

Swatantrata Center urged the Supreme Court to formulate a Model Code of Conduct against Police Brutality and to Uphold Civil Liberties.

Swatantrata Center in a letter to the Chief Justice of Supreme Court, Justice N V Ramana, urged to formulate a Model Code of Conduct for the Police while dealing with civilians so that to protect their human rights, rule of law, against police brutality.

Swatantrata Center Co-founder and Director & founder of Youth parliament Program, Raghavendar Askani Urging to treat Swatantrata Center's letter as a Suo Motu PIL petition in the interest of the public, he recalled that how Chief Justice himself agonized during his discussion on the Indian police system and Upholding civil liberties, how there is the humiliation of the Rights of the citizens. It is kind of worrisome when the Chief Justice himself talks about the violations happening around. It shows how law and order are being implemented on a daily basis.

He said that through the letter, Swatantrata center wants to draw Chief Justice's attention to the beating of people with lathis, using violence, abusive words, and how civilians are being treated by police personnel throughout the country. He deplored that Indian citizens are losing their Civil liberties and fundamental rights due to the authoritarian culture embraced by Police and bureaucrats.

Swatantrata Center asserted that the judicial authorities should uphold the law and protect the Human Rights, Civil Rights, and Fundamental rights of citizens guaranteed by the Constitution of India. Especially Article 21 of the constitution ensures the right to life with dignity and personal liberty. However, Swatantrata Center deplored that during the pandemic, many people who were out to do ordinary chores, or attending hospital, or for any other purpose have been beaten blue and black. There were instances where the youth had accelerated their vehicles while seeing the police and it led to accidents and injuries. Our grievance is that police ought to treat civilians with dignity and respect.

We also recalled that during the lockdown, migrant labor, daily labor, and common man who needed daily grocery supplies to feed the families were most affected - in the sense that they had all gone through various hurdles and tortures posed to them by the policemen. Some of them weren't spared and were beaten to black and blue. Causing bodily hurt or destroying the property of any individual is unacceptable. It is time for the cops and the bureaucrats to act responsibly and embrace respect for Civil liberties that are guaranteed by the Constitution.

During this time, there was a considerable rise in custodial violence too. According to a survey in the year 2019, as many as 1739 people have lost their lives in custody. There are estimates that the unofficial records or unreported records of cruelty by policemen are a bigger number than that the ones officially filed. In a foreign country, there was a custodial death report which was followed by huge agitation which led to major reforms in the police system. Our country has been seeing custodial deaths, encounters, and cruelty by policemen on a daily basis and it is worrisome as the Governments and the general public are silent on this matter. It is time for the judiciary to take this matter into consideration and do the needful.

In this recall, Swatantrata Center mentioned that the Supreme Court time and again under article 142 of the Indian Constitution has brought reforms in protecting human rights and Rule of Law such as Guidelines in D.K.Basu vs state of Bengal regarding the Rights of an accused during arrest, the procedure to be followed by the police during an arrest. Guidelines regarding police reforms in Prakash Singh Vs Union of India reported in (2006), Reforms in CBI Vineet Narain Vs Union of India. In this letter, we would like to appeal to your lordships to take this Your Lordships, may kindly also understand, the future of pandemics and lockdowns is unpredictable.

There may or may not be lockdowns in the future. But, if there is a lockdown in the future, this PIL seeks to plead this apex court of justice to protect the people of India. As they say, a stitch in time saves nine. It is not right to beat a person with lathi or damage their personal properties. It is below human dignity to do so. We would request the honorable court to take this case seriously for the good and welfare of all.

Swatantrata Center sent this letter to all Judges of the Supreme Court and also all Chief Justices of High Courts in the country, requesting to consider cognizance of this case as a Suo Motu. also Attached are the Statistics and Evidence of Human Rights, Civil Rights, and Fundamental rights violations in India <https://swatantrata.org/civil-liberty/>

To,
Hon'ble Mr. Justice Nuthalapati Venkata Ramana Garu,
The Chief Justice of India,
Supreme Court of India,
New Delhi.

Subject: Application letter to take Suo Motu cognizance in the matter of saving the Indian constitutional charter, values and Protect the Fundamental Rights, Rule of Law from Indian Police brutality

Respected Sir,

This letter wants to draw your Lordship's attention to the beating of people with lathis, using violence, abusive words, and how civilians are being treated by police personnel throughout the country. Indian citizens are losing their fundamental rights due to the authoritarian culture embraced by Police and bureaucrats. The judicial authorities should uphold the law and protect the Human Rights, Civil Rights, and Fundamental rights of citizens guaranteed by the Constitution of India.

