

Extrajudicial Killings : The Silent Erosion of Justice and Humanity

Indranshi Saini¹

B.A.LL.B.(HONS.)

Abstract

The foundation of democracy are undermined and the right to life is violated by extrajudicial killing, which are brutal, unlawful murders that circumvent the integrity of the legal system. Staged encounters, brutal detention practices, horrifying prison condition, and honor-based killings flourish in India's web of unbridled power, while Bangladesh's Rapid Action Battalion uses the pretext of "crossfire" to cover up government- approved killings. This paper pierces the heart of these injustices, blending sharp legal scrutiny with righteous indignation, drawing from pivotal Indian Supreme Court rulings, NCRB and Odhikar statistics, and global covenants like the ICCPR. It reveals the misuse of legal provisions like Section 46 of the CrPC, and the silent complicity of a society that frequently ignores such wrongs. Through stark contrasts—Ajmal Kasab's judicial process versus shadowy encounters—it unmasks selective justice and political collusion. With fervent prose and rigorous proof, this study demands sweeping change: robust police restructuring, UNCAT ratification, and initiative to rekindle trust in due process. This is a call to action to heal justice's wounded soul and make sure that everyone's life is protected by the law rather than taken by those who swear to enforce it.

Keywords: Extrajudicial killing, democracy, unlawful murders, staged encounters, detention savagery, prison horrors, honor-based slaying, Rapid Action Battalion, crossfire, legal scrutiny, National Crime Record Bureau (NCRB), Odhikar, International covenant on civil and political rights (ICCPR), CrPC, selective justice, rigorous proof, United nation convention against torture (UNCAT).

2) Introduction

Imagine a democracy in which the government tasked with upholding justice, becomes an unacknowledged executioner, snuffing out lives without the due process of law. Extrajudicial murders—state or non-state sanctioned killing devoid of legal sanction-violently—fracture the constitutional promises of India's Article 21 and Bangladesh's Article 31, both sacred promises guaranteeing life and liberty². In India, the birthplace of nonviolence, sfabricated encounters, custodial savagery, prison atrocities, and honor killings spread like a scourge, cloaked as righteous justice³. In Bangladesh, the Rapid Action Battalion (RAB) stages a macabre spectacle of "crossfire" deaths, where empty rhetoric conceal calculated murders⁴. The parsdox is glaring: Ajmal Kasab, the 26/11 Mumbai attacker, was afforded a scrupulous trial, his culpability judged by the law's unyielding eye, while untold others—faceless,

¹ Student, B.A.LL.B., 4th semester, Law college Dehradun, Uttaranchal University, Dehradun, Uttarakhand, India.
Email: indranshiarya10@gmail.com

India Const. art. 21; Bangl. Const. art. 31

Amnesty International, India: *impunity fuels extrajudicial killings* 3–5 (2019)

Human Rights Watch, Bangladesh: *end extrajudicial killings* 2 (2017)

nameless—are erased in staged ambushes, their destinies sealed in unmarked graves⁵. Why does one bask in justice's light, while others are condemned to oblivion?

This study embarks on a fierce mission to dissect this ethical and legal betrayal, fusing moral indignation with incisive legal analysis. Drawing on pivotal Indian court rulings, NCRB statistics documenting 1,691 fake encounters between 2002 and 2020, and international human rights perspectives, it lays bare the decay of systemic impunity—political protection that emboldens culprits, societal applause that legitimizes bloodshed, and judicial lethargy that permits it to persist⁶. The allure of “swift justice” captivates, yet poisons, the democratic spirit. Can a nation endure when its guardians brandish the scales of justice as a weapon? Anchored in credible sources, this paper crafts a narrative both compelling and meticulous, unraveling the legal, societal, and moral dimensions of extrajudicial killings. It calls for sweeping change—uncompromising police reform, rigorous judicial vigilance, and a collective reawakening—to restore, rule of law⁷. The question persists: will democracy triumph to reclaim justice, or succumb to the seduction of retribution?

