

# RECENT KILLINGS BY POLICE OFFICERS IN THE NAME OF ENCOUNTER IN INDIA: A CRITICAL ANALYSIS

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## Abstract

Encounter killings by police officers have been a contentious issue in India for several decades. These incidents, often characterized as extrajudicial executions, occur when the police claim to have killed a suspect in self-defense during an arrest or confrontation. While such encounters are often lauded by sections of the public as swift justice, they raise significant legal and ethical concerns, particularly regarding human rights violations, lack of due process, and state accountability. This article explores recent instances of police encounters in India, the socio-political context that drives such actions, legal frameworks, and the broader implications for civil liberties and law enforcement reform.

## 1. Introduction

Police encounters in India have increasingly come under scrutiny, especially in the last few years, with numerous cases sparking widespread public and media attention.<sup>1</sup> These incidents are typically justified as necessary actions to protect citizens, but critics argue that many encounters are staged, leading to serious questions about the rule of law and human rights violations.<sup>2</sup>

## 2. Historical Context and Rise of Encounters in India

Encounter killings gained prominence during the 1980s and 1990s, particularly in Mumbai, as a method to deal with the surge in gang violence and organized crime.<sup>3</sup> While such actions were popularized in films and media, their legal legitimacy became increasingly questionable.

1 See Saurav Datta, *A History of Encounter Killings in India*, The Wire (Dec. 7, 2019), <https://thewire.in/rights/hyderabad-encounter-killing-history>.

2 Amnesty Int'l, *India: "Trigger-Happy" Police Use of Excessive Force in India* (2015).

3 Jyoti Belur, *Permission to Shoot? Police Use of Deadly Force in Democracies* (Springer, 2010).



## 2.1. Recent Incidents of Police Encounters

- 1) **Hyderabad Encounter (2019):** Four rape and murder accused were killed, allegedly while trying to escape police custody.<sup>4</sup> National Human Rights Commission (NHRC) and the Supreme Court ordered investigations into the legality of the killings.<sup>5</sup>
- 2) **Uttar Pradesh Encounters:** Over 5,000 encounters occurred from 2017 to 2020 under Yogi Adityanath's administration, with more than 120 deaths.<sup>6</sup> Critics allege these were disproportionately targeted at minorities and underprivileged groups.<sup>7</sup>
- 3) **Vikas Dubey Encounter (2020):** The killing of gangster Vikas Dubey after a supposed vehicle accident and shootout raised allegations of a planned extrajudicial execution.<sup>8</sup> The Supreme Court directed a probe by a judicial commission.<sup>9</sup>
- 4) **Akshay Shinde Encounter (2024):** This incident in Maharashtra reignited debate over the legality of encounters, reflecting a persistent pattern of police taking justice into their own hands.<sup>10</sup>

## 2.2. The Legal Framework Governing Police Encounters in India

- 5) **Right to Self-Defense (IPC Sections 96–106):** Allows use of necessary force, including lethal force, if there is a reasonable threat to life.<sup>11</sup>
- 6) **Use of Force during Arrest (CrPC Section 46):** Police can use force while arresting a suspect, but only in proportion to the resistance or threat posed.<sup>12</sup>
- 7) **Supreme Court Guidelines (PUCL v. State of Maharashtra, 2014):** Laid down mandatory procedures including FIR registration, magisterial inquiry, and compensation where unlawful killings are proven.<sup>13</sup>

## 3. Armed Forces (Special Powers) Act, 1958 (AFSPA)

### 3.1. Section 4(a) – Power to use force in disturbed areas

*Applicable in “disturbed areas” like parts of Jammu & Kashmir and the North-East.*

*It allows: Any commissioned officer, warrant officer, or non-commissioned officer of the armed forces to: “Fire upon or otherwise use force, even to the causing of death,” if they feel it is necessary for the maintenance of public order and after giving due warning, against:*

*Unlawful assemblies,  
Persons carrying weapons,  
Suspected militants.*

4 BBC News, India Hyderabad: Police Kill Rape Suspects, Dec. 6, 2019, <https://www.bbc.com/news/world-asia-in-dia-50682262>.

5 NHRC Order dated Dec. 9, 2019; *Supreme Court directs independent probe into Hyderabad encounter*, Indian Express (Dec. 12, 2019).

