

The Impact of Police Brutality on Human Rights in India

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Abstract: Creating a dependable and skilled police force is essential for ensuring public safety and addressing concerns effectively. India lacks a police force of this calibre, as supported by concrete evidence from many committees, human rights commissions, media reports, and firsthand experiences of residents who have witnessed crimes. It is widely acknowledged that the police force is in dire need of essential reforms. Two separate components of police reform must be executed at the same time. reform must be implemented concurrently.

Keywords: police, human rights, arrest, brutality.

1. Introduction

A serious breach of human rights, police brutality is when law enforcement officials use disproportionate, unnecessary, and frequently violent force against people. Despite India's democratic structure and constitutional safeguards, this kind of cruelty is nevertheless a prevalent and deeply ingrained problem there. The rights to equality, freedom of expression, personal liberty, and protection against arbitrary arrest and detention are all guaranteed by Articles 14, 19, 21, and 22¹ of the Indian Constitution. However, the practical implementation of these rights is called into question by recurrent incidents of extrajudicial killings, torture, unlawful imprisonment, and assault in custody.

India's colonial past has had a significant impact on its law enforcement system, which continues to use mindsets and procedures that prioritize control above accountability. Particularly against vulnerable groups like Dalits, Muslims, Adivasis, and the impoverished, police personnel are frequently observed exercising undue authority with little monitoring. Alarming numbers of deaths in custody and instances of police abuse have been repeatedly brought to light in reports from national and human rights groups, such as the National Human Rights Commission (NHRC). A culture of impunity is demonstrated by the hundreds of custodial fatalities that the NHRC reports each year, many of which go unresolved or

uninvestigated.

Police brutality has a complex effect on human rights. First of all, it undermines public confidence in official institutions and the legal system. Because they fear abuse or neglect, citizens—especially those from disadvantaged groups—frequently hesitate to approach the police for protection or justice. Second, it violates the basic rights to dignity and life. In addition to causing bodily injury, torture and custodial deaths leave victims and their families with severe psychological scars. Furthermore, instances of police overreach frequently go unpunished, weakening accountability systems and the rule of law.

Implementation is still lacking in spite of legislative frameworks such as the Bharatiya Sakshya Adhiniyam, Bharatiya Nagarik Suraksha Sanhita (BNSS) and Supreme Court rulings like the *D.K. Basu*² ruling, which established protections against abuse of custody. The issue persists because of institutional shortcomings, inadequate training, political meddling, and an overworked judiciary. Furthermore, despite being a signatory, India has not ratified the United Nations Convention Against Torture (UNCAT), demonstrating a lack of commitment to international human rights standards.

Civil society movement and social media have increased the visibility of police brutality cases in recent years, putting pressure on authorities to take action. But there is still a lack of substantive transformation. Systemic changes, independent oversight organizations, human rights training for police, and community policing models are required for real transformation.

In summary, police violence in India is a human rights catastrophe that requires immediate attention and systemic change, not only a law enforcement problem. For many Indians, the democratic promise of justice and equality is still unmet in the absence of accountability and respect for human dignity.

¹ Article 14: Guarantees equality before the law and equal protection of the laws within the territory of India.

Article 19: Ensures the right to freedom, including the right to freedom of speech and expression, assembly, association, movement, and residence.

Article 21: Protects the right to life and personal liberty, stating that no person shall be deprived of life or personal liberty except according to procedure established by law.

Article 22: Guarantees protection against arrest and detention, including the right to be informed of the grounds for arrest, the right to counsel, and the right to be presented before a magistrate within 24 hours of arrest.

² 1997) 6 SCC 642

A. Definition of Police

Neither the Police legislation of 1881 nor the Criminal Procedure Code define "police," and neither state police legislation does either; these laws only describe the organizational structure of state police.

The definition of "police" according to Black's Law Dictionary is (1) "the government agency tasked with maintaining law and order, ensuring the safety of the public, and combating and detecting criminal activity." Additionally, "this department's officers or members."

The current English police force began when Sir Robert Peel established the first municipal force in London in the 1820s. In the military, sliders or volunteers had formerly performed police work.

The United Nations Code of Conduct defines "law enforcement officials" as those who work in the field. That is to say, all military personnel with the power to detain or arrest someone, whether or not they are wearing a police uniform, as well as all elected or appointed officials with that power.

