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EXTRA-JUDICIAL KILLINGS IN INDIA: A CONSTITUTIONAL AND INSTITUTIONAL CRISIS

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ABSTRACT

The problem of extrajudicial killings, which is premised on the principle of premeditated murder, poses a critical threat to the survival of the constitution of India. Practice like police encounters, custodial deaths, mob lynchings, and honor killings, Violates articles 14, 21, and 22, whereby the suspect is denied an opportunity to speak in his own defense. The demand for instant justice through police encounters is due to the erosion of confidence in the criminal justice process. The directives issued by the Supreme Court in the case of PUCL v. State of Maharashtra (2006), "based on NHRC guidelines (1997, updated 2010), provide for implementation of the 16-point guidelines for independent investigation, magisterial inquiry, and implementation of the requirement of accountability to check the culture of impunity. Failure to do so, police excesses, absence of political will for reforms, and lack of effective oversight by judicial authorities, NHRC, and the police departments have given rise to a culture of unrestrained power that is in contrast to the very notion of natural justice and respect for human dignity in a democratic state. The present essay tries to provide an analytical study of the law pertaining to extrajudicial killings, where the study shall comprise doctrinal, qualitative, and comparative researches on

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case laws in relation to extrajudicial killings. The analysis here would be focused on the problem of constitutional mandate, legislation for protecting citizens' rights, and finally, institutional failure.

KEYWORDS: Extrajudicial Killings, Police Encounters, Rule of Law, Article 21, PUCL Guidelines, Police Accountability, Human Rights, Constitutional Safeguards.

STATEMENT OF PROBLEM:

The extra-judicial killings of individuals by police shootings, custodial deaths, mob killings, and even honor killings are an infringement of the basic principles of Indian democracy. The use of these methods bypasses the judicial process associated with any criminal case and negates the basic principles of law under Article 14, Article 21, and Article 22². Though there have been attempts from the judiciary and the laws in place for the benefit of the citizens, the use of these methods persists due to lackadaisical implementation policies and the growing desire for speedy justice among the masses.

The growing trend of extra-judicial killings shows that there is a more serious problem developing in the criminal justice system through delayed trials, loss of faith in the judiciary and its procedures, and government interference.³

REVIEW OF LITERATURE:

According to the previous studies on extra judicial killings, there is a constant clash between the authority of the state and the individual liberties. As it can be seen from previous researches, extra judicial killings are contrary to the principle of natural justice⁴.

There have been some important court decisions in the past which have helped in extending the ambit of Article 21, making it essential for the government to ensure

² The Constitution of India, 1950, arts. 14, 21 and 22.

³ K.S. Subramanian, *Political Violence and the Police in India* (Sage Publications, 2007).

⁴ Upendra Baxi, *The Crisis of the Indian Legal System* (Vikas Publishing House, 1982).

fair procedures and prevent the arbitrariness of state authorities. Some of the most relevant cases are *Maneka Gandhi v. Union of India*, *D.K. Basu v. State of West Bengal* and *PUCL v. State of Maharashtra*, where certain norms for the police encounter cases have been established.⁵

The findings from some institutional and international reports that have been generated by organizations such as the National Human Rights Commission among others highlight various problems: the use of torture in custody, the absence of an independent investigation, and the low conviction rates⁶. According to the research conducted, the public perception appears to be favorable toward such murders due to their dissatisfaction with the judicial process followed.

The comparative study carried out, considering experiences in countries such as America and South Africa, highlights the importance of accountability⁷.

THE STUDY AIMS TO:

It becomes highly necessary to study the perceptions surrounding extra judicial killings in the context of Indian law⁸.

For that reason, an effort shall be made to look into constitutional provisions in relation to the interpretation of life and liberty rights as provided for by the Indian judiciary⁹.

In addition to that, an effort shall be made to examine whether efforts to stop extra judicial killings have been effective through NHRC guidelines and Supreme Court directions¹⁰.

⁵ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248; *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416; *People's Union for Civil Liberties v. State of Maharashtra*, (2014) 10 SCC 635.

⁶ National Human Rights Commission, *Guidelines on Encounter Killings* (1997, revised 2010).

⁷ V.N. Shukla, *Constitution of India* (Eastern Book Company, latest ed.).

⁸ Upendra Baxi, *The Crisis of the Indian Legal System* (Vikas Publishing House, 1982).

⁹ *The Constitution of India*, 1950, art. 21; *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

¹⁰ *People's Union for Civil Liberties v. State of Maharashtra*, (2014) 10 SCC 635; National Human Rights Commission, *Guidelines on Encounter Killings* (1997, revised 2010).

HYPOTHESIS:

Primary Hypothesis:

Extra-judicial executions in India are the result of fundamental defects within the criminal justice system; the lack of accountability, inadequate implementation of legal mechanisms to protect individuals, and increasing skepticism about the process of justice¹¹.

Secondary Hypotheses:

1. The lackadaisical implementation of NHRC and Supreme Court directives serves as an enabling factor behind these murders.
2. Public sentiment towards 'instant justice' unintentionally contributes to the legitimacy of unlawful activities carried out by the police¹².
3. Political intervention and institutional weakness increase the likelihood of abuse of power.
 - 4.1 there is no empirical investigation and
 - 4.2 limited access to police files.

RESEARCH METHODOLOGY:

In the above research, a combination of doctrine and qualitative approach will be applied to analyze the legal framework and case laws relating to extra-judicial killing in India. The major references used in this paper include the Indian Constitution, BNS, BNSS, judgment by the Supreme Court and other High Courts, and guidelines laid out by the NCRC. Other sources include academic journals, research papers, books, documents from the National Crime Records Bureau, and NHRC, among other sources of information from online legal databases. It entails doctrinal analysis, comparative analysis against international standards, and institutional critique but limits itself to cases that took place after 1997 in the NHRC

¹¹ K.S. Subramanian, *Political Violence and the Police in India* (Sage Publications, 2007).

¹² A.P. Shah, "Encounter Killings and the Rule of Law" (2013) 48(6) *Economic and Political Weekly* 12.

era. Problems associated with the study include secondary data dependency, no primary data, and unavailability of information from the police stations.

