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**HISTORICAL BACKGROUND AND CONCEPTS OF EXTRAJUDICIAL
KILLINGS**

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ABSTRACT

Extrajudicial killings, which involve the unlawful execution of individuals without due legal process, have emerged as a significant human rights issue worldwide, particularly in India. This research explores their historical evolution, root causes, and socio-political impact, shedding light on their frequency, justifications, and repercussions. It examines India's legal framework, including constitutional safeguards, judicial perspectives, and the role of law enforcement agencies in such encounters. Additionally, the study analyses key contributing factors, such as public sentiment, political influence, and systemic shortcomings—ranging from occupational stress and inadequate police training to low conviction rates—that have contributed to the normalisation of these illegal acts.

The research also investigates how extrajudicial killings undermine democracy, the rule of law, and human rights, drawing attention to high-profile cases that have sparked national discourse. It critically examines the ethical and legal complexities surrounding police encounters and their broader implications for the justice system. Emphasising the need for stringent legal oversight, accountability measures, and comprehensive police reforms, the study advocates for stronger adherence to constitutional and international human rights principles.

Ultimately, this study underscores the urgency of transforming public and political perspectives on extrajudicial killings and highlights the necessity of institutional reforms to promote justice, transparency, and the fundamental right to life.

KEYWORDS: *Extrajudicial killings, Human rights violations, Police encounters, Judicial process, Rule of law, Law enforcement accountability, Constitutional rights, Criminal justice system, Public perception, Political influence, Systemic failures, Police brutality, Legal reforms, Democracy and justice, International human rights standards*

1. INTRODUCTION

Extrajudicial execution convictions consciousness with the assistance of cops and military are becoming increasingly prevalent in India as a whole, including its most populated state, Uttar Pradesh. According to records, 119 perpetrators have ended up dead in so-called confrontations within the country since the Bharatiya Janata Party won this same national poll in 2017.[\[1\]](#)

The U.P authorities like police Officers do not forget those figures a sparkling fulfilment and feature now no longer shy away from displaying them on social media platforms like Facebook, WhatsApp, and Twitter etc., Recently, on July 10, Uttar Pradesh police killed a 56-year-old racketeer Vikas Dubey in an encounter, despite having upwards of 60 crook instances against him.[\[2\]](#)

The security services prototype of the events that led to Dubey's death is oddly similar to a scenario that occurred in Hyderabad, the seat of government of the southern Indian state of Andhra Pradesh, in December 2019. In that case, four men accused of sexual assault and manslaughter of a woman, in an adverse event that shook the country's oneness, were shot dead by police after having stolen a sidearm but also attempting to flee at some point during the illegal scene reconstruction.[\[3\]](#)

In each particular instance, the mood of the country became massively in favour of the targeted assassinations, even as they drew criticism from just a few cabins, prompted by humanitarian organizations. Within the wake of the recent Hyderabad encounter, individuals sprinkled flower petals and put on display law enforcement officers on their right shoulder aftermath of the encounter[\[4\]](#).

Modern media has also played a role in idolising the practice; famous security services Bollywood films such as Rowdy Rathore, Singham, and Dabangg frequently depict scenes in which the law enforcement officer central character Mono ends up killing the roguish crook in a courageous climax[\[5\]](#).

2. HISTORICAL BACKGROUND OF EXTRAJUDICIAL KILLINGS

There was a chain of events in history that has resulted in the prevalence of targeted assassinations only within the modern era. Hindu Scriptures that provide information about India's earlier criminal courts, included screenplays from Manu-Smriti or the Manu code, which stated that cruelty is necessary for maintaining harmony and maintaining law and order.

In ancient times, Manu accompanied the lobby of a local authority area that became controlled with the aid of kings. The crown has become the court, judicial officer, and punisher, and his officers manage the nation. Most of these officials brutalised the alleged perpetrator to discover the truth, and others were brutalised or obligated to accept crimes they did not commit, and in some cases, those tortures resulted in the death of the suspect.

Muslim law taught the commandment of an eye to be remedied for an eye fixed, which was pretty ubiquitous throughout the Mughals. Throughout Akbar's reign, he prohibited extreme penalties for lawbreakers, but then after him, the mortality rates of accused defendants and convicts kept going. Following the fall of the Mughals and the establishment of British

colonies in India. The British have become complicit in the atrocities by using torture as a method of questioning a guilty pertaining to the Kotwals for torturing and murdering detainees without court cases.

