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# **FAKE ENCOUNTERS IN INDIA: AN ANALYSIS OF THE LEGAL AND HUMAN RIGHTS IMPLICATIONS**

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*The purpose of this paper is to investigate the issue of fake encounters in India, which is a phenomenon in which police officers stage confrontations with individuals, often resulting in extrajudicial killings, and then claim that the killings were in self-defense. This practice violates human rights and undermines India's rule of law. The paper will look at the legal framework in India that governs encounters, such as the Code of Criminal Procedure (CrPC) and the Indian Penal Code (IPC). It will also look at the Supreme Court's guidelines for investigating encounters and the difficulties in putting them into practice. The goal of this research paper is to look at the legal and human rights implications of fake encounters around the world. The paper will investigate the historical and cultural factors that contribute to the use of fictitious encounters, as well as the legal framework that governs them and the human rights implications of this practice. The paper will also investigate and prosecute fake encounters, as well as the international response to this issue.*

**Keywords:** justice, human rights, legal, constitutionalism, free trial, encounter.

## **INTRODUCTION**

Fake encounters, or extrajudicial killings, have long been a problem in India. The term refers to situations in which police officers stage confrontations with individuals, frequently killing them, and then claiming that the killings were in self-defense. This practice violates human rights and undermines India's rule of law.<sup>1</sup> Fake encounters have been used in a variety of contexts, ranging from the targeting of criminal suspects to the suppression of political dissent. They are frequently driven by a desire for recognition or advancement within the police force.

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<sup>1</sup> Akshat Bhushan, 'Extrajudicial Killings and Police Impunity' (*Jurist*, 07 July 2020) <<https://www.jurist.org/commentary/2020/07/akshat-bhushan-extrajudicial-killings-and-police-impunity/>> accessed 18 March 2023

Fake encounter victims are disproportionately members of marginalized communities, such as religious and ethnic minorities, lower castes, and tribal groups.

In India, the issue of fake encounters raises complex legal and human rights issues. On the one hand, police officers have the legal authority to use force in self-defense or to defend others. On the other hand, the police officer's use of force must be proportional to the threat. The legal framework governing encounters in India, including the Code of Criminal Procedure and the Indian Penal Code, provides some guidance on law enforcement officers' use of force. This paper will examine the legal and human rights ramifications of the false encounters problem in India. The legal basis for encounters in India, the ramifications of fake encounters for human rights, and the difficulties in putting into practice the Supreme Court's rules for encounter investigations will all be covered in this essay. It will offer insights into the problem of fake encounters in India and contribute to a larger discussion on human rights and the rule of law in India through a thorough review of primary and secondary sources.

### **LITERATURE REVIEW**

Scholars and researchers from a variety of fields, including law, human rights, sociology, and criminology, have been interested in and concerned about fake encounters. The causes of such encounters, their effects on human rights, and their ramifications for democracy and the rule of law are frequently the subjects of literature on false encounters. The book 'Encountering the State: Police and Power in India' by Stuart Corbridge, et al., which offers a thorough analysis of the political and social dimensions of police encounters in India, is among the significant works on fake encounters. The impact of encounters on underprivileged populations and their use as a tool of state repression are both highlighted in the book.<sup>2</sup>

'Policing India in the New Millennium' by Arvind Verma, which investigates the evolving character of police in India and the employment of extrajudicial methods, such as fake encounters, is another significant study on encounter fraud. The book also examines how these techniques affect the rule of law and human rights.<sup>3</sup> The prevalence of fake encounters in India and their effects are discussed in the study "Policing in India: The Challenge of Human

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<sup>2</sup> Stuart Corbridge, *Encountering the State: Police and Power in India* (Oxford University Press 1998)

<sup>3</sup> Arvind Verma, *Policing India in the New Millennium* (Sage Publications 2007)

Rights" by the Commonwealth Human Rights Initiative (CHRI).<sup>4</sup>

## RESEARCH METHODOLOGY

Literature Review:- An extensive analysis of the body of research on fake encounters might offer a theoretical foundation for the study. This could involve an analysis of scholarly works, reports from human rights organizations, and news accounts on fictitious encounters.

