CHAPTER VII
RESEARCH FINDINGS AND PROPOSED INTERVENTIONS

The present study deals with the human rights violations, in the state of Punjab, specifically by Punjab Police and also focuses upon grievance redressal mechanism, prevailing in the state, in this regard. The police, in a democratic society, is mandated to protect rather than curtail the freedom of its citizens. The Police is required to provide a safe and conducive environment, in which the freedoms can be enjoyed by the citizens. Police forces in democratic setups are neither concerned with people's status nor their beliefs or commitment to state ideology. Therefore, the police force in a democracy should be only concerned with the preservation of safe communities and application of criminal laws equally to all people, without fear or favour.

Respect for human rights and upholding the rule of law are the benchmarks of good policing. The Supreme Court of India and the National Human Rights Commission have also strongly emphasized the same. Police officers are expected to display integrity, transparency, accountability and respect for human dignity in their role as protectors of people’s rights. Police, as an integral part of the criminal justice system, has to respect and uphold the rights and liberties of individuals, so that rule of law can prevail.

Sadly, however, there is still a lot of distrust between the public and the police in India, despite democracy and freedom for more than 65 years. People see the police as an authoritarian organization with little or no respect for the rights of the ordinary person.

Any encroachment on individual rights, whether launching a malicious investigation; carrying out an improper arrest; using excessive force; illegally detaining suspected persons or their families; non-registration of a First Information Report [FIR]; or torturing suspects to extract confessions, do not confirm to the basic principles of democratic policing.

Victims of human right violations expect the police to listen to his grievance sympathetically and set in motion the legal machinery for its redressal and affording him justice. The process should start with registration of an FIR, which should be followed by impartial and competent investigation, resulting in a fair trial, judgment and conviction of the guilty. The public also expects from the police a safe and a secure environment, by preventing offences which may result in gross violations of rights of individuals or communities. The police, in democratic societies, are also expected to deal with violations of human rights of the weaker sections of our society viz. women, children, scheduled castes,
scheduled tribes, persons with disabilities and senior citizens with special consideration and sensitivity. Despite expectations from the police, delivery of service by them in our country leaves much to be desired.

The data received from Punjab State Human Rights Commission clearly reveals that a very large proportion of the complaints of violations of human rights relates to police personnel. 95% of these complaints relates to failure in taking lawful action, abuse of power, false implication and illegal detention of accused, suspects and their relatives. The trauma faced by the person, especially the one who has been picked up merely on suspicion or because of his relations with someone wanted by the police, leaves a permanent impact not only on the psyche of the victim but also on the society at large.

This thesis is an attempt to go down to the bottom of this malaise of human rights violations by Punjab Police. It tries to figure out the reasons behind these violations and further to propose suitable remedial intervention on the basis of the findings of the study.

BROAD FINDINGS OF THE STUDY

The following findings have been brought forward in the light of stated objectives of this study:

I. **The nature of violation of human rights by Punjab Police:**
   a. During the course of research study, it has emerged that there are violations of Human Rights, by Punjab Police, which are concerned with wilful failure in taking lawful action, abuse of power and false implications notwithstanding the fact that the legal structure in India is replete with provisions, for the protection of human rights. However, a declining trend has been observed in case of graver violations of human rights, such as custodial torture or custodial death.
   b. Socio-economic profile of victims has a bearing on their vulnerability to violation of human rights. Deprivation of education increases proneness to violation of human rights. Susceptibility to human rights violation is even more for less educated persons who are economically deprived.
   c. The percentage of victims belonging to Scheduled Castes is higher in relation to proportion of Schedule Caste population in Punjab.
   d. Prevalence of violation of human rights is also high in rural areas.
   e. A correlation can be discerned between susceptibility to victimisation and lack of awareness of rights, as the likeliness of ignorance of human rights and the protective mechanism with respect to human rights violations is high amongst persons who are less educated, socio-economically backward and residing in rural areas.
II. Functioning of grievance handling mechanism within Punjab Police:
   a. The first appeal regarding violation of their human rights is made to senior officers such as SSPs/Commissioners of Police. However, their grievances were not redressed by these officers and they had to appeal further to PSHRC. This raises a question mark on the effectiveness of institutional mechanism, within the police department, to redress the grievances of the people.
   b. Shortcomings have been observed in the investigative mechanism of PSHRC. As per the existing practice, all the complaints taken up for enquiry or investigation are sent to the office of DGP Punjab, who gets the same looked into through the SSPs of respective Districts. As such the alleged accused end up investigating or enquiring into complaints against their own selves.
   c. As far as the submission of the status report by district police is concerned, a pattern in delay has been observed, showing scant respect for the commission.

