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Andhra Pradesh Custodial Death Case Highlights Persistent Concerns Over Police Accountability, Human Rights and Criminal Justice Reforms

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Recent Developments:

- The **Special Investigation Team (SIT)** arrested a suspended police inspector in connection with the alleged custodial death of **Gade Sai Krishna** in **Andhra Pradesh**, after preliminary findings indicated illegal detention, custodial violence and destruction of evidence.
- The **National Human Rights Commission (NHRC)** took suo motu cognisance of the incident, termed it a prima facie violation of **Article 21**, sought an Action Taken Report from the State Police, and directed protection for the victim's family.
- The **Ministry of Home Affairs (MHA)** reiterated that every custodial death, whether in police or judicial custody, must be reported to the **NHRC** within **24 hours**, along with mandatory post-mortem videography and magisterial inquiry as per NHRC guidelines.

About Custodial Death:

Meaning and Scope:

- **Custodial death** refers to the death of a person while under **police custody, judicial custody** or any other form of lawful detention, irrespective of whether the individual is an accused, undertrial or convicted prisoner.
- Such deaths may result from **custodial torture**, excessive use of force, negligence, denial of timely medical treatment, suicide or other suspicious circumstances, each requiring an independent legal inquiry.
- Custodial death is considered one of the gravest forms of **State excess**, as the State assumes a constitutional duty to protect the life and dignity of every individual in its custody.

Constitutional and Legal Framework:

Constitutional Provisions:

- **Article 20(1):** Protects individuals from punishment beyond what is prescribed under law.
- **Article 20(3):** Protects against **self-incrimination**, making involuntary confessions obtained through coercion legally inadmissible.
- **Article 21:** Guarantees the **Right to Life and Personal Liberty**, which extends fully to persons in police and judicial custody.
- **Article 22:** Provides safeguards against arbitrary arrest by ensuring information regarding grounds of arrest, legal representation and production before a magistrate within **24 hours**.

Statutory Provisions:

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- **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023** strengthens procedural safeguards relating to arrest, investigation, documentation and judicial oversight.
- **Bharatiya Nyaya Sanhita (BNS), 2023** and **Bharatiya Sakshya Adhiniyam (BSA), 2023** modernise criminal and evidentiary laws, reducing reliance on confession-based investigation.
- **Section 196(2) of BNSS** mandates a **Judicial Magistrate inquiry** in cases involving custodial death, disappearance or custodial rape, replacing the earlier **Section 176(1A) of CrPC**.

Magnitude of the Issue:

Custodial Death Statistics:

- Parliamentary data indicate that **11,656 custodial deaths** were recorded across India between **2016–17 and 2021–22**, with **Uttar Pradesh** reporting the highest number during that period.
- According to **National Crime Records Bureau (NCRB)** data, **170 custodial deaths** were reported during the first **74 days of 2026**, exceeding the corresponding figure of **140** recorded in the previous year.
- **Bihar** reported the highest number of custodial deaths during this period, followed by **Rajasthan** and **Uttar Pradesh**.

Causes of Custodial Deaths:

Procedural Deficiencies:

- Non-compliance with the safeguards laid down in **D.K. Basu. State of West Bengal (1997)**, inadequate documentation and delayed judicial inquiries weaken accountability.
- Delays in forensic examination, post-mortem reporting and magisterial investigations often reduce the effectiveness of criminal prosecution.

Weak Institutional Accountability:

- Investigations are frequently conducted by the same police establishment to which the accused officials belong, creating concerns regarding impartiality.
- Departmental proceedings and judicial inquiries often remain prolonged, reducing public confidence in accountability mechanisms.

Political and Administrative Influence:

- Political interference may compromise independent policing and discourage prompt disciplinary action against erring officials.
- Inadequate operational autonomy weakens professional policing standards.

Socio-Economic Vulnerability:

- Victims often belong to economically weaker or socially marginalised communities with limited access to legal assistance and institutional support.
- Fear of retaliation and prolonged litigation discourages families from pursuing justice.

Overdependence on Confession-Based Investigation:

- Inadequate forensic capacity, poor scientific investigation and shortage of trained personnel encourage coercive interrogation practices instead of evidence-based policing.

