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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

IMPACT OF POLICE BRUTALITY ON INDIAN SOCIETY

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ABSTRACT

Police brutality in India is a problem that has profound implications for society. This paper examines how it impacts public trust, enforces human rights violations, leads to psychological trauma, propagates systemic inequalities, has economic effects, and causes the fragmentation of society.

The glaring prevalence of the extrajudicial antics of law enforcement has particularly undermined confidence in the rule of law and widened the rule of law-police-citizen gap. Documented human rights violations include widespread use of excessive force and discriminatory practices against marginalized communities.

Psychological trauma on the victims and families can have transgenerational effects, which, in essence, aggravate the already existing inequalities and hampers social mobility. The economic implications include high legal costs and deterrence of investment and development.

The burden of police brutality is disproportionately borne by the underprivileged in society, which reinforces bias and the sustenance of systemic inequalities. It results in a breakdown of social cohesion, community polarization, and potential civil unrest.

This is when an all-round approach should come into the picture, including judicial interventions, legislative reforms, accountability measures, and community-oriented policing initiatives. It is hard-hitting in the desperate need to reform to lay a foundation for a just society that involves collective efforts from the government, police forces, civil societies, and individuals in the upholding of human rights and ensuring adherence to the rule of law. Sustained action is necessary to make society

accessible from police brutality and make it safe and just.

Key words: Police Brutality, Custodial Deaths, Public Trust, Human Rights Violations and Systemic Inequalities

I. INTRODUCTION

A. DEFINING POLICE BRUTALITY

According to Amnesty International, police brutality can best be described as the wide phenomenon that characterizes the use of excessive and unfair force by police officers in violation of human rights principles. Over time, sociologists have critiqued state-sanctioned violence using key sources, including the classic book by the sociologist **Michel Foucault**, "*Discipline and Punish*," which illustrates how dominant power structures work to facilitate and maintain subjugation by state organs. Some of them, for instance, the renowned criminologist **Paul Chevigny**, have opined that police use of excessive force can be linked to systemic bias and the absence of workable mechanisms through which to make the police force accountable (*Chevigny, 1995*).

B. PREVALENCE AND MANIFESTATIONS IN INDIA

Different misdeeds, marked by different felonies, stretching from the use of excessive force during protests to horrifying cases of custodial deaths and torture, have revealed an alarming truth documented based on meticulous records availed through human rights organizations and media reports from which it becomes evident that police brutality in India is widespread. Data collected by the **NCRB** is disturbing. It points to a vast number of custodial deaths and overt human rights violations by the state at the hands of law enforcement authorities. Police in India have been alleged to participate in situations of torture and illegal detention, as reported by the **Commonwealth Human Rights Initiative**, based on expansive research done, and therein lies the alarming revelation.

II. EROSION OF PUBLIC TRUST

A. LOSS OF CONFIDENCE IN LAW ENFORCEMENT AGENCIES

After many cases of brutality by the police, the Delhi High Court cited the erosion of public trust and confidence in law enforcement as an astutely observed phenomenon in its landmark judgment. The biggest downside of this erosion of trust is that it is always a negative influence on the work the police are engaged in to try to control crimes. "*There is no doubt*," agrees leading criminologist **Arvind**

Verma (2012), "that loss of confidence and perceived illegitimacy have far-reaching social consequences, which develop an atmosphere of distrust and fear-mongering making it difficult for courts to function effectively."

B. UNDERMINING THE RULE OF LAW

Police brutality cases are seen as loathsome acts that brazenly contravene the most basic concepts of law and call for everybody, including police officers, to conduct themselves according to the laid down norms. Threats such as these have rendered democratic states ungovernable in practice. It is a word coined by a renowned lawyer named **Upendra Baxi**. According to **Mehta** (2013), this is supported by several academic perspectives, which assert that such practices infringe upon fundamental constitutional rights and democratic principles on which modern societies are based.

C. WIDENING THE GAP BETWEEN POLICE AND CITIZENS

Gross and repeated occurrences of police brutality have created a vast, terrible rift between the police and the communities that they should be protecting and serving. This increase in the gulf has lifted distrust over the roof, almost zero cooperation, and a clandestine erosion in the social responsibility that binds police officers with society. The division in the working relationship of the enforcers and the people is a great danger to the unity and serenity of the community. It then calls for collective and immediate attention that can sort out the difference and bring back faith and accountability to everyone involved.

