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BRUTALITY OF U.P. POLICE- A QUESTION FOR HUMAN RIGHTS

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Abstract

The police system in any country is considered to be a protector of the citizens. However, the same institution has been seen as a grave violator of human rights globally as well as in India, especially in a crime prone area as Uttar Pradesh. The police officials at places are burdened with immense pressure from the authorities and the masses to deliver results in an expedient and efficient manner and control the crime rate. However, the lack of resources and technology prevents them from effectively carrying out their duties and function without abusing their powers. There has been a normalization of violence perpetrated by the police on accused/suspects by society. The basic human rights of the individuals are often compromised even after having protection being given by the legal jurisprudence. The abuse of power by the police is often unaddressed by the legal system due to the lack of implementation and safeguard of the rights provided to suspects/accused. There is a need to re-evaluate the treatment and rights of such individuals. Be it accused or suspects, human rights violations cannot be tolerated and supported in any country.

Introduction

In six years, 175 dreaded criminals were killed in the encounter and 4808 were injured. Since 2017, the UP Police have conducted 10,531 encounters, resulting in the arrest and imprisonment of 22,597 criminals. During the encounters, 13 brave police officers also lost their lives while 1,398 police officers were injured in the line of duty.

After getting elected, the new Chief Minister of UP, directed the UP Police to implement a zero-tolerance policy for crime to strengthen the state's deteriorating law and order situation and track down on unrestricted criminals.

As a result of effective policing and improved law and order situation in the state, in Global Investors' Summit (GIS)-2023, investment proposals totalling to Rs. 34.09 lakh crore were received by the state.

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The UP Police carried out demolitions of illegal properties as part of their commitment to making the state crime-free. They also seized criminals' illegal property. Under the Gangster Act, the police also seized movable and immovable properties worth Rs.90 billion 22 crore 33 lakh. In addition, the police seized illegally obtained properties by the mafia and criminals worth more than 2819 crores. Furthermore, the action was taken against 63,055 criminals under the Gangster Act and 836 under the NSA.

Further, as claimed by current CM The law and order situation in Uttar Pradesh is the best the state has seen in the last 15 years, "not just in the state but in the entire country it has been accepted that law and order situation in Uttar Pradesh has improved and an indicator of this is that investment is flowing in," said the CM as he accused the opposition parties of working with a "negative attitude" in the assembly. He said the crime rate in the state was lesser than what was under the previous government and FIRs were being lodged. The National Crime Records Bureau clearly believes that crime control is determined by the common people's perception.

But looking at the current scenario created in the state, the claim to control the law and order has led people to believe that for the control the police has started to use force, which are claimed as torture and harmful acts against the people of the state, as claimed in many reports.

Further the control the crime rate and criminals, doesn't require to kill them in an encounter in having them dead in police custody. There is always two sides to every claim made by a person, especially when it comes from someone who has to manage a big area such as Uttar Pradesh. The pros and cons of the rules made by the CM might have made many people feel safe and secure, but at the same time there might be few who consider them as dangerous and felt unsafe because of it.

U.P. Police- Making a safe haven for people or settling fear in people?

STATE OF FEAR

In 2020-21, the National Human Rights Commission (NHRC) registered 11,130 cases on complaints relating to alleged violations of human rights by police forces of the country. The maximum number of complaints were from UP.

Concern over claims that at least 59 extrajudicial executions by the police occurred in UP between March 2017 and December 2018 was raised by four Special Rapporteurs for the UN. Additionally, they supplied the Indian government comprehensive information on 15 of these cases.

Between 2017 and 2021, the NHRC sent the UP government up to five notices about cases of torture committed while in custody. But no significant action has yet been taken by the local authorities. India does not have a specific law against torture, and it is not a signatory to the 1984 UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, which makes the issue worse.

As per a report published by the National Campaign against Torture, out of the 125 deaths in police custody in the year 2019 in India, UP stood at the top with 14 deaths.

The freedom to peacefully demonstrate in person or online is a fundamental human right, according to the UN Human Rights Committee's general comment no. 37 on Article 21 of the International Covenant on Civil and Political Rights, which was published in July 2020. Similar to this, the Supreme Court of India stated that the right to protest is a basic right in Ramlila Maidan Incident v. Home Secretary, Union of India & Ors. in 2012.

Three people were killed during anti-CAA rallies in UP as a consequence of battles with the state police, despite the fact that the state denied it. Additionally, tens of thousands were held as a precaution. The NHRC and the UP Human Rights Commission (UP-HRC) have sent separate notices to the UP Police about acts taken during the anti-CAA protests.

The anti-CAA protests saw the greatest number of internet shutdowns, according to the data that is currently available, in UP. More recently, some protestors in UP were arrested and killed as part

of farmers' protests against contentious farm regulations that were later abolished by Parliament.

- **Encounters**

In the period from March 2017 to August 2021, 146 people were killed by the UP police in claimed encounters.

Over the course of this time, there were up to 8,472 confrontations, during which the UP Police shot at 3,302 persons, injuring them, and leaving many of them crippled, typically from leg injuries from the shots. 37% of those slain in interactions between 2017 and 2020 up until August were Muslims.

