



POLICE BRUTALITY- A LEGAL, CONSTITUTIONAL AND INTERNATIONAL PERSPECTIVE

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Abstract-

The unwarranted use of force by the police personnel is what police brutality is and it is not healthy for any democratic country and should be dealt with utmost attention. Police being the safeguard of the democracy and sector of providing security to the citizens, when are subjected to these accusations it condemns the working of the institutions. When any citizen animadverts about police brutality the only meaning to their agony is that they were not treated with all the rights and provisions that they were incepted for them. Incidents of police brutality and custodial deaths are not only reported in the modern period but they were reported in the ancient time also when there was no such system of policing sector. In ancient times issues within the territory were dealt by soldiers and the supreme person was the king who decided. Soldiers were brutal with their behavior towards the citizens and so the modern police. Unnecessary force should not be allowed be practiced by any policing sector for any citizen unless it is the last option for them. The paper consists of four major topics: 1) Legal provisions protecting from police brutality; 2) Legislative Provisions protecting from police brutality; 3) International laws and provision for curtailing custodial death and Police Brutality; 4) List of cases of Police Brutality. There are somehow provisions and rules mentioned to protect the accused from this

dreadful act starting from the legal statutes like Criminal Procedure Code, Indian Evidence Act, Indian Penal Code, and now coming to the constitution there are articles like 14, 19, 21 which are protecting the accused person. International perspective there are many treaties which are partially or totally talking about the protection from the issue. This article attempts to provide the basic rights that accused person has after he is arrest and the various provisions which help the accused to be treated humanely. Stringent laws and portions for people who commit this crime is the only way for reducing the rate of this crime. Most affected state of India is Maharashtra and Andhra Pradesh with almost 500 cases combined in last 10 years. This became a serious issue due to which many new laws were made so that this increasing number of cases shall decline. But in 2017 alone 900 cases of custodial deaths were reported. So, this is a grave issue in India's democracy and efficient steps shall be taken to remove it. The bizarre with this issue is that people who are victims of custodial deaths are still innocent, they have a suit pending on them but because of this they have to die. There are thousands of cases which are filed and are ongoing, but to my imagination there may be so many cases which are not filed because the police is somehow able to suppress the family, victim of the crime. This is some serious issue and should be dealt as soon as possible.

Introduction-

The body of police in a country can be called as a law enforcement body. The term police have been derived from the Latin word **politeia** which means the condition of Polis or state. India is a diverse state and the second most populous country in the world



and maintaining peace and order in the society is a strenuous act. Police personnel have a vital role in safeguarding the peace and surveillance within the territory. For its easy functioning and to maneuver these responsibilities there are some exceptional power and rights which are only limited to the police personnel. These include the responsibilities to maintain public order, protect VIP's and play a crucial role in the security of the state. Under the **Police Act, 1861**¹ the duty of the police personnel is quoted and codified. Specifically, **section 23**² of the act defines the various duties of the police personnel. Their appointment, dismissal, and etc., of inferior police is defined under **section 7**³ of the Police Act, 1861. Also, in **section 57**⁴ and **58**⁵ of the **Model Police Act, 2006** various roles, functioning and responsibilities are prescribed. Further, numerous factors help in explaining the diversity of the police activities and systems. The types of criminal activities committed in a society and the various means used by the criminals play a vital role in ascertain the police force's activities. Like to handle **cybercrime** there was no such law implemented in India but after in 2000 a new law for cybercrime was implemented.

Based on the definition first proposed by American sociologist Egon Bittner, "the common feature among all the different agencies engaged in policing is the legal competence to enforce coercive and nonnegotiable measures to resolve problematic situation"⁶.

But somehow these powers and responsibilities do turn into police brutality and hamper the society.

LEGAL PROVISIONS PROTECTING FROM POLICE BRUTALITY-

In the inquisitorial system of criminal justice system, the person is never guilty but is innocent prior to the verdict of the court and should be treated like an innocent. There is a particular procedure through which the decision whereby the suspect is guilty or not is to be decided. Here is the process briefed- After a crime is perpetrated which is defined as illegal and punishable by the Indian law then the first step for initiating any criminal procedure against the person is by filing a F.I.R (First Information Report). If the offence is cognizable under CrPc, then the F.I.R is filed under section 154 of CrPC. If the crime is punishable for more than 10

¹ An act for the regulation of Police in India.