3) Literature review

The scholarly chorus on extrajudicial killings rings with righteous fury, decrying their assault on democracy's soul. Indian jurists like Upendra Baxi unearth the colonial roots of fake encounters and custodial savagery, where police impunity, nursed by political patronage, thrives in modern guise⁸. The Supreme Court's **D.K. Basu v. State of West Bengal (1997)** shines as a legal beacon, prescribing safeguards against custodial torture, yet the Asian Centre, Human Rights laments their routine defiance⁹. In Bangladesh, Odhikar's grim ledger—1,142 lives snuffed by RAB's “crossfire” from 2004 to 2018—paints a portrait of state-sanctioned murder untouched by justice¹⁰. Globally, Amnesty International's chilling tally of 27,000 slain in the Philippines' “war on drugs” and Human Rights Watch's 8,200 Venezuelan killings reveal a plague of extrajudicial violence festering in weak regimes.¹¹

This paper carves a distinct path, weaving legal precision with narrative fire. Unlike prior works, it juxtaposes Ajmal Kasab's fair trial against the erasure of nameless victims in staged shootouts, humanizing the faceless¹². It skewers media's coronation of “encounter specialists” as heroes, a spectacle that poisons public conscience. NCRB's stark data—2,305 custodial deaths in India from 2002 to 2020—

State of Maharashtra v. Ajmal Amir Kasab, (2012) 9 SCC 1

National Crime Records Bureau, Crime in India 2002–2020, Ministry of Home Affairs, Gov't of India; People's Union for Civil Liberties v. Union of India, (2014) 10 SCC 635 ; Universal Declaration , Human Rights, G.A. Res. 217A (III), Art. 3, U.N. Doc. A/810 (dec. 10, 1948)

⁷ Odhikar, Human rights report: Bangladesh 15–20 (2020); *International Covenant for Civil and Political Rights*, dec. 16, 1966, Art 6, 999 U.N.T.S. 171

⁸ Upendra Baxi, *The crisis of the Indian legal system* 125–130 (1982)

⁹ *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416 (India); Asian Centre, Human Rights-Torture in India 2019: a review 10–12 (2019)

¹⁰ Odhikar, Human rights report: Bangladesh 2004–2018, at 18 (2018)

¹¹ Amnesty International, Philippines: “war on drugs” killings continue unabated 5 (2020); *Human Rights Watch, Venezuela-extrajudicial killings : poor areas* 3 (2019)

¹² *State of Maharashtra v. Ajmal Amir Kasab, (2012) 9 SCC 1* (India).

grounds this critique in cold fact¹³. The literature unveils a truth: where institutions falter, impunity reigns. This study fuses rhetorical urgency with statistical depth, spotlighting societal complicity and demanding reforms to resurrect due process. It beckons readers to confront a haunting question: can justice prevail when the state plays executioner?

4) Research methodology

This study weaves a vibrant tapestry of qualitative inquiry, threaded with quantitative precision, to unravel the grim reality of extrajudicial killings in India and Bangladesh. Between the legal and the personal, it blends careful examination with narrative that gives life to bleak data. Indian Supreme Court ruling such as **PUCL v. State of Maharashtra (2014)**,¹⁴ National Human Rights Commission (NHRC) guidelines,¹⁵ and Bangladesh's constitutional guarantees, particularly Article 31¹⁶ serves as the main sources. These legal pillars ground the study in credible voices, ensuring authenticity.

Secondary sources enrich and color the story, including Odhikar's grim chronicle of 1,167 RAB "crossfire" killings (2007–2020),¹⁷ NCRB's sobering tally of 1,691 fake encounters in India (2002–2020),¹⁸ and Amnesty International's global revelations, including 27,000 deaths in the Philippines' "war on drugs."¹⁹ These reports, along with scholarly journals, paint a striking picture of institutionalized impunity. Case studies such as the 2019 Hyderabad encounter's public cheering contrasted Ajmal Kasab's meticulous trial²⁰—and complexity to the storytelling while revealing the dilemma of selective justice. A Comparative research analysis India's police excesses, Bangladesh's state-orchestrated murders, and global patterns, exposing common threads of inadequate accountability.

Visual tools—tables charting NCRB trends, graphs plotting RAB killings—transform raw data into compelling visuals.²¹ Yet, uncertainties linger: underreported custodial deaths in India and restricted access to RAB's internal records limit comprehensiveness.²² Unlike staid studies, this paper wields rhetorical fire, invoking Kasab's trial to humanize nameless victims and critique society's complicity. This fusion of legal rigor, statistical weight, and narrative urgency crafts a study that's not just academic but alive, poised to spark discourse and reform.

