

Police Brutality

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With no psychological surprise people are often not kept on the equal platter, are not given equal opportunities. Police brutality is a living social devil to fought with. There are ample number of issues and grievances which if left unchecked would prove to be a menace and would be an unfettered predator of human rights

ABSTRACT

Police brutality is a common word we hear around us. It is an offence which is a violation of civil rights. To describe this term, it means police are using excessive force to apprehend another person. Excessive force might include physical and verbal harassment of an individual. There is no only one misconduct or negative act done by police but there are other misconduct forms as well which includes false arrest, beating, sexual assault, racial abuse, torture, indiscrimination, unlawful killing, mental injury and property damage.

Every country has their own law for police brutality. It is considered as a serve offence, but still there are many cases where the complaints of the civilians or victims do not even reach to the investigation stage. It is very difficult to prove that police are using excessive force or not.

Although it is a large issue ignored by media, but it is no longer a secret that police brutality and torture frequently occurs in India with law enforcement and almost never facing consequences for such actions for violations of human rights. This paper includes violations of a police an individual suffers from and how they can protect themselves if such happens with them.

INTRODUCTION

Talking about the definition of police, there is no such definition given in criminal procedure court ,1973 as well as in the police act ,1881. The police are a designated body of persons appointed by the state with the purpose of enforcing, the law, maintaining protection, health and possession of people and preventing crime and disorder. The concept is most generally identified with the security forces of a sovereign state that are empowered to exercise the policing powers of the state within a given legal or territorial area of responsibility.

A duty of policeman is one of the most important, not only in India but across the world. On the first day of joining the duty policemen is made to take an oath to protect the country and 1citizens in the best capacity. The sole duty of police officers is to protect the order and law of the country. When this protector becomes antagonist, the entire system of justice and truth gets shaken, the foundation of righteousness is degraded. Police brutality, violence or fake encounters have become a common phenomenon in India. If

you've ever watched in movies or in television series were police officers tries to apprehend a person, you probably understand how the need for force comes into play. If someone is running away or tries to escape from a police officer or doesn't want to get caught that tries to physically take them down.

Most jurisdiction allow their police officers to use the appropriate amount of force that is necessary to arrest a person who is resisting arrest. But they are not allowed to torture harass or kill any innocent. Each year tens of thousands of individuals are arrested and charged with crimes but not all those arrests are justified in the eyes of law. When police abuse their powers, the law says that people can bring a lawsuit against the police and the local government for money damages. The causes and issues contributing to the issues of police brutality are numerous and complex. Some of the problems we see that this misconduct includes improper training and lack of accountability. It is necessary for law enforcement to ensure that there are constant updates to training methods to ensure that officers are focused on the safe detainment and using only reasonably necessary force. Recently a father and a son were brutally tortured by the police, while in custody which eventually led to their deaths. They both were arrested by the police for allegedly keeping their shops open in post permitted hours, imposed as a measure in furtherance of the covid-19 lockdown. It has been reported that the police officers have brutally assaulted them which led to excessive bleeding and eventual death.

HOW TO REPORT FOR POLICE BRUTALITY?

There are many cases of police brutality across the world but many of them are not reported for further investigation whereas many of the cases are registered where no investigation takes place. A civilian with a valid police brutality issue should file a complaint against that police officer.

The first step in the process is to visit the website of the police department where the officer is based because each jurisdiction has its process for filing the complaint. It may also be possible to report about the misconduct by police by going to the police station which is within the jurisdiction. If the act is criminal then the criminal suit will be filed and if the act is of civil nature, then a civil suit will be filed.

After the complaint is filed the department of internal affairs will investigate about the same. The internal affair department is established only to investigate the cases against law enforcement officials. An officer can generally be disciplined or fired for his behaviour 2as if a complaint has been filed against him, and even if he is not disciplined or terminated, the complaint typically remains on his permeant record. If a civilian is not satisfied, then the police officer can be sued in criminal court or civil court.

WHAT ABOUT NATIONAL LAWS?

While at work you notice that your cell phone is vibrating profusely with notification updates from Facebook Twitter, Instagram or snapchat. "What is going on?" you ask yourself. You being scrolling and realize that there has been yet another case of police Brutality in the Country.

The events that took place in the last few months have raised a very essential question about the brutality and violence of police increasing day by day. Whether we considered the Jamia milia Islamia university case or brutality in the times of covid-19 pandemic. All brings us to

the same question that what checks do we have in place to prevent police from abusing their power?