² Section 23 (Police Act, 1861)- I) to obey and execute all orders and warrants lawfully issued by the competent authority, ii) to collect and communicate intelligence affecting the public peace, iii) to prevent the commission of the offence and public nuisances, iv) to detect and bring the offenders to justice and to apprehend all person whom he is legally authorized to apprehend, and where there is sufficient evidence then the police personnel may enter any drinking house or gaming shop to investigate without warrant.

³Section 7 (Police Act, 1861)- I) [Subject to the provision of Article 311 of the constitution] may from time to time under this act, the Inspector- General,

Deputy Inspector General Inspector-General and District Superintendents of Police may at any time dismiss, suspend or reduce any police-officer of the subordinate ranks] whom they shall think remiss or negligent in the discharge of his duty, or unfit for

⁴ Section 57 "Roles, functions and duties"

⁵ Section 58 "Social responsibilities of police" i) behave with public with due courtesy, ii) guide and assist physically or mentally challenged, senior citizens, children, poor, women, iii) provide assistance o victims of road accidents and give them prompt help, iv)while dealing with any conflict of community, class, caste the police personnel shall be impartial etc.

⁶ See also, Egon Bittner- "The Function of the Police in Modern Society



years of imprisonment then the police have a time of 90 days for filing the charge sheet and if the crime is punishable for less than 10 years then the police have a time period of 60 days to file the charge sheet.

Under section 173 of the CrPC the charge sheet is filed against the person. The charge sheet contains the name of the parties, the different sections which define his crime, if released on bail then the sureties, nature of crime, witness to the case and etc. If the charge sheet is not filed within the given time then the accused shall be granted bail under section 436, 437 and 479. After the charge sheet is filed the case is produced before the magistrate.

After the charge sheet is filed before the magistrate the magistrate analyses and if he thinks there is no such offence committed then he shall acquit the accused. If the charges framed are sufficiently backed with the evidences then the magistrate asks the accused if he wants to plead guilty which is written under section 241 or he wants a trial. If the accused pleads guilty then he shall be punished and the case is decided and over and a verdict is pronounced.

If the accused asks for a trial then the prosecutor calls the government witness and they are produced. Once they are produced the defense is given the chance to cross examine the statement of witness. Once the cross examination is completed from the prosecutor side the accused is asked to answer each and every questionable issue. Once the questions are asked the defense is asked to back with evidence and witnesses for the said answers by the accused which is written under section 313 of the CrPC. When they are cross-examined and analyzed from both the side. Finally, both the parties

present their prayers and what they want from the court.

After analyzing the different evidences and facts the magistrate pronounces the judgement. If the death punishment is awarded to the convict then the same shall be approved by the High court and the right to appeal also lies there. If the Magistrate pronounces sentences which are for life imprisonment or less than life imprisonment then there is no need for getting it approved from High court.

After the appeal is made to the High court and if the High court rejects it then the convict has the power to appeal in Supreme court. If the Supreme court also rejects the appeal, then a mercy petition can be filed before the President seeking relief from the death sentence. Then according to the Article 72 of the Indian Constitution the President may pardon, reject, suspend, remit or commute the sentence. If the mercy petition is also rejected then the death warrant is issued where the day, date and time is written and accordingly the death sentence is completed in the jail premises by hanging the convict

Until the court pronounces the verdict and the final judgement for the case the person is just an accused and shall not be treated as guilty. **“Innocent until proven guilty”**⁷ the abovementioned sentences are not self-quoted but they are written and specified under **Article 11(1) of United Declaration of Human Rights**. But illiterate people who don't know about the procedure are prone to these brutalities because they get threatened easily and police using its power make them confess and destroy their lives.

⁷ Sir William Garrow during 1791 Old Bailey



Further there are some **rights of accused** which are for the protection of the accused person so that he faces no such brutality or inequality after getting arrested, there are special laws codified for helping the accused-

1) Right to know the ground of arrest- every person while he is getting arrested has the right to know the grounds and the reason why he is getting arrested. The particular right is pointed in section 50 of CrPC. Also, according to Section 75 of CrPC if the police is enforcing any warrant then he shall produce the warrant when asked or if needs to be proved.

2) Inform about the arrest to anyone- after the person is arrested, he has the right to inform about the arrest to any relative or any other person of his interest. of his choice.

3) Right to be produced before the Magistrate within 24 hours of arrest- once the person is arrested then the accused shall be presented before the court so that further actions can be taken. Section 76 of the CrPC order the police officer to present the accused within 24 hours of the arrest.