B. International Commitments

The UN Charter, International Covenants on Civil and Political Rights, and International Covenant on Economic, Social, and Cultural Rights indicate that human rights and basic freedoms are among its main aims. UDHR Article 3 guarantees life, liberty, and security to all. Life is an intrinsic human right, according to ICCPR Article 6 (1), law will protect this right, life cannot be taken without cause. According to Article 5 of the UDHR, torture, harsh, violent, or humiliating treatment or punishment are prohibited.

There are now guarantees of additional due process and efficient redress for violations of fundamental rights. Arbitrary arrest, confinement, or expulsion is forbidden by Article 9 of the Declaration. Every individual has the right to a fair and public hearing before an impartial, independent tribunal in order to learn about his rights, responsibilities, and criminal accusations. Every criminal defendant is entitled to a public trial with all necessary defense rights and is presumed innocent until proven guilty. No one, either locally or internationally, can be found guilty of a crime for doing anything that was lawful at the time.

Article 7 of the ICCPR further provides:

Torture and other inhumane treatment are prohibited. Specifically, it is forbidden to conduct scientific or medical research without permission. As mentioned, everyone has the right to personal freedom and security. Arresting someone without probable cause is wrong. No one's freedom may be seized without a valid reason and appropriate procedures. Equal rights are upheld in court as well.

A code of conduct for law enforcement officials, a convention against torture and other cruel, inhuman, or degrading treatment or punishment, a declaration on the protection of all persons from torture, and minimum prisoner treatment rules exist. Torture and other inhumane treatment are prohibited. In specific, medical or scientific investigations without consent are prohibited.

2. Nature and Extent of Police Atrocities

After two decades of ongoing police brutality and torture, it seems that the very people entrusted with enforcing the law have become lawbreakers themselves. After the 1980s, police brutality, the employment of third-degree tactics, and a focus on a lathi-wielding mindset became the standard. The growing frequency of violent police operations is one instance of a human rights violation.

A. Police Atrocities During Emergency

A satyagrahi was arrested by the police in march 1976 during the emergency period, but no charges were filed against him. During his brief illegal detention, he endured numerous forms of physical abuse, including stamping on his naked body with heeled boots, beating him with a rifle while inserting live electric wires into his body's crevices. Also, he was burned by candle flames and lit cigarettes. In Kerala, a group of ten or twelve constables once started stripping prisoners down to the police cruelty hit a new low point when they pummeled them and took their pants. No food was provided to anyone while they were in custody. If the physical signs of abuse were too obvious, they were moved from station to station rather than hauled before a magistrate. Madhya Pradesh had the largest concentration of prisoners in its jails during the emergency. The notorious dacoits who were allowed to exploit them were kept in the Gwalior district jail with political prisoners.

B. Police Atrocities - After 80s

Since 1980, the police have used more severe methods so that victims of police brutality would never know what happened to them. Even children were subjected to cruelty. Young boys would be provided to prisoners for sex; some of these boys would be subjected to cruel beatings, shocks, hanging upside down, torture, and impotence. Cruel tactics were used to force confessions.

1) Torture

It is a well-known fact that police brutality and torture have a long history in India. Such techniques are frequently utilized while interrogating someone who has been accused of minor offenses working for the police. To frighten people or force confessions, the police use heinous types of physical assault against suspects. Torture has also reportedly taken place at police stations, in addition to claims of beatings in prisons.

2) Death in police custody

The number of people dying in police custody increased dramatically after the 1970s. to get information out of them or to teach them a lesson, torture is frequently to blame for these kinds of deaths.

3) Atrocities against women

In the Chandrapur district of Maharashtra, India, two police officials raped a young tribal girl called Mathura while she was in their custody on the grounds of the Desai Ganj Police station on 26 March 1972. Because the girl did not suffer any physical harm, the Supreme Court ruled in *Tukaram v. State of*

*Maharashtra*³ that the encounter was a "peaceful affair" and that she did not struggle. The Indian rape statute was modified by the Criminal Law (Second Amendment) Act 1983 (No.46) in reaction to public outcry and demonstrations after the accused was found not guilty by the Supreme Court.

3. The Court's Interpretation of Rights

A. Right to Remain Silent

In India, a person is presumed innocent until proven guilty beyond a reasonable doubt in adversarial proceedings. Under this system, the police and prosecution must establish guilt beyond a reasonable doubt, thus they extort confessions, evidence, and information using non-scientific means like torture, intimidation, assault, harassment, etc. The accused persons are free to speak or remain silent. However, quiet is not guaranteed under the Indian constitution. In criminal situations, self-incrimination is prohibited by Article 20(3). The Supreme Court interpreted the implicit right to silence under Article 20(3).

