that has taken place in the Police custody/lockup (Of Persons Not Remanded to Police Custody by Court), from 2005 to 2014. When we compare those numbers to the deaths that have taken place in Police Custody (Of Persons Remanded to Police Custody By Court), the numbers are shocking, because as compared to 320 deaths in Police custody/lockup of persons remanded to police custody by court, 612 deaths have taken place from year 2005 to 2014 which is almost double in number. Here, 104 policemen were charge sheeted and 16 of them were convicted.

The data clearly shows that, deaths are more prevalent in police custody when persons are not being remanded by the court. This implies that without supervision of the Court over these arrestees, the police seem to feel that they have right to do anything with these detainees without any accountability and this appears to be the root of the problem.

(C) Deaths in police custody (when person in remand)⁸

TABLE 16A.2
Deaths in Police Custody/Lockup (Persons in Remand) - 2019

S. No.	State/UT	Deaths Reported	Mag. Enquiries Ordered	Judicial Enquiries Ordered	Cases				Policemen				Total Deaths (Col.3 + Col.3 of Table 16A.1)
					Registered	Charge-sheeted	Convicted	Acquitted/Discharged	Arrested	Charge-sheeted	Convicted	Acquitted/Discharged	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
STATES:													
1	Andhra Pradesh	3	2	1	3	0	0	0	0	0	0	0	4
2	Arunachal Pradesh	1	0	0	0	0	0	0	0	0	0	0	1
3	Assam	0	0	0	0	0	0	0	0	0	0	0	1
4	Bihar	1	0	0	1	0	0	0	0	0	0	0	1
5	Chhattisgarh	5	1	1	2	1	0	1	0	0	0	2	5
6	Goa	0	0	0	0	0	0	0	0	0	0	0	0
7	Gujarat	1	1	0	0	0	0	0	0	0	0	0	10
8	Haryana	0	0	0	0	0	0	0	0	0	0	0	0
9	Himachal Pradesh	3	2	1	0	0	0	0	0	0	0	0	3
10	Jammu & Kashmir	0	0	0	0	0	0	0	0	0	0	0	0
11	Jharkhand	0	0	0	0	0	0	0	0	0	0	0	1
12	Karnataka	0	0	0	0	0	0	0	0	0	0	0	1
13	Kerala	0	0	0	0	0	0	0	0	0	0	0	1
14	Madhya Pradesh	6	2	4	1	0	0	0	1	0	0	0	8
15	Maharashtra	1	0	1	0	0	0	0	0	0	0	0	10
16	Manipur	1	0	0	1	0	0	0	0	0	0	0	1
17	Meghalaya	0	0	0	0	0	0	0	0	0	0	0	0
18	Mizoram	0	0	0	0	0	0	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	0	0	0	0	0	0	0
20	Odisha	0	0	0	0	0	0	0	0	0	0	0	4
21	Punjab	0	0	0	0	0	0	0	0	0	0	0	6
22	Rajasthan	1	0	0	1	1	0	0	2	0	0	0	7
23	Sikkim	0	0	0	0	0	0	0	0	0	0	0	0
24	Tamil Nadu	0	0	0	0	0	0	0	0	0	0	0	11
25	Telangana	6	1	2	3	0	0	0	0	0	0	0	6
26	Tripura	1	1	1	1	0	0	0	0	0	0	0	1
27	Uttar Pradesh	0	0	0	0	0	0	0	0	0	0	0	0
28	Uttarakhand	1	0	0	1	0	0	0	0	0	0	0	1
29	West Bengal	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL STATE(S)		31	10	11	14	2	0	1	3	0	0	2	83
UNION TERRITORIES:													
30	A & N Islands	1	0	0	1	0	0	0	0	0	0	0	1
31	Chandigarh	0	0	0	0	0	0	0	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0	0	0	0	0	0
34	Delhi UT	0	0	0	0	0	0	0	0	0	0	0	1
35	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL UT(S)		1	0	0	1	0	0	0	0	0	0	0	2
TOTAL (ALL INDIA)		32	10	11	15	2	0	1	3	0	0	2	85

Note: Persons in remand includes Persons in Police/Judicial Remand

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• As per data provided by States/UTs

• Due to non-receipt of data from West Bengal in time for 2019, Data furnished for 2018 has been used

⁷ Deaths In Police Custody / Lockup During 2013 (Of Persons Not Remanded To Police Custody By Court), (Sept. 19, 2021, 2:30 PM), <https://ncrb.gov.in/en/crime-in-india-table-additional-table-and-chapter-contents?page=18>.

⁸ Deaths In Police Custody (When Person In Custody), Report by National Crime Record Bureau, (Sept. 20, 2021, 5:00 PM), https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%2016A.2_2.pdf.