4) Right to consult a lawyer- after the person is arrested the accused has the power to hire a lawyer for his case. This right is defined under section 41D of CrPC. The person also has the right to choose his own legal practitioner for defending him. Moti Bai vs. State⁸

5) Right to be released on bail- the person may be released on bail according to the section 436, 437 and 439 of CrPC. If the person is arrested for non-cognizable offence and that also without the warrant

then the arrested person shall be informed about the provisions of bail. Chandra Swami vs. Central Bureau of Investigation.⁹

6) Right to obtain free legal aid- if the person is not able to hire a lawyer due scarcity of resources then the person has the right to access free legal aid and also the court has the right to appoint a lawyer to the accused which is directed under section 39A. The right has been unequivocally given in the case Khatri (II) Vs. State of Bihar¹⁰. Even if the accused is not able to apply for accessing the right then also, he shall be provided and this does not revoke his right, Sukh Das Vs. Union Territory of Arunachal Pradesh.¹¹

7) right to keep silence- though this particular right is not enumerated in any of the legal statute but the right can be derived from the various different laws. No arrested person shall be forced to speak anything . Nandini Satpathy Vs. P.L Dani¹² where the court stated “no person can force any person to give any statement or to answer any questions and the accused person has the right to keep silence during the process of interrogation”.

8) right to be analyzed by a medical practitioner- whenever a person is arrested then the medical test and all other medical related test and survey shall be conducted with the accused permission and in a register medical institution. This particular right is given under section 54 of CrPC. In Selvi and Ors. vs State of Karnataka¹³ which held that involuntary administration of certain scientific techniques, namely narcoanalysis, polygraph examination and the Brain Electrical Activation Profile (BEAP)¹⁴ for

⁸ 1954 Cr L.T.(Raj) 1591

⁹ AIR 1997 SC 2575.

¹⁰ 1986 SCR (1) 590

¹¹ 1978 SCR (3) 608

¹² AIR 1997 (1) SCC 416

¹³ Criminal Appeal no. 1267 of 2004

¹⁴ During the test, subjects are exposed to auditory or visual stimuli (pictures, videos and sounds) that are relevant to the facts being investigated alongside other irrelevant words and pictures.



the purpose of improving investigation efforts in criminal cases.

In *D. K Basu Vs. Province of West Bengal*¹⁵, this case is the milestone judgment since it concentrates absolutely "on the privileges of denounced individual and it additionally commits the cop to do certain exercises". The court additionally expressed that on the off chance that the cop neglects to play out his obligation, at that point he will be at risk for hatred of court. Such issue can be initiated in any High Court having the purview over the issue. However, different endeavors have been made in the law to shield the blamed individual from the custodial torment and different encroachment of rights the incomparable court at long last made some extra alterations in the Indian courtroom.

According to the **Indian Evidence Act, 1872** there are some rule concerning submitting the evidence that has been obtained from various sources. Law knows that the police officer have the power to extract most of the information from the accused using physical and mental torture and also by threatening him and his family for putting in grave danger, so to avoid these type of situation and problems we do have some clauses in the Indian Evidence Act, 1872 which shall protect the accused person from getting tortured as written in the various section-

1) **Section 24 of Indian Evidence Act, 1872** a confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the court have been caused by any inducement, threat or promise having reference to the charge against the accused person,

proceeding from a person in authority and sufficient in the opinion of the court

2) **Section 25 Indian Evidence Act, 1872** no confession made to a Police officer shall not be proved as against a person accused of any offence

3) **Section 26 Indian Evidence Act, 1872** no confession made by any person whilst he is in the custody of a Police officer unless it is made in the immediate presence of a magistrate

4) **Section 27 Indian Evidence Act, 1872** states that when any related information is gathered from the confession made by the accused while in custody then the provided evidence is confession or not, the information can be proved in court.

In Indian legal executive framework torment or debasing treatment is absolutely awful of Article 21 of the Indian constitution. In *Kishore Singh Vs. Raj*, extreme compels were passed by the court against the police for its mocking demonstration of torment, stigmatizing the strategy of police, Krishna Iyer, J has watched:

“Nothing is more cowardly and unconsciously than person in police custody being beaten up and nothing inflicts a deeper wound on our constitutional culture than a state official running berserk regardless of human rights.”

In, *Gauri Shankar Sharma Vs. State of Uttar Pradesh*¹⁶ which is a typical case where a police officer tried to rescue his colleague by giving evidence favorable to the accused police man. Restoring the conviction of 7

¹⁵ 1997 1 SCC 416

¹⁶ A.J.R. 1990 S.C. 709.



years by the trial court and rejecting the plea for substituting the imprisonment by fine¹⁷.