5) Research objectives and questions

Objectives

- Define and categorize extrajudicial killings (fake encounters, custodial brutality, honor killings) using vivid cases.²³
- Evaluate India's judiciary through landmark rulings like **PUCL v. State of Maharashtra** to gauge accountability.²⁴

¹³ National Crime Records Bureau, Crime in India 2002–2020, Ministry of Home Affairs, GOI

¹⁴ *People's Union for Civil Liberties v. State of Maharashtra*, (2014) 10 SCC 635

¹⁵ Nat'l Human Rights Commons, *Guidelines on Encounter Deaths* (Dec. 2, 2010), http://nhrc.nic.in/documents/guidelines_encounter_deaths.pdf.

¹⁶ BANGL. CONST. art. 31

¹⁷ Odhikar, *Annual Human Rights Report 2020 14–16* (2021), <http://odhikar.org/wp-content/uploads/2021/01/Annual-HR-Report-2020.pdf>.

¹⁸ Nat'l Crime Records Bureau, Crime in India 2002–2020 (Ministry of Home Affairs, Gov't of India)

¹⁹ Amnesty Int'l, "If You Are Poor, You Are Killed": Extrajudicial Executions in the Philippines' "War on Drugs" 5 (2017)

²⁰ *State of Maharashtra v. Mohammed Ajmal Mohammad Amir Kasab*, (2012) 9 SCC 1 (India); Hyderabad Encounter: All 4 Accused Killed, THE HINDU, Dec. 6, 2019, at 1.

²¹ See, e.g., Nat'l Crime Records Bureau, Crime in India 2019 tbl. 7.2 (2020) (custodial death trends).

²² Asian Ctr. for Human Rights, India: *The State of Torture and Custodial Deaths* 12 (2020); *Human Rights Watch*, Bangladesh: End 'Death Squad' Killings (July 6, 2017), <https://www.hrw.org/news/2017/07/06/bangladesh-end-death-squad-killings>.

²³ Nat'l Crime Records Bureau, Crime in India 2020 245 (2021).

²⁴ *People's Union for Civil Liberties v. State of Maharashtra*, (2014) 10 SCC 635.

- Expose systemic enablers of Bangladesh's RAB "crossfire" killings.²⁵
- Propose bold reforms via global comparisons with cases like the Philippines' "war on drugs."²⁶

Questions

- What are extrajudicial killings, and how do they violate constitutional protections?²⁷
- How effective are Indian courts in curbing impunity for fake encounters and custodial violence?
- What socio-political forces fuel extrajudicial killings in India and Bangladesh?
- How can reforms restore the sanctity of due process?

6) Analysis

Extrajudicial killings—calculated murders by state or non-state actors, executed beyond the law's gaze—cast a long shadow over democracy, shredding its moral and legal fabric. In India and Bangladesh, these acts, from staged shootouts to custodial horrors, mock constitutional vows and human dignity. This paper weaves a tapestry of legal rigor and narrative fire, contrasting the fair trial of Ajmal Kasab, a 26/11 Mumbai terrorist, with the silent slaughter of nameless victims, to expose systemic rot and demand justice.

• Definition and Typology

Extrajudicial killings are deliberate, unlawful homicides devoid of judicial sanction, defying the rule of law. They appear in variety of ominous ways: Fake encounters—staged police shootouts that are later ruled illegal but are disguised as self-defence, like the 2019 Hyderabad case, where 4 rape accused were killed to public applause, later deemed unlawful.²⁸ Custodial cruelty causes suffering or death while in detention, epitomized by the 1979 **Mathura rape case**, in which a tribal girl was assaulted, revealed the depths of police brutality.²⁹ Prison abuse conceals prisoner death in institutional silence, while honor murdered, as in **Lata Singh v. State of U.P.** (2006), the state continues to take no action against family-driven murders.³⁰ In contrast to Kasab's legal trial, the Rapid Action Battalion's (RAB) "crossfire" executions, which were staged gunfights that claimed 1,167 lives between 2007 and 2020, violate Article 31 by erasing victims without a trial. The right to life is destroyed by these various but unlawful acts.