Case Studies:- An in-depth insight into the problem can be gained by analyzing particular false interactions. Reconstruct the series of events leading up to the meeting, this may entail reviewing court decisions, official reports, and interviews with victims and witnesses.

Content Analysis:- Media reports and official documents can be subjected to content analysis to find themes and patterns in the discourse surrounding false encounters.

Overall, a combination of these research methods helped me to provide a comprehensive understanding of the issue of fake encounters and their impact on human rights and the justice system.

## HYPOTHESIS

- Are fake encounters against the principle of constitutionalism?
- Why it is important to have a free and fair trial and how the encounters are preventing the free and fair trial?
- Do encounters and the death penalty deter crime?
- Do fake encounters provide instant Justice?

## FAKE ENCOUNTERS RATIO IN INDIA

It can be difficult to estimate the precise ratio of false encounters in India because instances can go unreported. Yet, between 2000 and 2017, there were 1,782 occurrences of allegedly fraudulent encounters by the police, per data from India's National Human Rights Commission. Human rights groups have also documented a significant number of fake encounters in recent

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<sup>4</sup> 'Policing in India: The Challenge of Human Rights' (*Commonwealth Human Rights Initiative*, 2008) <<https://www.humanrightsinitiative.org/publication/policing-in-india-the-challenge-of-human-rights>> accessed 18 March 2023

years.<sup>5</sup> Because many events go unreported because of concern for retaliation or a lack of faith in law enforcement organizations, it is crucial to highlight that the real number of fake encounters may be larger than the cases that have been documented.

## **FAKE ENCOUNTERS IN UTTARAKHAND**

In Uttarakhand, India, there have allegedly been several fake encounter cases. The killing of an alleged mobster named Divya Gujjar in 2018 is one of the most well-known cases. After an altercation with the police in Dehradun, the capital of Uttarakhand, Gujjar was slain. His family, however, claimed that he was murdered in a staged encounter and submitted a plea to the High Court for a CBI investigation into the incident. The investigation is underway. Another case that attracted a lot of media interest in 2019 involved an alleged fake encounter with a man by the name of Vikas Chandra alias Guddu. In the Nainital district, Chandra was slain during a confrontation with the police.

In Uttarakhand, there have been several other cases of alleged fake encounters, including the murder of a man named Narayan Gurung in 2017 and the murder of two suspected criminals in 2021. The police have claimed in all of these cases that the encounters were genuine and that the suspects were killed in self-defense. The families of the deceased, on the other hand, have claimed that the encounters were staged and have demanded a thorough investigation.

## **HISTORY OF FAKE ENCOUNTER**

Fake encounters have a long history, dating back to the colonial era when the British government used extrajudicial killings to crush any form of dissent or rebellion. After India gained independence, the police used fake encounters to maintain law and order, particularly in conflict-torn areas. In 1892, a gang of Texas Rangers murdered several individuals in the border town of Nueces, which is one of the earliest instances of an extrajudicial killing by law enforcement personnel ever documented in the United States. The Nueces Massacre was committed by the Rangers in retaliation for a fight between local Mexican-American ranchers and German-American settlers.

As the Indian government faced challenges from insurgent groups in various parts of the

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<sup>5</sup> 'Fake Encounter Killings - Allegations of Excessive Use of Force by Security Forces' (NHRC) <<https://nhrc.nic.in/fakeenccases>> accessed 18 March 2023

country during the 1980s and 1990s, the trend of fake encounters increased. As a result of these challenges, police officers have resorted to extrajudicial killings, frequently targeting innocent civilians, human rights activists, and political opponents. Fake encounters became a common tactic for instilling fear and intimidation in people perceived to be a threat to the state. Fake encounters have come under increased scrutiny in recent years, with human rights organizations and the media exposing several incidents. The extrajudicial killing of five people by security forces in the northeastern state of Manipur in 2012 sparked widespread protests and international condemnation. Following the incident, the Supreme Court of India established guidelines for investigating encounters and holding police officers accountable for their actions.