Especially Article 21 of the constitution ensures the right to life with dignity and personal liberty. However, during the pandemic, many people who were out to do ordinary chores, or attending hospital, or for any other purpose have been beaten blue and black. There were instances where the youth had accelerated their vehicles while seeing the police and it led to accidents and injuries. Our grievance is that police ought to treat civilians with dignity and respect. There needs to be transparency and a model code of conduct in dealing with civilians.

We would like to bring to your lordship's kind notice that this Institution Supreme Court of India time and again under article 142 of Indian Constitution has brought reforms in protecting human rights and Rule of Law such as Guidelines in D.K.Basu vs state of Bengal regarding the Rights of an accused during arrest, the procedure to be followed by the police during an arrest. Guidelines regarding police reforms in Prakash Singh Vs Union of India reported in (2006), Reforms in CBI Vineet Narain Vs Union of India.

In this letter, we would like to appeal to your lordships to take this grievance in the interest of the public as a Suo Motu PIL petition. Your Lordships, may kindly also understand, the future of pandemics and lockdowns is unpredictable. There may or may not be lockdowns in the future. But, if there is a lockdown in the future, this PIL seeks to plead this apex court of justice to protect the people of India. As they say, a stitch in time saves nine. It is not right to beat a person with lathi or damage their personal properties. It is below human dignity to do so.

We would request the honorable court to take this case seriously for the good and welfare of all.

With warm personal regards,

Yours Sincerely,

Raghavendar Askani
Co-founder, Director
Swatantrata Center

Copy to:

- The Registrar, Supreme Court of India,
- Supreme Court of India, Hon'ble Judge, Mr. Justice Uday Umesh Lalit
- Supreme Court of India, Hon'ble Judge, Mr. Justice A.M. Khanwilkar
- Supreme Court of India, Hon'ble Judge, Dr. Justice D.Y. Chandrachud
- Supreme Court of India, Hon'ble Judge, Mr. Justice L. Nageswara Rao
- Supreme Court of India, Hon'ble Judge, Mr. Justice Sanjay Kishan Kaul
- Supreme Court of India, Hon'ble Judge, Mr. Justice S. Abdul Nazeer
- Supreme Court of India, Hon'ble Judge, Ms. Justice Indira Banerjee
- Supreme Court of India, Hon'ble Judge, Mr. Justice Vineet Saran
- Supreme Court of India, Hon'ble Judge, Mr. Justice K.M. Joseph
- Supreme Court of India, Hon'ble Judge, Mr. Justice Hemant Gupta
- Supreme Court of India, Hon'ble Judge, Mr. Justice R.Subhash Reddy
- Supreme Court of India, Hon'ble Judge, Mr. Justice Mukeshkumar Rasikbhai Shah
- Supreme Court of India, Hon'ble Judge, Mr. Justice Ajay Rastogi
- Supreme Court of India, Hon'ble Judge, Mr. Justice Dinesh Maheshwari
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- Supreme Court of India, Hon'ble Judge, Mr. Justice Shripathi Ravindra Bhat
- Supreme Court of India, Hon'ble Judge, Mr. Justice V. Ramasubramanian
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- Supreme Court of India, Hon'ble Judge, Mr. Justice Abhay.S. Oka
- Supreme Court of India, Hon'ble Judge, Mr. Justice Vikram Nath
- Supreme Court of India, Hon'ble Judge, Mr. Justice J.K. Maheshwari
- Supreme Court of India, Hon'ble Judge, Ms. Justice Hima Kohli
- Supreme Court of India, Hon'ble Judge, Mrs. Justice B.V. Nagarathna
- Supreme Court of India, Hon'ble Judge, Mr. Justice C.T. Ravikumar
- Supreme Court of India, Hon'ble Judge, Mr. Justice M.M. Sundresh
- Supreme Court of India, Hon'ble Judge, Ms. Justice Bela M. Trivedi
- Supreme Court of India, Hon'ble Judge, Mr. Justice Pamidighantam Sri Narasimha
- Supreme Court of India, Hon'ble Judge, Ms. Justice Bela M. Trivedi
- Allahabad High Court, Hon'ble Chief Justice, Mr. Munishwar Nath Bhandari,
- Andhra Pradesh High Court, Hon'ble Chief Justice, Mr. Arup Kumar Goswami
- Bombay High Court, Hon'ble Chief Justice Mr. Dipankar Datta
- Calcutta High Court, Hon'ble Acting Chief, Mr. Justice Rajesh Bindal
- Chhattisgarh High Court, Hon'ble Chief Justice, Mr. Prashant Kumar Mishra
- Delhi High Court, Hon'ble Chief Justice, Mr. Dhirubhai Naranbhai Patel
- Gauhati High Court, Hon'ble Chief Justice, Mr. Sudhanshu Dhulia
- Gujarat High Court, Hon'ble Chief Justice, Mr. Rashmin Manharbhai Chhaya
- Himachal Pradesh High Court, Hon'ble Chief Justice, Mr. Ravi Vijaykumar Malimath
- Jammu and Kashmir and Ladakh High Court, Hon'ble Chief Justice, Mr. Pankaj Mithal
- Jharkhand High Court, Hon'ble Chief Justice, Dr. Ravi Ranjan
- Karnataka High Court, Hon'ble Chief Justice, Mr. Satish Chandra Sharma
- Kerala High Court, Hon'ble Chief Justice, Mr. S. Manikumar
- Madhya Pradesh High Court, Hon'ble Chief Justice, Mr. Mohammad Rafiq
- Madras High Court, Hon'ble Chief Justice, Mr. Sanjib Banerjee
- Manipur High Court, Hon'ble Chief Justice, Mr. P. V. Sanjay Kumar
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- Orissa High Court, Hon'ble Chief Justice, Dr. S. Muralidhar
- Patna High Court, Hon'ble Chief Justice, Mr. Sanjay Karol
- Punjab and Haryana High Court, Hon'ble Chief Justice, Mr. Ravi Shankar Jha
- Rajasthan High Court, Hon'ble Chief Justice, Mr. Indrajit Mahanty
- Sikkim High Court, Hon'ble Chief Justice Jitendra, Ms. Meenakshi Madan Rai
- Telangana High Court, Hon'ble Chief Justice, Mr. M. S. Sri Ramachandra Rao
- Tripura High Court, Hon'ble Chief Justice, Mr. Akil Kureshi
- Uttarakhand High Court, Hon'ble Chief Justice, Mr. Raghvendra Singh Chauhan