The offence is a serious nature aggravated by the fact that it was committed by a person who is supposed to protect the citizen and not misuse his uniform and authority to brutally assault them while in his custody. Death in police custody must be seriously viewed for otherwise we will help take a stride in the direction of police raj. The punishment should be of such as would deter others from indulging in such behavior¹⁸.

LEGISLATIVE PROVISIONS PROTECTING FROM POLICE BRUTALITY-

Indian law provides stringent laws and regulation which help in protecting the rights of accused while in custody of police but the constitution has no such provisions as for protecting the accused but certain Fundamentals Rights are enumerated in the constitution which indirectly help in protection from the custodial torture. Fundamental rights are enumerated in the part III of the Indian constitution and comprises of various articles like 19, 20, 21, 22, 32 and 226 which are somehow protecting from custodial death. Protection under Indian constitution-

There are some rights given to the accused which are as follows-

1) **Right to life-** one of the basic rights which is available to every person and without his right existence of rest of the rights are meaningless and of no point.

¹⁷ The High Court persuaded itself to believe that the police officer did not give false evidence since by doing so he would have risked losing his job. Consequently, the High Court set aside the conviction, under Section 304 Part 11 and some other provisions of the Indian Penal Code and Prevention of Corruption Act

Before 44th amendment right to life was a revocable right and only after the ADM Jablapur¹⁹ case the Supreme Court took the view that if the President had declared a state of emergency in the country and has also suspended the right to move the court for the enforcement of any right, the right to life under Article 21 could also be suspended. But finally, after the 44th amendment article 20 it was made a irrevocable right. In Kharak Singh case²⁰, the Supreme Court held that the term "life" in Article 21 meant not merely be continuance of one's animal existence but a right to the profession of each organ of the body. Thus, it includes be inhibition against the deprivation of any of the limbs and faculties of life. The provision further prohibits the mutilation of the body by amputation of an arm or leg or the pulling out of an eye or destruction of any other organ of the body.

2) **Right to against self-incrimination-** From the verdict of Supreme Court in Nandini Satpathy²¹ the following were stated-

- 1) Suspects who are not yet formally charged are having the right to remain silent during custodial interrogation
- 2) "To be a witness against himself in Article 2(3) extended beyond the court process to convey any giving of incriminating evidence of information even during police investigation".

It provides that **Clause (3) of Article 20** provides that "no person accused of any offence shall compelled to be witness

¹⁸ (Supp) S.C.C. 667; see also Lalit Babu v. State of Rajasthan, 1997 Cri . L.J. 19.

¹⁹ A.K. Gopalan v. State of Madras, AIR 1950 SC 27

²⁰ Kharak Singh v. State of Uttar Pradesh, AIR 1963 SC 1295

²¹ Nandni Satpathy v. PL Dani, AIR 1978 SC 1025



against himself.” In other words, this clause prohibits all kinds of compulsions to make a person accused of an offence a witness against himself. In this context, the Supreme Court in the case of *M.P. Sharma v. Satish Chandra*²² had observed that this right embodies three essentials, viz. (a) It is a right concerning to a person who is accused of an offence; (b) It is a protection against coercion to be witness and (c) It is a protection against such compulsion relating to give evidence against himself. This right can also be said to be the ‘Right to Silence’.

3) Right against Ex-post facto operation of Criminal Laws- the element feature of “Rule of Law” is that a person should not be punished or arrested if at the time of commencement of the crime, the committed crime was not defined illegal or there were no such provision for declaring that act illegal in law, then for the same the person cannot be arrested or face any legal action. E.g.- cybercrime before 2000 wasn't a crime.

4) Right of equality and equal protection law- the **Article 14 of Indian constitution** helps maintaining equality in society and protects the citizens from different discrimination which prevail during the ancient India. Article 14 prohibits discrimination on basis of religion, caste, sex, race, birth place, creed, faith. The role of doctrine of equality becomes more significant in the context of the rights of the accused because he has committed a crime²³. The doctrine helps in prohibiting unjust, undeserved and unjustified inequalities in

the administration of providing justice to people.

5) Right against double jeopardy- it stated that no person shall be punished or prosecuted for the same offence more than once, the construction bars the double punishment for the same offence. The legal maxim for this term is *nemo debet bis vexari*. This can be generally termed as if the person is acquitted or has been punished for any offence then the person cannot be booked for the same offence again and again. For availing this right, the accused has to prove-

- 1) previous prosecution has already taken place
- 2) punishment has followed or acquittal as well
- 3) the punishment or acquittal has been already deciding and completed if given.

