



Custodial Death

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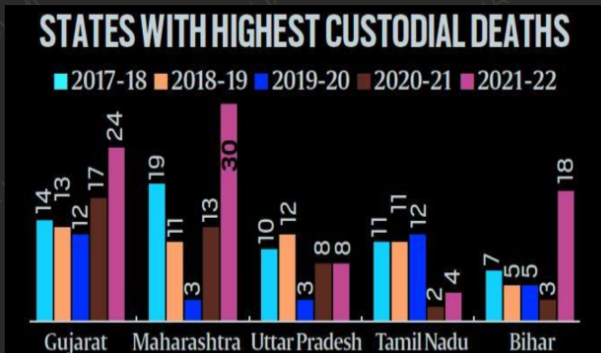
CD is a death that occurs while a person is in the custody of law enforcement officials or in a correctional facility

CAUSES

- Use of excessive force, (medical) neglect, abuse by authorities etc.

HIGHEST CDS IN INDIA (2017-18 to 2021-22)

- Uts: Delhi (29), J&K (4)
- States: Gujarat (80), Maharashtra (76), UP (41), TN (40) and Bihar (38)



LEGAL PROVISIONS

- CrPC Section 41 - Amended in 2009; arrests and detentions for interrogation to have reasonable grounds and documented procedures
- IPC Sec 302, 304, 304A, and 306 - Include crime of custodial torture
 - Sec 330, 331 - Punishment for injury inflicted for extorting confession

Complaints of such human rights violations are received by the NHRC under Protection of Human Rights Act, 1993

MAJOR ISSUES REGARDING CDS

- No anti-torture legislation
- Opaque, poor prison system
- Excessive force used against marginalised/ protesters
- Lengthy, expensive judicial processes

India signed the UN Convention against Torture (1985) in 1997 but hasn't ratified it yet

CD V/S FUNDAMENTAL RIGHTS

- Protection from torture (Article 21)
- Protection against arrest and detention in certain cases, Right to Counsel (Article 22)

SOLUTIONS

- Multi-pronged strategy encompassing legal enactments, technology, accountability, training and community relations
- Taking stringent action against personnel breaching the commandments issued by the SC in *D.K. Basu v. State of West Bengal (1997)* (such as - All police personnel to wear name tags clearly indicating their name, designation)

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