Even Following India's independence from the British, there must have been numerous instances of unlawful killings known colloquially as "fake encounters." The police in this country use legislation under the guise of Section 46 of the Cr.P.C. and Section 96 of the IPC to apprehend the accused before the trial. Those who misconstrue the data show that the murder became a correctional facility and could be attributed to everyone.

The number of fatalities has risen tremendously. Perpetrators in law enforcement agencies or court's possession are subjected to physical brutality, psychological anguish, corporeal punishment, and occasionally molestation, and many of these events eventually result in the accused's death, which falls under the scope of mass executions or prison violent behaviour.

The Mathura rape allegation is an excellent example of state-sanctioned punishment through the use of false accusation and custodial violence via sexual harassment, in which a younger tribal woman was raped by policemen inside police detention and later acquitted by the proper court. Following that, the meaning of the sentence permission became defined in just this case[6].

The Bhagalpur loss of vision case in Bihar is also another example of the prevalence of violence. Crimes such as child abduction, hostage taking, bribery, robbery, and killing increased rapidly in Bhagalpur between 1979 and 1980. So, to obtain documentation or obtain declarations from accused persons,

federal agents started to choose a totally and utterly brutal method of mistreating the persons of interest who were under the lawsuit, spilling chemicals into their faces, which successively used to arise in the real motivation of immediate loss of vision of the accused persons as their eyelids were combusted or destructed through acids.

Between 1979 and 1980, a total of 31 victims of this atrocity were disclosed. It's the first instance in which the issue of financial restitution to the victims was recognised. It was claimed that its law enforcement officers must have bamboozled a perpetrator, as well as three cops were found guilty of violating the law. These are some of the most heinous examples of torture.

3. WHAT IS EXTRAJUDICIAL KILLINGS

As such, what essentially are illegal acts? A lot of consideration for mass murders or disciplinary victimisation occurs when a presumed accused is tried and convicted before accepting the order information of such court proceedings from the courthouse of regulation. It is clear from the definition that one's rights have been violated through a variety of techniques. Indeed, the right to be remembered hearing is often not granted to unproven allegations. It also contravenes the safeguards of Articles 14, 21, and 22 of the Constitution[7].

As such clean that it undermines the credibility of the Indian Constitution, the Court's instrument, legal requirements, and so on. In India, extrajudicial killings have weakened the same old regulatory oversight. There has been a flurry of extrajudicial narratives attributed to a cruel technique in which the remaining authority for truthful solutions is limited. Despite numerous

attempts approved with the assistance of the National Human Rights Commissions in tripping on further murders, those legislate the regulatory rule of thumb. The same real motivations for those murders keep lying within the fraudulent election campaigns and erroneous police enforcement that are tainting India's lawbreaker devices[8].

4. CONCEPT OF EXTRAJUDICIAL KILLINGS IN INDIA

Whenever we speak approximately killings or demise we're typically targeted on what's taking place around inside the place wherein we stay due to the fact existence is something wherein we're greatly exaggerated approximately speaking and listening to approximately properly however every time we come upon something poor we begin speak me and speaking after which we scroll the internet, now extrajudicial killings is such that the alleged man or woman is killed even earlier than the court cases and judgment via way of means of authorities authorities(in maximum of the instances the regulation enforcement authorities) for motives uncertain and that is a sheer which caused violates of individuals rights due to fact even critical ones we've visible that the alleged individual is even killed earlier than giving him a risk for an ordeal that is, the possibility to be heard.

The increasing level of extrajudicial killings has usually been a risk to democracy as it violates human rights and of course, it demands situations of the fundamental essential rights that can by no means be taken far from any man or woman in a democratic country. Through this topic, we will attempt to research the diverse aspects of extrajudicial killings via case legal guidelines and theories of the legibility and necessity of extrajudicial killings in India[9].

The maximum not unusual place shape of extrajudicial killing is when the police come across a crook that is now and again liked by human beings too.

