



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2022 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

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Human Rights & blatant custodial deaths: When will it stop?

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Received 25 July 2022; Accepted 23 August 2022; Published 25 August 2022

It is well known that all of us have been endowed with some basic rights by the nature of being human and that they can be restricted by the due procedure in custody. However, what is rarely paid attention to is the fact that when the law restricts these fundamental human rights, it also passes upon itself the duty to protect the accused. This duty is conveniently overlooked by law enforcement agencies, even though a lot of provisions aiming to protect the vulnerable exist on paper. The focus of this research paper is mainly on violations in police custody. It aims to realise this duty and highlight the proactive role of the Judiciary in upholding these rights in instances of inhuman torture.

Keywords: *custody, custodial death, torture, right to life, human rights.*

INTRODUCTION

Custody could be defined as “any point in time when a person’s freedom of movement has been denied by law enforcement agencies, such as during transport prior to booking, or during arrest, prosecution, sentencing, and correctional confinement.”¹ Death in custody or custodial death is a matter of resentment as well as a concern as it demonstrates the absence of proper

¹ Jespal Gill & Timothy D Koelmeyer, ‘Death in Custody and Undiagnosed Central Neurocytoma’ (2009) 30 (3) Am J Forensic Med Patho <<https://pubmed.ncbi.nlm.nih.gov/19696590/>> accessed 24 July 2022

handling on the part of the authorities concerned.² The mark of a civilised society is having respect for each individual's right to life and various other rights that ensue from it. Violence in custody is an apple that falls way far from it. It defeats the very purpose of the rule of law that we so proudly enshrine in our constitution. It is a severe blow to the spirit of democracy, for, a democracy derives its spirit from its people. In a space where the right to life of its own people isn't protected, surely isn't a healthy democracy.

Even though every time custodial deaths cannot be attributed to violence, natural causes or inadequacy of medical facilities along with negligent behaviour of the authorities also form the reasons. Custody leads to complete dependence on a custodian for care as well as medical attention. This leads to increased vulnerability of the individual in custody. One significant role in this scenario is also played by the doctor who has the duty to document the available medical evidence. In addition to this, doctors can also act as facilitators for proper evaluation through effective communication.³

At this point, it is salient to note that there are two forms that custodial violence can take. First, torture, to a certain extent has been permitted in the legislation in exceptional circumstances to extract a confession.⁴ Second, purely exceeding the powers attributed. The misuse is even to the extent of raping the accused women. Innumerable cognisable offences are committed in pursuance of it. The majority of these accused aren't even aware of their rights; how can we expect them to protect themselves? The Constitution of India, being one of the most progressive constitutions in the world has included the Right to Life in Article 21. The court of law has granted it not only to the citizens⁵ but also to the persons under imprisonment and no public authority can violate it.⁶ It is well settled by the Supreme Court that, "Every convict, prisoners and under trials have right under Article 21 and only such Restrictions can be imposed as permitted by law."⁷ However, the point of contention is on the availability of such

² R. Sharma, "Custodial deaths" *Concise text book of forensic medicine & toxicology* (Elsevier 2005) 145

³ Y.S. Bansal, G. Murali, & D. Singh, 'Custodial Deaths - An overview of the prevailing healthcare scenario' (2010) 32 (4) *J Indian Acad Forensic Med*

⁴ Indian Penal Code, 1860, ss 330, 331, and 348

⁵ *Anwar v State of J&K* (1970) AIR 337

⁶ *State of Maharashtra v Prabhakar Pandurang Sangzgiri* (1966) AIR 424

⁷ *Nilabati v State of Orissa* (1993) AIR 1960

a right, rather it is on the enforcement of these. Degrading torture, and encounters in custody aren't an unknown menace.

In *Bhajan Kaur v Delhi Administration*,⁸ the court of law stated how Article 21 is a “great landmark of human liberty” and that the state has to endeavour to curb the “mala fide propensities of those who threaten life and liberty of others.” So many of those who are subjected to torture isn't even proven guilty, however, the police have their ways of getting their “supposed confessions” of guilt from them purely on their belief. How can they ignore the fact that admissions or confessions in police custody aren't even admissible in court?⁹ So, what is all this even for? Aren't they defeating the very principle of, ‘innocent until proven guilty,’ which forms the basis of our Justice System?