INTRODUCTION:

The Necessity of Due Process in a Democratic State:

India is a welfare state, as stated in the Preamble to our Constitution. India ensures justice for every citizen in all spheres – social, economical, and political. The aforementioned responsibilities are consistent with natural justice. It means that one follows certain rules of unbiased hearing that are expressed by the principle 'Audi Alteram Partem'¹³. No man should be convicted without proper judgment and there should be proof beyond a reasonable doubt. Despite the fact that our procedural laws are extremely long and complicated, these are full of high ideals which draw on ancient doctrines from such authorities as Manusmriti and others. Every organized society needs law to function properly and prevent chaos, which is possible because of the state's monopoly on violence. Unlawful killings committed both by the state officials and mobsters constitute a violation of the basic rights protected under Article 21¹⁴.

A Definition of Extrajudicial Killings: Euphemisms to Legal Reality:

There is no clear-cut legal definition for extrajudicial killing, but the scope of extrajudicial killing involves the murders committed with any form of official backing, beyond the regular legal processes, and disguised with the name such as encounter, custodial deaths, lynchings, or honor killings. The term 'encounter' has been used in South Asian countries at the beginning of the new century, where officially approved murders were being disguised as spontaneous acts for their own self-defense without any intention to kill beforehand. It should be borne in mind that the police have only the right to use physical force if such force is within limits

¹³ Audi Alteram Partem – principle of natural justice.

¹⁴ The Constitution of India, art. 21.

allowed. The old Sections 96-106 of the Indian Penal Code have been combined with Sections 34-44 of the Bharatiya Nyaya Sanhita (BNS) 2023 and permit the use of force only as a measure of self-protection if an immediate danger exists to one's life or serious injury¹⁵.

Distinguishing makes all the difference. There will always be the right answer to the problem of actual threats. But if the meeting is set up by prior arrangement, then the murder involved is culpable homicide under Section 299 of the IPC (except in special cases). According to retired judge and former chairman of NHRC, Mr. M.N.Venkatachaliah, the police do not have the inherent right to kill anyone. All the deaths must be considered as one in which the police were either defending themselves or making an arrest. In "Extra Judicial Execution Victim Families Association v. Union of India¹⁶," the encounters in Manipur were considered to be prima facie fake. The legitimacy of such encounters is highly debatable. Similarly, mob violence, being an act of rage, is not considered legitimate at all.

Constitutional Mandates: The Foundation of Life and Liberty:

Article 21 states that no person shall be deprived of his life or personal liberty save according to procedure established by law. This is the basis upon which the attempts to stop extra-judicial killings have been based. The interpretation of 'procedure' became broader in *Maneka Gandhi vs. Union of India*¹⁷ by adding the notion of substantive due process, ensuring a fair hearing in every stage guaranteed by Articles 14 (right to equality) and 22 (rights during arrest).

Extra-judicial killings have been referred to as "one of the worst crimes in a civilized society" in the statement issued by the Supreme Court in *D.K. Basu vs. State of West Bengal*¹⁸.

¹⁵ The Indian Penal Code, 1860, s 96-106; The Bharatiya Nyaya Sanhita, 2023, s 34-44.

¹⁶ *Extra Judicial Execution Victim Families Association (EÉVFAM) v. Union of India*, (2016) 14 SCC 536.

¹⁷ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

¹⁸ *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416.

Encounters have been deemed as illegitimate unless carried out along with an investigation with reference to 16 points in *PUCL vs. State of Maharashtra*¹⁹ (2014).

According to the guidelines laid down by the NHRC in 1997 and revised in 2010 for encounters, there are three categories of cases: Encounters; Death in Custody; and Custodial Rape/Death²⁰. Every encounter case must be reported under Section 176 CrPC/BNSS.

Statutory Frameworks and Their Interpretive Challenges:

Although there are provisions within the law where force can be applied, no clause exists within the laws allowing for the summary execution of an individual. The usual justification used by those involved is the loophole existing between the IPC and the Bombay Police Act/BNSS. One such provision is Exception 3 to Section 300 IPC/BNSS, which grants public officers immunity from any legal responsibility should they exceed their powers while protecting themselves from any immediate threat. Another crucial section is Section 157 CrPC/BNSS, which states that FIRs must be filed in cases involving unnatural deaths. It is vital to mention the uncertainty surrounding the term "imminent danger," which was mentioned by the Supreme Court of India in the case of *State of U.P. v. Mohd. Musheer Khan*²¹ (1977).

Perception by the public and institutional distrust:

The lengthy process of trials, which may take five to ten years, along with the perception that punishments are too lenient, even for the worst offenders, has contributed not only to public anger but also to heated debates on social media. The news surrounding the encounters involving high-profile figures like Vikas Dubey in 2020, for instance, led to an outburst of negative sentiments online. In a survey conducted by the Tata Institute in 2023, 40% of Indians expressed neutral or positive attitudes towards such encounters in connection with violent crimes.

¹⁹ *People's Union for Civil Liberties v. State of Maharashtra*, (2014) 10 SCC 635.

²⁰ National Human Rights Commission, *Guidelines on Encounter Killings* (1997, revised 2010).

²¹ *State of U.P. v. Mohd. Musheer Khan*, (1977) 2 SCC 749.

Such issues have been exemplified through several factors, including the Supreme Court's overwhelming backlog of cases, currently numbering approximately 80,000; inadequate staffing in police stations, where there is an average of 145 officers per 1 lakh, compared to the UN's recommendation of 222; and the destructive influence of politicization. An example of evidence tampering is the 2020 Disha case.

Tensions Within State Power: Maintaining Order Whilst Protecting Rights:

The use of violence, which according to Max Weber is the monopoly of the state, has to function under the rule of law²². If this does not happen, then it will not be security that ensues but rather tyranny. The case examples have illustrated this point well enough. Areas that have high rates of criminal activities require some form of order, which is corroborated by the crime statistics from India, wherein there are 4.5 million cognizable crimes recorded annually by NCRB²³. However, the imposition of order may lead to negative consequences, such as compromising the principles of democracy.

Purpose, scope, and outline of research:

This paper seeks to improve the knowledge on the subject of extrajudicial killings through the use of doctrines, comparative analysis, and qualitative research methods. These will include examining constitutional provisions (Article 14, Article 21 and Article 22), legislative context (BNS/BNSS), and failure in institutional contexts, namely, the police, judicial process, and NHRC. The objectives are: (i) To chart the legal history; (ii) To analyse the effectiveness of the PUCL and NHRC in the process; (iii) To analyse the discourse between civil society and judiciary; and (iv) To provide recommendations.