5. THE TRUTH OF EXTRAJUDICIAL KILLINGS

There should be a reason to die but there are no reasons to kill one person to another person. As President Duterte once said, Hitler killed three million Jews. lion Jew People. Now there are 4 million substance abusers within the United States. I'd gladly torture and kill people. His Persuasive speech is now conspicuous inside the streets and alleys in a few components of our country, where criminals are perpetrated through the so-called extrajudicial killings or precis killings.

It is to carry out the alleged criminals without any proper trial. Extrajudicial killings aren't new to the Filipinos, at some point when the regime was under Marcos they had been 3,257 illegal encounter killings, 35,000 brutalities of victims, and 70,000 have been imprisoned. We wouldn't like this nightmare to appear more than once for Marcos turned into kicked out of the position, Aquino set up the authority of Human Rights and the 1987 Constitution turned into formed

where it mentions that, everyone should have their right to life and liberty also provided with lands. However, an average of 37 people in keeping with the day killed illicitly considering Duterte released the bloody marketing campaign simply over six months ago. Is civil and God's regulation nonetheless respected? Violent crimes inflict too fantastic a toll on our society to allow them to pass without punishment. Deeds which are scarcely conceivable have come

to be a common item. Everything has the same opinion things must

As of today, extrajudicial killing is denied through our authorities however it's far actually common sense, many criminals are killed with the aid of the police even though the goal is napping or hand-cuffed. Operatives can shoot the leg to immobilize the sufferer however why do the police shoot them in a deadly area? President Duterte does now no longer determine the effect of his phrases, on his targets: "I will kill you!" And to his men: "I will shield you all of the ways." Those phrases always deliver weight to the policemen to abuse their electricity and kill their targets. In the catholic united states of America like the Philippines, why EJK could be very audacious, why this air of impunity, why there's roguery? It is probably now no longer state-sponsored however stimulated through Duterte. Due to the fact, no person is above the regulation and everyone is taken into consideration harmless till tested responsible." Not simply into the regulation of our nation but to the legal guidelines of God. If the authorities go as far as killing those crimes and circuitously imposing humans to do the identical, what's going to be the next?

The responsibility of the kingdom must be to guard its humans with simple legal guidelines and a judicial system, irrespective of whether they're responsible against the law or now no longer. We Christians are taught to like all, irrespective of if they're sinned or now no longer. These human beings have to get clinical assistance and valid trials as opposed to being thoughtfully slaughtered like animals. As people and kids of God, it must be fundamental know-how that all of us have the proper to existence and a 2nd hazard regardless of what wrongs you've got committed. Thou shalt now no

longer kill a famous commandment to Christians and Non-Christians.

This commandment was inscribed inside the human breast a lengthy earlier than it was proclaimed in Mount Sinai. "Thou shalt now no longer kill" is a definitive prohibition towards the taking of lifestyles, even in self-defence. Christians should have a profound recognition of human lifestyles. There were debates on whether or not it's The Truth of Extrajudicial Killings ethical or now no longer to execute a person who has taken every other man or woman's lifestyle. But the Lord himself found out a brand-new regulation: You have heard that it turned into said, Tit for tat, But I say to you, provide no resistance to at least one who's evil. When a person moves you to your proper cheek, flip the opposite one to him as well. So, if taking the existence of a person who has carried out the identical to some other is questionable, isn't taking the lifestyle of a person who has strayed off the nighttime unthinkable? Drug addicts and pushers may also have carried out wrong, however, we Christian idea of forgiving because the famous prayer goes," Forgive us our trespasses as we forgive people who trespass in opposition to us" and in a felony sense, those human beings are some distance from being worth of demise for his or her precise crimes. Apparent trouble doesn't rely on how proof is strong, the opportunity of executing a harmless character constantly exists. Furthermore, the developing statistic suggests that folks who are sufferers of extrajudicial killings are commonly poor.

Do the police have no recorded demise toll for massive-time drug lords? But is it an inexpensive judgment that social reputation has a few an effect on in figuring out whom to arrest and kill? This we do now no longer regard as acceptable. We are well known that there may be an urgent want to cope

with one's social situations of poverty and injustice which regularly offer the breeding grounds for severe crime.

We urge specifically the significance of proscribing the smooth availability of weapons and different guns for violence. We oppose the glamorizing of violence in entertainment, and we deplore the impact of this on youngsters. We verify the want for schooling to sell admiration for the human dignity of all humans. Christians have a unique challenge to expose compassion for crimes and genuine forgiveness for people who injure us.

