CHAPTER I
INTRODUCTION

The concept of human rights can be traced back to the start of civilization. Still it is not easy to find, in the ancient and classical literature, a clear precursor to current thinking about human rights. Historical experience has taught mankind that both the individual concerns and interests must co-exist peacefully with collective responsibilities, if the very existence of an individual and the human society is to be protected and promoted and collective aspirations of general well-being are to be met. Human rights, in essence, stem from innate basic respect for human dignity. This recognition emanates from high degree of awareness on the part of individuals, societies and their political leadership at large.

Human rights, in broader sense, have three aspects to it: namely legislative, administrative and judicial. Once a proper legal framework has been well laid down, the action shifts to the implementation stage under the watchful eyes of the judiciary and the National Human Rights Commission. The onus of protecting and enforcing these rights falls squarely on the shoulders of the law enforcing agency i.e. the police. It is here, the success or failure of the human rights story lie. To enable our law enforcing machinery to rise ably to meet this onerous challenge, both the UN and the Indian government have laid down elaborate guidelines, so that the police force can act effectively, efficiently and can discharge its duties credibly and thus in the process win the active support of the people of this country. Similarly, as per the draft code of conduct for police in India, it is duty bound to protect and promote the rights of the citizens, as enshrined in the Constitution of India. It warns the cops against falling prey to the temptation of transgressing law or questioning its propriety.

The process of human rights violations starts from the first point of interaction between public & police the moment a victim approaches the police to seek redressal of his grievance. Non-cooperative behaviour, inaction or refusal to record an FIR, harassment, humiliation, illegal detention, arbitrary use of violence, inhuman treatment, denying the accused his or her due rights, all fall within the purview of human rights violations. When it is received at the hand of the police, which is supposed to protect the citizens against such excesses, it becomes extremely important to take cognizance of.

The sheer scope and range of the content of human rights has rendered the task of defining it both daunting and engrossing. Down the history lane, the concept has travelled a chequered journey passing through phases of theoretical realm of intellectual debates and
rough and tumble of practical world, of colliding political visions and national interests. If at
one time, the freedom of an individual, pitted against the might of the state became the
defining feature of the discourse on human rights, at another time, the state was sought to be
turned into a strong power centre, meant to put a check on greed and exploitation of
individualistic capitalist societies and their preference for stunning success of a few, at the
cost of grim life concerns of the majority at large.

The history of human rights has also been witness to times when human thoughts
soared to heights of abstract universal moral principles, in quest of a good society, far
removed from the guile and machinations of everyday political realities of our world. And
when the things were not found to be working the way the mankind wanted it to be, it also
tried hands on a relativist approach, wherein human rights discourse tried to see the reality in
a functional, ethical and social context, away from natural rights paradigm and rational
individualism. Though, going by the realities of human existence, many thinkers lost hope on
human rights front, giving way to pessimism, wherein progress was considered only a myth.
Still going by the journey traversed so far, the milestones crossed in human rights context,
have been nothing less than astonishing. To understand the concept, French jurist Karel
Vasak, gave the following concept of human rights:-


Basu (2008) defined human rights as those minimal rights, which individuals have
been equipped with, against the might of the state, due to their being members of the human
family to the exclusion of all other considerations. Based on the doctrine of natural law, these
rights are considered inalienable and cannot be removed by any political authority. These are
grounded in a pre-social and universal state of morality, as opposed to positive laws, which
are based on official, binding, constitutional acts and precedents.¹

However, UN Declaration of Human Rights, in its broader vision, sees state not only as
a potential threat to individual’s freedom but also a provider and facilitator. Rights, in this
context, are seen as those conditions of social life, without which no man can seek in general,
to be himself at his best.² These are rights concerning life, liberty and dignity of the
individual ensured by the Constitution of the country. With growing environmental concerns

the ever widening concept of Human Rights has further expanded, making it an ever dynamic concept. So far the first two rights related to civil liberties and socio-economic-cultural aspects are concerned, historically, two streams of thought have contributed to this evolution.