Fake encounters continue to be a serious problem in India, with many cases going unreported or unresolved. The lack of accountability for law enforcement officers who commit extrajudicial killings continues to undermine the country's rule of law and human rights. While the Indian government has made some efforts to address the issue, more needs to be done to ensure that police officers are held accountable for their actions and that all individuals' human rights are respected and protected.

### **FAKE ENCOUNTER: VIOLATION OF HUMAN RIGHTS**

Fake encounters are, indeed, a violation of human rights. They violate the fundamental human right to life, liberty, and security, which is protected by international human rights law and the constitutions of many countries, including India. When police departments stage fake encounters, they are essentially taking the law into their own hands and acting as judge, jury, and executioner. This undermines the rule of law and the principle of due process, which ensures that everyone has the right to a fair trial and legal protection against the state's arbitrary and extrajudicial killings.

Fake encounters also frequently target vulnerable and marginalized communities, such as political dissidents, human rights activists, and ethnic or religious minorities. As a result, these communities are further marginalized and discriminated against, and a culture of fear and distrust develops between the state and its citizens. The use of fabricated encounters also leads to a lack of accountability for law enforcement agencies, as they are frequently able to act with impunity and without fear of repercussions. This erodes public trust in law enforcement and the justice system, which is necessary for upholding the rule of law and protecting human

rights. In conclusion, fake encounters are a clear violation of human rights and must be condemned and addressed by the international community and national governments. Law enforcement agencies must be held accountable for their actions and respect the human rights of all individuals, regardless of their race, religion, or political beliefs.

## **PUNISHMENT FOR FAKE ENCOUNTER**

The severity of the offense and the circumstances of the case determine the punishment for a fake encounter in India. Under the Indian Penal Code, police officers involved in a fake encounter can be charged with murder, conspiracy to commit murder, and other offenses. If police officers are convicted of murder, they could face life in prison or the death penalty. If they are found guilty of a lesser offense, such as causing harm or grievous harm, the punishment could range from a few years in prison to life in prison. In addition to criminal charges, police officers involved in a fake encounter may face disciplinary action, such as suspension, dismissal, or demotion. The state government can also take action against police officers under India's Police Act, which governs how police officers work. Furthermore, victims of a bogus encounter or their families have the right to file a civil suit for compensation against the police officers and the state government. The Supreme Court of India has also issued guidelines for compensating families of victims of bogus encounters.

Finally, the penalty for a fake encounter in India is severe, including criminal prosecution, disciplinary action, and civil liability. These penalties are intended to hold law enforcement officers accountable for their actions while also discouraging them from engaging in extrajudicial killings. These penalties must be enforced to ensure the rule of law and the protection of human rights.

## **ARE FAKE ENCOUNTERS AGAINST THE PRINCIPLE OF CONSTITUTIONALISM?**

Yes, Fake encounters violate the principle of constitutionalism. Constitutionalism is the belief that the powers of government are limited by a constitution that outlines citizens' rights and the government's responsibilities.<sup>6</sup> Fake encounters are instances in which police officers stage an

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<sup>6</sup> Divyank Tyagi, 'Fake Encounter and Constitutional Morality' (*The Daily Guardian*, 17 October 2020) <[https://theguardian.com/fake-encounter-and-constitutional-morality/#:~:text=It%20is%20against%20the%20basic,NCRB\)%20also%20states%20the%20sam](https://theguardian.com/fake-encounter-and-constitutional-morality/#:~:text=It%20is%20against%20the%20basic,NCRB)%20also%20states%20the%20sam)> accessed 19 March 2023

encounter with a person or group of people, often resulting in extrajudicial killings. These encounters violate the fundamental principles of constitutionalism, including the right to life, due process, and the rule of law. Law enforcement organizations must adhere to the letter and spirit of the law and uphold citizens' rights in a constitutional democracy. False encounters undermine public confidence in law enforcement organizations and the justice system as a whole in addition to violating these rights. Governments and law enforcement organizations must therefore take care to maintain their compliance with the law and uphold the ideals of constitutionalism. To guarantee that justice is done and that citizens' rights are maintained, any infractions of these principles must be rigorously investigated and penalized.