SPECIMENS OF BARBAROUS TORTURE IN CUSTODY

The origin of the word ‘torture’ lies in the Latin word, ‘tortuous.’ This means either to torment or to twist. Intentionally causing grievous pain, whether physically or mentally is engrained in it. This is an often-used method in the process of interrogation to be able to get any leads. The worst among them all is called the third-degree measures. There is no definition specifically on it which is why it could be extended to a brutal level. There are so many instances of torture in custody as bad as hammering nails in the body¹⁰, hitting the soles¹¹, and private parts¹², electric shocks, stabbing by a screwdriver¹³, and burning the leg¹⁴. When it comes to accused

⁸ *Bhajan Kaur v Delhi Administration* (1996) IIIAD Delhi 333

⁹ Indian Evidence Act 1872, s 5

¹⁰ Santosh Singh, ‘Bihar custodial deaths: Kin of youths to approve rights panel, court’ (*The Indian Express*, 13 March 2019) <<https://indianexpress.com/article/india/bihar-custodial-deaths-kin-of-youths-to-approach-rights-panel-court-5623492/>> accessed 24 July 2022

¹¹ Shaju Philip, ‘Kerala: Idukki custodial death snowballing into big trouble for CPM’ (*The Indian Express*, 2 July 2019) Accessible at <<https://indianexpress.com/article/india/kerala-idukki-custodial-death-snowballing-into-big-trouble-for-cpm-5809860/>> accessed 24 July 2022

¹² Kanwardeep Singh, ‘Man who died in revenue custody in UP's Budaun was a case of mistaken identity’ (*The Times of India*, 6 October 2019) <<https://timesofindia.indiatimes.com/city/bareilly/man-who-died-in-revenue-custody-in-ups-budaun-was-a-case-of-mistaken-identity/articleshow/71459528.cms>> accessed 24 July 2022

¹³ Amil Bhatnagar, ‘UP: 7 cops exonerated in Hapur custodial death’ (*The Times of India*, 28 June 2020) <<https://indianexpress.com/article/india/up-7-cops-exonerated-in-hapur-custodial-death-6479800/>> accessed 24 July 2022

who are women, they are subjected to give sexual torture. Rape, plucking nails and other sexual abuses are common. If the facts of the cases are laid in front, it will be shocking to see that this torture amounted to cases of theft¹⁵, financial fraud¹⁶, mere accusations of militancy against a school Principal of Jammu & Kashmir with no articulate evidence,¹⁷ and taking custody of an accused of murder off record and beating him black and blue with beating marks all over¹⁸. One of the recent cases that came to light was suicide by Altaf in custody. He was detained in the case of a Hindu girl who had gone missing. It was claimed that he hanged himself in the washroom with a tap which was only two feet above the ground with a string of his hoodie. How plausible is that?¹⁹

Another incident that startled the nation was the death of the father-son duo, P. Jeyaraj, and Bendix. A video of policemen beating them mercilessly on the account of violation of COVID protocols by keeping their shops open for longer than allowed did round on social media. This was followed by their death in police custody two days later on torture and sexual abuse.²⁰ To investigate the said matter, the High Court mustered only a bare minimum intervention with respect to Section 176 (1A), CrPC stating magisterial inquiry on custodial deaths, rapes, or disappearances. However, this provision has laid dormant for years. It is implemented only when there is a huge uproar or public outrage.

NCRB DATA & LACUNAE

The National Crime Records Bureau recently released its annual report for 2020. It estimated 76 custodial deaths in that year. The most number of deaths were recorded in Gujarat, 15 in

¹⁴ Bashaarat Massod, 'J & K school principal dies in police custody, family alleges murder' (*The Indian Express*, 20 March 2019) <<https://indianexpress.com/article/india/jk-school-teacher-dies-in-police-custody-probe-on-5633833/>> accessed 24 July 2022

¹⁵ Santosh Singh (n 10)

¹⁶ Shaju Philip (n 11)

¹⁷ Bashaarat Massod (n 14)

¹⁸ Amil Bhatnagar (n 13)

¹⁹ Deepak Lavania, 'Kasganj custodial death: Allahabad high court seeks reply on plea for CBI Probe' (*The Times of India*, 25 December 2021) <<https://timesofindia.indiatimes.com/city/agra/kasganj-custodial-death-hc-seeks-sps-reply-on-plea-by-victims-father-for-cbi-probe/articleshow/88481159.cms>> accessed 24 July 2022