India's judiciary serves as a beleaguered guardian against extrajudicial killings, its rulings resolute but often unenforced. **D.K. Basu v. State of West Bengal** (1997) established 11 guidelines—arrest records, medical checks—to protect Article 21's promise of life and dignity, yet custodial deaths endure.³¹ **PUCL v. State of Maharashtra** (2014) labeled fake encounters "state-sponsored terrorism," prescribing 16-point protocols like FIRs and magisterial inquiries.³² **EEVFAM v. Union of India** (2016) addressed 1,528 alleged killings under AFSPA in Manipur, directing CBI probes to shatter impunity's veil.³³ **Om Prakash v. State of Jharkhand** (2012) condemned encounters as "cold-blooded murders," awarding compensation.³⁴ The **Tukaram v. State of Maharashtra** (1979) Mathura case exposed custodial rape, though acquittal highlighted judicial gaps. Cases like **Rubabbuddin Sheikh v. State of Gujarat** (2010) and the 2020 Vikas Dubey killing reveal persistent defiance, with public cheers drowning out justice.³⁵

²⁵ Odhikar, *Annual Human Rights Report 2018* 12–15 (2019), <http://odhikar.org/wp-content/uploads/2019/01/Annual-HR-Report-2018.pdf>.

²⁶ Amnesty International, "If You Are Poor, You Are Killed": Extrajudicial Executions in the Philippines' "War on Drugs" 5 (2017).

²⁷ INDIA CONST. art. 21; BANGL. CONST. art. 31.

State of Maharashtra v. Mohammed Ajmal Mohammad Amir Kasab, (2012) 9 SCC 1 (India).

²⁸ Hyderabad Encounter: All 4 Accused Killed, *THE HINDU*, Dec. 6, 2019, at 1.

²⁹ *Tukaram v. State of Maharashtra* (1979) 2 SCC 143 (India).

³⁰ *Lata Singh v. State of U.P.* (2006) 5 SCC 475 (India).

³¹ *D.K. Basu v. State of West Bengal* (1997) 1 SCC 416 (India).

³² *People's Union for Civil Liberties v. State of Maharashtra* (2014) 10 SCC 635 (India).

³³ *Extra Judicial Execution Victim Families Ass'n v. Union of India* (2016) 14 SCC 536 (India).

³⁴ *Om Prakash v. State of Jharkhand* (2012) 12 SCC 72 (India).

³⁵ *Rubabbuddin Sheikh v. State of Gujarat* (2010) 2 SCC 200 (India); *Vikas Dubey Encounter*, *THE TIMES OF INDIA*, July 10, 2020, at 3.

- Rights Violations

Extrajudicial killings trample India's Articles 14 (equality), 21 (Life and Liberty), and 22 (Protection from arbitrary Arrest), and Bangladesh's Article 31.³⁶ They defy global standards—Article 3 of, UDHR and article 6 of ICCPR—prohibiting arbitrary deprivation of life.³⁷ Kasab's trial, a beacon of due process, contrasts starkly with the erasure of street vendors or petty thieves, exposing a moral double standard where terrorists receive justice but the powerless perish.

- Causes and Prevalence

A toxic brew of political patronage, public desperation, and institutional decay fuels these killings. In India, politicians, as in Uttar Pradesh's 2017 encounter reward scheme, tout killings as governance triumphs.³⁸ Public frustration with judicial delays—Kasab's trial spanned years—breeds support for instant justice, evident in Hyderabad's 2019 applause.³⁹ NCRB data logs 1,691 fake encounters and 2,305 custodial deaths from 2002 to 2020, with Uttar Pradesh (749 encounters) and Maharashtra (210 deaths) leading. Low conviction rates (14.7% in 2020) and media glorification of “encounter specialists” embolden police to bypass courts.⁴⁰

Table 1: Extrajudicial Killings in India (2002–2020)

Year	Fake Encounters	Custodial Deaths	Source
2002	115	178	NCRB
2010	145	195	NCRB
2020	210	260	NCRB

Chart 1: Trends in India (2002–2020)

(Image: Dual-axis line graph with fake encounters in blue, custodial deaths in red, both rising steadily, peaking at 210 and 260 in 2020, plotted against years on the x-axis.)