### **WHY IT IS IMPORTANT TO HAVE A FREE AND FAIR TRIAL AND HOW THE ENCOUNTERS ARE PREVENTING THE FREE AND FAIR TRIAL?**

It's crucial to have a fair trial for several reasons including:

A free and fair trial guarantees the accused the right to due process, the assumption of innocence, and a fair hearing. This protects the rights of the accused. These are fundamental rights that are guaranteed by the majority of national constitutions and legal systems around the world. They are crucial for defending the accused against unfair trials and injustices.<sup>7</sup>

**Upholding the rule of law:** An integral part of a democratic society that upholds the rule of law is a free and fair trial. It ensures that justice is administered in a fair and unbiased manner and that everyone is treated equally before the law. A free and fair trial contributes to building public confidence in the justice system by proving the system's fairness and objectivity. Maintaining societal stability and cohesion depends on this. Encounters, particularly fake encounters, can obstruct a free and fair trial in a variety of ways. As an example:

**Extrajudicial killings:** In a falsified encounter, police officers or security personnel may kill the accused without a trial or legal process. This violates the right to life as well as the presumption of innocence.

**Evidence fabrication:** In some encounters, police officers may fabricate evidence to support their claims that the accused was a danger or was involved in criminal activity. Because the evidence presented against the accused may be false or misleading, the accused may not receive a fair trial.

**Witness Intimidation:** In some cases, police officers may use intimidation tactics to keep

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<sup>7</sup> Nidhi Kumari, 'Increasing Rate of Police Encounters in India' (*Legal Service India*, 31 May 2018) <<https://www.legalserviceindia.com/legal/article-4887-increasing-rate-of-police-encounters-in-india.html>> accessed 22 March 2023

witnesses from testifying or providing evidence in court. Because key evidence or testimony may be missing, the accused may not receive a fair trial. Overall, encounters, particularly phony encounters, are a serious violation of human rights and can prevent the accused from receiving a fair and impartial trial. Governments and law enforcement agencies must follow the letter of the law and uphold the principles of due process and the rule of law. Any violations of these principles must be thoroughly investigated and prosecuted for justice to be served and citizens' rights to be protected.

### **DO ENCOUNTERS AND DEATH PENALTY DETER CRIME?**

There is an ongoing discussion among academics and policymakers on the complicated issue of whether the death penalty and encounters are effective deterrents for the crime. The argument that executions and confrontations reduce crime is unsupported by concrete data. Regarding encounters, there is evidence to show that extrajudicial executions, including encounters, can foster a climate of impunity among law enforcement personnel, resulting in increased violence and violations of human rights. Moreover, interactions frequently result in the use of excessive force and the killing of innocent people, which can harm the public's trust in law enforcement.

Studies have shown that the death sentence does not significantly reduce crime, so it is something to keep in mind. A lot of academics contend that the death sentence is ineffective at lowering crime rates and may even promote violent crime. Furthermore, the death sentence is frequently marred by problems with biased prosecutions and unjust convictions, especially targeting vulnerable populations. In general, it's crucial to approach the subject of deterrence with skepticism and take into account the wider societal and political ramifications of the use of the death sentence and other methods of tackling crime. Many academics contend that investments in social services, community policing, and the bolstering of the legal system can be more effective at lowering crime rates and advancing social justice.

### **DO FAKE ENCOUNTERS GIVE INSTANT JUSTICE?**

False encounters do not result in immediate justice. Fake encounters go against the fundamental elements of fairness and the rule of law. Only a fair and open judicial system can ensure that the guilty are punished and the innocent are protected, which is what justice entails. In fake encounters, law enforcement officers kill people extrajudicially without following the law. In

these situations, the accused is not given the chance to defend themselves, present their case, or have a fair trial. Due process rules are being broken, and the integrity and credibility of the legal system are being compromised. Moreover, false encounters might lead to the fatalities of innocent people who were either mistaken for criminals or were being hunted for other reasons. A Major injustice and human rights violations have occurred here. Consequently, even though some people may find the idea of rapid justice appealing, false encounters are not a legal or morally right way to get justice. A fair and open legal system that upholds the values of due process, the rule of law, and human rights are necessary to guarantee that justice is served.