(D) Deaths in Police Custody (person not on remand)⁹

TABLE 16A.1
Deaths in Police Custody / Lockup (Persons Not on Remand) - 2019

S. No.	State/UT	Deaths Reported	Mag. Enquiries Ordered	Judicial Enquiries Ordered	Cases				Policemen			
					Registered	Charged	Convicted	Acquitted/Discharged	Arrested	Charged	Convicted	Acquitted/Discharged
1	2	3	4	5	6	7	8	9	10	11	12	13
STATES:												
1	Andhra Pradesh	1	1	0	1	0	0	0	0	0	0	0
2	Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0
3	Assam	1	1	0	0	0	0	0	0	0	0	0
4	Bihar	0	0	0	0	0	0	0	0	0	0	0
5	Chhattisgarh	0	0	0	0	0	0	0	0	0	0	0
6	Goa	0	0	0	0	0	0	0	0	0	0	0
7	Gujarat	9	5	4	3	2	0	0	14	14	0	0
8	Haryana	0	0	0	0	0	0	0	0	0	0	0
9	Himachal Pradesh	0	0	0	0	0	0	0	0	0	0	0
10	Jammu & Kashmir	0	0	0	0	0	0	0	0	0	0	0
11	Jharkhand	1	1	0	1	0	0	0	0	0	0	0
12	Karnataka	1	0	0	1	0	0	1	0	0	0	1
13	Kerala	1	1	1	1	0	0	0	6	0	0	0
14	Madhya Pradesh	2	1	0	0	0	0	0	0	0	0	0
15	Maharashtra	9	0	9	0	0	0	0	0	0	0	0
16	Manipur	0	0	0	0	0	0	0	0	0	0	0
17	Meghalaya	0	0	0	0	0	0	0	0	0	0	0
18	Mizoram	0	0	0	0	0	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	0	0	0	0	0	0
20	Odisha	4	2	1	4	0	0	0	0	0	0	0
21	Punjab	6	5	0	1	1	0	0	5	2	0	0
22	Rajasthan	6	3	2	0	0	0	0	0	0	0	0
23	Sikkim	0	0	0	0	0	0	0	0	0	0	0
24	Tamil Nadu	11	0	11	11	0	0	0	0	0	0	0
25	Telangana	0	0	0	0	0	0	0	0	0	0	0
26	Tripura	0	0	0	0	0	0	0	0	0	0	0
27	Uttar Pradesh	0	0	0	0	0	0	0	0	0	0	0
28	Uttarakhand	0	0	0	0	0	0	0	0	0	0	0
29	West Bengal	0	0	0	0	0	0	0	0	0	0	0
TOTAL STATE(S)		52	20	28	23	3	0	1	25	16	0	1
UNION TERRITORIES:												
30	A & N Islands	0	0	0	0	0	0	0	0	0	0	0
31	Chandigarh	0	0	0	0	0	0	0	0	0	0	0
32	D&N Haveli	0	0	0	0	0	0	0	0	0	0	0
33	Daman & Diu	0	0	0	0	0	0	0	0	0	0	0
34	Delhi UT	1	0	1	0	0	0	0	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0	0	0	0
TOTAL UT(S)		1	0	1	0	0	0	0	0	0	0	0
TOTAL (ALL INDIA)		53	20	29	23	3	0	1	25	16	0	1

Note: Persons Not on Remand includes Persons Arrested and yet to be produced before court
 • As per data provided by States/UTs
 • Due to non-receipt of data from West Bengal in time for 2019, Data furnished for 2018 has been used

TABLE 16A.1 Page 1 of 1

Looking into the latest data and figures, again, a similar inference can be drawn that there is an urgent requirement to maintain checks and balances on the rampant misuse of powers by the police which has led to an increased number of deaths in cases where persons are not on remand.

V. DISCREPANCIES AND INACCURATE DATA

Official figures of the National Crime Records Bureau indicate that 1,373 persons have either died or disappeared in police custody during the period 2005 to 2018. In 2019, the Bureau (NCRB)'s annual report recorded 85 deaths in police custody.

In the last 10 years, the majority (69%) of 1,004 deaths in police custody have been attributed to either illness and natural causes (40%), or to alleged suicide (29%), in National Crime Records Bureau data.

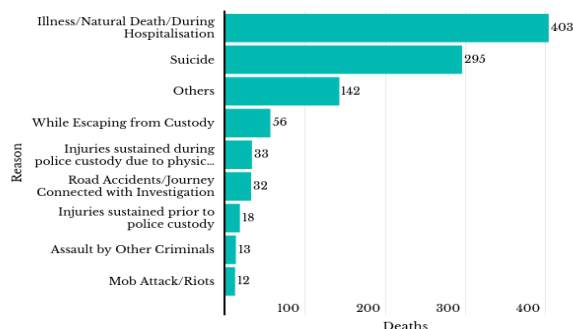
There is absence of clarity on the details of and reasons of these deaths, i.e. whether deaths by illness are due to a prolonged or sudden illness, or whether the hospitalisation and illness itself is linked to the circumstances that the arrestees had to face in custody, or whether they are due

⁹ Deaths In Police Custody (When Person Not On Remand), Report by National Crime Record Bureau, (Sept. 21, 2021, 09:00 PM), https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%2016A.1_2.pdf.

to police brutality and assault in custody. These details are not provided in the NCRB's annual Crime in India reports, which is the key central government database.