6) Right to speedy trial- the remedy for right to speedy trial is embalmed in **Article 14, 19(1)(A) and 21** in the constitution and Criminal Procedure. Firstly, it was entailed in the case *Sheela Barse Vs. Union of India*²⁴, the supreme court announced the time schedule for deciding the cases which are related to juvenile but no such conclusion was made as Supreme Court was unwilling. Later on, in a significant judgement of *Abdul Rehman Antuley Vs. R.S Nayak*²⁵ the court was able to fix the guidelines for speedy trial but failed to fix the time limit for it.

INTERNATIONAL LAWS AND PROVISION FOR CURTAILING CUSTODIAL DEATH AND POLICE BRUTALITY-

²² *M.P. Sharma v. Satish Chandra*, 1954 SCR 1077

²³ *A.N Chaturvedi.*, Right of accused in Indian Constitution.

²⁴ 1986 AIR 1773, 1986 SCR (3) 443

²⁵ AIR 1992 SC 1630.



Prohibition of human torture and ill treatment is mentioned in mostly all the conventions and treaties because they are somehow very inhuman in nature and shall be curtailed. Internationally also there have been many steps and moves taken to ensure no person shall suffer any type of torture. Therefore, in UN charter in its preamble affirms and declares its **“faith in fundamental rights, in dignity and worth of the human person in equal rights of men and women in the dignity and the worth of the human person, in equal rights, of men and women”**

Torture is prohibited under-

1) **The International Committee of the Red Cross (IRC), 1863-**

Founded in 1863 in Geneva as an impartial humanitarian body. It is active in many forms of protection and assistance to victims of allied war and armed conflict. In matters of international armed conflicts and various other international conflicts the ICR has the authority to visit the countries who are State Party to the Geneva Convention and have the right to visit the prison where all the victims are kept.

They also have the power to roam freely within the prison and talk to the prisoners without any witness to the detainee, ask them anything they want and for their work, there is no such restriction or limit for the duration for talking to the prisoners. Finally, they have to maintain a diary and mention every problem that they are facing. Most importantly their work is to ensure that they are given basic mental and physical

necessity. All the reports made are totally confidential²⁶.

2) **European Convention on Human Rights, 1950-**

The prevention of torture has been resolutely stated in the European Convention of Human Rights law since 1950 when the council of Europe adopted the European Convention. In **Article 3** of the convention it has stated that²⁷-

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

This provision somehow protects the people from torture. It is legally binding in the country adopting the convention and has been condemned for also ignoring the word ‘cruel’ from the provision because of which it has been violated a many a time.

3) **International Covenant on Civil and Political Rights**

After the Universal declaration of rights adopted by the United Nations they started working on the covenant because they needed a legal binding nature which can help in enforcing the rights and provisions²⁸.

Article 7 states that no one should be subjected to torture, cruel, inhuman or degrading treatment to anyone²⁹. Also, article 7 cannot be exempted or relaxed and is totally binding. No one can be forced to give any confession or forced to do any medical examination. Even during public emergency also, the article 7 can never be revoked or exempted. Also, in **Article 9** it gives the rights to the arrested person from

²⁶ Manoj Kumar Sinha, Implantation of Basic Human Rights, 1990

²⁷ J. Bhushan, Custodial Violence - Indian Bar Review

²⁸ Balwinder Kaur, Torture and Deaths in Police Custody- A violation of Right to Life.

²⁹ Article 7 of the International Covenant on Civil and Political Rights , Part- 1



arbitrary arrest, person getting arrested shall know the reason for which he is being arrested and etc.

CASES OF POLICE BRUTALITY –

1) Saheli A Women's Resources Centre Vs Commissioner of Police ³⁰

The case where a 9 year old boy got killed due to the ill treatment of the accused and how inhuman police personnel's can be while on their duty. The 9 year old boy was protecting her mother when two of the police men tore her clothes and were assaulting her. The boy was simply holding her mother. But then the police men threw the boy away which resulted to the grave injury of the boy. When the mother returned after her bail she found the boy admitted in hospital but died due to grave injuries in abdomen. Further in the case it is also written that the S.H.O also threatened to take the case back because the casde was against the police officials.