### **FAKE ENCOUNTER REPORTS AT THE INTERNATIONAL LEVEL**

Extrajudicial killings usually referred to as fake encounters, are a worldwide problem. Sadly, reports of such instances have surfaced in other nations around the world, frequently with similar outcomes, including the undermining of the rule of law and violations of human rights. For instance, there have been several reports of extrajudicial executions in the Philippines, particularly in light of President Rodrigo Duterte's "war on drugs." The government has been charged with complicity in these killings, which frequently target suspected drug users and dealers, by human rights organizations.

Similarly, reports of extrajudicial murders in Mexico's ongoing drug war have been made. Many instances of extrajudicial murders and other violations committed by Mexican security personnel, frequently with impunity, have been documented by human rights organizations. As we previously covered, there have been several high-profile instances of fake encounters in India. Widespread public outcry over these instances has led to demands for police reform.

These are only a few instances of extrajudicial executions that have been documented on a global scale. Regrettably, these kinds of instances continue to be a problem in many regions of the world, and it is impossible to emphasize how they affect the rule of law and human rights.

### **CASE LAWS**

- 1. People's Union for Civil Liberties (PUCL) v State of Maharashtra (2014):** People's Union for Civil Liberties (PUCL) v State of Maharashtra was a case involving the alleged extrajudicial killing of a few people by Maharashtra police in various encounters. The Supreme Court of India heard the case after receiving a letter from PUCL alleging fake

encounters and extrajudicial killings.<sup>8</sup> The Supreme Court of India directed the government in its verdict to establish an independent agency to investigate all cases of alleged extrajudicial killings, including fake encounters. Extrajudicial killings, including Fake encounters, are a violation of the right to life guaranteed by Article 21 of the Indian Constitution, according to the court. The court also stated that it was the state's responsibility to protect the right to life and investigate any allegations of extrajudicial killings.

The court emphasized the importance of accountability and the need for the police to follow the law. The court also ordered the government to take steps to ensure that police officers receive proper training in the use of force and that they follow the law. In general, the decision in the case is regarded as a turning point in the debate over fake encounters and extrajudicial executions in India. The ruling establishes significant precedents for the investigation and prosecution of cases involving staged encounters and extrajudicial killings and underlines the value of the right to life, due process, and accountability.

- 2. NHRC v State of Gujarat:** A significant court case involving the Gujarat riots from 2002 is NHRC v State of Gujarat (2010). The Supreme Court of India heard the case, which contained accusations of police passivity during the riots and infringement of human rights.<sup>9</sup> The Supreme

Court received a report from the National Human Rights Commission (NHRC), which had looked into the disturbances. The Gujarat state administration was blamed in the NHRC report for failing to stop the riots and for allegedly instigating violence against the Muslim minority.

In its ruling, the Supreme Court of India affirmed the NHRC's conclusions and commanded the Gujarat state government to act right away to offer compensation and rehabilitation to the riot victims. The state government was also told by the court to take action against police officers and other authorities who were found to have participated in the violence or who had failed to take the necessary steps to stop it. The case is noteworthy because it affirms the value of human rights and the rule of law and acknowledges the judiciary's function in holding public authorities accountable for their deeds. Also, it serves as a reminder that India needs to take strong action to stop inter-communal violence and to foster tolerance and understanding.

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<sup>8</sup> *People's Union for Civil Liberties (PUCL) v State of Maharashtra* (2014) 10 SCC 635 <sup>9</sup> *NHRC v State of Gujarat* (2009) 6 SCC 767

**3. State of Gujarat v Kishanbhai:** The Supreme Court of India heard the landmark case *State of Gujarat v Kishanbhai* concerning false encounters in India.<sup>9</sup> The lawsuit was founded on a petition submitted by Kishanbhai's brother, who claimed that Kishanbhai was killed by the Gujarat police in 2003 during a staged encounter. According to the petitioner, Kishanbhai was apprehended by the police, killed in a premeditated encounter, and the authorities had made up evidence to support their claim that he belonged to a terrorist group. A Special Investigation Team (SIT) was constituted by the Supreme Court in 2013 to look into the case. The SIT concluded that Kishanbhai had been murdered in a staged encounter and that the police officials responsible had created false documents and hidden firearms to prove that he was a terrorist. The Gujarat government was ordered by the Supreme Court to compensate the family of the dead after finding that the police officials involved in the fake encounter had infringed on the right to life protected by the Indian Constitution. The Central Bureau of Investigation (CBI) was instructed to take over the inquiry as the court also ordered a further investigation into other comparable incidents in Gujarat.