The scope of research goes beyond 1997 and looks at the global experience as well by comparing India with the United States (*Tennessee v Garner*, 1985) and South Africa

²² Max Weber, *Politics as a Vocation* (1919).

²³ National Crime Records Bureau, *Crime in India Report* (latest available year), Ministry of Home Affairs, Government of India.

post-apartheid, including the commissions set up. Any vigilantism on non-state basis (khap panchayat) is outside the scope of this project.

The project will be divided into chapters. Chapter 2 will be on case laws. Chapter 3 will be on the deficiencies of the framework in place. Chapter 4 will address the problem of accountability. Chapter 5 will suggest reforms.

EXTRAJUDICIAL EXECUTION: A LINEAGE:

Extrajudicial murders, the killing of people that take place without any court order issued against the perpetrator, do not emerge as a feature of contemporary India. Instead, extrajudicial murders have their origins in the concepts of retribution and punishment as well as the forceful nature of governmental powers. Extrajudicial murders have not been isolated incidents but have been linked to many historical instances where kings have used excessive means to ensure their power. This short essay explores the evolution of such acts starting from Dharma through Mughal laws to colonial laws.

Ancient India: Dharma, Torture, and Deterrent Brutality:

Ancient India covered a period from 1500 BCE to 600 CE. The laws were founded on the principles of Dharma and laid down in ancient religious scriptures such as the Vedas, Smritis (Manu), and the Upanishads. There was a book about how to govern a nation too; it was called "Arthashastra" and written by Kautilya. What can be concluded from studying these documents is that ruthless techniques were perfectly acceptable. For instance, torture, as well as a quick and efficient punishment, were believed to be the most appropriate way of extracting information or preventing crime. As one can see in Chapter 8 of Manu Smriti, there existed severe physical punishments for crimes ranging from theft and adultery to other violations, and

some even required no preliminary trials at all; they were carried out by kings and officials as a divine duty.²⁴

Absolute power rested with the king and his officials were assured that there was no possibility of any punishment due to death cases occurring on their watch in jail.

Mughal Period: Retributivism and "Eye for an Eye":

Punishments were severe during the Mughal period, which extended from the 13th century until around mid-19th-century. In the same vein, Alauddin Khalji had a stringent stance on any form of rebellion, as well as non-payment of taxes. He made an example of such people to serve as a warning to others. There was a gradual change in this regard. Akbar contributed significantly in this respect because of the nature of his administrative exercise, known as Ain-i-Akbari, where he outlined certain forms of punishments in a systematic manner.

However, punishment remained stringent to some extent, and this differed among various rulers at different periods. The concept of justice during that era involved severe punishments, which could even involve brutal measures.

Colonial Period: Brutality in Policing and Emergence of "Encounters":

During the colonial period (1757-1947), policing in India was primarily oriented toward control and suppression rather than public protection. After the revolt of 1857, the Indian Police Act of 1861 created a centralized, militaristic police force aimed at curbing dissent. Practices such as the suppression of Thuggee by William Sleeman and reports from the Madras Presidency highlighted widespread issues of torture, false accusations, and custodial abuse. Early instances of encounter killings, such as the 1922 killing of Alluri Sitarama Raju during the Rampa Rebellion, further reflect this trend. Although legal provisions like the right to self-defense and

²⁴ Manusmriti, ch. VIII (G. Bühler trans., Sacred Books of the East, Vol. 25, Oxford University Press, 1886).

procedural safeguards existed, in practice, colonial authorities frequently relied on coercive and extrajudicial measures to suppress resistance.

Post-Independence: From Counter-Insurgency to Routine Crime Control:

Post-colonial policing in India has retained significant elements of its colonial legacy, particularly in handling internal security and insurgencies. During events like the Telangana Peasant Revolt and later the Naxalite insurgency, police encounters became a common method of dealing with dissent. This approach was further reinforced during the Punjab insurgency, where “encounter killings” entered mainstream discourse, and human rights concerns were raised by activists such as Jaswant Singh Khalra. The strategy later influenced urban policing, notably in Mumbai during the 1990s. Incidents like the Bhagalpur blindings and more recent cases such as the Hyderabad encounter case 2019 and the Vikas Dubey encounter case highlight the continued prevalence of such practices, with hundreds of alleged staged encounters reported in recent years.

CONCEPT AND LEGAL UNDERSTANDING OF EXTRAJUDICIAL KILLINGS:

An extrajudicial execution refers to a preplanned killing by any government entity, such as police, army, or any other associated body, which is not sanctioned by a judicial decision. It denies the basic elements of natural justice, depriving the defendant of an opportunity to prove his case and being innocent until proven guilty. The United States Torture Victim Protection Act of 1991 defines extrajudicial executions as "the intentional taking of life by a state agent in his or her official capacity without a court order that provides all the safeguards of a fair trial as recognized under international law"²⁵. Extrajudicial executions should not be mixed up with acts of war, policing operations conducted within international laws, or any other lawful conduct. Usually, extrajudicial killings are committed against dissidents, political rivals, laborers, religious groups, or criminals for the purposes of

²⁵ United States Torture Victim Protection Act, 1991, § 3(a).

quelling any uprising or terrorizing the public, not on any personal grounds. Even though torture is strictly forbidden under international law, extrajudicial executions are mostly excluded from the scope of criminal law, since states have some powers to kill under certain circumstances, including post-judgment procedures, incapacitation of force during policing, or warfare.

No treaty exists at an international level that focuses directly on extrajudicial killing; however, these kinds of acts violate fundamental human rights as guaranteed in international treaties. Article 3 of the Universal Declaration of Human Rights supports the inherent right to life and liberty for all individuals²⁶. The signing of the International Covenant on Civil and Political Rights by India protects against such killing as well as ensures the presumption of innocence.

Several treaties have been signed by India, such as the International Convention on the Elimination of all Forms of Racial Discrimination, which stresses equality and non-violation of an individual's rights²⁷. India signed the UN Convention against Torture in 1997 but failed to ratify it. This reflects some of the same problems present domestically, such as the Prevention of Torture Bill, which is yet to be enacted. Not being part of the Rome Statute of the International Criminal Court, where execution in large numbers without the due process of law constitutes a crime against humanity, it needs to be emphasized that according to Basic Principles on the Use of Force and Firearms by Law Enforcement Officers, force must be used only in extreme situations²⁸.

There is no specific law for encounter killings in India; however, other laws have been used, such as Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and constitutional provisions. Article 21 of the Constitution of India ensures the right to life and personal liberty; this was expanded by the Supreme Court of India in the

²⁶ Universal Declaration of Human Rights, 1948, art. 3.