²⁰ Akshaya Nath, 'They are plotting to kill me: Ex cop alleges threat from other accused in custodial death case' (*India Today*, 3 May 2022) <<https://www.indiatoday.in/india/story/tamil-nadu-custodial-death-case-jayaraj-bennix-former-cop-death-threats-jail-truth-madras-high-court-1944948-2022-05-03>> accessed 24 July 2022

number. Other states were which part of the list were, Andhra Pradesh, Assam, Bihar, Chhattisgarh, Haryana, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha, Punjab, Rajasthan, Tamil Nadu, Telangana, and West Bengal. Apart from the fact that these numbers do not represent the actual prevailing scenario, what is also to be noted is that not even a single conviction was reported last year. Another detail to be underscored is that whatever data that is available on the number of policemen arrested in custodial death cases have been recorded only since 2017. Since then, only 96 policemen have been arrested for the same. Data from the National Crime Records Bureau's annual Crime in India Reports from 2001 to 2020 on cumulative analysis tells that 2006 was the year in which the highest number of convictions of policemen were recorded, 11 in number. Out of this, 7 were from UP and 4 from MP. However, there is no confirmation of the fact whether they were held guilty in the same year of custodial death charges.

There have been 1888 custodial deaths across the country in the last 20 years as per the reports. Of these, only 893 cases against the accused policemen were registered. The figures get grim further. With only 358 policemen who were charge-sheeted, only 26 of them were actually convicted. This data by NCRB on police custody deaths has been compiled under two headings, namely, 'persons on remand' and 'persons not on remand.' The former includes those who are said to be under police or judicial custody. The latter includes persons who, even though have been arrested are yet to be produced before the court of law. Most of the cases against the policemen comprise of the not on remand category as against more custodial deaths reported than in the remand category.

These figures are shocking. Even before being produced before the court and having a fair hearing, a lot of lives are lost owing to police torture. There is already persisting trust deficit between the citizens and the police as a law enforcement agency. This is one of the factors driving fear in citizens on seeing police rather than feeling safe. On questioning a retired IPS Officer, one of the few reasons quoted by him for increasing custodial deaths is the lack of proper investigation on part of policemen coupled with the fact that they try and defend their

colleagues.²¹ Since this has turned out to be a bigger menace than expected, one of the ways of making it better is by making this Annual NCRB Report Data more comprehensive. It must also include information on the status of cases pending against the accused policemen regardless of the year in which the death in police custody was caused. This will provide a more wholesome view and greater accountability.

113TH& 152ND LAW COMMISSION REPORTS

The earliest report to discuss the oppression of police officers and custodial torture is the 113th Law Commission Report. It proposed an amendment to the Indian Evidence Act, 1872, in addition to Sec 114B. This section would seek to presume the liability of the police officer if any injuries on the accused in custody are reported. Therefore, it shifted the onus on the police.

The proposed Section 114-B read as under:

“114-B.²² (1) In a prosecution (of a police officer) for an offence constituted by an act alleged to have caused bodily injury to a person, if there is evidence that the injury was caused during a period when that person was in the custody of the police, the court may presume that the injury was caused by the police officer having custody of that person during that period.

(2) The court, in deciding whether or not it should draw a presumption under sub-section (1), shall have regard to all the relevant circumstances including, in particular,

(a) the period of custody,

(b) any statement made by the victim as to how the injuries were received, being a statement admissible in evidence,

the evidence of any medical practitioner who might have examined the victim, and

(d) evidence of any magistrate who might have recorded the victim’s statement or attempted to record it.”

²¹ Harikrishan Sharma, ‘1,888 custodial deaths in 20 years, only 26 policemen convicted’ (*The Indian Express*, 16 November 2021) <<https://indianexpress.com/article/india/custodial-deaths-policemen-convicted-7624657/>> accessed 24 July 2022

²² Law Commission of India, *Report on Injuries in Police Custody* (Law Comm. No. 113 1985) <<https://lawcommissionofindia.nic.in/101-169/Report113.pdf>> Last accessed 24 July 2022

This issue was yet again highlighted in the 152nd report of the Law Commission²³ which specifically dealt with Custodial Crimes. It discussed arrest and abuse by the officials in authority. Further, it referred to Articles 20, 21, and 22, saying that it is mandatory to observe these in impugned cases. However, it is unfortunate that none of the said recommendations has been accepted by legislative or executive authorities.