6 UP Govt. Report submitted to the NHRC, 2021.

7 Human Rights Watch, *“Shoot to Kill”: Police Impunity in UP* (2020).

8 The Hindu, Vikas Dubey Shot Dead in Encounter, July 10, 2020.

9 Supreme Court Order in Rajiv Thakur v. Union of India, W.P. (Crl.) No. 152/2020.

10 Maharashtra State Human Rights Commission, Case No. 42/2024, filed under suo motu cognizance.

11 Indian Penal Code, 1860, §§ 96–106.

12 Code of Criminal Procedure, 1973, § 46.

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

### 3.2. Yogendra Morarji v. State of Gujarat, AIR 1980 SC 660; 1980 Cr LJ 459

The Supreme Court articulated the foundational principles concerning the right of private defence of the human body:

- **No Defence against Lawful Acts:** One cannot invoke private defence against actions that are not criminal in nature under the Indian Penal Code (IPC).
- **Commencement of Right:** This right arises the moment a person has a legitimate fear of bodily harm due to a threat or attempt to commit an offence, even if the actual offence has not occurred. The right continues as long as the apprehension remains.
- **Nature of the Right:** It is strictly preventive—not retaliatory. The force used must be necessary to avert the threat and should not be excessive.
- **Use of Lethal Force:** A person may lawfully cause the death of the assailant only if there is a credible and immediate threat that falls within the categories specified under Section 100 IPC, such as fear of death, grievous hurt, rape, or kidnapping.

### 3.3. V. Subramani v. State of Tamil Nadu, (2005) 10 SCC 358

The Court acknowledged the need for a realistic assessment of situations where individuals act in self-defence:

- Courts should avoid a rigid or overly technical approach when evaluating reactions made during moments of crisis.
- Self-preservation being a natural human instinct, the conduct must be evaluated in that context.
- However, if the evidence shows that the accused used the excuse of private defence to attack the original aggressor even after the threat had ended, such a plea is invalid. The claim of self-defence cannot be upheld where the response is excessive or vengeful.
- The determination depends on a careful assessment of facts and circumstances to ascertain whether the plea of defence is genuine.

### 3.4. Rohtash Kumar v. State of Haryana, (2013) 14 SCC 290

This case deals with the use of force by police authorities during encounters:

- The fact that someone is a known criminal or absconder does not entitle law enforcement to eliminate them without due process.
- The duty of the police is to arrest and bring such individuals before the law. Lethal force is only justified when there is a real, immediate threat to the lives of police officers or others.
- If the accused initiates a violent attack in an attempt to avoid arrest, the police may respond, and a death resulting from such retaliation may constitute a legitimate encounter.
- However, in the case at hand, the Court found no justification to categorize the incident as a genuine encounter and did not accept the police version of events.

### 3.5. Role of the National Human Rights Commission (NHRC)

The NHRC has issued its own guidelines on police encounters, calling for prompt and independent investigation into all encounter deaths.<sup>14</sup> However, its recommendations are not binding, and enforcement often depends on political will and state cooperation.

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<sup>14</sup> NHRC Guidelines on Encounter Killings, 1997 (Updated 2010).

## 4. Motivations behind Police Encounters

**Public Demand for Instant Justice:** The public's frustration with a slow and overburdened judicial system often leads to celebration of police-led "swift justice."<sup>15</sup> Example: In November 2019, a 26-year-old veterinary doctor was brutally raped and murdered on the outskirts of Hyderabad. Her charred body was found near an underpass. The heinous nature of the crime triggered national outrage, massive media coverage, candlelight marches, and trending hashtags like #Justice For Disha across social media platforms. The police quickly arrested four men accused of the crime. However, within days, all four were killed in an encounter on December 6, 2019. According to police, the accused were taken to the crime scene for reconstruction when they allegedly snatched weapons and tried to escape, forcing police to shoot them in "self-defense." Supreme Court appointed a three-member commission headed by Justice V.S. Sirpurkar to probe the killings. The commission later concluded in 2022 that the encounter was a fake, and the killings were "not justified" under law.

**Political Populism:** Governments often reward officers involved in encounters to showcase law and order enforcement during elections.<sup>16</sup>

Since taking office in 2017, Chief Minister Yogi Adityanath has led a campaign against crime in Uttar Pradesh through a "zero tolerance" policy. This policy gave the police a free hand to deal with criminals, resulting in a sharp increase in the number of police encounters across the state.

Between March 2017 and December 2023, more than 10,000 police encounters were reported in Uttar Pradesh. These incidents resulted in at least 185 deaths and over 3,500 injuries to alleged criminals. The government often held press conferences to showcase these numbers, portraying encounters as a visible sign of strong governance.

