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PEOPLE’S UNION FOR CIVIL LIBERTIES V. STATE OF MAHARASHTRA,

ON 23 SEPTEMBER 2014

CITATION: (2014) 10 SCC 635

**BENCH: JUSTICE R.M. LODHA (CJI), JUSTICE KURIAN JOSEPH, AND
JUSTICE ROHINTON FALI NARIMAN**

**VIOLATION OF ARTICLE 14, 21 & 22 BY THE POLICE OFFICERS ALLEGEDLY
KILLS INDIVIDUALS UNDER THE GUISE OF ENCOUNTER KILLINGS.**

INTRODUCTION

The People’s Union For Civil Liberty (PUCL) vs. State of Maharashtra is the landmark judgement on the “encounter killing” of individuals by police officers under the guise of self-defense. This document, stemming from a legal case originating in India, outlines a series of appeals and writ petitions concerning police encounters. The core issue revolves around the procedure for investigating deaths resulting from police encounters. Specifically, the People's Union for Civil Liberties (PUCL) raised concerns about the genuineness of numerous encounters, which led to approximately 135 deaths between 1995 and 1997 in Maharashtra. The PUCL sought various directives, including the furnishing of particulars on individuals killed in police encounters, registration of offenses against responsible police officers, submission of detailed reports by the Coroner of Mumbai, and a comprehensive inquiry into all police encounters resulting in death or injury across Maharashtra. They also advocated for the

constitution of the Maharashtra State Human Rights Commission and the framing of guidelines to protect life and liberty under the Constitution

The Supreme Court has been presented with guidelines from the National Human Rights Commission (NHRC) and suggestions from legal counsel to address these matters. The Court has acknowledged the gravity of these cases, emphasizing that Article 21 of the Constitution guarantees the right to life and human dignity, which state actors must respect and uphold. The legal framework necessitates thorough, effective, and independent investigations into all incidents of death in police action. Such investigations must meticulously preserve evidence, identify witnesses, determine the cause and manner of death, and include post-mortem examinations conducted by at least two doctors. Furthermore, if injured individuals survive encounters, their statements should be recorded promptly by a Magistrate or a medical officer. All relevant reports, including FIRs, general diary entries, spot panchnamas, and recovery panchnamas, must be submitted to the competent court without delay.

NOW THE QUESTION ARISES:

What procedure should be followed when a person dies in a fake encounter?

What safeguards should be in place to prevent the misuse of power and protect fundamental rights?

FACTS

- **Origin and Core Issue:** The case originates from India and centers on appeals and writ petitions concerning the procedures for investigating deaths that occur during police encounters.
- **PUCL's Concerns:** The People's Union for Civil Liberties (PUCL) raised significant concerns regarding the authenticity of numerous police encounters.
- **Statistics:** Between 1995 and 1997, approximately 135 individuals reportedly died in such encounters in Maharashtra.
- **PUCL's Demands:** The PUCL requested several actions:

- Disclosure of details about individuals killed in police encounters, including names, addresses, circumstances of death, and any inquiries conducted.
 - Registration of offenses against police officers found prima facie responsible for violations of fundamental rights or other laws.
 - Submission of detailed reports by the Coroner of Mumbai.
 - A comprehensive inquiry into all police encounters across Maharashtra that resulted in death or injury.
 - The establishment of the Maharashtra State Human Rights Commission.
 - The formulation of guidelines to protect life and liberty under Article 21 of the Constitution.
- Supreme Court's Involvement: The Supreme Court has received guidelines from the National Human Rights Commission (NHRC) and proposals from legal counsel.
 - Constitutional Mandate: The Court has underscored that Article 21 of the Constitution guarantees the fundamental right to life and human dignity, which state actors are obligated to uphold.
 - Investigation Requirements: The legal framework mandates that all deaths occurring during police actions must undergo thorough, effective, and independent investigations.
 - Evidence Preservation: Investigations must include meticulous preservation of evidence, identification of witnesses, determination of the cause and manner of death, and post-mortem examinations conducted by at least two medical professionals.
 - Injured Persons: Statements from any surviving injured individuals must be promptly recorded by a Magistrate or medical officer.