OTHER DEVELOPMENTS & 273RD LAW COMMISSION REPORT

One of the other significant reports that highlighted the impugned issue is by the National Police Commission.²⁴ It admitted the prevalence of dehumanising custodial torture. There was also an absence of a good approachable image of the police in the eyes of the public. The motivation behind such diabolical torture is the want to achieve quick results through some shortcut methods. It also drew light upon the fact that no evidence could be easily available for such crimes as they were within the 4 confined walls of authority which were meant to be protective rather than oppressive. This is why policemen were rarely convicted. At this point, it is also imperative to discuss how India is only one of 5 countries that are yet to ratify the UN Convention against Torture²⁵. In addition to this, India also lacks an anti-torture law of its own. This just does not only impact human rights but also cases of extradition. When India seeks custody of its own citizens, it is not granted so in a lot of cases as those countries see weak human rights laws and the prevalence of custodial torture to extract confessions or evidence. The Government has only maintained a consistent stand on torture being an offence in the IPC.

Apart from that, there have been various discussions on having an anti-torture law for the country which is why the Prevention of Torture Bill, 2010 was introduced in the Lok Sabha and thereby passed. However, when it went to the Rajya Sabha, it was referred to a Select Committee. The said Committee had suggested some changes to be made to it, which would

²³ Law Commission of Indian, *Report on Custodial Crimes* (Law Comm. No. 152 1994)

<<https://lawcommissionofindia.nic.in/101-169/Report152.pdf>> accessed 24 July 2022

²⁴ Law Commission of India, *Report of the National Police Commission* (Law Comm. No. 4 1980)

<<https://www.indianculture.gov.in/fourth-report-national-police-commission>> accessed 24 July 2022

²⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984

make it more compliant with the UN Convention on the same. However, the Bill lapsed owing to the dissolution of the 15th Lok Sabha. The latest update on the issue stands on a notification issued by the Central Government in July 2017 asking the Law Commission to explore the implementation of the UN Convention. The Commission did the same in its 273rd Report²⁶, the same year. The Report recommended consideration of the said Convention and if the Government decided to ratify the same, the Commission presented the Prevention of Torture Bill, 2017. Along with this, stringent punishments were also included in the draft legislation to curb torture. The said report reiterated the importance to insert Section 114-B in the Indian Evidence Act, 1872. However, it is really unfortunate to note that none of the recommendations of the Law Commission has been accepted.

PROACTIVE ROLE OF THE JUDICIARY

Even though there are a lot of lacunae in the system to protect the rights of those in custody, the Judiciary has time and again come to the rescue. Honourable Supreme Court in the case of *Munshi Singh Gautam v State of Madhya Pradesh*²⁷ noticed an alarming prevalence of custodial torture and its dehumanising nature. It stated how rule of law and administration of the criminal justice system is threatened by it. In *Joginder Kumar v State of Uttar Pradesh*,²⁸ the Court stated that the protection of the person in custody is supported by Articles 21 and 22(1) and they are meant to be enforced strictly. In addition to this, it said that the guidelines which had been provided by the Court in the same regard are to be adhered to. The said articles of the Constitution contain a lot of rights in themselves inherently.²⁹ This has also been reiterated by the Court by clearly specifying that they include within themselves protection against assault and torture by State functionaries.³⁰

²⁶ Law Commission of India, *Report on Implementation of 'United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment' through Legislation* (Law Comm. No. 273 2017) Accessible at <<https://lawcommissionofindia.nic.in/reports/Report273.pdf>> accessed 24 July 2022

²⁷ *Munshi Singh Gautam v State of Madhya Pradesh* (2004) Appeal (Criminal) No. 919/1999

²⁸ *Joginder Kumar v State of Uttar Pradesh* (1994) AIR 1349

²⁹ Deeksha Saggi, 'Custodial deaths and role of judiciary: A critical analysis' (*Latest Laws*, 25 July 2020) Accessible at <<https://www.latestlaws.com/articles/custodial-deaths-and-role-of-judiciary-a-critical-analysis/>> accessed 24 July 2022

³⁰ *Haricharan v State of MP* (2011) Criminal Appeal No. 582/2003

In one of the recent judgements³¹, the Court of law upheld the conviction of 9 policemen and extended their jail term in a custodial death case of 1993. It highlighted the very basic principle of democracy, “with great power comes greater responsibility.” They were held liable as per Section 330, IPC³². The behaviour of policemen hasn’t been unknown to the Courts. They have been recognised as oppressors of people, however, they need to learn “to behave as public servants in a democracy.”³³The Judiciary has been in the back seat to just let it all happen without any interventions, in fact, it has raised questions on the conduct of policemen repeatedly. The biggest of those questions is about the security and protection of citizens if the custodians of law are committing such horrific crimes. This has led to increased insecurity in the minds of citizens. In the words of the Court of Law, “It is more heinous than a game-keeper becoming a poacher.”³⁴Judiciary has not only upheld the spirit of the Right to Life but it has also protected various rights having their origins in specific legislations.