While the liberal notion of human rights, as laid down in the French Declaration of the Rights of Man and the Citizen of 1789 and the Bill of Rights of the United States, passed in 1791, centred on civil liberties, the Marxists threw their weight behind the second generation rights, which gave precedence to socio-economic freedoms, over the individual liberties. Hence, ‘socio-economic/collective/objective dimension was added to the political/individual/subjective dimensions of human rights’. The third generation Solidarity rights are born out of growing realisation that the destiny of the mankind and our planet can’t be conceived in isolation from each other.

In fact, at the heart of the philosophy of human rights, lies the concept of human dignity. The human potential and his rational faculty have set the man apart from rest of the living creatures, inhabiting our planet and his astonishing progress, has persuaded him to repose a great confidence in his abilities and future. Human rights in one way recognise this innate potential and hope in man and try to protect, preserve and respect human life and all the positivity that goes with it. It was Rene Descartes, the celebrated French rationalist philosopher, who most famously declared that humans are a special form of life because they have consciousness. In his oft-quoted line ‘I think, therefore I am’ (cogito ergo sum), he reinforced the superiority of man because of his rational faculty.

**NEED FOR HUMAN RIGHTS**

Man has multiple identities. He is as much an individual entity as a social and political one. The recognition of this fact is amply borne out by the birth and growth of human civilisation and in the complex individual, social and political life of the modern man. Universal Declaration of Human Rights categorically referred to these concerns, when in its preamble, it underscored the need of these rights by emphasising ‘if man is not to be compelled to have recourse as a last resort to rebellion against tyranny and oppression’, if ‘highest aspiration of the common people’ are to be met and if the mankind is to prevent the recurrence of ‘barbarous acts which have outraged the conscience of mankind’. So now ‘the

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track record of respect for human rights in a country are recognised as ‘the acknowledged index of civilisation’ for that country.6

The concept of human rights may date back to the dawn of human civilization. Still it is not hard to find, in the ancient and classical scholars, a clear precursor to current thinking about human rights which might be recognisable to us. Nevertheless, various strands of thought did originate in the philosophical writings of these commentators. Since the concept of human rights developed mostly in the west, such ideas and philosophies, as related to the issues concerning human rights concept can be traced to three sources, classical philosophers, religious sources and thinkers belonging to the medieval and the early modern times.

While Greco-Roman thinking was based on ideas of citizenship rights and their universal appeal, Christianity stressed on equality of all before God. Hobbes ushered in the theory of social contract and underscored the need for restricting unqualified power of the king as derived from concept of divine rights. Locke went a step further and provided a philosophical underpinning of natural law, to the concept of civil rights, based on issues of life, security, liberty and justice. Thus rights became inalienable and were taken out of the purview of any arbitrary State intervention.

If Jean-Jacques Rousseau (1712-1778), Charles-Louise de Montesquieu (1684-1755) and Francois-Marie Arouet Voltaire (1694-1774) provided the foundations of the political rights of man, it is the German thinker, Immanuel Kant (1724-1804), who is claimed to have laid the groundwork for the understanding of human rights in context of ethical practice.7 In contrast to these individualistic, natural and pre-social concepts, Karl Marx tried to debate the issue of human freedoms from the angle of social good than individualistic notions. He provided the historical and social perspective to the rights.

Though, these rights becoming the focus of active political agenda started with the Magna Carta of 1215, the substantive expression of these rights in concrete legal terms came into being in the French and American declaration of rights. Ultimately, in post World War II, the mankind finally, driven by historical necessities, agreed to sit down and codify human rights laws.

HUMAN RIGHTS: GLOBAL PERSPECTIVE

During the twentieth century, much of the human rights discussion shifted away from justification of rights towards their protection. Norberto Bobbio (1996) suggested that the 1948 Universal Declaration of Human Rights (UNDHR) is confluence of abstract natural law regarding to human rights and formal positive law relating to citizenship, embedded in states.\(^8\)

Today, the UN has not only succeeded in putting down, in black and white, these human as well as humanitarian rights, as laws but is also busy creating institutions, mechanisms and procedures to monitor and implement these laws. India, too, drafted a Constitution, inspired by the spirit of the human rights concept. As a consequence, National Human Rights Commission has also been set up in India.

