

The Supreme Court has observed that custodial violence and death in police custody is a matter of concern. "Custodial violence and death in custody is a matter of concern. The protection of an individual from tortures and abuses by the police and other law enforcement officers is a matter of concern in a free society. Custodial violence is aggravated by a fact that it is committed by persons who are supposed to be protectors of citizens. It is committed under a shield of uniform and authority in a four-walled police station or lock-up. The victim is totally helpless. Protection of an individual from torture and abuses by police and other law enforcement officers is matter of concern in a free society," the bench of Justices Ajay Rastogi and Abhay S. Oka observed. "Custodial violence, including torture, strikes a blow at the rule of law, which demands that the powers of executive should not only be derived from the law but also that the same shall be limited by the law. Custodial Violence is a matter of concern," the bench further observed. The observations were made by the bench while hearing a plea filed by a man who was allegedly subjected to custodial violence in 2019. The plea was filed seeking compensation for the alleged custodial violence inflicted on the petitioner. The plea also sought a direction to the respondents to pay compensation to the petitioner for the alleged custodial violence. The plea further sought a direction to the respondent to pay compensation to the petitioner's family members for the alleged custodial violence. The Supreme Court has observed that there is a great responsibility on the State to ensure that the citizens in its custody are not deprived of their right to life except in accordance with the procedure established by law. The bench of Justices L. Nageswara Rao, BR Gavai and Krishna Murari made the observation while hearing a plea filed by a man alleging that he was illegally detained by the... The Supreme Court has observed that there is great responsibility on the state to ensure that citizens in their custody are not deprived of their rights to life except in accordance with the law established by procedure. The bench of Justices L Nageswara Rao, B R Gavai, and Krishna Murari made this observation while hearing a plea by a man alleging that he had been illegally detained by the Uttar Pradesh Police. The bench said: "There is a great responsibility on the state to see that citizens in their custody are not denied their right to life except in accordance to the procedure established by law. The precious right guaranteed under Article 21 of the Constitution cannot be denied to the convicts, undertrials, detenues, and other prisoners in custody except according to the procedure established by the law by placing such reasonable restrictions as permitted by the law." The bench was hearing a plea filed by a person alleging that he was illegally detained by the Uttar Pardesh Police. The plea was filed under Article 32 of the Constitution. The plea alleged that the petitioner was illegally detained on the basis of an FIR lodged. The Supreme Court has issued a set of requirements to be followed in cases of arrest or detention of a person till legal provisions are made in that regard as preventive measures. The requirements were issued by a bench comprising Justices L. Nageswara Rao, BR Gavai and Krishna Murari. The requirements are as follows: (1) The police personnel carrying out arrest and handling the interrogation of an arrestee should bear accurate, visible, and clear identification, and name tags with their designations. (2) That the police officer arresting an arrestee shall prepare a memo of the arrest at the time of arrest and the memo shall be attested by at least one witness, who may be a member of the arrestee's family or a respectable person of the arrestee's locality from where the arrest was made. The date and time of the arrest shall be recorded in the memo, which must also be counter-signed by the arrestee. (3) A person arrested or detained and held in custody in a police station,

interrogation center, or other lock-up shall be entitled to have one friend, relative, or other person known to him, or having an interest in his welfare being informed as soon as practicable that he has been arrested or detained, and the place where he is being detained, unless the attesting witness is himself such a friend, relative, or other person. (4) That the time, place of arrest, and the venue of custody of an arrestee shall be notified by the police to the arrestee's next friend or relative, or other person known to the arrestee. The Court of Appeal in *Simpson v. Attorney General*, [Baigent's case], 1994 NZLR 667 relied upon the judgements of the Irish Courts, the Privy Council, and referred to the law laid down by the Supreme Court of India in the case of *Nilabati Behera vs. State of Orissa*, 1993 Cr.L.J. 2899, thus: "Another valuable authority came from India, where the Constitution empowered the Supreme Court to enforce rights guaranteed thereunder. In *Nilabati Behera* (supra), the Supreme Court awarded damages against the state to the mother of a young man who was beaten to death in police custody. It held that its power to enforce rights imposed a duty to 'forge new tools', of which compensation was an appropriate one, where that was the only remedy available. This was not remedy in tort but one in public law, based on strict liability for contravention of fundamental rights, to which principle of sovereign immunity did not apply." The Court of Appeal relied on the judgement of the Supreme Court of Ireland in the case of *Maharaj v. Attorney-General of Trinidad and Tobago*, [1978] 2 All ER 670, wherein it was held that though not expressly provided, the Constitution permitted an order for monetary compensation by way of redress for contravention of basic human rights and fundamental freedoms guaranteed under the Constitution. The Privy Council in *Byrne v. Ireland*, [1972]