The Police have failed to respect the Right to Silence established in the case of *Nandini Sathpathy v P. L. Dani*,³⁵ which stated the right to stay silent during the investigation and no forceful confession could be extracted from the accused; thereby supporting the Right against Self-incrimination. The origin of this could be traced back to the Malimath Committee Report. The Report expressed the significance of this right in an autocratic system of government where there was already a lack of protection. Hence, the Judiciary needs to be lauded for its efforts to render justice even to those, for whom no specific legislation exists. It has prevented and reprimanded abuse of power by the authorities.

OTHER PROVISIONS

National Human Rights Commission Guidelines

The National Human Rights Commission has been a conservator of basic fundamental rights of all. In regard to custodial death, the Commission has its own set of guidelines starting from

³¹*Yashwanth and Others v State of Maharashtra* (2018) Criminal Appeal Nos. 385-386/2008

³² Indian Penal Code 1860, s 330

³³ *Mehboob Batcha & Ors v State* (2011) Criminal Appeal No. 1511/2003

³⁴ *Dagdu & Others Etc v State of Maharashtra* (1977) SCR (3) 636

³⁵ *Nandini Sathpathy v P.L. Dani* (1978) AIR 1025

being intimated of the occurrence of a custodial death within 24 hours. This has to be accompanied by post-mortem reports along with the report of the Magistrate. The Commission has also mandated a video recording of the post-mortem since it is the central proof in the case of deaths in custody. All of these documents are to be sent over to the Commission within 2 months of the death reported. However, there is always a delay in providing the same to it. It is too often kept the Commission at bay as those handling the matter are either the accused officers themselves or their colleagues. It is unfortunate to note how they are protected by their own. In March, this year NHRC came out with an estimate of the number of custodial deaths for the year 2021-22. There were 155 deaths in police custody during the said period.³⁶ This just shows an increasing trend with respect to NCRB Data of 2020. It is high time to hold those in power accountable and put a stop to blatant deaths.

COMPENSATION MECHANISM

Even though the kin of the deceased in custodial deaths can never be compensated in proportion to the loss of lives of their loved ones, monetary assistance still stands to be one of the efforts towards helping them secure a financially stable life as in most cases, the arrested deceased turn out to be the breadwinners of the family. The mechanism which ensures the same has been enlisted in CrPC mandating payment of compensation to the victims.³⁷ Apart from that compensation can also be sought from the District Legal Service Authority under the Victim Compensation Fund.

However, there is no explicit provision in our Constitution that seeks to render justice to the ones who lose their lives due to custodial torture. The provisions of CrPC are generalised, and so is the Victim Compensation Scheme which differs from district to district. The only standalone provision that encompasses it all is Article 21. It inherits in itself the right to compensation. Since India is a party to International Covenant on Civil and Political Rights, 1966, it mandates having an enforceable right to compensation for the victims of unlawful

³⁶ Bharti Jain, 'MHA to Lok Sabha: 2152 cases of deaths in judicial custody' (*The Times of India*, 22 March 2022) <<https://timesofindia.indiatimes.com/india/mha-to-lok-sabha-2152-cases-of-deaths-in-judicial-custody-155-in-police-custody/articleshow/90380779.cms>> accessed 24 July 2022

³⁷ Code of Criminal Procedure 1898, s 357B

arrest or detention.³⁸ Further, the allegiance of India to the same is supported by our Constitution which dictates respecting international obligations.³⁹ The extent of compensation granted by the Courts can be in Public Law over and above the remedy in Torts Law. Punishment for the cases of custodial death can be made as under the relevant provisions of Criminal Law for violation of Fundamental Rights.⁴⁰

*Nilabati Behera v State of Orissa*⁴¹ was the first case in which the Right to Compensation for the victims of custodial death was discussed. It admitted that the State has a strict duty of care with no exceptions and that it is completely responsible if an individual is deprived of his right to live in police custody as against the procedure established by law. The court held that remedy of compensation for such a case could be accorded under Article 32 or Article 226 of the Constitution. The principle of Strict Liability was held to be the basis of that. In one of the cases, simultaneous remedies were granted to the kin of the deceased under Criminal Law as well as the Law of Torts. As under Torts, the Court directed to recover the amount from the tortfeasors, i.e., the police officers who had been held guilty. An ex-gratia payment was thereby made.⁴² Since there is no fixed mechanism to receive compensation for a custodial death, there is still ambiguity on the conditions on which the Court of law would grant the same. In this regard, in the case of *Sube Singh v State of Haryana*,⁴³ the Court had discussed three questions that need to be answered in order to be eligible for compensation owing to a violation of fundamental rights.