The United Nations has been promoting the cause of human rights ever since its inception. The UN Charter (1945) spoke of promoting ‘higher standards of living, full employment and conditions of economic and social progress and development’. The Universal Declaration of Human Rights 1948 was proclaimed as a ‘common standard of achievement for all peoples and all nations’. The first twenty-one articles of the UDHR concern civil and political rights, whereas articles 22–27 list the socio-economic rights. In 1966, the United Nations introduced two covenants related to human rights; the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Both are binding on the signatories and came into force in 1976, after they were ratified by the required number of countries. India too, is a signatory to it. Together, the Universal Declaration of Human Rights and the two covenants have comprised the International Bill of Rights and have emerged as the standard-setting instruments in the international arena. The purpose behind writing two covenants was to bring the rights outlined in the UDHR into the enforceable realm of international law.

INDIAN CONTEXT

In the olden times when rights of one state were violated by other state, a solution was forcibly arrived through war and treaties. In ancient India, concept of human rights and humanitarian laws was based on wars. The ancient writings contained rules of warfare which were laid down in the legal texts such as Manusmriti (200 BC to 100 AD), the Mahabharat (1000 BC), Kautilya’s Arthasastra (300 BC) and Sukranitisar of Sukracharya. Manu wrote his

code of law, the Dharamshastra. According to the code of Manu, the civilian lives and properties were not to be destroyed during the wars. Similarly, killing an unarmed, sleeping or naked person or attacking somebody who is already engaged in a duel with somebody else, were prohibited according to these codes.\textsuperscript{9}

The Sangam literature, one of the well-known literary sources used to study social, political and economic life in ancient south India, also refers to humanitarian principles and human rights. In war, the rules of Dharamyudha were followed then. Here special mention is made of the treatment of prisoners of war and the sick and the wounded.\textsuperscript{10} The Mahabharata also preaches humane treatment of prisoners of war. It says the prisoners of war must be treated like one’s own children. The captured women were often asked to marry men of conquerors’ choice. However, if they refused the offer, they were allowed to go back to their homes with proper escort. Krishanadevarya in the later Vijaynagar period returned the wife of the defeated Rajput ruler.\textsuperscript{11} Kautilaya’s Arthashastra evidenced that Chandragupta Maurya set free prisoners captured in war.\textsuperscript{12}

In India, the humanitarian ideas started gaining momentum in the nineteenth century. The abolition of sati (1829), slavery (1843) and female infanticide (1870), introduction of widow remarriage by legislation (1856) and prohibition of child marriage (1929) were the checks imposed on traditions and these steps served as harbinger of humanitarian legislations in India. The enactment of Indian Penal Code in 1860 and other such jail reforms were all part of this reform movement. To protect rights of female children, the Age of Consent Act of 1891 and the Abolition of Child Marriage Act of 1929 were passed. To ensure better education for children at the primary level, the Madras Government enacted Madras Elementary Education Act in 1920. All these moves showed growing awareness among the people of human rights in war years.\textsuperscript{13}

After independence, India opted for a parliamentary form of government. A nation state came into being. The Indian Constitution adopted by the Constituent Assembly on November 26, 1949 and which came into force from January 26, 1950, was greatly influenced by the Universal Declaration for Human Rights, 1948. The fundamental rights that are guaranteed under the Constitution have a close similarity with those in the UN Declaration of Human Rights in form and content in Articles 14, 15, 16, 19, 20, 21, 23, 25,

\textsuperscript{10} Purananuru (Tamil) Song 9, Commercial Printings, Madras, 1923, p 23
\textsuperscript{12} R. Shamsastry, Kautilya’s The Arthashastra, Penguin, New Delhi, 2000.
\textsuperscript{13} B. S. Balia, Studies in Madras Administration, Vol. I, Government of Madras, 1960
India also set up the National Human Rights Commission under the Protection of Human Rights Act, 1993, which came into force retrospectively from September 1993.