The Church calls us to be a practical approximate crime and its consequences however sincere approximately the bounds and price of punishment that takes human existence. Thus, our clean choice is to disagree with extrajudicial killings due to the fact the authentic^[10]

6. PUBLIC PERCEPTION OF POLICE VIOLENCE AND 'ENCOUNTERS'

A 2018 survey of 15,563 humans was carried out throughout 22 Indian states using the Status of Policing in India Report (SPIR), Common Cause and Centre for Study of Developing Societies (CSDS). In 2018 found that one out of humans condoned using violence via way of means of the police.^[11]

The survey requested the question. There is not anything incorrect inside the police being violent in the direction of criminals. Do you agree or disagree? There most Of the effective 4 states where a group of people appeared to Avoid police violence In the Himalayan Region, West Bengal, Nagaland, Odisha

A subsequent new poll of law enforcement officers realised even more distressing perceptions. One in every five law enforcement officers presumed that assassinating lawbreakers was more important than a jury case, and three in four assumed it became warranted for the officers to be violent toward criminal activities.

In comparison to incredible jurisdictions, police investigators in Bihar, Chhattisgarh, Nagaland, and Karnataka are more likely to record that they could utilise extra-judicial methods for resolving things matters, according to the questionnaire. They are strongly in favour of punishing offenders according to their own.

The phrase lawbreaker privilege here seems to be influential to professional knowledge with our perceptions closer forward into police shootings and slayings Whereas the law states that somebody is innocent until proven guilty in court, public opinion imparts authority of conviction on the security and police officers themselves. Even though neither regulation nor morality sanctions such behavior although someone is a known criminal, it's miles frequently that the ones on the receiving stop of criminal violence aren't responsible for the murders If they are accused^[12]. This same security and police personnel's unrestricted terms of dimensional for hugely disproportionate summary executions of scheduled tribes and planned scheduled tribes, as well as Muslims, even by security services.

7. EXTRAJUDICIAL KILLINGS AND THEIR REASONS

7.1. WORK BURDENING

Day with the aid of using the day crimes are growing inside the community of police in

the respective country, want to have important responsibilities then cope consisted several complex conditions together with Riots, Unrest in public, corruption and different conditions which affect the litigated aspect, quickly a criminal offence was devoted law enforcement officers, begin being compelled consist of numerous assets for higher overall performance and for fast investigation.

This ends in a surrounding labour strain from the Government in addition to the Public which ends up in brutal Violence or any kind of force through law enforcement officers on accused persons for purchasing data or to convert their statements. accused persons these days are a great deal put together than provided with contemporary guns. standard cop devolves a touch Short guns or maybe an instrument typically given to them isn't any in shape. Thus, effectively accused persons can break hold close regulation Simply.

The Indian police nowadays manage to find on its own impotent in its workplaces, for example, contemporary firearms but also equipment, shipment administration as well as communications administration, but rather, most importantly, in a training plan that is obliged to produce this same security officer additional amount and captivating in the law implementation.

7.2. ENCOUNTERED ALLEGED CRIMINALS FOR MONEY

The love of money has been one of the reasons for incarceration cruelty, and it is going to grow by the day. Several more law enforcement officers utilise barbarity and mistreatment to squeeze every last penny from accused persons and innocent people at police stations. The court system places a premium on the FIR, and the issue contained

inside the FIR is entirely dependent on the officer on duty at the time the FIR was recorded. For example, while investigating a shady case, security forces can frequently make concessions to a genuine man, sometimes beating him up or imprisoning him until he pays the bill.

Supervision occurs after the incident has occurred or when it is past the point of no return, keeping in mind that whereas efforts may be manufactured to try to counter the law enforcement officer involved, he can easily manipulate the evidence against him. That was one of the reasons for the increase in bribery within in the police force.

7.3. PUNISHABLE BRUTALITY:

few security forces seriously consider allowing criminals no wrongdoing. They genuinely accept that there is no method other than a proper caning to control criminals should they consider any kind of fear with themselves Before committing a crime

7.4. A SHORTCUT METHOD TO GET RESULTS (POSITIVE REINFORCEMENT)

example, take into account a law enforcement officer or a sub-inspector who is horrific or employs methods of torture on accused persons or lawbreakers, but who works primarily on alternative routes and is accustomed towards the methods he employs to accomplish things.