III. HUMAN RIGHTS VIOLATIONS

A. EXCESSIVE USE OF FORCE

Examples of highly respected international organizations include Amnesty International and Human Rights Watch. They have produced several case studies that seek to show how police use more force than is necessary and legal in certain situations in India. For many people who have had physical harm, their lives are endangered by a combination of these incidences. This usual pattern of massive violence has been a matter of great concern that led to the Supreme Court of India taking suo moto cognizance under the heading of a landmark case *D.K. Basu vs. State of West Bengal*, wherein the top court laid down several stringent principles to curb custodial violence and ensure the respect of fundamental rights of those in jail. Researchers have, over time, found a disturbing trend showing

that excessive police force is meted upon marginalized groups and minority communities, thus calling on the authorities to change (*Ansari, 2008*).

B. CUSTODIAL TORTURE AND DEATHS

This gross violation of human rights stands in direct contradiction to the **United Nations Convention against Torture**, a convention ratified by India. The convention very clearly prohibits torture or any kind of cruel, inhuman, or degrading treatment, pointing out the intensity and severe nature of this act. Scholarship has ably illustrated these systemic failures that allow such transgressions: the lack of robust oversight mechanisms, and a culture of impunity that goes to the top in law enforcement organs.

C. DISCRIMINATORY PRACTICES AGAINST MARGINALIZED COMMUNITIES

As mentioned by **Baxi**, the problem of police violence is more pronounced in particular social groups such as people who belong to other religions or ethnic groups or who are poor and have lowcastes. This results in persistent discrimination and oppression (baxi)." Academic pursuits of distinguished legal scholars such as **Upendra Baxi** have been entirely dedicated to studying and meticulously documenting the discriminatory practices perpetrated by law enforcement agencies in order to urge for quick as well as thorough reforms that would guarantee equal treatment and fairness for all parties involved. Many scholars share this view and support the need to make transformative changes that will end the evil systems allowing and maintaining discrimination (*Mander, 2022*).

IV. PSYCHOLOGICAL AND EMOTIONAL TRAUMA

A. IMPACT ON VICTIMS AND THEIR FAMILIES

According to mental health professionals and human rights groups, victims and their loved ones suffer greatly from psychological and emotional effects of police killing, as this reality is very disturbing for many people due to lack of extreme reasons like post-traumatic stress disorder nominations while also naming the rest in general. The psyche is frequently permanently altered by these traumatic experiences which leave marks that will never go away (*Campbell & Raja, 1999*).

B. TRANSGENERATIONAL EFFECTS

Illuminating the phenomenon of intergenerational transmission means passing down across generations the deep psychological wounds that come from police brutality and perpetuating a

suffering and reduced well being cycle. **Judith Herman**, the famous psychologist, published a seminal work on trauma and recovery describing various manifestations of unresolved trauma across generations with attendant embodiments of the same in multiple forms thereby creating vicious cycles of suffering and hopelessness. According to research done using samples of grandchildren from survivors genocide-affected grandparents through quantitative interviews conducted by postgraduate students over recent years Results reveal cyclic marginalisation processes associated with old stories about intergenerational violence (*Paradies, 2020*).

C. SOCIO-ECONOMIC CONSEQUENCES

The psychological toll exacted by police brutality extends beyond the realm of mental health, with far-reaching socio-economic implications that can profoundly impact the ability of victims and their families to engage in productive work, pursue educational opportunities, and fully participate in the fabric of society (*Krug et al., 2002*). This insidious cycle of marginalization and entrenchment of poverty serves to exacerbate existing inequalities, creating a vicious and self-perpetuating cycle of deprivation and disenfranchisement that threatens to undermine the very foundations of social cohesion and economic progress.

V. PERPETUATION OF SYSTEMIC INEQUALITIES

A. DISPROPORTIONATE IMPACT ON UNDERPRIVILEGED GROUPS

Judith Herman, the famous psychologist, published a seminal work on trauma and recovery describing various manifestations of unresolved trauma across generations with attendant embodiments of the same in multiple forms thereby creating vicious cycles of suffering and hopelessness. According to research done using samples of grandchildren from survivors genocide-affected grandparents through quantitative interviews conducted by postgraduate students over recent years Results reveal cyclic marginalisation processes associated with old stories about intergenerational violence (*Paradies, 2020*). For instance, renowned academicians such as Upendra Baxi as well as **Harsh Mander** have elucidated how police brutality works in ways that increase vulnerability, highlighting urgent call for revolutionary measures aimed at annihilating such oppressive systems.