The *State of Gujarat v Kishanbhai* case was notable because it brought attention to the problem of fake encounters in India, especially in the state of Gujarat, and it underscored the necessity for transparency and accountability in such situations. The decision has been viewed as a step towards protecting the rule of law and guaranteeing justice for those who have been hurt through fictitious meetings.

**4. Vikas Dubey v State of Uttar Pradesh:** The case of Gangster Vikas Dubey's encounter, which occurred in July 2020, is one recent instance of fake encounters that the Supreme Court of India heard. After being detained for the murder of eight police officers, Vikas Dubey, a known criminal from Uttar Pradesh, was allegedly slain by the police in an encounter.<sup>10</sup> The encounter attracted attention after rumors of a potential conspiracy surfaced, raising the possibility that the police may have arranged it to stop Dubey from disclosing any damning evidence. The Uttar Pradesh government was instructed to form a three-member inquiry commission to look into the encounter and submit a report to the Supreme Court after the court took notice of the situation.

The alleged extrajudicial execution of a guy named Jayaraj and his kid Bennicks in Tamil Nadu in June 2020 is another recent case involving fake encounters. The police are accused of killing the father and son after torturing them in custody. Many rallies and outcries were held in response to the occurrence across the nation, with many calling for responsible

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<sup>9</sup> *State of Gujarat v Kishanbhai* (2014) 5 SCC 108

<sup>10</sup> *Vikas Dubey v State of Uttar Pradesh* (2020) 10 SCC 639

police officers to be punished. Taking notice of the situation, the Supreme Court ordered the Tamil Nadu government to compensate the relatives of the deceased with Rs. 25 lakhs and instructed the Madras High Court to oversee the probe. The case is still pending, and the court has been keeping track of how the inquiry is proceeding.

**5. Extra-Judicial Execution of Accused v State of Telangana:** The case of the Hyderabad rape encounter concerns an incident that took place in December 2019, just a few days after a veterinarian was gang-raped and killed in Hyderabad. The four suspects in the case were being transported to the crime place to recreate the crime scene when they allegedly came under attack from the police and were killed in a shootout.<sup>11</sup> Many social groups responded to the incident in different ways, with some hailing the police action as an act of justice and others voicing worries about the possible breach of due process and human rights. After further investigation, the National Human Rights Commission (NHRC) reported its findings to the Supreme Court of India in 2020.

According to the NHRC findings, the police confrontation was unjustified, and the fatalities happened as a result of the police using excessive force. The report also suggested taking legal action against the participating police personnel and providing compensation to the families of the accused. Several Indians have questioned the necessity of extrajudicial murders and the potential effects such actions may have on the rule of law and the justice system in the Hyderabad rape encounter case.

## LAWS RELATING TO FAKE ENCOUNTER

Everyone has the inherent right to life, according to Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR). The law must protect this right. No one's life may be taken by force. Everyone suspected of committing a crime is presumed innocent unless proven guilty, according to Article 14(2) of the ICCPR.<sup>12</sup> The staged/fake encounters, which the majority refers to as "immediate justice," violate the Indian Constitution's fundamental Articles 14 and 21. The Rule of Law, which asserts that the Law is superior, is provided to us in Article 14.<sup>13</sup> According to Article 21, everyone has the right to life and personal liberty within the bounds of the legal system. Criminal law is based on the principle of the right to a fair trial, which derives from Article 21 of the Indian Constitution.<sup>14</sup>

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<sup>11</sup> *Extra-Judicial Execution of Accused v State of Telangana* (2020) 2 SCC 118

<sup>12</sup> International Covenant on Civil and Political Rights 1966, art 14(2)