²⁷ International Convention on the Elimination of all Forms of Racial Discrimination, 1965, ratified by India 1968.

²⁸ United Nations, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (1990).

landmark case of *Maneka Gandhi vs Union of India*, whereby the Supreme Court of India included dignity, fairness, and reasonableness within the scope of the right to life and personal liberty. Encounter killings also violate Article 14 (equality before the law) and Article 22 (rights of arrested persons). The Supreme Court of India, through cases such as *D.K. Basu vs State of West Bengal* and *Public Interest Litigation Committee vs State of Rajasthan*, has put in place measures that protect citizens' rights during investigations into crimes.

The statute permits the police to invoke various defenses such as the restrictive form of self-defense, which is commonly abused as an immunity defense. The provisions for private defense under the BNS appear in Sections 34 to 44 of the law. Section 34 provides for cases of self-defense, Section 38 allows for the application of deadly force where the life of a person is threatened, and Section 37 requires that no unnecessary force be used. Exception 3 to Section 99, which is analogous to a murder, offers protection to the good faith activities of public officers which exceed their official functions. According to BNSS Section 43(2), "all means necessary" can be applied against an arrested person. Section 43(4), however, prevents injuries that could lead to death except where offenses resulting in death or life imprisonment are concerned. The pertinent sections of the criminal law include Sections 176 (inquiry regarding unnatural deaths through magistrate), 190 (cognizance), and 197 (prosecution of a public officer without authorization). Among other applicable sections are Sections 46 (police power to arrest), 60 (power to chase down), and 303 (rights of the arrested persons). In cases of mob lynching motivated by rage, where there is no available defense for mobs, the law relies on Sections 34 (common intention), 120B (conspiracy), and 143/147 (unlawful assembly and rioting). The police's statements tend to shift towards retroactive justifications where the use of the BNS/BNS defense becomes a means of avoiding guilt under sections 96/100 and even Exception 3 of 300 of the IPC. India claims that it regards human life as sacred, though this is not seen through their acts. In order to counter immunity cases of murder (300/302) and hurt by attempts (307/323), there is a need to adopt UNCAT,

formulate proper legislation, and demand proper investigations. BNSS introduces the idea of joint liability (223) and compensation (357A). While state laws of Manipur, West Bengal, Rajasthan, and Jharkhand focus on jurisdictional issues, it is hard to identify offenders when crowds grow too big.

A number of commissions have tried to address the problem in terms of policing and accountability. As per the National Human Rights Commission's guidelines (1997 revised in 2010), the following must be done: FIR registration, investigations by CID, informing of family members, conducting forensic examination, and reporting consistently.

REASONS BEHIND EXTRAJUDICIAL KILLINGS IN INDIA:

The extra-judicial executions that occur in India include police encounter killings, deaths in custody, and mob lynchings. The flaws inherent within the criminal justice system, which places efficiency above all else, are evident in such killings. There is no doubt that it takes various factors for the extra-judicial executions to remain prominent; these include societal and political pressure, incompetence on the part of the police, and the glorification of violence. The point to be noted here is that this trend perpetuates itself endlessly²⁹.

Political Support and Government Strategy:

In India, politicians are prone to glorify police encounters as an instant way of ensuring that law and order are maintained. They use statistics such as the number of hurdles overcome and the number of criminals apprehended as part of their political campaign rhetoric. Police killing, in this case, becomes a component of government policy, evident in states such as Uttar Pradesh, where governments claim to be fighting the war against the mafia and other heinous offenses using encounter statistics.

Public Support and Societal Distrust:

²⁹ Universal Declaration of Human Rights, 1948, art. 3.

Some people have defended extrajudicial execution because, according to them, the only way to counter an inactive legal process or one that has failed to give a just verdict is to kill the suspects or criminals extrajudicially. These kinds of incidents that involve alleged fake encounters are glorified as the actions of men who dish out justice in no time against rapists, thieves, or criminals. This kind of thinking has come about because people have little trust in the legal process and its outcome, as is implied in the expression "Justice delayed is Justice denied." Just imagine a case such as Nirbhaya, which involves a long trial period. A society inclined towards retribution will always support brutality by police against the criminals for extracting confessions from them.

Operational Pressures: Overburdened and Understaffed Police:

The police force in India is greatly lacking in personnel. With just an average of 150 officers for every million people and 15-20% of positions unfilled, it struggles to maintain its position. The funds provided are woefully inadequate at approximately 3% of the overall state budget, and although the force continues to be equipped with outdated .38 pistols, it confronts AK-47 rifles and is missing essential forensics and gear. Police officers handle riots, VIP security, court cases, and investigations, resulting in only about 37% of their work hours being free for investigations (according to NPC)

Economic Incentives: Greed for Money, Rewards, and Promotions:

Police corruption, where FIR power is abused or evidence is fabricated to extract money from the victim—whether the victim is a criminal or just an innocent person—is a clear example of the system's financial inclination. They falsely accuse respectable people in their pursuit of dacoity cases, beat them up, put them in jail, and only take corrective action—which is typically ineffective—after the fact. Police officers who have participated in staged encounters are encouraged to be promoted by offering financial rewards to encounter specialists. Whether they

are ministerial or the smallest outpost, police stations make money because hiring competent personnel always comes at a cost³⁰.

Glorification and Positive Reinforcement:

Bollywood films portray those battling evil as the good guys, normalizing the idea that encounters are just; these encounter killings are an iconography in which people outside the legal system condemn the perpetrator and courts themselves fail miserably. Sub-inspectors receive praise and rapid promotions when the results are released, and other officers take advantage of their "expertise" in challenging situations.

Police Sub-Culture and Punitive Mentality:

In the police subculture, threats and torture are more common than rules due to alienation, cynicism, low social status, pariah status, and conflicting duties. Group solidarity can give members a sense of security when there is danger, long hours, and erratic schedules. Violent acts eventually become commonplace in the culture. Despite their good intentions, some police officers make the mistake of thinking that jails won't deter crime and beatings will³¹. According to the UP Police Commission, both law enforcement and the general public think that third-degree treatment is only appropriate for serious offenders.