Concerns and Implications:

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Governance and Rule of Law:

- Custodial deaths undermine the **Rule of Law** by violating constitutional guarantees under **Articles 21 and 22**, thereby weakening public trust in criminal justice institutions.
- Failure to ensure accountability reduces confidence in democratic governance and law enforcement.

Human Rights Concerns:

- Repeated incidents attract criticism from international human rights institutions, affecting India's global human rights credentials.
- Allegations of custodial torture weaken India's moral position while advocating human rights internationally.

Criminal Justice Concerns:

- Dependence on coercive interrogation reflects deficiencies in forensic investigation, scientific policing and evidence collection.
- Frequent custodial violence creates the perception of excessive police power instead of citizen-centric policing.

Judicial Interventions:

Important Supreme Court Judgments:

- **D.K. Basv. State of West Bengal (1997):** Laid down mandatory arrest and detention guidelines, including arrest memo, medical examination, information to relatives and maintenance of custody records.
- **Nilabati Behera v. State of Odisha (1993):** Recognised compensation as a constitutional remedy for custodial death arising from violation of **Article 21**.
- **Prakash Singh v. Union of India (2006):** Directed comprehensive police reforms, including establishment of **Police Complaints Authorities**, fixed tenure for senior officers and separation of investigation from law-and-order functions.

International Legal Framework:

International Human Rights Instruments:

- **United Nations Charter (1945):** Promotes protection of fundamental human rights and human dignity.
- **Universal Declaration of Human Rights (1948):** Prohibits torture and arbitrary deprivation of liberty while recognising the presumption of innocence.
- **International Covenant on Civil and Political Rights (ICCPR), 1966:** Protects the **Right to Life** and prohibits torture and cruel, inhuman or degrading treatment.
- **United Nations Convention Against Torture (UNCAT), 1984:** India has **signed but not ratified** the Convention, making anti-torture legislation an important pending reform.
- **Nelson Mandela Rules (2015):** Prescribe internationally accepted minimum standards for the humane treatment of prisoners.

Measures Required:

Legislative Reforms:

- Enact a comprehensive **anti-torture law** in line with recommendations of the **Law Commission of India** and India's international commitments.
- Strengthen statutory safeguards relating to custodial violence, victim compensation and witness protection.

Police Reforms:

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- Fully implement the **Prakash Singh** directives by ensuring independent complaint authorities, functional autonomy and separation of investigation from law-and-order responsibilities.
- Promote scientific investigation through forensic evidence, cyber tools, digital documentation and specialised training.

Technology-Based Monitoring:

- Ensure uninterrupted **CCTV surveillance** in police stations and interrogation rooms, mandatory body-worn cameras and secure digital custody records.
- Strengthen forensic documentation through videographed post-mortem examinations and electronic evidence preservation.

Judicial and Institutional Reforms:

- Establish fast-track courts for custodial violence cases and ensure time-bound judicial inquiries.
- Strengthen the oversight role of **NHRC**, **State Human Rights Commissions**, judicial magistrates and independent forensic experts.

Value Addition for UPSC:

Important Constitutional Articles:

- **Article 20**
- **Article 21**
- **Article 22**
- **Article 32**
- **Article 226**

Important Supreme Court Judgments:

- **D.K. Basv. State of West Bengal (1997)**
- **Nilabati Behera v. State of Odisha (1993)**
- **Prakash Singh v. Union of India (2006)**

Important Committees and Reports:

- **69th Report of the Law Commission of India**
- **273rd Report of the Law Commission of India**
- **National Police Commission**
- **Second Administrative Reforms Commission (ARC)**

Important Institutions:

- **National Human Rights Commission (NHRC)**
- **National Crime Records Bureau (NCRB)**
- **Ministry of Home Affairs (MHA)**

Important International Linkages:

- **International Covenant on Civil and Political Rights (ICCPR)**
- **United Nations Convention Against Torture (UNCAT)**
- **Universal Declaration of Human Rights (UDHR)**
- **Nelson Mandela Rules**

UPSC Enrichment:

- **Custodial violence** is frequently examined in relation to **Fundamental Rights, police reforms, criminal justice system, human rights, constitutional governance** and **ethical public administration**