There were three questions namely, first, could the violation of the right to life be called “patently incontrovertible?” Second, was the violation of such a degree to shock the conscience of the court? Third, whether the death was a result of alleged custodial torture, or has it been backed by medical reports, scars, or marks? Since there is no uniform way to be compensated, so is the case for deciding the quantum of compensation. It is decided by the authority as per

³⁸ International Covenant on Civil and Political Rights 1976, art 9(5)

³⁹ Constitution of India 1950, art 51(c)

⁴⁰ *D.K. Basu, Ashok K. Johri v State of West Bengal, State of UP* (1997) 1 SCC 416

⁴¹ *Nilabati Behera v State Of Orissa And Ors* (1993) AIR 1960

⁴² *Pratul Kumar Sinha v State of Bihar* (1992) Writ Petition (Criminal) No. 621/1992

⁴³ *Sube Singh v State of Haryana* (2006) Writ Petition (Criminal) No. 237/1998

the legal remedy you choose to claim. There is a lack of consistency in the methodology and approach of all the courts. It has become a scenario, to each its own. This was all the more highlighted in a recent case of 2021⁴⁴ in which the claimed compensation by the wife of the deceased was Rs. 1 Crore, however the permitted bracket of compensation in the Delhi Victim Compensation Scheme was only from Rs 3-10 lakh. The Deceased had died in custody due to torture only on accusations of theft. The Court granted the compensation only within the bracket.

The 273rd *Law Commission Report*⁴⁵ in this regard had recommended a few factors that the Courts must take care of while awarding compensation in order to streamline the mechanism. These factors are the nature and purpose of the injuries, their extent, and manner along with the mental agony which was caused to the victim. The socio-economic background of the victim also plays a role in order to see the capability of the victim to be able to pay for his medical treatment through the decided compensation. Hence, the blow of having to give up the right to life of an individual in custody can, unfortunately, be softened in only one plausible way, compensation. Therefore, considering the proportion of betrayal by the State authorities meant to protect us, the compensation should be decided accordingly. A specific plan for a quantum of punishment must be formulated by the authorities.

RECOMMENDATIONS

The existing situation on this issue is grave. Here is a set of recommendations that can help improve the same:

- The Data collected on custodial deaths must be calculated carefully after proper inquiry while recording the final causes for the same.
- It needs to include the dimension of the status of pending cases against accused policemen irrespective of the year in which the death was caused. This would promote accountability.

⁴⁴ *Ruvee Parveen v State of NCT Delhi & Ors* (2021)Writ Petition (Civil) No. 3090/2021

⁴⁵ *Joginder Kumar* (n 28)

- There has to be a detailed collection of data district-wise and then police station-wise in order to curb the menace at its roots.
- Compulsory implementation of S 176 (1A), CrPC mandating inquiries to be conducted in each case of custodial violence than only using in sensational cases under public pressure.
- Sensitisation of police personnel through awareness, constant workshops, and programs.
- Accept the recommendations of the 113th Law Commission to insert S 114B in the Indian Evidence Act, 1872.
- Enforce stricter measures of protection against possible threats for victims, complainants, and witnesses in cases of custodial death as endorsed by the 273rd Law Commission Report.
- Training policemen to employ scientifically advanced techniques rather than using torture as a shortcut method to extract a confession.
- Make a separate provision for punishing custodial death amounting to and not amounting to death in IPC.
- Presence of adequate medical facilities in jails to ensure timely help to those in custody.
- Reservation of a quota of jobs for the kin of those deceased due to custodial torture or a system of monthly pensions.

CONCLUSION

A State in its very essence has the responsibility to be the custodian of its citizens, however, what are the options available to the citizens when the agencies of this very State are empowered by oppression? When the vulnerability of citizens is capitalised on by the top institutions of the country who are supposed to be guarantors of our rights? We cannot imagine the brutality that would ensue if it gets any worse. Therefore, vigilant and strict steps must be taken by the authorities to fill the trust deficit existing. At this point, India lacks a robust national framework to counter this peril. It is high time that we make one for ourselves. There is no bigger priority than upholding the Right to Life of each person.