Physical assault by police has been recorded only from 2014 onwards and in just 6% of cases. In 2019, only 2.4% of the 85 deaths in police custody were attributed to assault by police in the report for that year.

Reasons Assigned for Death of Persons in Police Custody, 2010-19



Source: Crime in India reports 2010-19, National Crime Records Bureau



VI. AMBIGUITY IN ASSIGNING REASONS

Different Crime in India reports over the past decade have recorded reasons differently, making a comparative analysis difficult. The analysis below, thus, focuses primarily on data on suicide and illness/ hospitalisation over the years, and data from 2019.

In the last 10 years, 403 of 1,004 deaths (40%) in police custody are listed as due to “Hospitalisation/ Illness/ Natural deaths” – a majority of such deaths.

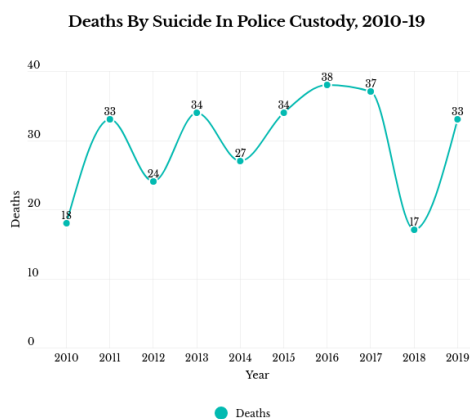
The category “death due to illness”, as we said, does not specify whether the illness was prolonged or sudden. There are no data on causes for hospitalization either – whether it was linked to conditions or circumstances in custody, or due to assault by the police or by some other person in custody.

VII. REPORT ON INCREASED NUMBER OF SUICIDES

More deaths by suicide in police custody have been reported over the past 10 years in Crime in India reports. In the last five years (2015-2019), 159 of 444 deaths in police custody, i.e. 36% have been reported as suicides, as compared to 136 of 560 deaths, i.e. 24%, from 2010-2014.

¹⁰ Raja Bagga, Existing Data On Custodial Deaths In India Fails To Give A Full Picture, (Sept. 19, 2021, 10:08 AM), <https://scroll.in/article/978919/existing-data-on-custodial-deaths-in-india-fails-to-give-a-full-picture>.

In 2019, 81% of the reported reasons for these deaths were either death by suicide (39%) or illness/death in hospitals (46%) during treatment. Of the 36 deaths in police custody reported due to illness or in hospitals in 2019, Tamil Nadu (10), Maharashtra (7) and Gujarat (5) accounted for more than 60%.



Source: Crime in India reports 2010-19, National Crime Records Bureau

VIII. CONCLUSION AND RECOMMENDATIONS

With the rising cases of custodial deaths in India, it is imperative that India takes this blatant violation of human and constitutionally guaranteed rights of the arrestees seriously and on priority. The existing framework is clearly insufficient to deal with the issue and India must endeavour to form a separate and comprehensive legislation on custodial deaths and anti-torture. India should also ratify the UN Convention Against Torture.

Further, educating and sensitising the police personnel towards these arrestees, without any prejudice towards their guilt is of utmost importance, which requires an overhaul by way of police reforms.

Further, it appears from the analysis that there is no rounded or proper information on the reasons for deaths in custody and the outcomes of inquiries into these deaths. This can be improved by incorporating the following changes:

- 1) Reports in India must exactly and accurately provide information as to how many custodial deaths took place and the final cause of death determined after necessary inquiry.

¹¹ Raja Bagga, Existing Data On Custodial Deaths In India Fails To Give A Full Picture, (Sept. 19, 2021, 10:08 AM), <https://scroll.in/article/978919/existing-data-on-custodial-deaths-in-india-fails-to-give-a-full-picture>.

2) Detailed state wise data on deaths should be further provided, specifically district-wise and police-station wise also to help us determine and ascertain the problem areas which could lead to targeted corrective actions.

3) Data would be more complete if the NCRB also included information on the status of pending cases against police personnel, irrespective of the year of death of a person in custody, and the exact stage at which the case is pending, which will lead to more accountability and transparency.

IX. REFERENCES*A. Books:*

- 1 R. Chakraborty, *LAW ON CUSTODIAL DEATHS AND TORTURE* (1st ed. 2017).

B. Online Articles:

- Raja Bagga, Existing Data On Custodial Deaths In India Fails To Give A Full Picture, (Sept. 19, 2021, 10:08 AM), <https://scroll.in/article/978919/existing-data-on-custodial-deaths-in-india-fails-to-give-a-full-picture>.
- Naik Shruthi et al., The Mystery Of Custodial Deaths In India', (Sept. 22, 2021, 03:00 PM), <https://www.nsoj.in/stories/the-mystery-of-custodial-deaths-in-india>.

C. Official reports and other documents:

- Crime in India Reports, (Sept.18, 2021, 2:00 PM), <https://ncrb.gov.in/en/crime-india-2019-0>.
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- Report of National Crime Record Bureau with respect to Custodial Crimes (in Police custody), (Sept. 14, 2021, 4:00 PM), <https://ncrb.gov.in/en/crime-in-india-table-addtional-table-and-chapter-contents?page=19>.