The state government used encounters as a tool to demonstrate effective governance. Chief Minister Yogi frequently stated that criminals were either in jail or had fled the state. This messaging framed the administration as tough on crime, positioning it favorably before the public and media. In political campaigns, particularly during the 2019 Lok Sabha and 2022 state assembly elections, law and order was emphasized as a key success of the government. Voters in several districts credited the visible decline in crime to the government's encounter policy. The media played a significant role in amplifying the government's message. News channels widely covered the encounters and often portrayed them as heroic actions by the police. Officers involved in encounters were sometimes publicly rewarded, reinforcing the image of a state taking decisive action against crime.

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<sup>15</sup> Satnam Singh Deol, *Criminal Justice in Crisis: Encounter Killings and the Culture of Impunity*, J. Punjab Univ. L. Rev. 54 (2020).

<sup>16</sup> Ramesh Menon, *Guns and Votes: How Encounters Influence Indian Elections*, India Legal (2021).

Human rights organizations and legal experts raised serious concerns about the legitimacy of these encounters. Many civil rights groups alleged that a large number of these encounters were staged and involved custodial killings. Victims' families in various cases claimed that individuals were picked up and later shown as killed in so-called shootouts.

The National Human Rights Commission (NHRC) issued multiple notices to the Uttar Pradesh government, demanding explanations for the spike in encounter deaths. The Supreme Court, in *Rajeev Yasdav v. State of Uttar Pradesh*<sup>17</sup>, expressed concern over the unchecked use of police force and emphasized the need for accountability.

**Media Sensationalism:** Media outlets frequently glorify encounter killings, shaping public opinion in favour of such actions.<sup>18</sup>

On July 10, 2020, gangster Vikas Dubey was killed in a police encounter near Kanpur, Uttar Pradesh. Just a day earlier, he had been arrested in Ujjain, Madhya Pradesh, after being on the run for almost a week. He was the main accused in the ambush and killing of eight policemen during a raid in his village, Bikru, on July 3, 2020.

The Uttar Pradesh police claimed that while transporting Dubey to Kanpur, their vehicle overturned. During the commotion, he allegedly tried to flee, snatched a weapon, and was subsequently shot dead in retaliatory fire.

The Dubey case received relentless coverage from Indian media, which turned the incident into a public spectacle. News channels tracked the police convoy live, speculated on Dubey's fate, and ran primetime debates questioning whether such criminals deserve legal trials at all. Many anchors used phrases like "justice delivered on the roadside" and "karma caught up," creating a narrative that glorified the police action.

There was minimal focus on legal procedures, judicial accountability, or questions regarding the suspicious circumstances of the encounter. Instead, most media outlets amplified state narratives, portraying Dubey as a villain whose death was both justified and inevitable.

Live coverage of the police convoy, complete with real-time visuals and dramatic commentary, was presented more like a thriller than a legal matter. The accused was portrayed as beyond redemption, and the encounter was framed as closure rather than an incident requiring investigation.

Media headlines included statements such as "Vikas Dubey's last ride" and "UP Police ends the gangster chapter." Few media houses questioned why the accused was not

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<sup>17</sup> 2024:AHC:101699.

<sup>18</sup> Geeta Seshu, *Media Trials and Sensationalism in Indian News Coverage*, The Hoot (2020).

handcuffed, why there were no CCTV or dashboard cameras, or why journalists were kept far from the encounter site.

The media's portrayal of Dubey's death significantly influenced public opinion. Many people expressed satisfaction, viewing the incident as swift justice. The brutal killing of eight policemen had deeply angered the public, and the narrative promoted by the media tapped into this emotion, sidelining questions of legality or due process.

In response to widespread concern, a commission headed by Justice B. S. Chauhan was set up to investigate the incident. Although the commission noted procedural lapses, it ultimately gave a clean chit to the police. However, this report received minimal attention compared to the widespread coverage of the encounter itself.

The Vikas Dubey case demonstrates how media sensationalism can transform a legal controversy into a dramatic tale of vengeance. By romanticizing state violence and omitting critical analysis, the media contributed to a dangerous narrative that encouraged public support for extrajudicial actions. This undermines legal norms, trivializes human rights, and weakens democratic institutions.