The extrajudicial executions in UP alarmed the UN human rights experts in January 2019. They also expressed worry about statements made by high-ranking state government and police officials that appeared to encourage, defend, or approve killings. The UP administration has received at least four notices from the NHRC over encounter deaths. The UP government received a notification from the Supreme Court in 2018 over fictitious encounters.

- **Riots and fake cases**

According to the NCRB data, UP recorded 5,714 cases of riots in 2019, 8,908 in 2018 and 8,990 in 2017, respectively. As per an answer given in the Lok Sabha by Union minister of state in December 2018, UP saw 195 cases of communal violence in 2017.

Between 2018 and 2020, National Security Act, 1980 was invoked by the UP government in 120 cases. However, as many as 94 such cases have been quashed by the Allahabad high court. Forty-one such cases related to cow slaughter and all accused belonged to the minority community. The court regarded this as the misuse of the NSA and went on to observe that much important information in the police FIRs was “cut and pasted”.

Human rights organizations are concerned that the present BJP administration in Uttar Pradesh appears to be selective in its prosecution of crimes. If the goal is to lower crime in the state, all forms of crimes should be targeted, and everyone who commits a crime should face punishment regardless of caste, religion, or whether the crime fits the current BJP government's pro-Hindu nationalist narrative.

Taking a different path from the direction of law and order will only result in the formation of a lawless state, even though the criminals who have done heinous crimes should be punished.'

SAFE HAVEN?

Despite the opposition campaign against the UP government on the law-and-order issue, the latest data released by the National Crime Records Bureau (NCRB) states that the crime situation in the state has improved. The NCRB data says that UP has witnessed a sharp reduction of 45.43% in rape cases and has the lowest figures of crimes against women compared to the 21 major states of the country.

This has played an important role in changing the image and perception of Uttar Pradesh globally and re-establishing its identity.

According to an official release, the state has seen a significant fall in the number of rape cases from 3419 cases in 2016 to 2317 cases in the year 2020. The UP government has also recorded the highest conviction rate in the cases of crimes against women and cyber-crime in the country, says the report by NCRB.

- Uttar Pradesh has taken several steps to check crime against women which include anti-Romeo squads, UP-122 India App, night security cover scheme, women helpdesks, and pink booths.
- A total of 25,895 criminals have been sent behind bars till the year 2019.
- Despite being the most populous state, UP has also seen a reduction in cases of murder. With a density of 690 persons per square km, Uttar Pradesh has witnessed a sharp decline of 19.8% from the year 2016 to 2020, in cases of murder.
- Murder cases registered a reduction of 5.9% in 2017. As many as 28,653 killings were recorded in 2017, down from 30,450 in 2016, the NCRB report said.
- According to the report, the rate of murder cases in UP in 2016 was 2.2 cases per one lakh population, while the year 2017 recorded 1.9 cases of murder per one lakh population.
- The year 2018 recorded 1.8 and the years 2019 and 2020 recorded 1.7 and 1.6 murder cases per one lakh population, respectively.

Chief Minister has been claimed to be working overtime to ensure the safety, security, empowerment, and all-around welfare of women as well as applying a break over crimes against them have been one among the top priorities of the government.

The government has ensured stringent law-enforcement, administrative, legal, and pro-women mass-awareness efforts. These efforts in the past four years have borne out positive results, and the system succeeded in containing crimes while improving safety and security situations.

The hard work of the UP police as well as administration can be understood by the steps views from various local people, who lived their life in fear before the new rules have been established for the security of the people.

A farmer, in his sixties, yet athletic in frame, proceeded to answer the question himself. “Nothing is more important than the safety of our families,” he said. “My biradari (community) may be upset with them now – I am hurt too – but this government has been able to do what no one else has: they have ended crime.”

The Muslim journalist in Meerut said he now felt safe riding his motorbike back home to his village, 35 kilometres from the city, late at night after work. “I used to be anxious during the SP’s time, always scared that someone would emerge from the fields and loot me,” he said, referring to the previous Samajwadi Party government. “But now I go home tension-free.”

Another man, who runs a small leather business in a Muslim ghetto on the outskirts of Kanpur, claimed thefts and robberies had come down in his neighbourhood.

According to a crime journalist in Unnao, the town’s morgues had fewer unclaimed bodies of murdered people.

The official crime statistics neither prove nor refute these assertions, as the last available data from the National Crime Records Bureau, which compiles police records from all states, is for the year 2019.

It shows no clear pattern that suggests a drastic change in Uttar Pradesh’s law and order since the new government took over. If anything, compared to 2016 and 2017, the next two years saw a marginal increase in crimes against women and in atrocities against the Scheduled Castes, as Dalits are known in India’s official parlance. Therefore nothing can be claimed as the permanent graph for the UP government and the unfair administration of the police force.

But the data on gender and caste crimes by itself does not necessarily mean the situation for these social groups has worsened under the government.

Conclusion

The data by the NCRB cannot be considered a guideline to decide whether the police officers in the state of UP has worked against the human rights or not, what it can conclusively state is that the crime rate in the state has drastically reduced, which made people, who are against the government too have a sense of relief.

The police administration in a big state such as UP has always been in question but they have never worked well enough to reduce the crime rate or better yet to say none of their work has led to the reduction of crime rate. Though the encounter has increased, but the many crimes done by such encountered have left people in trauma.

Maybe that is why the UP Police and the government has created a safe haven for the people with a sense of fear in it.

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