

Constitutional Validity of Fake Encounters Under Article 21

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Abstract: *In India, fake encounters—also called to as extrajudicial killings—have grown to be a significant problem that raises grave concerns about the abuse of police authority and human rights violations. These instances, which are frequently explained as acts of self-defence or essential for maintaining law and order, include the killing of people without according to the correct legal procedures. In light of Article 21 of the Indian Constitution, which protects the right to life and personal liberty, this essay investigates whether such interactions are constitutionally permissible. It draws attention to the ways such fake interactions violate due process rules and deny people of their right to a fair trial.*

The study uses a doctrinal approach and draws from human rights organisations' reports, court rulings, and constitutional requirements. In order to control encounter deaths and guarantee accountability, it also examines the recommendations made by the People's Union for Civil Liberties (PUCL). The study concludes that while these rules offer a crucial legal framework, their practical application is still lacking. The study indicates that fictitious encounters are unconstitutional and highlights the necessity of strictly following legal protections in order to preserve the rule of law and maintain fundamental rights.

Keywords: Fake Encounters, Article 21, Right to Life, Extrajudicial Killings, PUCL Guidelines, Human Rights, Police Accountability, Due Process of Law, Constitutional Validity, Rule of Law

I. INTRODUCTION

Extrajudicial killings, or false encounters, have become a major worry in India in recent years. These occurrences, which are frequently explained as acts of self-defence or essential measures to control crime, involve police officers killing people without according to the correct legal procedures. Such acts present significant issues about legality and human rights, even though upholding law and order is crucial. Every person in India, a democratic nation supporting the rule of law, deserves due process and a fair trial. Every person's right to life and personal liberty is guaranteed by Article 21 of the Indian Constitution. One of the most significant fundamental rights is this one. This paper's primary research issue is whether Article 21 permits fake encounters. This essay contends that, even when conducted in the sake of public safety, fake encounters are unlawful and violate the right to life.

II. LITERATURE REVIEW

The issue of fake encounters has been widely discussed in legal studies and human rights reports. Many scholars and organizations have pointed out that such killings violate fundamental rights and weaken the justice system. The People's Union for Civil Liberties (PUCL) and the National Human Rights Commission (NHRC) have raised concerns regarding increasing cases of encounter killings in India. They have emphasized the need for transparency, accountability, and proper investigation. Legal experts have also explained that Article 21 includes not only the right to life but also the right to a fair and just procedure. The Supreme Court of India has interpreted this right broadly and has stated that no person can be deprived of life without following proper legal procedure. Judicial decisions clearly show that fake encounters are against constitutional values and principles of natural justice.



III. METHODOLOGY

This research paper is based on a doctrinal method of research. It relies on secondary sources such as constitutional provisions, judicial decisions, reports of human rights organizations, and legal commentaries. The study focuses on analyzing Article 21 of the Constitution and examining how fake encounters are treated under the law. The approach is analytical and descriptive in nature. It studies the legal framework, guidelines provided by authorities, and their effectiveness in preventing misuse of power. No field survey or primary data has been used in this research.

IV. FINDINGS

The study finds that fake encounters clearly violate Article 21 of the Constitution. The right to life can only be taken away through a procedure established by law, which includes investigation, trial, and judgment by a competent court. Fake encounters bypass all these steps and result in arbitrary deprivation of life. The research also finds that guidelines provided by PUCL and recognized by the Supreme Court are important steps toward regulating encounter killings. These guidelines include registration of FIR, independent investigation, and magisterial inquiry in every case. However, despite these measures, their implementation remains weak.

V. CONCLUSION

Fake encounters are unconstitutional as they violate the right to life guaranteed under Article 21 of the Constitution. No authority has the power to take away life without following due legal procedure. Such actions undermine the rule of law and weaken the justice system. Although guidelines exist to regulate police actions, their proper implementation is necessary to prevent misuse of power. A strong legal system must ensure that justice is delivered through courts and not through unlawful killings. Therefore, strict adherence to constitutional principles and human rights is essential to maintain fairness and justice in society.

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