- Report Submission: All pertinent reports, such as First Information Reports (FIRs), general diary entries, spot panchnamas, and recovery panchnamas, must be submitted to the appropriate court without undue delay.

For the process, the court addresses the case seriously and guides them to set up a team from another jurisdiction police station for the investigation, to collect all the evidence and report and the information, and to keep a separate diary under section 154 & 157(1) of CrPC. They sent the fingerprints for checking to the chemical analyzer. Record & witness every blood stain, on the ground, or on material, or on any physical movable material that has been recovered on the orders. An inquest of examination has been taken under section 161 CrPC of the witnesses. Provided medical support to the criminals & statements under section 164 CrPC. The team sent a final report to the court under section 173 CrPC. The court's prevention of the 3rd degree in the questioning or interrogation. It is taken under the mala fide & vindictive that cannot be subjected to the prosecution.

These guidelines aim to strike a balance between empowering law enforcement and protecting individual rights, thereby strengthening democratic accountability.

mentioned, as follows:

- Immediate Reporting: All encounters must be reported to the National or State Human Rights Commission with an attested affidavit.
- Independent Investigation: An independent agency, such as the CID or a police team from another jurisdiction, must investigate encounters deaths. Also to keep a diary for each and every specific matter. As DSP must be informed before the action.
- Judicial Oversight: A magistrate's inquiry is mandatory for any custodial death or killing during an encounter.
- Compensation: Compensation must be awarded to the victim's family if the encounter is found to be unlawful.

- Media Briefings: Information about the encounter must be made public to ensure transparency. Untraced victims' bodies have been put on the advertisement for identification and information regarding the encounter.

If we investigate the statistics from the petition;

“The National Crime Records Bureau, 2013, the following are worth noting. Table under the title “Persons Killed Or Injured in Police Firing During 2013 (Event-Wise)” shows that there were 684 occasions of police firing classified as “Riot Control”, “Anti-Dacoity Operations”, “Against Extremists and Terrorists” and “Against Others” in 2013 and, in these police firings, 103 civilians were killed and 213 were injured and, as regards policemen, 47 were killed and 1158 were injured; gives details of police personnel killed across the country in 2013 in terrorist/extremists operations, dacoity operations or other raids by riotous mobs and by other criminals. catalogues the complaints/cases registered against police personnel during 2013. During the year 2013, 51120 complaints were received, of which 26640 were declared false or unsubstantiated. Of the rest, 14928 were dealt departmentally. Of this, 3896 were reported for regular departmental action while 799 were sent up for trials/charge- sheeted. In the completed trials, 53 were convicted. In departmental Page 8 proceedings, 544 were dismissed from service and 3980 had been awarded major punishment.”

If we delve into the data, you may see that the number of deaths is significantly higher than the actual numbers. If we take a round of 1000 complaints, then only 1% of the complaints have been put up for trial, and the rest have been declared false or dealt with departmentally. But this case came up to highlight the real issue for the protection of citizens, which violates the public freedom, dignity and respect. It also prevents the unlawful procedure of taking charge by the police and prevents the criminals from the 3rd degree interrogation.

CONCLUSION

The *People’s Union for Civil Liberties v. State of Maharashtra* stands as a landmark in the evolution of constitutional jurisprudence in India, particularly in reinforcing the sanctity of

Article 21 — the right to life and personal liberty. The judgment not only scrutinized the trend of extra-judicial encounters but also delivered a decisive message: state power must operate within the bounds of law, not above it.

By laying down detailed procedural safeguards, the Supreme Court illuminated the need of transparency, accountability, and human rights sensitivity in law enforcement. This case did not merely resolve a legal controversy — it enlightened public conscience, challenged systemic abuse, and strengthened the democratic ideal that justice must not be delivered at the cost of due process.

In a country where the balance between national security and civil liberties often tilts unpredictably, this judgment reaffirmed that even the most hardened criminal is entitled to constitutional protection. The Court's intervention was not only legal in nature, but deeply moral, reminding the nation that upholding the rule of law is the true hallmark of a civilized society.

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