2) Death of Somabhai Thakor because of Police ruthlessness, Gujarat

The perished, Shri Punjabhai Thakor matured 55, was suspect for a situation of robbery from the place of an occupant of Napa. The expired and two other deliberately acknowledged for examination and were being explored. The PSO trained that he be conceded in the emergency clinic. The specialist was not accessible. The Head Constable checked his pulse and discovered him dead. He left the body there and came back to the police headquarters to report the passing. The examination of Panchanama was hung on 14 November 1995. Meanwhile, rodents had stricken the body. The Panchnama report expressed that there were dim spots of beating on the back. The

SDM, based on the report, had suggested that the objection ought to be given over to the Vigilance Department. Further the division enlisted a case u/s 302, 114 of IPC against the police authorities who were suspects to the wrongdoing. The after-death report found the reason for death due to cardio-respiratory disappointment. After further examination by the officials the passing was pronounced because of the police severity and in light of the fact that the police didn't act separately.

3) Case of Mohd Amir Khan, Modh. Amir Khan vs. State

The case can be totally be referred to police brutality where almost every right of the accused was violated starting from informing the grounds for arrest to keeping the accused in remand of police for 7 days without any notice. The person was accused for planting bombs during the series of bomb blasts from 1996-1997. The accused was arrested at late night from the highway and was taken to a secret location, where he was brutally tortured for it. His nails were removed from his fingers by pliers, he was beaten to an extreme level, he was forced to drink water mixed with detergent and was regularly given electric shocks. He was forcefully made to sigh a bunch of blank papers. He was kept in special jail can also be called as solitary confinement where he lost his memory and started to have eye sight problem. because he was accused under TADA and POTA act. After 14 years of imprisonment he was finally acquitted and proved that he was never a part of the incident in anyway. He spent 14 years of life inside jail. He was arrested at 18 years of age and acquitted in 32. He also wrote a book during imprisonment which explained the

³⁰ 1990 1 SCC 422



brutality that he faced and what all problems and his journey of 14 years.

Conclusion-

After reading and going through the various rules, regulations and provisions. There are enough regulations and enactments for the protection of the accused and protecting the accused from various ill treatment present in the world being it in the Criminal Procedure Code, 1973, Indian Evidence Act 1872, Indian Penal Code 1860 and the great Indian Constitution itself has numerous provisions and enactments. In Indian Constitution Article 21 has been defined vastly and has provided immune to the various atrocities caused by the police by giving many rights under it (Sunil Batra Vs. Delhi Administration AIR 1978). Internationally there are hundreds of treaties specially mentioning the problem of custodial death due to police brutality like The European Convention on Human Rights, 1950, The United Nations Standard Minimum Rules for the Treatment of Prisoners, 1955, The International Covenant on Civil and Political Rights, 1966, The Human Rights Committee, The American Convention on Human Rights 1978, The council of Europe Declaration on the Police 1979, The African Charter on Human and Peoples Rights 1981 etc. these treaties are somehow based totally for protection of various problems faced by the accused while in custody and helps in minimizing the problem to an extent. Under International Law states are responsible for making laws regarding the issue and pose stringent punishment The provisions are not only meant for the people of a particular country or people from who belong to a certain country but are there for each and every

human being in this word irrespective of any possible discrimination available.

But somehow due to illiteracy, poverty, belonging to backward region, religion and caste chances of these rules getting violated increases and produces a different scenario. There are various organizations which are continuously working for their upliftment so that the cases of police brutality decrease but due to these factors and the number of offenders it somehow becomes impossible to get justice to each and every person who becomes a victim to this situation. Many a times due to the power of the police official many of the cases are not filed in fear of them. Police officials are somehow able to scare them by threatening their family or the accused person himself. Somehow in every possible way be it in legal, constitutionally or internationally there are provisions enshrined in each and every perspective. This shows how big this issue got in the past and recent times that law was introduced in every circumstance so that they don't get offended or are harassed.

To protect women and children from the atrocities of police officials there are special provisions for them. Women cannot be arrested after sunset and till before sunrise; lady constable or police personnel shall be present for arresting the women there should be special healthcare provided to women whenever they need. According to section 18(2) of Juveniles Justice Act 2000 children cannot be put in jail or lockup brought to police stations for inquiry, to inquire a child the parents have the right to whether their child should be examined or questioned.

From the victim's perspective they do suffer a lot both physically and mentally because tortures are of harmful nature. But



there are cases where there is a positive outcome from the torture that police practices like on habitual offenders and on some offenders, who have done some gruesome crime like rape, terrorism or any rare case. So, these people do have that level of mentality that police personnel have to torture them but there is always a limit to every act.