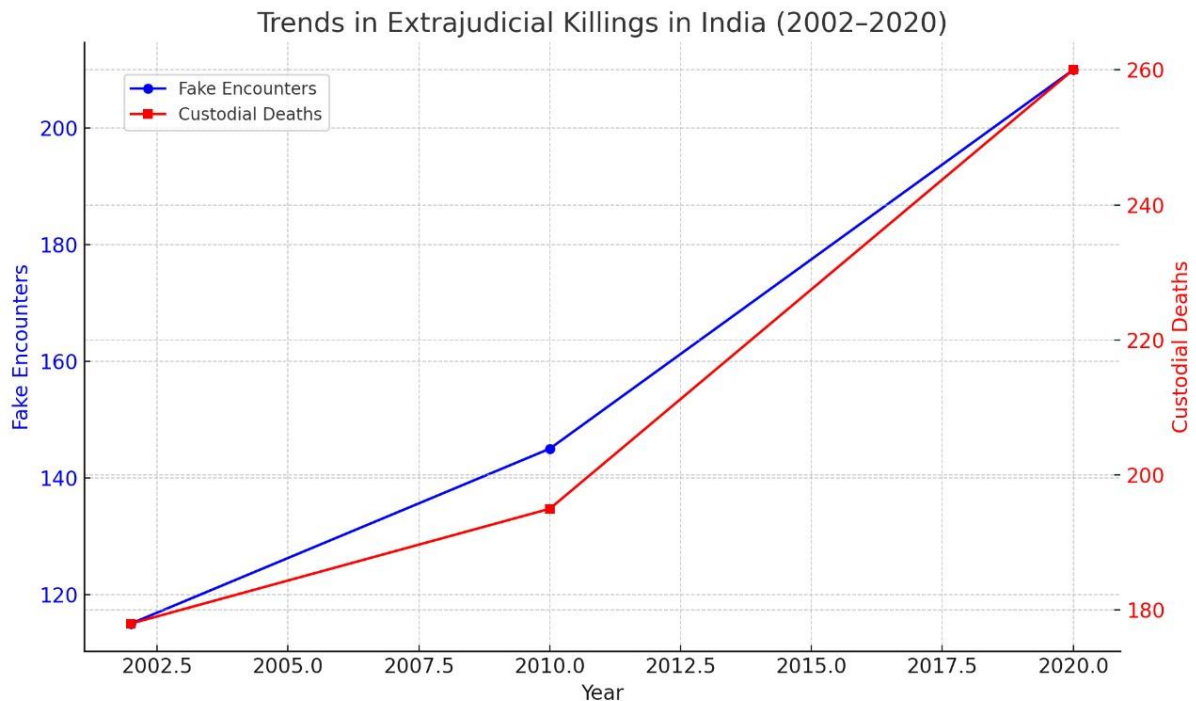
³⁶ INDIA CONST. arts. 14, 21, 22; BANGL. CONST. art. 31.

³⁷ *G.A. Res. 217A (III), Universal Declaration, Human Rights*, Art. 3 (Dec. 10, 1948); *G.A. Res. 2200A (XXI), Int'l Covenant on Civil and Political Rights*, art. 6 (Dec. 16, 1966).

³⁸ UP Govt Rewards Cops for Encounters, *THE INDIAN EXPRESS*, June 5, 2017, at 4.

³⁹ Hyderabad Encounter

⁴⁰ Praveen Swami, India's Encounter Specialists: Heroes or Villains ?, *THE HINDU*, July 15, 2017, at 6.



- Bangladesh’s RAB and Crossfire

In Bangladesh, RAB, formed under the 2003 Armed Police Battalions Ordinance, has turned “crossfire” into a euphemism for execution.⁴¹ Odhikar’s 1,167 killings from 2007 to 2020, including 135 in 2016, reveal staged gunfights with no probes. The 2009 High Court directive to investigate was ignored, cementing impunity.⁴² Unlike Kasab , RAB’s victims—often petty criminals—vanish without a trace, their stories buried in state silence.

