UPSC Mains practice – reference note

GS-IV · 11-11-2026 · 20 marks · https://www.shanmugamiasacademy.in/upsc-mains-practice/2026-11-11-encounter-killings-ethics

Case study. On 6 November 2026, three men wanted in criminal cases were shot dead near Patna in what the police described as an exchange of fire; their families alleged a 'planned encounter'. Such 'encounters' are often cheered as quick justice. Arun, a newly posted Superintendent of Police, heads a district where a gang has killed a shopkeeper and a schoolteacher within a month. Traders have shut their shops in protest, social-media posts demand 'instant justice', and a senior political leader tells Arun privately that 'one encounter will settle the district'. Two station officers propose that the gang leader, already traced, be 'neutralised' in a staged escape attempt and say they will 'manage the paperwork'. Witnesses are afraid to depose, and the last case against the gang leader ended in acquittal. (a) Identify the ethical issues involved in the case. (b) Evaluate the options available to Arun. (c) What course of action should he adopt, and why?

1. The news hook (as of 10 November 2026)

- On 6 November 2026, three men wanted in criminal cases were killed in Patna district (Bihar) in what the police described as an exchange of fire with a joint team of the Special Task Force and district police; family members alleged a "planned killing" (PTI, 6 November 2026).
- Such incidents regularly reopen the debate between "instant justice" and the rule of law; the Supreme Court has laid down a binding procedure for every death in a police encounter.

2. Law to quote

Law / judgment	What it says	Use in the answer
Constitution – Article 21	No person shall be deprived of life or personal liberty except according to procedure established by law; after *Maneka Gandhi* (1978) the procedure must be fair, just and reasonable	Right to life, due process
PUCL v. State of Maharashtra (Supreme Court, 23 September 2014; CJI R.M. Lodha and Justice R.F. Nariman)	16 guidelines for deaths in police encounters: record the tip-off, FIR, independent investigation (CID / another station, supervised by a senior officer), post-mortem by two doctors, magisterial inquiry, intimation to the NHRC/SHRC, six-monthly statements by the DGP to the NHRC, no out-of-turn promotion or instant gallantry award, family may approach the Sessions Judge; declared law under Article 141	Accountability after any use of force

Section 176 CrPC – now Section 196 BNSS, 2023	Inquiry by a Magistrate into the cause of death	Mandatory magisterial inquiry
Section 43(4) BNSS (earlier Section 46(3) CrPC)	The power to use force in arrest does not give a right to cause the death of a person not accused of an offence punishable with death or imprisonment for life	Limits of lawful force
Right of private defence – BNS, 2023, Sections 34–44 (earlier IPC Sections 96–106)	Force, even causing death, is lawful only within the strict limits of private defence	Why a staged killing is murder
Prakash Singh v. Union of India (2006)	Police reforms: State Security Commission, Police Establishment Board, Police Complaints Authority, separation of investigation from law and order	Insulating police from pressure
Witness Protection Scheme, 2018	Approved by the Supreme Court in *Mahender Chawla v. Union of India* (2018)	Fixing the real failure

3. Ethics frameworks

- Ends vs means: Gandhi, *Hind Swaraj* (1909) – "the means may be likened to a seed, the end to a tree"; Kant – treat every person as an end, never merely as a means.
- Rule of law – no one is above the law, and punishment only after a fair trial; "instant justice" makes the police the accuser, judge and executioner at once.
- Second Administrative Reforms Commission – 5th Report, "Public Order" (2007); NHRC guidelines on deaths in police action.
- Consequences: wrong identification, loss of public trust, impunity, and the end of investigation and prosecution as the route to justice.

4. Case-study method (20 marks, 250 words)

- Read the sub-questions first; give each a heading.
- Stakeholders and ethical issues → options with merits and demerits → chosen course of action (step-wise) → values and conclusion.
- The best option is lawful, practical, solves the original problem and protects the weakest stakeholder.

5. Value-add terms

- Extra-judicial killing, due process, rule of law, ends vs means, courage of conviction, custodial accountability, magisterial inquiry, certainty of punishment, witness protection, police accountability.

Official sources

- Supreme Court of India – PUCL v. State of Maharashtra (23 September 2014), judgment – https://main.sci.gov.in/judgment/judis/41970.pdf

- National Human Rights Commission – guidelines on deaths in police action – https://nhrc.nic.in/
- Ministry of Home Affairs – new criminal laws (BNS, BNSS, BSA) – https://www.mha.gov.in/

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