Law authorizes the police to resort to the use of force only while exercising the right to private defence, or otherwise when it is necessary to arrest a person accused for an offence punishable with imprisonment for life or death. Though the courts have laid down guidelines with respect to encounter killings and custodial deaths on several occasions, many laws have been framed to protect the dignity of civilians from the brutality of people in uniform.

Section 29 of the Indian police act, 1861 states that if the person is at the end of misconduct due to a police officer's omission of duty, the officer may be punished with up to 3 months imprisonment and up to 3 months' salary penalty.

Section 49 of the CRPC is for no unnecessary restraint. That is, the police can't use more force than is needed to arrest a person who is trying to being escaped. Such force must be proportional to the force applied by the person arrested and not more than that.

Police complaint authority (PCA) was formed in 2006 for managing police complaints and improving the police system's framework and way of operating. if there is any case of a serious wrongdoing the police officer may be found responsible for it. Anybody who has experienced police brutality can lodge a law suit with police complaint authority.

INCIDENTS OF POLICE BRUTALITY

Many citizens have experienced police brutality as we can see them in a few videos shared on social media displaying police violence. In several cases where some citizens died and then police officers claimed that the death was due to other causes like stroke, cardiac arrest, accidents etc. Only in very few cases actions are taken against those police officers.

The migrant workers are one of the most affected groups in the time of this pandemic because they have no work no food and even, they don't have a home to stay in. Many of them started reverse migration which means they are going back to the native they have come from. On their way back they are subjected to countless torture by the police. In Uttar Pradesh migrant workers were made to crawl on the road for not following lockdown rules. many migrant workers were tortured and detained by the police officers for seeking travel agreements, so that they could return home. In Andhra Pradesh, the workers were lathi charged for leaving their shelters or homes. Throughout India migrant workers were maltreated and attacked by the police cops.

We all know that essential products are allowed for fixed periods even during the lockdown. However, the police did not fail to torture the citizens who all were involved in essential services. A pickup truck driver carrying potatoes was shot in the leg by the police. The victim driver shah alleged that he was shot because he refused to pay a bribe.

In New Delhi a father and son were hauled into a small police station in sathankulam in June after arguing with police officers. When friends and family members went to the station, they heard screaming of their family members of them. The next day two men stumbled outside surrounded by officer's blood dripping

down the back of their bodies. This clearly shows that they had been tortured by the police officers. The victim begged his sister and said that “please find a way to get us bail”. After that both father and son were taken to the hospital. Sister still recalls the last words her said that “we will not survive another day”.

Father and son both died after few days of admitting to the hospital and the police officers who was in charge of the station declined to comment anything regarding this case and just said that the case is under federal investigation now.

Recent case studies

India: Investigate Police Bias Alleged in Manipur Violence

Indian authorities should immediately and impartially investigate ongoing killings by ethnic groups and security forces in India’s northeastern Manipur state and work with community leaders to restore security, Human Rights Watch said today. Renewed violence on May 28, 2023, resulted in the deaths of five people, including a police officer, in separate incidents.

Violent clashes, largely between the ethnic Meitei and Kuki communities, have left at least 70 people dead and 35,000 displaced, and destroyed over 1,700 houses, according to media reports. The Manipur government has ordered an extension of restrictions on internet services, in place since May 3, until at least May 31. Manipur’s chief minister, N. Biren Singh, said that security forces have killed 40 alleged militants from the Kuki tribal community, a claim local groups dispute.

“The violence in Manipur state since early May has left communities devastated, and it’s crucial for the government to restore order in a rights-respecting manner and hold to account those responsible for abuses,” said Meenakshi Ganguly, South Asia director at Human Rights Watch. “Accounts of partisan involvement by security forces in the killings has increased distrust of the authorities, who should work with community leaders to end the violence.”

The violence in Manipur erupted on May 3, after thousands of people from tribal groups protested plans to give the majority Meitei community protected status as a Scheduled Tribe, asserting that the community already enjoys advantages in the state. The classification, a form of affirmative action to correct historical and structural inequity and discrimination, provides quotas in government jobs and college admissions.

The Manipur High Court had directed the state government in April to consider including the Meitei community in the Scheduled Tribes list. Meitei representatives say that they are not able to buy land in areas occupied by tribal groups, and told the court that the Scheduled Tribe status would help preserve their community and “save the ancestral land, tradition, culture and language.”