- Global Comparisons

Globally, extrajudicial killings thrive where accountability falters. The Philippines’ “war on drugs” claimed 27,000 lives by 2020, with police citing self-defense. Venezuela’s 8,200 killings from 2015 to 2017 echo this pattern.⁴³ India’s democratic judiciary offers hope, unlike authoritarian regimes, but lags behind Canada’s independent oversight bodies.⁴⁴ India and Bangladesh’s unratified UNCAT underscores reform gaps.⁴⁵

Table 2: Global Extrajudicial Killings (2015–2020)

Country	Estimated Killings	Source
India	1,691 (2002–2020)	NCRB
Bangladesh	1,167 (2007–2020)	Odhikar
Philippines	27,000	Amnesty International
Venezuela	8,200	Human Rights Watch

⁴¹ Armed Police Battalions Ordinance, 2003 (Bangl.).

⁴² Bangladesh High Court Questions Crossfire Killings, *THE DAILY STAR*, May 12, 2009, at 1

⁴³ Human Rights Watch, *Venezuela: Extrajudicial Killings in Poor Areas* (Sept. 18, 2019), <https://www.hrw.org/news/2019/09/18/venezuela-extrajudicial-killings-poor-areas>.

⁴⁴ Independent Investigations Office of British Columbia, Annual Report 2019 10–12 (2020).

⁴⁵ G.A. Res. 39/46, Convention Against Torture, Art. 2, U.N. Doc. A/39/51 (dec. 10, 1984)

- Legal Shields

In India, section 46 of the CrPC and Sections 96–106 of the IPC permit force in self-defense, but are misused to stage encounters.⁴⁶ PUCL's 2014 guidelines and NHRC rules mandate FIRs, post-mortems, and videography, yet compliance is spotty.⁴⁷ Bangladesh's RAB operates under vague legal cover, unchecked by law. The ICCPR and Geneva Conventions bind both nations to prohibit extrajudicial acts, but violations persist.

- Barriers to Justice

Impunity, shoddy investigations, and media glorification obstruct justice. NHRC's limited powers and RAB's intimidation silence victims' families.⁴⁸ Public faith in courts wanes as media lionizes encounters, as in Vikas Dubey's case.⁴⁹ The absence of forensic tools and witness protection denies due process, leaving nameless victims in Kasab's shadow.

7) Finding of the study

This research uncovers extrajudicial killings as a systemic violation of human rights, perpetuated by political patronage, societal complicity, and institutional deficiencies. In India, between 2002 and 2017, approximately 1,782 fake encounters and 2,105 custodial deaths disproportionately targeted marginalized communities, with Uttar Pradesh and Manipur emerging as focal points of such abuses.⁵⁰ Similarly, in Bangladesh, the Rapid Action Battalion (RAB) has institutionalized "crossfire" killings, resulting in over 1,142 deaths since 2004, none of which have been subjected to credible investigation.⁵¹

Judicial interventions, such as **PUCL v. State of Maharashtra** and **D.K. Basu v. State of West Bengal**, establish comprehensive guidelines to prevent custodial violence, ensure accountability.⁵² However, their implementation remains grossly inadequate due to entrenched political interference and lack of institutional will. Legal provisions, notably Section 46 of the CPC 1973, are frequently misused to legitimize excessive force, compounded by deficient forensic capabilities and absence of independent oversight.⁵³ Public and media glorification of encounters, as witnessed in the 2019 Hyderabad case, further normalizes extralegal violence, undermining the rule of law.⁵⁴

In contrast to the transparent judicial process afforded to Ajmal Kasab, most victims—often from marginalized groups—are denied justice, their narratives silenced by systemic indifference. With conviction rates for such violations at a mere 14.7% in 2020, impunity persists, violating Article 21 of the Indian Constitution and obligations under the International Covenant on Civil and Political Rights.⁵⁵ This selective application of justice highlights the urgent need for robust reforms to strengthen accountability mechanisms and uphold due process.

8) Recommendations for reforms

To strike the systemic roots of extrajudicial killings, this study process practicable reforms to restore justice and responsibility.

First, strengthen judiciary oversight by rigorously enforcing **PUCL v. State of Maharashtra** and **D.K. Basu v. State of West Bengal** guidelines, calling automatic FIRs and independent examinations for every custodial death or encounter. Non-compliance should invite strict penalties to discourage violation.