Lack of Proper Training and Accountability Issues:

This vicious cycle starts with a very fundamental problem: training was never adequate. None of the following skills have been taught to the constables: how to keep their cool, how to behave civilly, or how to respect human rights. Despite recommendations in the 1972 Gore Committee Report that the police should see themselves as servants rather than rulers, not much progress was made in this area. Force becomes the answer since there are no

³⁰ National Police Commission, *Report on Police Reforms* (1979–1981).

³¹ K. Subramanian, *Police and Punitive Culture in India*, *Indian Journal of Criminology*, 2010, pp. 45–50.

scientific methods for questioning people. Human rights organizations like SHRC and NHRC fail because they are unable to punish violators due to certain legal loopholes, such as Section 197 or a lack of evidence.

Custodial Violence Triggers:

A number of factors contribute to violence in custodial settings, such as the need for control, skewed ideas of sexual dominance, and abuse of power, which leads to rape. Coerced consent is a problem that the new IPC provisions aim to address. Professional behavior would be ruined by punishment or venting, but if there had been rational decision-making, none of this would have occurred. Violence is more likely when people are held in informal custody for longer than 24 hours due to trial delays. Understaffing and overcrowding in prisons exacerbate the issue by creating power disparities that result in violence³².

IMPACT OF EXTRAJUDICIAL KILLINGS ON RULE OF LAW AND HUMAN RIGHTS:

In India, extrajudicial executions involve instances where the forces tasked with maintaining law and order ignore the judiciary and seek green signals from the system to execute individuals. They do so without following judicial procedure, making use of the might of the state apparatus and thereby weakening both rule of law and human rights. Such actions, which include staged encounters and custodial deaths, do not go through trials and proper legal proceedings. Although such actions may gain some political or public approval, they tend to weaken democratic processes, are contrary to international obligations, and foster discriminatory practices. NCRB figures indicate that 813 encounters took place between 2016 and 2022, while custodial deaths stood at 1,888 during a period of two decades, with a conviction rate of just 7 percent.

Erosion of Rule of Law:

³² Law Commission of India, *Report No. 240 on Prison Reforms*, 2012.

Because there is no authority above the law, the rule of law is based on equality before the law, judicial independence, the audi alteram partem doctrine, and accountability³³. All of these legal norms are broken by extrajudicial executions. According to the ruling in *Om Prakash and Ors*³⁴, there is systemic corruption when a police officer serves as a judge, jury, and executioner. The *v. State of Jharkhand* and may occasionally be considered state terrorism. In rulings such as *EP Royappa*, the Apex Court has implied that state arbitrariness violates Article 14. However, the state persists in its actions in spite of all of this because it fears losing political capital in the race for the body count. The system itself has collapsed; the NHRC is involved in 21 pending cases, and the number of pending cases has increased five times in the last six years without a single conviction. 350 encounters and 348 custodial deaths occurred between 2018 and 2021.

The idea of justice is only undermined by public opinion, which is motivated by the conviction that the death penalty will aid in reducing criminal activity. In contrast to the "notorious" criminals, the media frequently focuses on victims who have little influence, such as Muslims and members of lower castes. In a democracy, the situation is frequently overstated, with criminals prospering while innocent people perish. Even the idea of "innocent until proven guilty," which is protected by both the Indian constitution and Article 14 of the Universal Declaration of Human Rights, seems to be eroding.

Violation of Fundamental Human Rights:

In addition to breaking the law, these police killings also violate international law and constitutional rights³⁵. According to Article 21, a person can only be deprived of their life and freedom through a legal process, and according to *Maneka Gandhi*, this process must be reasonable. In a similar vein, these murders violate both Article 22, which forbids arbitrary arrests, and Article 14, which

³³ A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (10th ed., 1959), Ch. 1.

³⁴ *Om Prakash & Ors v. State of Jharkhand*, (2014) 6 SCC 1.

³⁵ Human Rights Watch, *Lethal Force: Extrajudicial Killings in India* (2002).

guarantees equality before the law. Since the victim does not receive a fair trial as guaranteed by Articles 10 and 11 of the UDHR, custodial killings constitute the worst violation within civil society.

The NCRB statistics make it clear that this issue is fairly significant. For instance, there were 20 deaths in Jammu and Kashmir in 2020 as a result of anti-national activities, 237 Naxalite encounters in 2018, with Chhattisgarh being the most affected state, and a 53 percent increase in custodial deaths in Gujarat in 2021, mostly prior to remand³⁶.

Discriminatory Impacts and Social Fractures:

Media reports suggest that victims of such violence have often belonged to marginalized communities, including Muslims and Dalits. Cow-related vigilantism, particularly noted in states like Uttar Pradesh, has disproportionately affected minorities and lower socio-economic groups. NCRB data indicating incidents in states such as Gujarat and Tamil Nadu further reflects underlying social and communal tensions. Legal restrictions on cow slaughter, carrying penalties of up to five years, have also been criticized for disproportionately impacting communities where beef consumption is common. Controversies surrounding vigilante actions and public support from figures like Pravin Togadia have further intensified debates on the issue, alongside concerns about social and legal inequalities affecting marginalized groups.

Broader Societal and Democratic Consequences:

The popularity of murder as a deterrent against crime is oblivious to the reality that it poses danger to the lives of the innocent people. If such behavior is condoned by us, then it will be tantamount to undermining the concept of equality under the law,

³⁶ National Crime Records Bureau (NCRB), *Accidental, Suicidal and Custodial Deaths in India*, 2018–2021.

destroying the foundations upon which justice stands, and empowering the authorities to do even more injustice.

NHRC AND GUIDELINES: OVERSIGHT FRAMEWORK FOR CUSTODIAL AND ENCOUNTER DEATHS:

National Human Rights Commission (NHRC) is an independent body set up by the Protection of Human Rights Act 1993. This organization has been designed to play a role of monitoring the protection of the fundamental rights of citizens from the excesses committed by the government in the form of extrajudicial executions and torture. This commission was founded in response to a petition filed by the Andhra Pradesh Civil Liberties Committee against the killing of a person named Shankaraiah in 1996 in the form of an encounter. This initiative was taken by Justice M.N. Venkatachaliah and some significant guidelines were provided in March 1997.

As per the data provided by NHRC from 2011 to 2024, there have been 2,011 police encounter killings (underreporting in some states like Uttar Pradesh, with 155 reported but 217 real encounters), 875 fake encounter complaints, and 1,307 deaths in custody, against 34 in 1993-1994.

Delayed disposal of cases, with many yet to be completed and lack of conviction (NCRB 2016-2022), makes it evident that there are loopholes in enforcement of laws, making matters worse because of provision of Section 36(1) PHRA allowing states to evade enforcement of laws.