Though the first step in making these rights a tangible reality, in day to day life, is to codify these norms in terms of living laws and create accompanying infrastructural backing by way of a proper legislature, executive and independent judiciary, still there is more to it than just that. Justice Krishna Iyer (1990), a well-known jurist, once observed that ‘ironically justice, liberty, equality, fraternity and human dignity are written on parchment but absent in practice. True patriotism must rouse those slumbering words into radical facts which transforms our social system... we live in times when a steady process of devaluation and demonetisation of human dignity and personality is irresistibly advancing and brutal betrayal of those basics, which are highlighted in the International bill of human rights, become a common scenario’. To make human rights a living reality in any society, what is needed is committed leadership and vibrant public zest and conviction.

Ambedkar once said that ‘rights are protected not by laws, but by the social and moral conscience of the society’. In India, human duties do not arouse so much passion as human rights. So human rights situation in India has to be viewed from both these contexts, the mindset of the political class as a whole and the public understanding of the rights and sensitivity towards the human concerns which inform it. The situation regarding rights in our country can be studied within the framework of three well-known classifications, namely civil and political rights, socio-economic rights and the solidarity rights on one hand and from the point of view of shortcomings in legislative and infrastructural instruments and mindsets of those who are to enforce it, i.e. the political and the executive class and the way people assert their rights on the other hand.

The situation regarding the intent of the political class and general awareness level and public mood is not very encouraging. The inactive and apathetic approach of the executive and the legislature has led to the frustration among the masses and erosion of faith in them. Also important in the context of this debate is the issue of controversy surrounding relative importance of the rights. Is right to life more important than right to food, shelter, roof or for that matter right to employment? Is not right to education, health, pension benefits in old age equally important? This brings other factors into play like resource availability

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with the nations concerned, population challenges, poverty and widespread illiteracy. However, the UN set to rest these controversies by putting its stamp on inalienability and indivisibility of these rights. Arguing against the concept of indivisibility of human rights, Bryan Turner has suggested that we should devise a ‘hierarchy of rights’. Accordingly, the first right might be that all individuals have lives which are of equal worth and value.

In India, the right to life has been protected under the fundamental rights. The 44th Amendment and subsequent judicial interpretations have restored Articles 20 and 21 as being capable of enforcement, and provided that they cannot be suspended under any situation. The Executive can never deprive a person of his life or liberty without the authority of law. But still deaths in custody happen as do ‘disappearances’. In many cases, even the officials involved have been convicted, though after tardy legal battles in the court. In some cases, the allegations of even extra-constitutional eliminations could not produce any result despite the long exhausting litigations. Similarly, issue of alleged state-managed programs have been extensively covered by the media without any satisfactory answers to many searching questions raised over it. Also, on the economic front, the government sponsored poverty eradication programmes meant to generate employment for the poor have failed to make any dent.

In ratifying the International Covenant on Civil and Political Rights, the Government of India specified certain provisions in case of compensation for human rights violations. Since 1950, no new right or freedom has been introduced in Part III of the Constitution, as a result of which, the Indian human rights standards have not undergone much change. Rather by adding new conditions as well as by the deletion of the right to property, the scope of rights has been further reduced.

Similarly, an issue of continuing concern is the linkage between the national laws and international laws. India is yet to ratify the conventions on the rights of migrant workers, on the reduction of statelessness, on marriage, the convention and protocol relating to the status of refugees, the optional protocol to the International Covenant on Civil and Political Rights and the second optional protocol to the International Covenant on Civil and Political Rights.

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aimed at the abolition of the death penalty. The 44th Amendment in 1978 deleted the right to property from the Fundamental Rights Chapter and made it a constitutional right under Part XXII Article 300A which laid down that ‘no person shall be deprived of his property, save by authority of law’.

Thus, we can say that the country’s performance in the human rights field is at best partial. The issue is not regarding expectation of an instant result in face of many problems. What is missing is an honest intent on the part of the government and awareness on the part of the people. In absence of any strong political will; corruption, malpractices and rank populism have become the order of the day and cynicism and distrust continues to define the national mood.

HUMAN RIGHTS VIOLATIONS

The sensitivity towards human dignity, human life and human freedoms can serve as an index of the progress of a civilization. Among various freedoms, the basic right to life is the most important. It is because of these abductions, custodial deaths, fake encounters and extreme kind of tortures which are deemed to be very serious violations. The courts and National Human Rights Commissions come down very heavily whenever such outright flagrant violations of rights take place.