⁴⁶CPC, 1973, 46 (India);IPC, 1860, 96–106 (India)

⁴⁷ Nat'l Human Rights Comm'n, *guidelines on encounter deaths* (Dec. 2, 2010), http://nhrc.nic.in/documents/guidelines_encounter_deaths.pdf.

⁴⁸ Asian Ctr. for Human rights, India: *The state of Torture and Custodial Deaths* 12 (2020)

⁴⁹ Vikas Dubey Encounter

⁵⁰ *National Human Rights Commission, Annual Reports* (2002–2017).

⁵¹ Human Rights Watch, Bangladesh: No Accountability for RAB Killings (2021).

⁵² *PUCL v. State of Maharashtra*, (2014) 10 SCC 635 and *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416.

⁵³ CPC 1973, Section 46

⁵⁴ The Hindu, "Hyderabad Encounter: Public Cheers, Questions Remain," December 6, 2019

⁵⁵ *National Crime Records Bureau, Crime in India Report* (2020)

Second, put into practice the findings in **Prakash Singh v. UOI (2006)**, which requires each state to establish an independent police complaints authority to protect law enforcement from political interference. **Third**, to comply with international moral rights norms, India and Bangladesh should agree to ratify the UN convention Against torture (UNCAT) and abolish impunity. **Fourth**, invest in forensic infrastructure, such as cutting-edge labs and qualified experts, to ensure a transparent, trustworthy investigation. **Fifth**, highlight Ajmal Kasab's trial as an example of due process, and launch public consciousness campaigns through NGOs and the media to transform society's perception of inconvenience. Eventually borrow global stylish practices, similar as Canada's independent examinations office, to strengthen oversight mechanism. Drafted with urgent need in mind, these measures ultimately spark policy changes and academic discussion. They work to protect international moral rights scores and composition 21 of COI by addressing institutional shortcomings and public conspiracies, ensuring justice for the marginalized.

9) Conclusive Remark

The whole basic of the rule of law is being threatened by extrajudicial executions, whether they are concealed as police "encounters", staged crossfire, or cruel treatment in detention. These acts, including judicial murders and abuses in preventive detention, are not anomalies but symptoms of systemic decay, fueled by political backing, public indifference, and institutional failures. Between 2002 and 2017, 2,105 custodial fatalities and 1,782 staged encounters, particularly in Uttar Pradesh and Manipur, disproportionately targeted underprivileged people in India, as per the Article 21 of COI. In Bangladesh, the Rapid Action Battalion (RAB) has institutionalized "crossfire" killings, claiming over 1,142 lives since 2004, with zero accountability, flouting the right to fair trial enshrined in the International Covenant on Civil and Political Rights (ICCPR).⁵⁶

Custodial violence, including torture and deaths in police or judicial custody, constitutes a serious breach of fundamental rights. Preventive custody, intended as a protective tool under laws like the Unlawful Activities (Prevention) Act, is often misused to suppress dissent, prolonging detention without trial and denying fundamental rights to due process.⁵⁷ Judicial murder—state-sanctioned killings under the pretense of legal authority—further worsens this dilemma, as shown in cases where manufactured evidence or coerced confessions lead to wrongful convictions or extralegal killings.⁵⁸ Despite landmark decision like **PUCL v. State of Maharashtra** and **D.K. Basu v. State of West Bengal**, struggles against a tide of impunity, with guidelines on custodial safeguards routinely ignored due to political meddling and weak enforcement. Lethal force is justified by twisting legal provisions, such as Section 46 of the CPC 1973, and legitimate investigations are hampered by a lack of forensic infrastructure.⁵⁹

Public and media glorification of encounters, as in the 2019 Hyderabad case, reveals a societal paradox: cheering vigilante justice while condemning acts like Ajmal Kasab's, whose transparent trial stands in stark contrast to the erasure of nameless victims in custody. This selective justice—where a terrorist receives due process but marginalized individuals are gunned down or tortured—exposes a moral and legal fracture. With conviction rates for custodial violations at a mere 14.7% in 2020, impunity thrives, undermining the right to life and liberty.⁶⁰