Evolution of NHRC Guidelines:

The concept of the NHRC emerged after the Shankaraiah incident in 1996, where Venkatachaliah sent a memo to all Chief Ministers after the death of an innocent person through an encounter by the police³⁷. Later in 1997, guidelines stated several requirements that include filing an FIR for any encounter-related death, conducting independent inquiry, such as CID, and awarding compensation in case the police

³⁷ M.N. Venkatachaliah, *Memo to Chief Ministers Regarding Encounter Killings*, 1996.

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were guilty. In 2010, it evolved further to require magisterial inquiry for such cases in three months, rapid prosecution and disciplinary actions against the guilty personnel, non-promotion until a formal period passes, gallantry awards, and 48 hours' notice by district-level authorities (SSP/SP).

A new 16-point protocol is noted to be mandatory in accordance with Article 141 in *PUCL v. State of Maharashtra* (2014). Since 2003, with revisions in 2014, NHRC started giving bi-annual reports on these matters. However, analyzing the figures from 2010-2014, discrepancies arose. Data received from RTI revealed a poor performance history of SHRCs. In Uttar Pradesh, for example, between 2002 to 2022, there have been 2,24,492 cases of atrocities committed by the police in Uttar Pradesh, out of which 65,621 cases were pending. Similarly, the figure in Madhya Pradesh stood at 235 pending cases.

This is meant to stop underreporting, where the state must record every intimate murder case within 48 hours. There are still problems. From 2016 to 2024, there were 217 cases reported to the UP Police and 155 cases reported to the NHRC. From 2010 to 2024, out of the 875 cases reported, five cases have been noted as suo motu fake encounters reported by the NHRC.

Statistical Trends: Encounters and Custodial Deaths:

NHRC data (2011-2024) logs 2,011 encounter deaths, fluctuating yearly with high pendency:

Year	Police Encounter Deaths	Cases Concluded After Report	Cases Awaiting Preliminary Consideration	Cases Pending (Reports Received / Awaited)
2011-2012	179	229	1	671
2012-2013	181	191	1	652
2013-2014	148	112	7	685

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2014-2015	192	112	0	765
2015-2016	206	104	2	862
2016-2017	180	267	19	756
2017-2018	164	176	7	755
2018-2019	158	98	2	817
2019-2020	127	255	4	690
2020-2021	87	302	6	430
2021-2022	159	188	27	359
2022-2023	125	170	2	342
2023-2024	105	214	7	21

(Source: NHRC Annual Report 2011-2024)³⁸

NCRB contrasts: 2016-2022 saw minimal fake encounter cases registered (13-6), fewer charge-sheets/arrests, zero convictions:

Year	Cases Registered	Final Report Submitted	Charge-sheet Filed	Police Personnel Arrested	Police Personnel Charge-sheeted	Police Personnel Convicted	Police Personnel Acquitted
2016	13	-	-	-	4	0	0
2017	6	2	2	8	4	0	0
2018	4	3	0	0	0	0	0
2019	10	0	0	2	0	0	0
2020	3	2	0	2	0	0	0
2021	6	3	0	0	0	0	0
2022	6	2	2	15	11	0	0

(Source: Crime in India: Statistics 2016-2022, NCRB)³⁹

³⁸ See National Human Rights Commission, Annual Reports (2011-2024) (NHRC, India).

³⁹ See National Crime Records Bureau, Crime in India Statistics (2016-2022) (Ministry of Home Affairs, Govt. of India).

The use of RTIs highlights variations among states and even the lack of accountability. To begin with, data from UP SHRC for 2002 to 2022 show that there have been 2,24,492 instances of atrocities reported, with 65,621 pending. There is information from Meghalaya SHRC for 2018 to 2022 regarding 5 instances of extrajudicial killings. There have been 235 compensations for cases by Madhya Pradesh between 2005 to 2022. The data from Police RTIs includes: Assam 64 cases (1997-2022), Meghalaya 50, Maharashtra 480 cases of custodial deaths, Chhattisgarh 514 cases of self-defense (2014-2022), Telangana 76, Jharkhand 53. Chhattisgarh and Jharkhand monthly statistics from June (2014-2022) report

Core NHRC Guidelines (From 1997 to Present) in a free flow summary:

1. If a person dies in an encounter, the SHO registers the event as a cognizable case in the Station Diary/General Diary and marks it as a probable site of crime.
2. The investigation has to be independent; the station police force is investigated by either CID or another external authority; self-investigation cannot be done.
3. The process of magisterial inquiry, which started in 2010, should be timely, within three months, in all deaths resulting from police action.
4. Within 48 hours, the SSP/SP files a comprehensive report at NHRC about the conditions leading to the use of force.
5. The follow-up report is filed in three months, and it includes the results of the autopsy, inquest, and inquiry.
6. Compensation and accountability are necessary; innocents or wrongfully accused people are to be compensated; police officers involved are not promoted or rewarded.
7. Two times in six months, PUCL revived the practice of filing biannual statements regarding the incident and its investigations.

The guidelines were framed by Shankaraiah to ensure transparency, especially in those states that underreport incidents.

JUDICIAL APPROACH AND KEY SUPREME COURT JUDGMENTS:

People's Union for Civil Liberties and Anr. is a historic case. The v. Maharashtra State & Ors⁴⁰. In order to hold the Indian police force accountable, the Supreme Court addressed the grave issue of innocent people being killed by the police through "fake encounters.". The ruling stressed that attacking innocent people and denying them their basic right to fair treatment is an affront to the rule of law, which is crucial for the public's trust in the police.

The Court also observed that the killings are dangerous not only because of the threat posed to the constitutional structure but also the culture of impunity created by them. To address this issue, the Court, exercising its power to protect fundamental rights, issued a comprehensive set of 16 guidelines. Most importantly, it framed the law through its judgment under Article 141 of the Constitution applicable to all the police forces in India until a proper legislative framework can be evolved. In order to fill this vacuum and guarantee an open as well as autonomous process, it used its authority to protect basic rights and outlined all the 16 guiding principles⁴¹. What is most important is that the Court gave legal backing to these guiding principles through Article 141 of the Constitution, applying to all police departments across the nation till such time legislation was in place.

Table 1: The 16-Point Guidelines in PUCL v. State of Maharashtra:

1. All movements of offenders should be recorded in writing/electronic form.
2. In cases of death, an FIR should be registered and sent in duplicate to the court.