**Corruption and Criminal Nexus:** Police encounters are sometimes used to eliminate witnesses or criminals who may expose political or police complicity.<sup>19</sup>

## 5. The Sohrabuddin Sheikh Encounter Case

Fake encounters in India are often portrayed as acts of instant justice. However, many of these incidents reveal a disturbing network of vested interests involving politicians, corrupt police officers, and organised crime. One of the most emblematic cases that brought national attention to this nexus is the Sohrabuddin Sheikh fake encounter case. This case not only involved multiple states and senior police officials but also had deep political implications. Sohrabuddin Sheikh was allegedly a criminal with links to arms smuggling and extortion. In November 2005, he and his wife Kauser Bi were picked up by the Gujarat Anti-Terrorism Squad (ATS) from a bus near Hyderabad while travelling to Sangli in Maharashtra. A few days later, Sheikh was killed in an alleged encounter in Gujarat. The Gujarat Police claimed he was planning an assassination and had to be neutralised in self-defence. His wife Kauser Bi went missing and was later confirmed to have been killed and her body burned. A third man, Tulsiram Prajapati, a key witness in the case and an associate of Sheikh, was also killed in a similar encounter in 2006 in Rajasthan. These killings were later alleged to be fake encounters, orchestrated to eliminate potential whistle-blowers or threats to political figures. The case unravelled after a Public Interest Litigation (PIL) was filed, and the Supreme Court ordered an investigation. The Central Bureau of Investigation (CBI) took over

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<sup>19</sup> Arvind Verma, *The Police in India: From Colonial Past to Democratic Present*, Oxford Univ. Press (2022).



and uncovered shocking details: The CBI alleged that Sohrabuddin and Tulsiram had knowledge of sensitive dealings involving high-profile politicians from Gujarat and Rajasthan. His death was allegedly orchestrated to silence him permanently and protect political figures.

Senior police officers from the Gujarat and Rajasthan cadre, including DG Vanzara (Gujarat ATS) and others were arrested. They were found to have falsified records, planted evidence, and conducted the operation in coordination with multiple agencies. The CBI alleged that Sohrabuddin, though involved in criminal activities, had also become a liability for his handlers in the police and political system. Rather than being prosecuted, he was eliminated extra judicially to maintain silence and control damage. The case snowballed into a major political controversy. One prominent political figure from Gujarat, Amit Shah (then Minister of State for Home), was named in the CBI charge sheet for allegedly sanctioning the operation. He was arrested in 2010 and later granted bail. However, the case saw significant changes over the years. In 2012, the Supreme Court transferred the trial to Mumbai to ensure a fair investigation, citing possible influence in Gujarat. Over 90 witnesses turned hostile during the trial, and in 2018, a special CBI court acquitted all 22 accused, citing lack of evidence and credibility issues among witnesses.

**Inadequate Training:** Police often lack de-escalation training, leading to quick resort to lethal force.<sup>20</sup>

### 5.1. Example: The Ishrat Jahan Encounter

One of the most overlooked yet critical factors behind fake encounters in India is the inadequate training of police officers, especially in areas such as investigative procedure, arrest protocols, conflict de-escalation, and lawful use of force. The Ishrat Jahan fake encounter case in Gujarat (2004) tragically demonstrates how unprofessional conduct, lack of procedural adherence, and limited accountability mechanisms can lead to the misuse of lethal power by law enforcement.

On June 15, 2004, the Gujarat Police killed four individuals — Ishrat Jahan, a 19-year-old college student from Mumbai, and three men, Javed Sheikh (alias Pranesh Pillai), Amjad Ali Rana, and Zeeshan Johar — near Ahmedabad. The police claimed they were Lashkar-e-Taiba operatives on a mission to assassinate then Gujarat Chief Minister Narendra Modi. The operation was hailed as a successful preemptive strike against terrorism.

However, serious doubts soon emerged regarding the authenticity of the encounter. Human rights activists and the families of the deceased alleged that the four had been abducted days before the encounter and were kept in illegal custody. An extensive investigation by the Special Investigation Team (SIT) and later by the Central Bureau of Investigation

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<sup>20</sup> Commonwealth Human Rights Initiative, *Police Training and Human Rights: A Study of Curriculum Gaps*, New Delhi (2020).

(CBI) confirmed that the encounter was staged and that the victims had been killed in cold blood.

The Ishrat Jahan case reveals several deep flaws in policing practices that stem from insufficient training: Failure in evidence handling and intelligence assessment. Police acted on intelligence that was not independently verified or supported by credible operational planning. Poor training in evaluating intelligence inputs led to blind action without following legal arrest or interrogation protocols.