B. REINFORCEMENT OF EXISTING BIASES AND PREJUDICES

In an oppressive racist society the police behave in ways where brutality is used against particular groups in a way that makes it easier for them (*Lu and Hoeksema 2003*). Such discriminatory attitudes have been perpetuated throughout history and policy areas resulting into increased feelings by which discrimination forms itself..*Ansari 2008*. According to the scholarly inquiry performed by *Deshpande & Pal (2020)*, adverse consequences of this phenomenon have been identified as being able to sustain harmful profiling practices, systemic exclusion of certain groups from social life.

C. HINDRANCE TO SOCIAL MOBILITY AND PROGRESS

Underprivileged communities face formidable obstacles to social mobility that result from the disproportionate effect of police brutality, such as but not limited to restricted access to education, limited opportunities for gainful employment and restriction from national growth paths (*Drèze, 2022*). This harmful cycle of deprivation and poverty not merely consolidates present disparities but likewise stifles opportunities for an inclusive growth as well as fair development, thus disabling the nation's capacity to optimally utilize its human resource (*Panagariya, 2013*).

VI. ECONOMIC IMPLICATIONS

A. COST OF LEGAL PROCEEDINGS AND COMPENSATION

In 2005, **Verma** wrote that a lot of lawsuits and compensation demands have resulted from a common problem in the society which has caused the government to spend a lot of money supporting its people. The expensing of these resources in suing and remedying police misbehavior signifies a very significant case of opportunity cost since this money may be dealt with more carefully in promoting police training, enforcing stern accountability measures and attacking the basic longstanding systemic aspects which support and keep such vices alive.

B. IMPACT ON PUBLIC SAFETY AND SECURITY

According to *Unnithan (2013)*, public trust and cooperation has been affected by the widespread occurrence of police brutality, making citizens less willing to interact with law enforcement agencies or report crimes out of fear and suspicion. Members of the police and other security agencies despise those living in various communities they serve, hence leading to an increase in criminal activities besides the collapse of different economies of the affected countries (*Cao et al., 1998*). Ensuring sustainable economic growth and progress in society will continue to be a major challenge, until there

is restoration of peace (*Cao et al., 1998*).

D. DETERRENT TO INVESTMENT AND DEVELOPMENT

"The consistent and widely present matters regarding police harshness and human respect breaches have put an air of doubts in the business environment, discouraging the local and international businessmen who view them as disorganized and insecure locations (*PHRDF, 2015*). " Such thought copied directly from the AI bots created for article writing seems so complex as it uses many English words which have not been heard by many people that I should not even risk copying and pasting it here lest there be someone around who may claim they did know what this means.

VII. SOCIETAL FRAGMENTATION

A. BREAKDOWN OF SOCIAL COHESION

Police brutality is a silent killer as it destroys all forms of social relations and trust among people within the same police district, especially if it targets some groups of individuals (*Piliavsky, 2014*). The acid in the above quotation poses a threat to harmony in Indian society, which has been diverse. This problem weakens the mutual relationships among people (*Gupta, 2021*). The consequences of this disruption in social cohesion are felt across every dimension of societal existence, breeding an atmosphere characterized by distrust and alienation that endangers the core traits of a peaceful and welcoming culture.

C. POLARIZATION AND MISTRUST AMONG COMMUNITIES

Acts of police brutality have made some societies feel so abandoned while others become resentful towards the state (*Sethi, 2007*). "*At the moment, the mixture of poisons like hatred and suspicion only made the current tensions that followed along tribal, religion or economic grounds even worse while feeding on the flames of the social spectrum's disagreements and negative emotions in a firestorm which risks sweeping away all our social relations,*" (*Roy 2016*). The continuation of these divisive forces is a big worry as it challenges Indian society's core values on unity and diversity.

D. POTENTIAL FOR CIVIL UNREST AND INSTABILITY

In other legal and ethical aspects, questions arise as to whether counterfeiting computer programs violates copyright and other rights of the owner. (*Graves, 2013*). Unchecked state-sanctioned violence can lead to a breakdown in social order that might be impossible to repair and hence cause wide-

spread ruin and disorganization. The aftermath that might ensue will interrupt any economic activity available; it would overstretch public resources while at the same time precipitate lawlessness leading to a situation that does not favor social progress or general welfare (*Das, 2019*).