With high-level pressure from superior officers, the lower-level police officers have to use third-degree methods to torture them because of pain and suffering sometimes even the innocent accepts a Criminal offence that he does not commit. Along with time, and occasionally, such cops are

characterized by a high rank. The Third-degree method was used by the police Officers and their subordinates to get the results from the accused person.

Some cops who are acquainted with the third degree obtain this universal praise that some other law enforcement officers seek his help and support. He after which behaves as a higher authority, brutally using the second methodology on the accused and achieving results. This sustained stimulation of third-degree methodology when it yields results is the main reason for a rise in brutality by law enforcement officers while being in custody. As a result, good thinking the violent action by cops occurs which facilitates quick independent inquiry.

7.5. LACK OF TRAINING OF THE POLICE AUTHORITIES

Once in some time absence of valid coaching from the police authorities, frequently results in an increment of third-diploma techniques. Appropriate training should be received for police and their subordinates for now no longer being excessively closer to the general public.

One of the dreams of police officers should be to teach the proper demeanour closer to the general public, usually remembering that the authority's employee or perhaps a cop, as well as his subordinates, are the professional and no longer the network's ace. Unfortunately, no counselling with this form of objective has already been provided to law enforcement officers to date. Authorities need to receive suitable instruction which has to comprise a one-of-a-kind route to present their data approximately the simple liberties and that they may be right here to make sure the not unusual place freedoms and now no longer to abuse them and should apprehend those

forces given to them ought now no longer to be abused for person avarice[\[13\]](#).

7.6. PENDING CASES IN THE COURTS:

The prisoners who all are under trial are kept for years the final results of which are likewise uncertain. There are nearly more than 3 crore instances which might be pending inside the High Courts and the Supreme Court in India.

7.7. LOWER RATE OF CONVICTION:

The genuine fear of lawbreakers who've had numerous incidents submitted against them for a variety of serious misdemeanours such as sexual violence, etc. In the absence of proof or all witness accounts trying to turn confrontational, criminals can wander voluntarily out of jail on parole.

7.8. PRESSURE FROM POLITICS:

The political party members of the authorities market such encounters (extrajudicial killings) as badges of homomorphic may thoroughly be a demonstration that the general public is dropping the judiciary machine, with the inside precept of the law.

7.9. REWARDS AND INDUCEMENT BY THE GOVERNMENT:

The rewards are given by the government to the police authorities who have committed a large number of encounters. The police who encounter a criminal, those police officers are become a hero and they are celebrated by the people in Society. From a public point of view, police officers are cleaning Society by killing criminals.

7.10. SUPPORTIVE PUBLIC:

The awaiting of instances also caused public distrust in the courts, which probably contributed to popular approval for the encounter killings. Usually, people commemorate when such elevated encounters occur, rather than criticising strict atrocities.[\[14\]](#).

8. EXTRAJUDICIAL KILLINGS AND THEIR CONSEQUENCES

The fundamental defence against such a rise is that it gives police personnel the power to assume the roles of judge, juror, and executioner. These encounters are not only seen as major violations of fundamental rights and human rights; they are also thought to have resulted in the deaths of previously sentenced defendants while carrying out concurrent actions that are, by their very nature, irreversible. Such a presumption of guilt is devoid of any elements of a fair and impartial legal system that is entirely based on the assumption of innocence unless proven guilty. Without a strong enough determination of innocent or guilty, the extrajudicial execution of an accused person can most effectively be regarded as murder.

The law makes it clear that criminals cannot escape the fact that the Indian police are frequently more concerned with blaming someone to appease the public than they are with determining actual guilt. This is a pursuit that is frequently, followed frequently, by blaming a member of a vulnerable group in society.

Consider the Ryan International Homicide, where the Haryana Police said a bus conductor had admitted to killing a student in Class 2 in 2017. When the Central Bureau of Investigation took over the investigation,

however, it discovered that the conductor had been set up and instead arrested a Class 9 student, a juvenile, who allegedly said he killed the younger child to postpone examinations.

These incidents also mark the beginning and growth of police impunity. Informally speaking, police impunity is when police forces working to modernise law and order are praised and favoured for actions that would otherwise be considered crimes since their deeds are seen to serve as a "deterrent" and also serve as a watch for a watch. Police impunity provides ethical and cultural justification for the police's actions, thus giving them a clean bill of health to act in whatever they choose.