The victims were allegedly detained without warrant, held in illegal custody, and denied legal representation. These are clear violations of both the Code of Criminal Procedure (CrPC) and Supreme Court directives on arrest and detention. Properly trained officers would have known and followed these basic legal safeguards.

Training in the use of force continuum—a global best practice for law enforcement—is virtually absent in most Indian police academies. Officers involved in the Ishrat Jahan case were reported to have planted weapons on the deceased, a disturbing sign of how lethal force is often manufactured post facto in fake encounter cases.

There was a lack of forensic evidence to corroborate the police version. The crime scene was tampered with, and no effort was made to follow standard post-encounter documentation. This indicates a complete ignorance or disregard for investigative protocols.

Poorly trained officers are often more susceptible to obeying illegal instructions from senior officers or political superiors. In this case, multiple senior IPS officers were implicated for directing the encounter, pointing to a culture of top-down impunity reinforced by weak ethical training. The Gujarat High Court and the Supreme Court expressed concern over the lack of transparency in police functioning. The CBI, in its 2013 chargesheet, confirmed that the encounter was fake and that Ishrat and the others had been killed in cold blood. However, despite the initial findings, political interference, slow prosecution, and retractions by key witnesses eventually diluted the case.

**Weak Judicial Oversight:** Investigations are often conducted by the same departments involved in the killing, raising concerns of bias.<sup>21</sup>

## 5.2. Example: The Manipur Fake Encounter Cases

Judicial oversight plays a crucial role in maintaining the rule of law, especially when state agencies exercise coercive powers. In India, a recurring problem in fake encounter ca-

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<sup>21</sup> Transparency International India, *Accountability in Police Encounters* (2021).



ses is the lack of strong, consistent judicial scrutiny, which often results in impunity for the police and security forces. The fake encounter cases in Manipur—where hundreds of alleged extrajudicial killings occurred between 2000 and 2012—highlight how weak institutional checks and delays in judicial intervention can allow such practices to persist unchecked.

During the period of insurgency in Manipur, numerous individuals—often suspected of being members of banned organizations—were killed by police or paramilitary forces under the claim of “encounters.” While officials claimed that these individuals were shot in retaliation or in self-defence, human rights groups, including Extra Judicial Execution Victim Families Association of Manipur (EEVFAM), alleged that many of these killings were fake and unlawful.

More than 1,500 such cases were documented, involving alleged violations of fundamental rights under Article 21 of the Constitution (right to life and personal liberty).

The petitioners approached the Supreme Court, stating that the Armed Forces (Special Powers) Act, 1958 (AFSPA), under which the forces operated in Manipur, was being used as a shield to carry out arbitrary and unlawful killings, and that neither the state government nor the judiciary was responding with sufficient urgency or independence.

For years, complaints and pleas by victims’ families and human rights defenders received limited judicial attention. No significant action was taken at the state level to investigate or prosecute the killings. Magistrate inquiries, which are mandated under the CrPC in all cases of custodial or encounter deaths, were either not conducted or conducted in a mechanical and one-sided manner.

The state’s Human Rights Commission remained largely ineffective, and First Information Reports (FIRs) were rarely registered against the security forces. Instead, the families of victims often faced threats and intimidation.

It was not until 2013—nearly a decade after the killings began—that the Supreme Court took serious note of the matter. In *EEVFAM v. Union of India* (2016), the Court appointed a Special Investigation Team (SIT) to probe a limited number of these encounter killings and expressed concern over “disturbing trends” in how state power was being misused. The Court observed that “fake encounters are nothing but cold-blooded murders”, and held that even under AFSPA, personnel are not immune from prosecution if they violate fundamental rights. However, the case also exposed how delayed judicial intervention allowed these practices to flourish for years, without accountability.

The CBI, acting on the Court’s directions, examined several encounters and found that many were indeed fake—individuals had been picked up, detained, and then killed in staged confrontations. Evidence was fabricated, weapons were planted, and records manipulated.

Despite the Supreme Court's strong remarks and the CBI's findings, prosecutions have moved slowly, and only a handful of police and security personnel have been held accountable. The slow judicial process and bureaucratic hurdles have again highlighted the limitations of judicial control over executive and military actions in conflict-prone areas.