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Statistics and Evidence of Human Rights, Civil Rights, and Fundamental rights violation in India

The callousness of governments results in the decline of civil liberties and human rights. India is very much treading on a similar path under the regime of the Modi government. A 2021 report by the Freedom House titled, “[Democracy under siege](#),” has categorized India as partly free, this shift in the balance from a democratic stand towards authoritarianism is questionable. India is suffering from the scorn of a lethal pandemic, insecurity from economic and political decisions, and vastly struggling to sustain the losses envisaged from the decline in democracy. All around we are seeing violations of democratic rights and liberties which are increasing at an alarming rate, thereby creating a divergence between the classes of citizens in the country. The failure administered by the government in various sectors amid the COVID-19 pandemic has subjected Indians to catastrophic events that haunt the Indians and make them remember the civil liberties that existed once.

It was the early weeks of March 2020, when the nationwide lockdown was announced to contain Covid-19. And what did we witness? Police showing atrocities on people who seemed to have violated the lockdown in several states, including those trying to get essential supplies. In West Bengal, police allegedly beat a 32-year-old man to death after he stepped out of his home to get milk. A video from Uttar Pradesh showed police forcing migrant workers trying to walk home to hop on the street to humiliate them. Police in several states also arbitrarily punished people or publicly shamed them for breaking the lockdown. New cases of torture in police custody and extrajudicial killings highlighted continued lack of accountability for police abuses and failure to enforce police reforms. For the first 10 months, until October, the National Human Rights Commission reported 77 deaths in police custody, 1,338 deaths in judicial custody, and 62 alleged extrajudicial killings. In June, a father and son died in police custody in Tamil Nadu state after being detained for allegedly violating Covid-19 lockdown rules. In September, the Central Bureau of Investigation, which was asked to investigate the deaths following nationwide outrage, charged nine policemen with murder and destruction of evidence.