The protest, which included Kukis, one of the larger tribal communities in Manipur, who live primarily in hill areas, turned violent with clashes between various ethnic and religious groups. Some looted weapons and ammunition from police stations, which made the clashes even more deadly.

Tensions had been simmering for several months between the Kuki community, which is predominantly Christian, and the Bharatiya Janata Party (BJP)-run state government. The BJP promotes Hindu

majoritarianism and most Meiteis are Hindu. Local activists accused groups affiliated with the government of targeting Kuki properties, businesses, and churches.

“The BJP is playing divisive politics in the state because of its own ideology,” one activist told Human Rights Watch. “Even Christian Meiteis are being targeted.” The authorities had earlier evicted tribal villagers from forest areas, accused Kukis of illegal poppy cultivation and of being “outsiders,” and ordered the demolition of three churches in Imphal, saying they had been constructed illegally.

Following the recent violence, 10 Kuki legislators—including 8 from the BJP—called for a separate administration for the hill areas, saying “the state of Manipur has miserably failed to protect us.”

The Christians Goodwill Council in Churachandpur district in Manipur reported that over 200 churches have been burned or destroyed in the violence between May 3 and 15. Kuki community members have accused the police of siding with the Meitei community, alleging they did not protect them, and at times, even joined the mobs. The Manipur police has denied any bias.

The Manipur violence prompted United Nations High Commissioner for Human Rights Volker Türk to say that the Indian government should “respond to the situation quickly, including by investigating and addressing root causes of the violence in line with their international human rights obligations.”

The Manipur government’s complete internet blackout has severely hindered information gathering and reporting by the media and civil society groups. The Editors Guild of Manipur and All Manipur Working Journalists Union called on the government restore internet services.

Human Rights Watch has repeatedly urged the authorities throughout India to end broad, indiscriminate internet shutdowns. The shutdowns undermine a range of fundamental rights including to receive and impart information, express views on political issues, contact relatives, access medical care, and conduct e-commerce, online banking, and other economic activities.

The Manipur government said that shutting down the internet was necessary to stop the “spread of disinformation and false rumors” and to prevent “mobilization of mobs.” But, as UN human rights experts said in a 2015 Joint Declaration on Freedom of Expression and Responses to Conflict Situations, even in times of conflict, “using communications ‘kill switches’ (i.e. shutting down entire parts of communications systems) can never be justified under human rights law.”

Human Rights Watch said that the local authorities in Manipur should abide by the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which provide that security forces use the minimum necessary force at all times. In dispersing violent assemblies, firearms may only be used when other less harmful means are not practicable but must still be used to the minimum extent necessary. Law enforcement officers may only intentionally resort to lethal force when strictly unavoidable to protect life. When death or serious injury occurs, a detailed report should be promptly sent to the competent authorities.

“The Manipur authorities need to respond to the undeniably complex situation by addressing the concerns of local communities impartially and with maximum restraint from the security forces,” Ganguly said. “Labeling members of a community militants and shutting down the internet can fuel further violence through rumor and fearmongering.”

CONCLUSION

As a result of my research, I have come to understand that police brutality is an issue that is greatly impacting the Indian community. I have gone over several different situations of how police mistreat and abuse their power and they do not have any consequences. The system is stacked up against the poor community and there is no justice for any of the crimes that the police officers commit. The police have the law on their side and they can just take someone life away and they will get award for murdering someone. The poor community does not trust the police because police officers target them even when they are not doing anything wrong. When you are poor and live in the slums that you can be stopped and frisked at any moment just because of the community of you. The police brutality is mostly toward all over the world citizens. The number of shooting that have happened over the last decade of innocent citizens being shoot while being innocent and handcuffed is constantly growing. Then they police officers are getting away with murder and they are not losing their jobs. This is creating the police versus the community gap that is growing at a rapid rate that it may become unfixable.

I think that police officers need better training on what to do in a situation that involves a gun, knife, or a suspect is not obeying them. Police officers need to go through more psychological training to teach them not to be bias towards any citizens whether they are doctors social workers or any poor community. They need to build a relationship with the community and not just try to tear it apart. Police officers should be held just as responsible as any other person in the country for committing a murder or shooting someone. They should not be above the law. The community needs to have faith in the people who are supposed to be there to protect us. We need to start this healing process now before it is too late because if we wait any longer then it will be a never ending battle of the people vs the police. That is something that we do not want nor need to go through because it will result in more deaths. So let’s come together and hold police officers responsible for their actions and get some closure with the deaths of innocent citizens.