In *M. P. Sharma v. Satish Chandra*⁴, the court determined that if a person's name appeared in the initial information report and the police conducted an investigation, they may be protected as a "accused of an offence" under article 20(3).

B. Right to Fair Investigation

In the *Babubhai v. State of Gujarat*⁵ case, the Supreme Court of India upheld the rights outlined in Articles 20 and 21 of the Indian Constitution, which include the freedom to both a fair investigation and a fair trial. Because a speedy trial depends on a prompt investigation, the Supreme Court has frequently ruled in cases like Babubhai and Abdul Rehman Antbulay that the accused have a constitutional right to a prompt investigation. Without this, the Constitution's provision of a speedy trial would be meaningless.

C. Arrest

Arrests are another troublesome aspect of the criminal justice system because of the police's extensive discretionary powers and their actual abuse. The national police stated in their third report that the commission found that 60% of arrests were made without a warrant and that the power to make arrests encouraged police wrongdoing.

Even in situations where an arrest is necessary, the Indian Supreme Court has observed in a number of cases that the police do not adhere to the protocols outlined in the Criminal Procedure Code and the Indian Constitution. In *Bhim Singh v. State of Jammu and Kashmir*⁶, the petitioner was a member of the legislature who was illegally prevented from attending sessions due to his arrest, subsequent release from police custody, and further detention. The Supreme Court found that the police officials had acted willfully and granted the petitioner compensation.

D. Handcuffing

The police frequently believe that handcuffing is required to carry out their arrest, even if the person being detained and his family may experience embarrassment and humiliation as a result. The arrest. In the *Prem Shankar v. Delhi Administration*⁷ case, the Supreme Court declared that handcuffing is obviously cruel, unreasonable, and unduly harsh, and that it should only be applied in extreme circumstances if there is a real concern that the prisoner could attempt to break free.

The court noted: that handcuffing someone appears brutal and is therefore arbitrary and harsh. To employ zoological strategies that violate Article 21 when of impartial examination and a fair process is to put shackles on it. The conflicting objectives of keeping the prisoner from escaping and protecting his dignity from abuse must be balanced. The decision to forbid an accused person from evading justice cannot be criticized for its own sake, public interest, or justice. However, binding a guy hand and foot, securing his limbs with steel hoops, dragging him through the streets, and holding him in the courtroom for hours is inhumane, demeaning, filthy, and disgusting.

E. Torture and Death in Police Custody

The Indian constitution does not expressly outlaw torture. However, the nation's top court has ruled that torture is prohibited by Article 21. As per the Supreme Court's decision in *Mullin, Francis Coralie v. Union of India*⁸, It goes without saying that any form of torture or cruel, brutal, or humiliating treatment would violate human dignity and infringe upon this right to life. According to this perspective, Article 21 would forbid it unless it was done in compliance with legal requirements. But no law that permits or enforces such a process can ever pass the reasonableness and arbitrariness criteria. It would obviously contravene articles 14 and 21 of the Constitution and be null and void.

F. Fake Encounter

Human rights violations also include arbitrary executions during phoney encounters and police abuse. The Supreme Court ruled in *People's Union for Civil Liberties v. Union of India*⁹, acknowledged the right to life under Article 21. The court determined that sovereign immunity did not apply and that this right was violated by the two victims killed in a fictitious confrontation with Imphal police officers. Each deceased person's defendants were given one million rupees.

Constitutional rights:

The Constitution provides some guarantees for those who are arrested, such as:

1. The right to promptly learn the basis for the arrest,
2. The freedom to consult with and be represented by any attorney of his choosing,
3. The right to appear before a magistrate within twenty-four hours,

³ 1979 AIR 185

⁴ 1954 AIR 300

⁵ 2010 AIR SCW 5126

⁶ 2010 AIR SCW 5126

⁷ 1980 AIR 1535 1980 SCR (3)

⁸ [1981] 2 S.C.R. 516

⁹ AIR1997SC568

4. Freedom after twenty hours if not brought before a magistrate.

4. Right to Know the Grounds of Arrest

A person must be promptly informed of the grounds for depriving him of his liberty after being arrested in order to assess whether his arrest was arbitrary and to develop a defense. Article 22 requires the arresting authority to promptly notify the person in custody of the basis for their imprisonment. According to the Supreme Court's decision in *Re Madhu Limaye*¹⁰, the goal of article 22 is to allow the accused person as much time as possible to address any misunderstanding or uncertainty that may have contributed to their arrest. He has the opportunity to be ready for court and engage a lawyer to represent him. Thus, the fundamental safeguards of an arrested person's personal freedom are enshrined in Article 22 (1).