⁴⁰ *People's Union for Civil Liberties & Anr. v. State of Maharashtra & Ors.*, (2014) 1 SCC 1.

⁴¹ *Ibid.*

3. The investigation should be conducted either by an independent agency such as the CID or other police officers of another station in accordance with the directions given by a superior officer.
4. A magisterial enquiry has to be held for each death that occurs due to police firing as per Section 176 of CrPC.
5. Reports have to be sent immediately to both the NHRC and SHRCs.
6. Victims have to be medically treated, and their statements have to be recorded before the Magistrate/ Medical Officer.
7. All papers like FIR, diary entry, panchanama, sketches, etc., need to be sent to the concerned court.
8. Filing of the final report of investigation will assist in expediting the trial.
9. Next-of-kin has to be informed of the death.
10. Every six months the DG of Police has to report on any firing incident to NHRC.
11. Punitive action needs to be taken against them by suspending them from their duties.
12. Financial compensation will be made available to the families of the victims according to Section 357-A of the CrPC.
13. The weapon used by the officers will be confiscated and sent for ballistic examination.
14. Their families will be contacted, and legal counsel will be provided.
15. Their promotions can be deferred in the light of the recent incident involving shooting.
16. If no appropriate action is taken, then the complainant can approach the Sessions Judge.

*NHRC v. State of Gujarat*⁴²

This was delivered following the 2002 Gujarat riots, a period of significant controversy surrounding the issue of human rights violations through extrajudicial measures. The gravity of the situation compelled the Supreme Court to intervene and entrust the NHRC with the duty of investigation. A sense of lack of trust towards the traditional methods of redress had prompted the decision to establish an independent and impartial inquiry into the matter.

It was the emphasis of the Court while making observations regarding the complaints of the breach of limits imposed upon the state by the Constitution. The involvement of the NHRC to look into the matters as suggested by the Court indicated that there is always a requirement for independent scrutiny of cases to prevent any possible misuse of the powers by the executive. This case reflects the trend of judicial activism prevailing in the period of civil strife and political discord.

*EEVFAM (Extra Judicial Execution Victim Families Association v. Union of India)*⁴³

In *EE VFAM v. Union of India*, the Supreme Court of India delivered an important judgment regarding the phenomenon of extrajudicial executions in Manipur. In accordance with reports, there were as many as 1,500 deaths during the period from 1979 to 2012, ascribed to "encounter cases," allegedly committed by the Indian Army, Assam Rifles, and the state police.

While addressing the case, the Court was adamant that national security can never become an excuse for undermining the most fundamental human rights. Specifically, any measures taken by governmental officials should never become excessive or arbitrary, regardless of the conditions in the region under consideration. In accordance with the Court's decision, a Special Investigation Team is supposed to be appointed through the CBI to investigate the matter.

⁴² *NHRC v. State of Gujarat*, (2006) 1 SCC 394.

⁴³ *Extra Judicial Execution Victim Families Association v. Union of India (EEVFAM)*, (2017) 8 SCC 788.

Article 21 of the Indian Constitution became the main focus of the judgment⁴⁴. Namely, it emphasized the need to conduct an extensive investigation in order to establish whether or not the use of force was appropriate in each individual case. Law enforcement officers cannot be immune to the rule of law in any way whatsoever⁴⁵.

Notable Cases of Extrajudicial Executions

*Ishrat Jahan Encounter Case (2004)*⁴⁶

One of India's most contentious extrajudicial murder cases is Ishrat Jahan. Gujarat police shot and killed four people, including Ishrat Jahan, on June 15, 2004, alleging that they were members of a terrorist group and had planned the assassination of a senior politician. Subsequent research on the subject raised serious questions about whether such an encounter actually occurred and whether it could have been staged. Numerous investigations were started as a result of the general outrage. Despite the seriousness of the accusations, the case took years to proceed through the legal system, and in the end, the majority of the accused were released due to their refusal to cooperate with the prosecution.

*Batla House Encounter Case (2008)*⁴⁷

Following multiple bomb explosions in the city, the Batla House case took place in the Batla House neighborhood of New Delhi in September 2008. According to the police, they had been pursuing some suspects who were allegedly responsible for the explosions that led to a gunfight. This conflict resulted in the deaths of one police officer and two suspected terrorists. The case attracted a lot of

⁴⁴ Constitution of India, Art. 21.

⁴⁵ *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416; *EEVFAM v. Union of India*, (2017) 8 SCC 788.

⁴⁶ *Ishrat Jahan Encounter Case*, Crl. Appeal No. 1967 of 2009 (Supreme Court of India, ongoing proceedings; case originated 2004).

⁴⁷ *Batla House Encounter Case*, Crl. Appeal No. 1437 of 2009 (Supreme Court of India, originating 2008).

criticism because many thought it was extrajudicial killing, even though the court supported the police account.

Recent Extrajudicial Killings and Judgements

1. Encounter Killing Case of Vikas Dubey (2020)

One of the biggest controversies that still continues with regard to extrajudicial killings is that of the murder of Vikas Dubey, who was killed in July 2020 when the police shot him dead during a confrontation. Dubey was a notorious criminal who was being chased by police for his alleged involvement in crimes. According to the police, when Dubey tried to snatch a gun from a police officer in an altercation that ensued once he had been caught, a shootout took place.

However, this account of events was questioned, as the situation had several unusual elements to it – media coverage had been prohibited, as was the presence of any eyewitnesses. Judges were brought in to examine the case and determine whether there had been any wrongdoings on the part of the police, but they found no evidence of misdeeds.

2. Disha Rape Case Encounter (2019)

One recent example was the infamous Disha case in Hyderabad in 2019, where four men, who were held under suspicion for rape and murder of a young veterinarian, were killed by police in custody while trying to re-enact the scene of the crime.

While such an action received widespread public approval due to people's discontent with the slow process of justice, it nevertheless raised many doubts concerning the legitimacy and morality of such a form of vigilante justice and the possibility to justify it. For this reason, a panel of inquiry was established by the Supreme Court, which, having studied the evidence provided by the police, declared it unreliable.

Judicial View of Police Officers

It is important to note that the Supreme Court of America has continuously emphasized on two cardinal points in the past; one being the significance of policing itself, and the other being the necessity for conducting policing activities in a manner that is both clean and legal. It has repeatedly emphasized that police officers must conduct themselves in an upright manner morally, as well as follow all procedures to the letter in the execution of their duties.