Overall, the story of violation of human rights begins with the intimidating attitude of the police when a victim approaches the police to seek a redress. Broadly, the violations can be categorised under following heads:

a) In relation to arrest, detention and interrogation.

b) Non compliance of mandatory directions of reporting custodial death/ rape and video-filming of post-mortem examinations.

c) Violation of guidelines on encounter deaths.

d) Violation of guidelines on police-public relations and natural justice.

e) Violation of guidelines on polygraph tests.

f) Violation of public grievances redressal guidelines issued from time to time.
In addition to these, this study will also focus on the violations of human rights against the principles laid down by Supreme Court of India through its various judgments, particularly in the context of guidelines laid down in D.K. Basu Vs. State of West Bengal and the amendments made by the Parliament in the Code of Criminal Procedure by amending Acts of 2008 and 2010. These rules are as follow:

a) Procedure of registration of FIRs being a fundamental right of the victim.

b) Investigative procedures to be carried out by the police keeping in consideration the concepts of human dignity and rights available to a victim.

c) Rights of the victim against self-incrimination.

d) Applicability of human rights in rape victim cases and compassionate handling of the mental and physical state of the victim.

e) Adhering to human rights during arrest, detention and interrogation.

f) Arrest procedure, custodial violence and compensation.

g) Following human rights in treatment of women and providing legal aid.

h) Following human right guidelines in handcuffing of prisoners and under-trials.

In view of the above, there is an urgent need to create mechanisms to fix accountability of the police. Further, these mechanisms should be both transparent and impartial to give them credibility. In democratic India, there is an urgent need to have a democratic policing, which is based on the idea of rule of law and police as protectors of the rights of citizens, entrusted with the responsibility of ensuring safety and security of all. This will help promote democracy and good governance.

**ROLE OF POLICE**

Many experts have, on numerous occasions, reiterated the point that ultimate success of human rights story lies as much with the conscience of people of a nation as with the enforcement of the rule of law.

Good policing involves respecting human rights and upholding the rule of law. In this regard, not only the United Nations International Police Task Force, 1986, defines the role of a democratic police force, but within India, the Supreme Court and the National Human
Rights Commission have also emphasized the same with equal stress. The UN in its code of conduct for the law enforcement officials calls for an unqualified commitment to respect for human dignity and rights, rule of law and devotion to duty. It seeks minimum use of force while performance of duty and strong check on degrading treatment during interrogations, custody or punishment. The police officials have been exhorted to exercise strict discipline and on no occasion are supposed to breach the limits of laws imposed on them. All persons under trial or in jails must be treated humanely. And the police should exhibit a high degree of moral character and integrity while dealing with the public.

According to it, at no time, the police should exceed its brief and should never usurp the functions of judiciary and try to sit in judgment on cases to avenge individuals and punish the guilty. The police, according to the code, are expected to enforce the law firmly and impartially, without fear or favour, malice or vindictiveness.

Since the police directly interacts with the public, a public-friendly image of the police will not only go a long way in winning the trust and goodwill of the people but the active support of the people sometimes is of a great help in nabbing the culprits and checking the crime. Uprightness and devotion to duty always helps a cop to gain the respect of the society. In India, a special care needs to be exercised while handling the cases involving children, women and people from the disadvantaged sections of the society. The U.N code takes notice of all these issues in detail.

**FOCUS ON PUNJAB**

A large chunk of the complaints submitted to the State Human Rights Commission relate to charges of violations of human rights by police personnel. During the period 2004 to 2013 approximately 88558 complaints were received in the commission against Punjab Police for violations of human rights. This constitutes about 53% of the total complaints received by the commission, during the period.