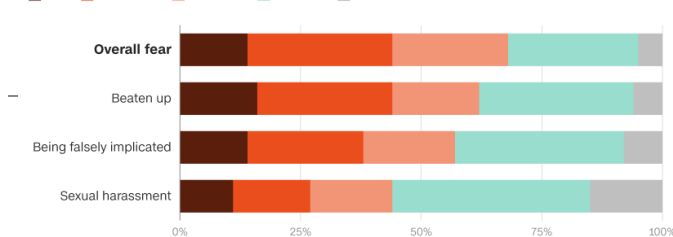
In July, Uttar Pradesh police killed a suspect Vikas Dubey, saying he was trying to escape police custody, making him the 119th person to be killed in an alleged extrajudicial killing since the BJP government in Uttar Pradesh led by Ajay Bisht, who uses the title Yogi Adityanath, took office in March 2017. In September, the Uttar Pradesh government announced it would set up a special police force that would be empowered to search and arrest without a warrant, raising further concerns about police abuse. According to information from the Home Ministry over 11,000 complaints of human rights violations have been registered against police officials in the financial year 2020-2021, with 5,388 such cases being reported from UP alone. In the last three years, the NHRC has recommended monetary relief of Rs 20.42 crore in 784 cases of police brutality, disciplinary action in 48 cases, and prosecution in one case, the data shows. Last year, 17,229 cases of human rights violations were filed by the NHRC and during 2018-2019, as many as 28,342 cases were filed. During 2017-2018, 26,391 cases were registered by NHRC on complaints about alleged violations of human rights by police officials. According to the statistics, as of January 15, 2021, maximum cases of human rights violations by police personnel were reported from UP, followed by Delhi (940), Tamil Nadu (575), Bihar (562), Haryana (408), Andhra Pradesh (384), Rajasthan (352), MP (341), Telangana (288), Maharashtra (246), West Bengal (231), Odisha (229), Jharkhand (222), Karnataka (175), Uttarakhand (156), Gujarat, (136), and Punjab (125).

Data from India's National Crime Records Bureau (NCRB) shows that not a single police officer has been convicted for custodial deaths since 2011, while over 860 cases were recorded in the same period. And in the past five full years, only 3 officers have been convicted for almost 500 cases of other human rights violations, such as torture, illegal detentions, and extortion.

Nearly half of Indians surveyed fear the police

When asked, 'How scared are you of the following (by police),' they responded:

■ A lot ■ Somewhat ■ Not much ■ Not at all ■ No answer

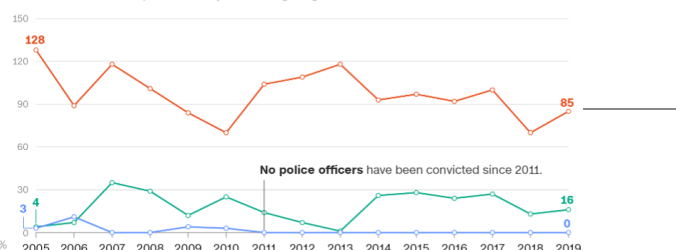


Note: 15,562 respondents in 22 states of India surveyed between June and July 2017.
Source: Status of Policing in India Report, 2018

Police officers in India rarely face convictions for deaths in custody

Only 21 officers faced a conviction between 2005 and 2010 despite records of almost 600 deaths.

— Recorded deaths in police custody — Charges against officers — Convictions



Note: Convictions may relate to cases that occurred in previous years.
Source: Data on Police Organizations 2019, Indian Bureau of Police Research and Development

Recently, in April 2021, two policemen ruthlessly beat up a rickshaw puller in broad daylight on a busy street in Indore's Pardeshipura police station area. The two policemen pinned the man down and showered kicks and blows on him while several bystanders watched the impunity of the police. As civil liberties continue to decline, one can witness the collapse of systems through the three functions of democracy, four including the media who have aligned themselves with the government.

According to National Campaign Against Torture report, The National Human Rights Commission of India recorded 1680 cases of custodial deaths in the year 2020. Out of these, 1569 deaths took place in judicial custody and 111 deaths took place in police custody. Annual Report on Torture 2020 released by the National Campaign Against Torture (NCAT) reported that despite the virtual shutdown of the country including complete lockdown from 24 March to 31 July 2020, India witnessed an increase in custodial deaths during the year and over one suicide every week because of alleged torture in police custody. Around 74.4% of the deaths in police custody took place due to alleged torture, and other forms of police brutality have also garnered public attention. According to the National Crime Records Bureau (NCRB) data, 100 cases of custodial deaths were reported in 2017, 42 of which were in police custody. Thirty-three policemen were arrested while 27 were charge-sheeted. Forty-eight police personnel were charge-sheeted and three were convicted in cases of human rights violation. Overall, 2,005 cases were registered against police personnel, 1,000 of whom were charge-sheeted. With 456 cases, Maharashtra topped the list, while Gujarat and Rajasthan followed with 191 and 169 cases, respectively; 128 personnel were convicted. According to the NCRB's 2019 figures, 85 cases of custodial deaths were reported in the year with Tamil Nadu registering the highest number of cases followed by Gujarat, Punjab, and Rajasthan, and Odisha. No policeman was convicted, though 14 personnel of Gujarat were arrested, and charge-sheeted.