5. Right to Consult a Lawyer

According to article 22 of the constitution, the right to counsel is one safeguard against arbitrary detention. In the case of *D. K. Basu*, the Supreme Court decided that a person who is being arrested has the right to ask the authorities for legal representation. According to this, the suspect might be permitted to see his lawyer during questioning, but not for the duration of the procedure.

6. Right to be Produced Before a Magistrate

The police officer may face charges of illegal confinement under Indian Penal Code 340 if the accused is not brought before a magistrate as mandated by Article 22 (2). In *Khatri v. the state of Bihar*¹¹, The highest court in India, ruled that the police and administration must rigorously uphold the legal and constitutional requirement that an arrested individual be brought before a judicial magistrate within twenty-four hours. The court further stated that the prohibition on imprisonment without remand is a reasonable provision that enables the magistrate to supervise the police investigation and ought to be strictly implemented, punishing violations with severe consequences.

As a precaution, an arrested person has the right to appear before a magistrate, according to Article 22(2), even if the investigation cannot be completed in twenty-four hours. It is illegal for police to detain someone for longer than twenty-four hours without first bringing them before a magistrate. People frequently complain about police abuse and wrongful detention in practice, despite the constitutional mandate reading this way.

7. Human Rights and Police Brutality

There are countless of instances where police officers have used force against people, despite their status as essential public protectors. When officers respond to pressure from several sources to achieve immediate and satisfying results by acting aggressively and swiftly, they are abusing their authority. Given

that the body's main purpose is to safeguard the public, it is ethically unacceptable for a police officer to abuse an accused individual brutally while they are in their custody. The Indian Constitution's Article 21, which protects everyone's right to exist, is broken by these horrible atrocities.

Even when the victim alleges police brutality, it is challenging to establish it in court. When authorities examined the victim in the 1978 Mathura rape case, the victim was unharmed. Custodial rape was committed by officers. She did not appear to have objected to their sexual approaches. Because her sexual encounters while in captivity did not qualify as rape under Section 376 of the IPC, 1860, the Apex Court held the police constables not guilty. One important rule resulting from this case prohibits the summons of female suspects to the police station between dusk and dawn.

Under the Protection of Human Rights Act of 1993, the National Human Rights Commission was founded on October 12, 1993, to address the concerning increase in rape and other heinous offenses. Despite having the power to look into issues that are brought to its notice by petition or "suo moto," the Commission is only a body that makes recommendations and offers advice. The NHRC has the right to file a lawsuit if the government acts illegally. It has the authority to intervene and halt the judicial process if it finds that there has been a violation of human rights. The Committee is in charge of monitoring the police and establishing rules that need to be followed.

8. Conclusion

In India, police violence still presents a serious obstacle to the defense and advancement of human rights. The gap between law and practice is still incredibly large, even with constitutional protections, judicial interventions, and the presence of several legal structures designed to prevent abuse of power. Frequent instances of extrajudicial executions, arbitrary arrests, torture, and custodial deaths serve as sobering reminders of how vulnerable citizens—especially those from underprivileged communities—are to the actions of those tasked with upholding law and order.

Such violence has far-reaching effects on human rights. It undercuts the rights to equality, dignity, and anti-discrimination, in addition to violating the rights to life and personal liberty guaranteed by Article 21 of the Constitution. In addition to coping with a delayed and sometimes inaccessible legal system, victims and their families frequently experience financial, physical, and emotional suffering. As communities become more terrified of the very organization that is supposed to protect them, public confidence in the police force declines.

Furthermore, a culture of impunity is maintained by the police system's lack of openness and accountability. Convictions and investigations involving police wrongdoing are extremely uncommon. The National and State Human Rights Commissions, among other oversight organizations, sometimes lack the power and funding necessary to enact significant reform. Furthermore, many abuse situations remain

¹⁰ 1970(0)BLJR392

¹¹ 1981 SCR (2) 408

unreported or are concealed due to the lack of independent investigation processes.

Systemic change is necessary to solve these problems. This involves more community engagement in policing, independent complaint redressal processes, human rights-focused police

training, and—above all—political resolve to carry out and uphold changes. In order to strengthen its adherence to international human rights norms, India must also ratify international treaties like the United Nations Convention Against Torture (UNCAT).