In Punjab, a cursory glance at the statistical summary of cases instituted by Punjab Human Rights Commission raises concern over human rights violations in the state. The statistical data speaks of the prevailing grim situation in Punjab. Table 1.1 illustrates the type of complaints received against the police during last ten years.
### Table 1.1: Reported Cases with PSHRC from 2004 to 2013

<table>
<thead>
<tr>
<th>DE NO</th>
<th>Complaints against Police</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>Total</th>
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<td>802</td>
<td>Abduction/Kidnapping</td>
<td>215</td>
<td>157</td>
<td>141</td>
<td>114</td>
<td>66</td>
<td>57</td>
<td>66</td>
<td>55</td>
<td>64</td>
<td>70</td>
<td>1005</td>
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<tr>
<td>803</td>
<td>Abduction/Rape</td>
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<td>1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>17</td>
</tr>
<tr>
<td>804</td>
<td>Abuse of power</td>
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<td>3045</td>
<td>3069</td>
<td>2847</td>
<td>2895</td>
<td>2492</td>
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<td>805</td>
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<td>2</td>
<td>15</td>
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<td>806</td>
<td>Atrocities on SC/ST (by police)</td>
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<td>13</td>
<td>12</td>
<td>18</td>
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<td>807</td>
<td>Custodial death (police)</td>
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<td>9</td>
<td>11</td>
<td>6</td>
<td>4</td>
<td>4</td>
<td>8</td>
<td>9</td>
<td>7</td>
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<tr>
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<td>Custodial rape (police)</td>
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<td>3789</td>
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<td>816</td>
<td>Illegal arrest</td>
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<td>27</td>
<td>32</td>
<td>52</td>
<td>169</td>
<td>126</td>
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<td>817</td>
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<td>1953</td>
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<td>Indiscriminate arrest</td>
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<td>819</td>
<td>Police motivated incidents</td>
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<td>Prolonged trial</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>821</td>
<td>Victimisation</td>
<td>450</td>
<td>535</td>
<td>238</td>
<td>202</td>
<td>73</td>
<td>80</td>
<td>71</td>
<td>45</td>
<td>28</td>
<td>12</td>
<td>1734</td>
</tr>
<tr>
<td>822</td>
<td>Alleged custodial deaths in police custody</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>823</td>
<td>Alleged custodial rape in police custody</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>9446</td>
<td>9694</td>
<td>8795</td>
<td>9265</td>
<td>8790</td>
<td>8398</td>
<td>9239</td>
<td>7717</td>
<td>8906</td>
<td>8308</td>
<td>88558</td>
</tr>
</tbody>
</table>

| Total Complaints received against all departments | 16927  | 17144  | 15469 | 15800 | 15400 | 16755 | 19266 | 16311 | 18322 | 16350 | 167744 |

Source: Punjab State Human Rights Commission, Chandigarh
Intimidation, false implications, abductions, physical and mental torture and eliminations are the worst kinds of violence that any human being can be subjected to. When it is received at the hand of the police, which is supposed to protect the citizens against such excesses, it becomes extremely important to take note of.

The purpose of this thesis is an effort to go down to the bottom of this malaise called human rights violations by Punjab Police and try to figure out the reasons behind it and then suggest a definite direction to the state police department, on the basis of analysis of the reported cases of human rights violations in Punjab and also focus on providing better road map against violation of human rights. The present work is an effort to look into the nature of police related human rights violations such as failure in taking lawful action, abuse of power, false implications, unlawful detention and custodial deaths. The focus is on the analysis of the reported cases available with the Punjab State Human Rights Commission, Chandigarh, relating to violation of human rights by officials of the police, in the state of Punjab. The researcher has attempted to corroborate the inferences drawn upon from the analysis of reported cases with the study of perception of respondents.

RESEARCH QUESTIONS
On the basis of various viewpoints and observation discussed above, following research questions emerge:

• What prevents the police in taking lawful action against the accused? What is the extent of the charges of abuse of powers against police and the level of the officers involved in the repetitive abuse of powers? What are the factors behind false implication of cases against the people?

• What are the reasons behind the violation of human rights of people by abuse of police powers, in relation to guidelines laid down for arrest, detention and interrogation? Are the investigative procedures to be carried out by the police, being followed, keeping in consideration the concepts of human dignity and rights available to a victim (as per the U.N Code of Conduct for the Police)?

• Is the existing grievance redressal system adequate to deal with human rights violations by police?