For six custodial deaths in Rajasthan, three magisterial inquiries and two judicial inquiries were initiated against erring policemen. In a written reply in the Lok Sabha, the former Minister of State for Home Affairs G Kishan Reddy stated that 1,697 custodial deaths were registered between April 2019 and March 2020, of which 1,584 deaths were in judicial custody while the rest (113) were in police custody. Uttar Pradesh topped the list with 400 custodial deaths followed by Madhya Pradesh (143). This meant that about five custodial deaths took place every day in our country. But on August 3, Minister of State for Home Affairs Nityanand Rai stated in the Lok Sabha that 348 custodial deaths and 1,189 cases of torture by police were reported across the country in the last three years.

As the society gripped itself with such ruthless demonstrations and violence, various forms of surveillance of individuals started taking another form of abuse through the in-roads of India. In every instance where a citizen's right to privacy is violated, limited recourse is available under the Indian law at the present. While technological capabilities are being welcomed by the GOI, the steps are being accompanied by the collection of personal data which is resulting in another failure by the government in having created a framework in order to help her exercise the fundamental right to privacy. In April, the government launched the mobile app Aarogya Setu, purportedly to speed up contact tracing and ensure timely access to essential health services and public health information. No information was provided on which government bodies would have access to the data collected through the app. Aarogya Setu's code was not open to the public, in violation of the government's own policy. Although the Ministry of Electronics and Information Technology maintained that downloading the app was not mandatory, many government departments and private companies, including the Airport Authority of India, made it mandatory for their staff to install it.

Witnessing a health sector failing to provide basic needs and services to the citizens states that India has not responded to the pandemic in the way it should have without violating the rights and liberties of individuals. In a recent scenario, the government accused members of the Muslim Tablighi Jamaat minority of spreading COVID-19, and as a result,

health care facilities denied access to Muslims. Instances of hospitals refusing Muslim pregnant women and cancer patients surfaced in April 2020. In the months following the nationwide lockdown of March, social media and WhatsApp groups were flooded with calls for social and economic boycotts of Muslims, alongside fake news stories and other misinformation. At least 200 migrant workers were killed in road accidents while walking long distances home in other districts or states during the lockdown. In May, after intense public pressure, the government began running special trains for stranded migrant workers. However, many died from a lack of food and water on these trains, including a four-year-old child who died of hunger.

The police have continued to use unlawful force and committed various other human rights violations, abusing laws to intimidate people and silence dissent on behalf of the union government. As the COVID-19 pandemic unfolded, the discriminatory enforcement of the lockdown restrictions by the police heightened human rights concerns. The majority of those arrested for violating the lockdown guidelines belonged to marginalized communities such as Scheduled Castes, Scheduled Tribes, Denotified Tribes, Muslims, or low-income workers. In March, migrant workers who were traveling back home were forced by the Uttar Pradesh police to crawl on the road carrying their belongings, as punishment for breaching the lockdown guidelines. On 18 April in Uttar Pradesh, a Muslim man, Mohammed Rizwan, died in hospital two days after being beaten by police with batons when he went out to buy essential supplies. As new restrictions were imposed on freedoms of expression and assembly in response to the COVID-19 pandemic, this curtailed the existence of democracy even more. On 24 March, Prime Minister Modi imposed a nationwide lockdown, including mandatory 'stay-at-home' quarantine under the Disaster Management Act, a draconian law that provides the government with sweeping powers in disaster situations. It was not just during the pandemic where freedom of movement and assembly was restricted, one can provide several instances where restrictions on civilians were imposed, which resulted in damages to public property after the peaceful protests turned violent.

These evidential instances provided above are only the ones that the media was able to capture in times turning authoritarian. The blame does not however completely rest on the government, it rests on the people who allowed the oppression power into the scenario. The road where basic civil liberties are respected is now in the counts of wishful thinking, and the gradual increase in [weak governance, an underdeveloped political culture, and low levels of political participation are now being replaced thoroughly.](#)

Where do we go from here? That is the question that needs an answer.

Sources:

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