

D.K. Basu Summary

- a) The case dealt with the scope of Article 21 of the Constitution of India in a case of custodial death – The various forms of torture, cruel, inhuman or degrading treatment would fall within the inhibition of Article, irrespective of the stage of the case at the time of occurrence – The Supreme Court directed to follow the requirements in all the cases of arrest or detention till the legal provisions were made for preventive measures**
- b) The case debated on whether the arrested person could seek compensation from the state as he was tortured during custody – It was held that the quantum of the compensation would depend on peculiar facts of each case – However the punishment under the Penal Code was inadequate for the same**
- c) The case debated that the attention of the parliament be invited to the need of amendment of statutory provisions in view of the sharp rise in the custodial violence and for the amendment of the relevant provisions of the law to protect the interest of the persons accused of economic offences, offences under the Essential Commodities Act, the Excise and Customs Act and the Foreign Exchange Regulation Act**
- d) The case dealt with the requirement of the protection of the fundamental rights and human rights of the criminals vis-à-vis duties of the police in view of the incidents of custodial violence – It was held that the balanced approach was necessary for meeting the ends of justice**