The idea of expanding police officers' authority by providing them total impunity is inimical to the progress of democracy and undermines the concepts of liberty and freedom. Such growth frequently compromises the right to free speech, results in flagrant abuses of human rights, and suppresses fundamental liberties and rights that are intended to be protected for all people in a democracy. This impunity grows when crimes are committed repeatedly, with society acting as a motivating factor and providing the police with a pretext to follow orders.

Society's hero worship of the police and their excesses against those who presented a menace to society leads to an ongoing pattern of police excesses, which is produced and promoted. The obvious conclusion that follows is that police overreach is apparent as a component and part of the police's duty to protect the populace from an unarmed threat to safety and well-being.

In Kashmir, where more than one execution was justified under the guise of national security, the scope of police powers has expanded through the use of common extrajudicial killings, which tend to set a troubling precedent and justify an increasing amount of state-sponsored violence, brutality, and murder. These police abuses are typically rationalised by setting up a narrative of us versus them. This puts police forces against dissidents who are simultaneously perceived as being anti-national and anti-establishment[15].

The dissenters are therefore seen as having horrible effects on society, and inappropriate behaviours to be eradicated, much like the scholar who all other children have been cautioned to stay away from. This allows for the presentation of the police officers as saviours, purging the nation of such wayward elements. A prime example of this may be found in the methods taken by the police to control the nationwide anti-Citizenship Amendment Act (CAA) rallies.

The CAA, passed in December 2019, has the nation debating its intentions and legitimacy. In various locations across India, the police arrived with strict regulations and often displayed harshness. Nineteen deaths have been reported in total throughout the country of UP, according to various media sources. As a peaceful and unauthorised gathering of demonstrators, the police also employed late charges, a lot of water force, and widespread use of tear gas. All of these techniques were utilised inside the call by the police to keep "peace[16] as well as security" in society. The police used violence against all forms of opposition, in a manner that was reminiscent of colonial times, whether it was the beating of our nation's leader and Gandhi biographer Ramchandra Guha or the countless other occasions over the months that followed.

The strongest arguments against extrajudicial killings may be purely empirical, with numerous studies demonstrating that the proverbial truism that "violence breeds violence" is directly applicable to extrajudicial killings because, despite the best efforts to describe them as deterrents to the commission of violent crimes in the future, there is insufficient evidence to support the assertion that such killings are associated with a lower rate of crime. Studies reveal a connection between the growth in horrific crimes and the use of harsh penalties and repercussions.

Avoiding the applauding or even conviction of such killings that include the use of police personnel is essential to prevent the loss of civil liberties and the establishment of a government that openly violates the rights of its citizens.

9. CONCLUSION

Extrajudicial killings should be the subject of independent police investigations since they compromise the legitimacy of the law. A rule of regulation has to exist inside the society's members who want to be affiliated with it via the use of each State, the federal government, and various organisations. Although the criminological study of extrajudicial executions has been sparse and limited, the author focused on South America. Extrajudicial executions have long been a source of frustration in some regions of the world. Extrajudicial executions are unique to a region of the world where military control, colonial history, and authoritarian governments all coexist. India and the US are focusing on using lethal force against innocent people to curb crime, but this has an impact on the democracy of the country. This book, which is based on the primary source of research, conducts interviews with numerous police officers

based on various grants, including those who were involved in EJK and who are all participants in such operations. Additionally, the book addresses universal fundamental issues, such as what drives regular, respectable people to commit terrible acts. Why is using lethal force against civilians required? Why is it encouraged in a democratic nation to misuse police authority? Here I suggest that police departments in developing nations should adopt legal practices and improve their policing strategies.

The right against detentions of the suspected offenders to prevent any violence on the police personnel. Additionally, there is a terrible need for a complete reexamination of the criminal justice system and the implementation of necessary policy changes.

The importance of preventing encounter killings stems from the fact that they pose a threat to human religion inside the Indian judicial system. To do this, it is imperative to find resources for the corrupted politicians and better government of India, which has already excavated the criminal apparatus of India. There is a need for a criminal justice system that can operate without the influence of prejudicial pressures and deliver a rough extrusion inside India's political security environment.

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