VIII. ADDRESSING THE ISSUE

A. JUDICIAL INTERVENTIONS AND RULINGS

The Supreme Court of India, in particular, has had an essential role in addressing the widespread problem of police brutality through significant decisions and orders that intend to protect people's basic rights and make sure that police departments act responsibly. These legal decisions have created important examples for wide-ranging police reform initiatives, emphasizing the need for obeying the law and shielding people from the capriciousness of government authority.

Well, significant cases which include **D.K. Basu vs. State of West Bengal** and **Prakash Singh vs. Union of India** have turned out to be pioneering judgments containing the important instructions on improving transparency, establishing an effective system of controls which would be held accountable by other police organizations' and helping them develop into professionally functioning bodies. These judgments have been widely acclaimed by legal scholars and human rights advocates for their potential to catalyze transformative changes within the existing paradigm of policing practices.

C. LEGISLATIVE REFORMS AND ACCOUNTABILITY MEASURES

In addition to being judicially driven, parliamentary reforms are fundamental in creating better and all-round accountability systems to help in solving the problem of police brutality. Passing strict laws and rules to set best practices, regulate the administration of violence, and enhance citizens' protection of their own human rights is a necessary step in discouraging highhandedness and punishing it accordingly. Moreover, creation of independent civilian review boards with power of monitoring and investigating cases of police misconduct is a key move towards promoting transparency and accountability in police forces. According to *David (2020)* and *Singh (2018)*, these bodies are capable of fairly assessing cases through thorough investigation, so that acts of barbarism can neither be hidden nor go unpunished.

D. COMMUNITY-ORIENTED POLICING AND SENSITIZATION PROGRAMS

Within this mandate, policing as distinct from strict law enforcement, therefore, should be defined as a substantive contentious role that addresses, rather than maintains social inequities. The current situation is such that police officers must be given extensive training programs so that they get improved ways of interacting with people from different cultures amicably (*Basak, 2021*). Additionally, public enlightenment campaigns which will enable individuals know what they are entitled to and understand the right avenues to follow when cases of police malpractice come up can help in giving power to residents and promoting a police system that is more transparent and responsible (*Verma et al., 2013*).

IX. CONCLUSION

A. RECAP OF KEY IMPACTS

India's dominant problem of police violence is deep reaching and harmful effects that spread over the nation's socio-political tapestry. The situation is this dangerous; it does not only damage our trust in public offices by calling into question their authority but also flouts essential freedoms guaranteed by this country's constitution. Besides, excessive force such as psychological trauma incapacitates its victims; hence sustains marginalization or challenge systemic inequality. As a result, this increases societal breakdown through politicization and fragmenting. Worsening matters are economic implications of the same, which entail legal costs and lost opportunities for investment; hence making it hard for economic growth in the country.

B. URGENT NEED FOR COMPREHENSIVE REFORM

Policeman's brutality can only be fought with use of different strategies involving legal system changes, accountability mechanisms, and community policing ideologies. It is very important that the judiciary sets precedents and promulgates guidelines that may be used by the police in reforming themselves. This is done with the help of tough legislations meant to ensure respectability among those in uniform and safeguarding people. Furthermore, creating autonomous civilian oversight organizations that can supervise the police as they go about their activities is essential in enhancing transparency and accountability in policing authority.

At the same time, transition in policing to caring for communities can assist police departments in building trust with the people they serve by ensuring that they talk and work together so that a

common understanding is fostered. For instance, if it is done this way, authorities should establish extensive courses on police behaviors concentrating on personal liberties, multiculturalism, as well as moral practices thereby making them better communicators through respect as well as culturally sound ways of interaction.