Institutional Culture of Violence: A systemic tolerance for custodial torture and use of excessive force sustains the encounter culture.<sup>22</sup>

## 6. Case Study: Palghar Lynching, 2020

On a quiet April night in 2020, under the shadow of a nationwide lockdown, three men took a road trip that would tragically become their final journey. Two of them were Hindu seers, the third their driver. Their destination was a funeral in Gujarat. But as they passed through Gadchinchale village in Maharashtra's Palghar district, a storm awaited—not of rain, but of rumor-fueled rage.

Whispers had already spread across local WhatsApp groups—of child kidnappers on the loose, of strangers who must be feared. When the trio's vehicle was stopped, the villagers didn't ask questions. They dragged the men from their car, eyes burning with suspicion, fists clenched in misbelief.

Police officers were present, but their uniforms seemed to carry little authority that night. The mob swelled to over a hundred. Wooden sticks, stones, and shouting filled the air. The three victims, terrified and confused, were beaten to death in front of the police—who, though armed and trained, largely stood by. They pleaded for help, but none came.

This was not just a mob killing. It was a haunting portrait of what happens when the system forgets its duty. The police, often portrayed as defenders of the helpless, became spectators to violence. There were no warning shots, no aggressive pushback—just silence, hesitation, and the subtle suggestion that such justice might be allowed to unfold when driven by popular fury.

The government launched an inquiry. Arrests were made. Statements were issued. But the deeper concern remained unaddressed: why did those tasked with upholding the laws not act decisively when it mattered most?

The Palghar incident wasn't an isolated failure. It revealed something darker—a creeping acceptance of mob justice, a growing comfort with the idea that law and order can sometimes be handed over to public emotion. It told a story where the state no longer serves as a protector, but instead watches as the crowd takes control.

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<sup>22</sup> Ujjwal Kumar Singh, *Institutionalised Violence and Police Reforms in India*, Seminar (Dec. 2019).

In the end, it wasn't just three lives lost. It was the erosion of trust in the very institutions meant to keep violence at bay. And perhaps most chillingly, it was a reminder that silence—in moments of moral and legal crisis—can be more dangerous than action.

Failure of Criminal Justice System: Inordinate delays, corruption, and high acquittal rates push police to take law into their own hands.<sup>23</sup>

### 6.1. Example : The Batla House Encounter

In the narrow lanes of Delhi's Jamia Nagar, on a hot September morning in 2008, the air was suddenly pierced by gunshots. The police had arrived at Batla House, claiming intelligence linked its residents to recent serial blasts in Delhi. The operation was swift—within minutes, two young men were killed, a police officer lost his life, and the narrative of an “encounter” was born.

But what followed was not a closed case—it was the beginning of a long and bitter controversy.

The official version was that the Delhi Police's Special Cell acted on credible intelligence and were fired upon when they tried to arrest the suspects. However, almost immediately, human rights activists, community leaders, and sections of the public raised troubling questions: Why were the alleged terrorists not captured alive? Why were the wounds inconsistent with a standard crossfire? Why was the media given selective access to information?

As calls for an independent probe grew, the state stood firm—refusing a judicial inquiry, citing the “morale of the police force.” What could have been a moment of institutional clarity and transparency was buried beneath layers of political rhetoric and official defensiveness.

The judiciary, too, hesitated. Petitions seeking a fair inquiry were delayed or dismissed, while the affected families were left battling suspicion, stigma, and silence. The public, split between fear of terrorism and concern for justice, watched the spectacle unfold, unsure who or what to believe.

Years later, though one accused was convicted, doubts about the encounter never fully faded. For many, the Batla House episode became symbolic—not just of a questionable police operation, but of a broader system that often chooses efficiency over fairness, control over constitutional rights, and silence over accountability.

In a criminal justice system meant to safeguard both security and liberty, the Batla House encounter revealed cracks that run deep—where the presumption of innocence is

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<sup>23</sup> Law Commission of India, 277th Report: *Wrongful Prosecution (Miscarriage of Justice): Legal Remedies*, Aug. 2018.

easily replaced by profiling, and due process is sacrificed at the altar of urgency. In the name of justice, justice itself was denied a trial.

## 7. Conclusion

Police encounters continue to pose a threat to the principles of justice and due process in India. While they may be portrayed as necessary to combat hardened criminals, they often violate constitutional safeguards and international human rights norms. Addressing this issue requires a multipronged approach involving legal reforms, independent oversight, public sensitization, and robust internal accountability mechanisms within the police force.

### Histórico

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