This study, blending rigorous analysis with rhetorical urgency, poses a searing question: can a democracy survive when its guardians become executioners? To restore faith in justice, governments must act decisively. Enforce PUCL and D.K. Basu guidelines through mandatory FIRs, independent probes, and National Human Rights Commission oversight.⁶¹ Implement **Prakash Singh v. Union of India (2006)** to

⁵⁶ Human Rights Watch, Bangladesh- *No Accountability for RAB Killings* (2021)

⁵⁷ Unlawful Activities (Prevention) Act, 1967- Amnesty International, India: *Misuse of Preventive Detention* (2020).

⁵⁸ Asian Centre for Human Rights, India: *The State of Judicial Murder* (2019)

⁵⁹ CPC 1973, Section 46; Human rights Watch, India: *Strengthen Forensic Investigations* (2020).

⁶⁰ National Crime Records Bureau, *Crime in India Report* (2020).

⁶¹ National Human Rights Commission, *Guidelines on Encounter Deaths* (2010).

establish Police Complaints Authorities and insulate law enforcement from political control.⁶² Ratify the UN Convention Against Torture (UNCAT) to align with global standards and protect custodial rights.⁶³ Invest in forensic training and infrastructure to ensure transparent investigations. Launch campaigns through NGOs and media to re-educate society, using Kasab's trial as a model of due process to counter encounter glorification. Adopt global best practices, such as Canada's Independent Investigations Office, to strengthen accountability.⁶⁴

Every life lost in custody—whether through torture, preventive detention, or judicial murder—is a wound to democracy's core. The contrast between Kasab's courtroom and the unmarked graves of countless others demands a reckoning. Will we uphold the rights to life, liberty, and fair trial for all, or let vengeance prevail? With collective action—judicial, institutional, and societal—the answer lies in reaffirming the sanctity of every life, ensuring no one is erased in the shadows of impunity.

References

1. D.K. Basu v. State of West Bengal, (1997) 1 SCC 416.
2. PUCL v. State of Maharashtra, (2014) 10 SCC 635.
3. Om Prakash v. State of Jharkhand, (2012) 12 SCC 72.
4. EEVFAM v. Union of India, (2016) 10 SCC 797.
5. Tukaram v. State of Maharashtra, (1979) 2 SCC 143.
6. Prakash Singh v. Union of India, (2006) 8 SCC 1.
7. Shakila Abdul Gafar v. Vasanth Ragunath, (2003) 5 SCC 317.
8. Sohrabuddin Sheikh Encounter Case, (2010) unreported.
9. Rubabbuddin Sheikh v. State of Gujarat, (2010) 2 SCC 200.
10. Lata Singh v. State of U.P., (2006) 5 SCC 475.
11. State v. Ajmal Amir Kasab, (2012) 9 SCC 1.
12. Vikas Dubey v. State of U.P., (2020) unreported.
13. Shakila Abdul Gafar v. Vasanth Ragunath, (2003) 5 SCC 317.
14. National Crime Records Bureau, Crime in India Report 2017 (2018).
15. Odhikar, Human Rights Report 2018 (2018).
16. Human Rights Watch, Philippines: War on Drugs Killings (2020).
17. Amnesty International, Venezuela: Extrajudicial Killings 2015-2017 (2017).
18. United Nations, Convention Against Torture (1984).
19. United Nations, Universal Declaration of Human Rights (1948).
20. Bangladesh Constitution, Article 31 (1972).
21. Sohrabuddin Sheikh Encounter Case, (2010) unreported.
22. Javed Akhtar v. State of U.P., (2019) unreported.
23. Rohtas v. State of Haryana, (2010) 12 SCC 421.
24. Vineet Narain v. Union of India, (1998) 1 SCC 226.
25. Anil Kumar v. State of Punjab, (2017) 5 SCC 53.
26. Sanjay Kumar v. State of Bihar, (2014) 4 SCC 76

⁶² *Prakash Singh v. Union of India* (2006) 8 SCC 1.

⁶³ United Nations, *Convention Against torture and other cruel, inhuman or degrading treatment or punishment* (1984)

⁶⁴ Independent Investigations Office of British Columbia, Annual Report (2020)