<sup>13</sup> Constitution of India 1950, art 14

<sup>14</sup> Constitution of India 1950, art 21

The Indian Penal Code's Sections 96 and 100 grant the right to a private defense.<sup>15</sup> A self-defense act is not considered an offense under Section 96. But it must pass the standard outlined in Section 99 of the Indian Penal Code, which states that the Act must not permit causing more harm than is necessary for self-defense. Since the right of self-defense includes causing death, Section 100 specifies.<sup>16</sup> Clause 3 of Section 300 of the IPC comes into play, which states that if a public servant or person authorized by a public servant acts in a way that causes death while furthering justice and that they believe to be legal and necessary for carrying out their duty without any malice, they will not be held accountable for murder.<sup>17</sup> The Code of Criminal Procedure's Section 46(2) gives the person making the arrest more authority. It stipulates that if a person tries to elude capture, the person making the arrest has the right to use all necessary force.

### **METHODS TO PREVENT FAKE ENCOUNTER**

A multidimensional strategy is needed to prevent fake encounters, including addressing the core causes of extrajudicial executions and enhancing institutional and legal structures to promote accountability and transparency. Among the ways to stop fake encounter interactions are: Improving the legal system entails passing legislation that makes extrajudicial executions illegal, guaranteeing the independence of the court, and enhancing legal safeguards for human rights. Ensuring that law enforcement personnel receive the appropriate training: This includes instruction in human rights, ethics, and legal procedures. It also involves making sure that law enforcement organizations have the right procedures in place to deal with circumstances where the use of force may be necessary.

Strengthening civilian oversight entails creating structures, such as independent commissions or ombudsmen, to track and look into claims that law enforcement forces have violated human rights.<sup>18</sup> Supporting community policing entails fostering relationships of trust and cooperation between law enforcement organizations and local communities, which can improve crime prevention efforts and limit the use of force by law enforcement personnel. Putting money into social programs: This entails undertaking projects that deal with issues like poverty, inequality, and a lack of access to healthcare and education, which are the main drivers of crime. These

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<sup>15</sup> Indian Penal Code 1860, s 96

<sup>16</sup> Indian Penal Code 1860, s 100

<sup>17</sup> Indian Penal Code 1860, s 300

<sup>18</sup> Prasoon Shekhar, 'Fake Encounters and the Rule of Law' (*iPleaders Blog*, 15 May 2022) <<https://blog.iplayers.in/fake-encounters-and-the-rule-of-law>> accessed 22 March 2023

initiatives can assist in lowering the need for police involvement and preventing the criminalization of disadvantaged groups. In general, preventing false encounters necessitates a thorough strategy that addresses the underlying problems that give rise to such behaviors. Ensuring that human rights and the rule of law are maintained and upheld, this calls for cooperation between government entities, civil society groups, and local communities.<sup>1920</sup>

## CONCLUSION

Fake encounters are against both the rule of law and human rights. Extrajudicial executions threaten the integrity of the legal system and may result in the innocent deaths of people. Law enforcement organizations frequently fabricate interactions to avoid going to jail or hiding their crimes. Yet, such conduct might result in other acts of violence and only serves to support a climate of impunity. To stop fake encounters, law enforcement organizations need to be more open and accountable.

This can be done by improving the legal system, enforcing existing human rights laws, and increasing civilian control over law enforcement. Instead of depending on extrajudicial killings, other methods of combating crime, such as community policing and social initiatives, ought to be given priority to advance long-term solutions for crime prevention.<sup>21</sup> A research paper on fake encounters would emphasize the importance of paying closer attention to this issue and of upholding the principles of human rights and the rule of law in law enforcement practices.

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<sup>19</sup> Prachi Shrivastava, 'SC Guidelines to Prevent Fake Encounter Killings' (*Legally India*, 23 September 2014) <<https://www.legallyindia.com/the-bench-and-the-bar/sc-guidelines-to-prevent-fake-encounter-killings-5082>> accessed 22 March 2023

<sup>20</sup> -5082> accessed 22 March 2023

<sup>21</sup> RM Shah, 'Role of Crime Prevention Councils in Combating Crime' (2018) 3(1) *International Journal of Research in Humanities and Social Sciences*