*Om Prakash Case*⁴⁸

From the Om Prakash case, one can conclude that such acts as extra-judicial killings are simply unacceptable. Law enforcement officials cannot decide for themselves on matters regarding taking lives on the pretext that the accused person was a threat; the moment they do that, they turn it into an act of state-sponsored violence, which simply has no place in a legal country.

As it stands, the Court has emphasized the fact that although the police have a right to defend themselves where appropriate, all their actions should be justifiable and subject to public accountability. This means that all cases involving the police should be prosecuted appropriately and backed by substantial evidence.

SUGGESTIONS:

A solution for extra-judicial killings needs changes in judiciary, accountability, and public confidence. Important in doing this is having a judicial branch that ensures speedy proceedings, proper investigations, and commensurate penalties in line with the severity of the act committed. If justice will always be delayed, both the police and citizens may become impatient and decide to take justice into their own hands. A competent judicial body helps prevent that from happening through instilling confidence in the justice process.

⁴⁸ *Om Prakash & Ors. v. State of Jharkhand*, (2010) 3 SCC 120.

Of course, important is also building the public's confidence in the rule of law. One way of doing this is to ensure that those who have been hurt will receive justice through the courts and are given adequate reparation.

Where extrajudicial killings are concerned, vested interest groups tend to manipulate the police according to their agenda. In such situations, having stringent laws as well as institutions that ensure they are not abused is necessary. Protecting the independence of investigatory agencies as well as preventing any external influence on them is important.

Ensuring that police are held accountable for their actions and reformed is important. Setting up a mechanism for reviewing police actions and having appropriate internal as well as external checks is important. Role of the Independent Police Complaints Authority (IPCA) comes into picture here.

It is obvious that there is a definite lacuna in India's legal system regarding custodial torture, which means that the need for enacting laws that prohibit and penalize this form of misconduct is imminent. Laws that prohibit custodial torture must explicitly define what is meant by custodial torture, including the physical and psychological elements of such abuse, along with imposing penalties for those responsible for perpetrating such acts of violence. There is no doubt about the need for bringing such laws in consonance with international laws.

In cases where a detainee dies, it is essential for medical tests and autopsies to be conducted in accordance with a set time frame. The laws mandating such procedures should be implemented without any exceptions. It is preferable for the government to enhance the forensic facilities, especially in rural areas, to facilitate accurate medical assessments.

Judicial or magistrate-led investigations are essential to maintain checks and balances. In cases where somebody passes away while in custody, the investigation process must be quick, transparent, and the findings shared with everyone. The

combination of law reform, institutional change, and social transformation must be adopted. Periodic audits will determine how successful the inquiries have been.

Moreover, technology can contribute significantly to police accountability and transparency. The installation of CCTV surveillance systems in all custodial facilities, along with the use of body cameras by police, will serve as a deterrent against ill-treatment and provide concrete evidence whenever there are allegations. Interrogations must be videotaped as well as audio-taped, and the unalterable record should be available to the accused, his or her lawyer, and family members.

Transparency and accountability are important. Clear documentation and communication from the police station regarding any arrest made, detainment facilities, and the rights of those detained must be ensured. It is fair to expect regular updates for both victims or informants as to how far the process of investigation is in a specific period of time.

An additional improvement that could positively affect the situation would be to increase awareness. There are many cases where both the detainees and even some victims do not fully understand their rights. Some simple improvements can help prevent possible abuses – provide lawyers for those detained, notify family members about detention, and give medical assistance if necessary.

Creating fast-track courts for such custodial death and abuse cases will help in accelerating the process of justice. Through the establishment of timelines for the filing of FIRs, investigation, framing of charge sheet, and judgment, you can reduce the time taken. In addition, this will act as a powerful deterrent for future abuse.

Apart from institutional reform, increasing awareness among the general population is one of the important considerations in addressing the problem. The public should be made aware of the importance of due process and the dangers of taking the law into their own hands and circulating false information. Media regulation is also necessary to encourage responsible reporting.

CONCLUSION:

The fundamental principles of human rights are directly impacted by extrajudicial executions. Such actions jeopardize both the integrity of a nation like India that professes to be democratic and the rule of law. In addition to being against the ideals of a welfare state and just legal processes, extrajudicial executions are a disease that shows up as ignorance, intolerance, and a decline in trust in the legal system. The modern scenario is predicated on the idea that justice can be administered through encounter and lynching, despite the adage "justice delayed is justice denied."

Analyzing extrajudicial killings in India does not only reveal the number of incidents but also the underlying cracks within the system. The most obvious flaw is the absence of a centralized data source for monitoring extrajudicial killings. As of now, there are numerous RTIs generated and sent to authorities such as the NHRC, SHRCs, and the police stations in various states of India. The result is an incomplete and inconsistent data pool that makes it difficult to gauge the extent and nature of the issue.

This research indicates that extrajudicial killings, particularly encounter killings, are not confined to the context of war and turbulent regions alone. Instead, they have been institutionalized within the framework of law enforcement, implying an evolution towards employing forceful methods to maintain law and order. The qualitative findings of this research bring to light some of the major problems with this system. There is an absence of any investigation by a neutral body regarding the case, self-defense has been widely cited as a reason, evidence can be manipulated, and in several instances, the dead person is named as the accused in the FIR.

Political and economic influence is another crucial reason behind extrajudicial killings. In many cases, the underlying motives of powerful individuals or organizations can impact the actions of the police force. At the same time, the media

portrays such killings as acts of "instant justice," thus reinforcing an inaccurate narrative. Such tendencies not only normalize any form of shortcut within the judicial process but also lead to potential violations of human rights, especially affecting marginalized populations.

Extra-judicial killings are not random acts; rather, they reflect a deep-seated issue within the social structure, necessitating a comprehensive response strategy. This includes developing a stronger judiciary, greater transparency and accountability of law enforcement agencies, restraining the media from sensationalizing, and increasing public awareness regarding the workings of the justice system. Another critical aspect to consider is coordination between the three branches of the government in this regard.

In India, extrajudicial executions threaten democracy as well as the rule of law and human rights. Respect for human dignity and the inviolability of human life must always come first, and only legal means can bring about true justice. Such tactics, even if they are effective or popular, have no place because they are a slow assault on the very things they claim to defend. Honesty and lawfulness must be fundamental to everything in order for a robust democratic society to develop.