• Does there exist a need to bring suitable improvements with regard to ensuring protection of human rights of people, especially the Weaker Section of the society by Police and necessary measures required for the same?
OBJECTIVES OF THE STUDY

To understand the dynamics of violation of human rights by Punjab Police, following objectives were outlined for the purpose of this study:

1. To study and understand the nature of violation of human rights by Punjab Police in the light of principles enshrined under the Constitution of India.
2. To study the actual functioning of grievance redressal mechanism, with regard to human rights violation by Punjab Police.
3. To analyze, selected number of reported cases and to understand the reasons of violation of human rights.
4. To propose suitable remedial interventions on the basis of the findings of the study.

RESEARCH METHODOLOGY

The present study which focuses on the violation of Human Rights by the Police is confined to the state of Punjab. It covers 19 districts across three geographical areas of the state i.e. Majha, Malwa and Doaba. It endeavours to correlate the nature of reported cases of Human Rights violations under specific heads such as failure in taking lawful action, abuse of power, false implication, unlawful detention, custodial torture and death. The study also intends to analyze the basis of the complaints of violation of Human Rights by the Punjab Police and to deduce conclusions for suggestive measures. The study is based on a combination of historical, descriptive and empirical research methods. Exploratory research in this context includes review of the existing literature to gain critical insights about varied dimensions of the research problem and issues relating to violation of Human Rights by the police. It also extends into the broader theoretical expanse of the problem while correlating the internal and external linkages of the complexities of the Human Rights violation.

The descriptive concern of the study relates with the central thesis of the general perspective of Human Rights and their violations, in the larger societal context, in order to closely access the role of the protective agencies, especially police, when the latter not only fails in monitoring such a delicate concern of the society meticulously but also indulges in violations of the very rights of the citizen of the civil society, which it legally is bound to serve. For descriptive analysis of the problem, we relied on interpretive reading of the varied reports of violation of Human Rights by Punjab police which appeared in local editions of
various national newspapers. The purpose to read interpretively, as against literally, was to distinguish between general violation of Human Rights, on one hand, and violation of Human Rights by Punjab police, on the other. Generally, Human Rights violation is presented as a case of deprivation as well as non-implementation of the various kinds of rights, as guaranteed in the constitution, at the national level and the charter of universal declaration of Human Rights for the realisation of the full potential of each and every human being in a given society at the international level. In all such cases, the security forces of a society, mostly the police, are looked upon for the protection of such rights and to take necessary measures to put an end to their violations. However, when police itself indulges in violation of Human Rights, it becomes cumbersome to isolate such a violation from the rest of the common category of violation of Human Rights. It is in this context that an interpretive reading of the reports becomes a necessary methodological tool.

Given the scarcity of authenticated cases of Human Rights violations by the Punjab Police, the present study assumes a unique status in making such an attempt to understand the mode and expanse of such types violations of Human Rights. However, despite the scant availability of the cases of violations of Human Rights by the police, there has been a general impression that such violations have been quite rampant. The researcher tried to map out the extant and depth of such information from various police stations across all the districts of three different regions in Punjab but the desired information for the purpose of our study was not made available to the researcher. We then approached the Punjab State Human Rights Commission. The Commission maintains numerical data relating to Human Rights Violations of all categories, which are more than 221 in number out of which police related categories are only 22. Out of the total complaints received by the State Human Rights Commission, Police related complaints constituted 53% of total complaints received by them since its inception in 1997.

After persistent efforts, we succeeded in getting record of a total number of 70 cases of Human Rights violation by Punjab police, which had attained finality at the level of commission. District wise break up of all the 70 cases is as follows:
Table No. 1.2: District wise break up of all the 70 cases

