

②. D. K. Basu judgements are valuable legal principles and techniques to reduce custodial death and torture in the country analyse.

Custodial deaths and torture were the are the events registering the excessive police brutality in the society, the judiciary has been delivering various guidelines to minimize the custodial deaths through judgements such as D. K. Basu vs West Bengal Case and Prakash Singh vs Union of India Case.

Guidelines and its impact :-

→ The major safeguard to the convict was about informing him/her about the reasons for conviction, allow him to contact his family members

* However the police force violate this procedure easily by non registering the arrest

→ The convict should be produced before a magistrate within 24 hrs of arrest excluding the travel time.

* The police force use the exclusion criteria predominantly, from various records it has been clear that most of custodial brutality was happening within the short period of formal procedure

→ The government has stepped in by amending the criminal procedure code in 2008 by including the guidelines from judiciary that too after a decade still it is clear from various unauthorised reports that every 24 hrs registers 5 custodial deaths in the country.

What can be effective against custodial brutality?

- India should make steps to ratify the already signed UN Convention on torture which was even recommended by Law Commission of India too.

- otherwise we can have a separate national law to prevent torture, a bill was passed successfully in Lok Sabha but thereafter it got lapsed due to several shortcomings.

- The government should look for making police reforms by as such recommended by various committees such as Soli Sorabjee.

Since police excess was a necessary evil for our Country to maintain the law and order, but the excess should be within the legal limits and in an acceptable manner by society.

In order to cool off the society the government should not degrade the morale of the police, thus a optimal balance between two should be established by changes at both sides.