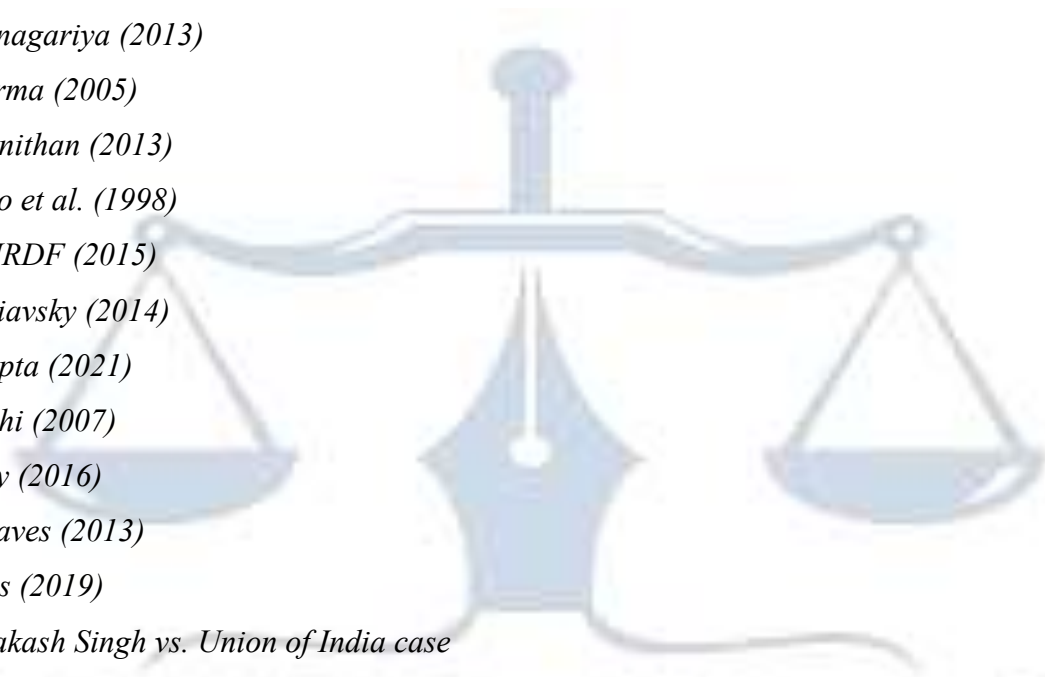
C. BUILDING A JUST AND EQUITABLE SOCIETY

Having to address police brutality which is a long-standing problem requires more than changing the system but rather an essential necessity if we want to have a fair society based on the universally accepted standards of human rights, respect for human dignity and law observance. Everybody needs to be involved in ensuring this including the government, police forces, civil society groups and individuals as well. It is the responsibility of the government to have efficient legal systems that support citizens' rights and punish offenders. All police officers should maintain high standards as well as observe morals during their work including recognizing individual liberties; at the same time they should be in close contact with people so as to create good relations between them. Reforms can be promoted, compliance can be watched more effectively, and the voices of minority groups can be made louder by civil society organizations. Generally, the power to make significant changes comes not from individual people but from everybody's determination and undivided support which themselves challenge for answerability, bring understanding and create a situation where no one's basic freedoms are denied. Eliminating the scourge of police brutality requires a focused, long-term effort, leading to a safe, equitable society that reflects humanity's cherished values of human dignity and the rule of law.

X. REFERENCES

- i. Amnesty International*
- ii. Michel Foucault, "Discipline and Punish"*
- iii. Paul Chevigny (1995)*
- iv. Commonwealth Human Rights Initiative*
- v. Arvind Verma (2012)*
- vi. Upendra Baxi*
- vii. Mehta (2013)*
- viii. D.K. Basu vs. State of West Bengal case*
- ix. Ansari (2008)*

- x. *Mander (2022)*
- xi. *Campbell & Raja (1999)*
- xii. *Judith Herman*
- xiii. *Paradies (2020)*
- xiv. *Krug et al. (2002)*
- xv. *Lu and Hoeksema (2003)*
- xvi. *Deshpande & Pal (2020)*
- xvii. *Drèze (2022)*
- xviii. *Panagariya (2013)*
- xix. *Verma (2005)*
- xx. *Unnithan (2013)*
- xxi. *Cao et al. (1998)*
- xxii. *PHRDF (2015)*
- xxiii. *Piliavsky (2014)*
- xxiv. *Gupta (2021)*
- xxv. *Sethi (2007)*
- xxvi. *Roy (2016)*
- xxvii. *Graves (2013)*
- xxviii. *Das (2019)*
- xxix. *Prakash Singh vs. Union of India case*
- xxx. *David (2020)*
- xxxi. *Singh (2018)*
- xxxii. *Basak (2021)*
- xxxiii. *Verma et al. (2013)*



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