

ABSTRACT**CUSTODIAL DEATH A THREAT TO HUMAN RIGHTS AND THE ROLE OF JUDICIARY*****NAFIZ NASRIN¹**

Custodial torture or Custodial death considered the most heinous offence. Custodial violence is appertained to a violence, rape, torture or death of a person during public guardianship or judicial guardianship. According to the National Campaign Against Torture(NCAT) it released a periodic report on torture 2020 were the loftiest Custodial death reported from Gujrat and Uttar Pradesh. India is world largest republic, the increase of custodial death raises a huge mistrustfulness on its police system. The constitution of India guarantees colorful right to the captures or a person who's in guardianship under article 20,21 and 22 which cover the right of every citizen and introductory mortal rights. Also the Supreme court of India has interpreted certain rights similar as right to fair trail, right against Handcuffing, right to free Legal Aid etc. Also colorful legal provision available against Custodial death or torture under CRPC section 57, 167,163 deals with custodial torture under Indian substantiation Act section 24,25 and 26 which give legal remedies against Custodial violence also under IPC section 302,304, 306 give remedies against Custodial death. It's veritably important to note that detriments these colorful legal provision, Custodial death continues to do, it may be argued that there's strong need for better Custodial operation, police officers need training in matters pertaining to mortal rights and captivity operation, also according to the NHRC the state governments should play further defensive part in perfecting conditions of the incarcerations. This brutal torture should be stop by police and there should be need for medium to deal with this violence with proper operation. The protection police get from the state despite misusing their power is a big issue. And there is a need for monitoring police actions in case of custodial death.

Keywords : Custodial Death, Constitution, Indian Evidence Act, Indian Penal Code, NCAT, Article 21, Article 20, Article 22, CRPC.

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