<table>
<thead>
<tr>
<th>Region</th>
<th>District</th>
<th>No. of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Majha</td>
<td>1. Amritsar</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>2. Batala</td>
<td>01</td>
</tr>
<tr>
<td></td>
<td>3. Gurdaspur</td>
<td>03</td>
</tr>
<tr>
<td></td>
<td>4. Taran Taran</td>
<td>07</td>
</tr>
<tr>
<td>Malwa</td>
<td>5. Bathinda</td>
<td>04</td>
</tr>
<tr>
<td></td>
<td>6. Faridkot</td>
<td>02</td>
</tr>
<tr>
<td></td>
<td>7. Fatehgarh Sahib</td>
<td>02</td>
</tr>
<tr>
<td></td>
<td>8. Ludhiana</td>
<td>05</td>
</tr>
<tr>
<td></td>
<td>9. Moga</td>
<td>01</td>
</tr>
<tr>
<td></td>
<td>10. Mohali</td>
<td>04</td>
</tr>
<tr>
<td></td>
<td>11. Patiala</td>
<td>08</td>
</tr>
<tr>
<td></td>
<td>12. Ropar</td>
<td>02</td>
</tr>
<tr>
<td></td>
<td>13. Sangrur</td>
<td>02</td>
</tr>
<tr>
<td></td>
<td>14. Sri Mukatsar Sahib</td>
<td>04</td>
</tr>
<tr>
<td></td>
<td>15. Mansa</td>
<td>01</td>
</tr>
<tr>
<td>Doaba</td>
<td>16. Hoshiarpur</td>
<td>02</td>
</tr>
<tr>
<td></td>
<td>17. Jalandhar</td>
<td>04</td>
</tr>
<tr>
<td></td>
<td>18. Kapurthala</td>
<td>02</td>
</tr>
<tr>
<td></td>
<td>19. SBS Nagar</td>
<td>02</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td><strong>70</strong></td>
</tr>
</tbody>
</table>

These 70 cases are those that had attained finality, by conclusion of proceedings and action by the commission, by way of award of compensation and recommendation of action against the guilty police officials. In our study, we covered all these cases and pursued them through the method of interviews, based on two specially designed questionnaires. Separate sets of questionnaires were administered to the respondents from both the segments of the study population, consisting of complainant victims and officials from the Punjab Police. The questionnaire designed for complainant victims contained two parts. One was related to the socio-economic and demographic profile and the other contained items largely related to perception of respondents. Other questionnaire relating to Police contained queries about perception only. Both the questionnaires contained open and closed ended questions. The open-ended questions helped us to go deep into the details of the violations of Human Rights by the police and how the complainant victims and the officials in question looked at such cases.

In addition to information collected through personal interviews, many primary resources were tapped for the in-depth exploration of the study. Prominent primary resources in the present study includes: international covenants, provisions in the Constitution of India,
legislations, judgments of the Supreme Court, reports of National Police Commission, data compiled by the National Human Rights Commission and State Human Rights Commission, and reported cases available with PSHRC were perused. Secondary sources: books, journals, magazines and reports were significant tools for developing a set of opinions.

To establish face validity of research questionnaires, a pilot study was conducted on 5 respondents (3 from victims and 2 from guilty police officials) and the questionnaires were modified for final collection of data regarding their perception. The police officials refused to go on record during the pilot study, for fear of prejudicing the disciplinary action already recommended by PSHRC and pending with the police department, on which it has been dragging its feet in most of the cases.

Data has been analyzed both manually and with the help of relevant statistical methods. Information collected was analyzed manually to study perception of respondents; to gain an insight into nature of the problem; and further to corroborate inferences drawn upon by analysis of reported cases regarding violation of human rights by Punjab Police. The data has been statistically analyzed in order to arrive at collective observations and findings. For the purpose of representation of the trends or patterns, information was tabulated and shown in the form of column/bar chart and pie chart with help of Microsoft Office software along with Microsoft Office Excel and Microsoft Office Word.

LIMITATIONS OF THE STUDY

For the purpose of this study, data was collected and interpreted with utmost care. However, certain limitations of the study can be put forward as:

- The study is contextual, both geographically and periodically and hence the findings may not be applicable to other areas or another period of time.
- The study of perception is limited to only 100 respondents in the state of Punjab.
- Answers to our questions depended upon the belief and perception of the respondents.
- It is assumed that respondents are true and honest in expressing their views and have registered their response without any bias.
- Analysis of cases related to human rights violations is confined to the cases available with the Punjab State Human Rights Commission.