III. In relation to the police personnel committing violations:
   a. In majority of the cases, violation of human rights is a result of wanton act of omission & commission on the part of police or it abusing its power in connivance with the powerful and influential interests in the society.
   b. The nexus of police officials and influential persons in the society extends to the political leaders in numerous cases. In majority of the cases, the violation of human rights has its roots in political interference in the functioning of police department.
   c. The officials of police, at the level of police stations, have no access to modern scientific devices such as lie detector or other equipments, related to forensic techniques, which could help in effective and reliable investigation to establish the scientific evidence, leading to convictions in the courts of law.
   d. Absence of streamlined duty hours, overburdened schedule of working reduces the sensitivity of police officials toward the human rights.
   e. Lack of concern for human rights of the victim is not only on the part of non-gazetted officers (NGOs) but equally on the part of senior officers, in the police department.
   f. There is lack of workshops/seminars for field officials, to imbibe values and information, about human rights issues.
IV. Regarding working of Punjab State Human Rights Commission:

a. The findings indicate that common man finds it difficult to approach the commission, due to lack of awareness and he needs assistance of a legal expert. Thus, the very objective of the commission to remove intermediaries seems to be defeated.

b. Absence of stringent regulations to fix the accountability of police officials. The Punjab State Human Rights Commission has only recommendatory power with regard to retribution of erring officials of the police.

c. Most of the victims are very poor and belong to weaker sections of the society. The proceedings of the commission take an inordinately long time which makes the entire exercise very expensive and adds further burden on the already harassed victims.

d. The punishments awarded/recommended by the commission, after much delayed proceedings, are very mild and do not act as a deterrent for the delinquent police officials. In many cases the police department even chose to ignore the recommendations of the commission.

V. Other Findings:

a. It has also been observed that there is almost total lack of any support to a victim of human rights, on the part of civil society or non-government organisations. In this state of affairs, life becomes even more difficult for the victim, who is already facing adverse circumstances.

b. Financial loss due to disruption of the sources of income had been suffered by almost all the families. In some cases families had to borrow money from relatives and friends to manage the difficulties; resultantly those families came under heavy debts. Financial hardships of victims’ families had compounded because of the distance they had to travel, to put up their case before Punjab Human Rights Commission, located in Chandigarh.

c. Impact of the incidence of human rights violations on the family has been multi dimensional, where each member of the family, particularly women and children got isolated socially, resulting in loss of education and serious health problems. It also led to stress related problems like drug addiction and even suicidal tendencies.
d. It was observed that police officials generally tried to go soft on their colleagues during conduct of enquiries. The police reports received from the districts invariably gave clean chit to the guilty police officials, of the concerned police stations. As a result, fresh enquiries had to be initiated by the commission through its own DGP/ADGP which helped in bringing out truth before the commission.

PROPOSED INTERVENTIONS

1. **The grievance redressal mechanism in the State Human Rights Commission should be redesigned in order to make it absolutely free and prompt in nature:**

   The present style of functioning of the Commission is very slow and expensive for the complainant, some of whom are very poor, as they have to travel long distance to Chandigarh, sometimes repeatedly and also pay for an Advocate, to present their case before the Commission. The study clearly shows that many complainants have failed to get justice even after two years of their complaint, as the police department does not respond to various communications from the commission, for several months and even years.

2. **The recommendations of Punjab State Human Rights Commission should be binding on the Police Department:**

   The State Human Right Commission has proved to be ineffective as it does not have powers to punish the defaulters. It can only recommend departmental action to the administrative heads of the concerned departments. The study clearly reveals total indifference of the police hierarchy towards the recommendations of the Commission.

3. **The Human Rights Commission should have an independent investigative mechanism:**

   No doubt a police officer in the rank of DGP/ADGP is posted in the State Human Right Commission but there is no field staff available with the officer to carry out any independent investigation/enquiry into the complaints. Majority of the complaints are referred to the office of DGP Punjab, for enquiry by the field officials, posted in the districts. There is, therefore, an urgent need to have independent investigative mechanism within the Commission. The administrative control of such officials should vest with the DGP/ADGP posted in the Commission.

4. **The Government should evolve suitable policy measures to strengthen Human Rights wing of Punjab Police:**
Though a Human Rights wing already exists within the police department, which is headed by an ADGP rank officer, this is perceived as a side line posting since no independent investigative mechanism is available with the wing. The role is confined more to liaison with the Commission and compilation of data. There is an urgent need to strengthen this internal vigilance cell, so that it can be used to educate the officers and also keep a strict watch, within the department, of alleged incidents of Human Rights violations.

5. **There should be a system of anywhere/anytime lodging of complaints and their monitoring in stipulated time, both by the complainant and the supervisory officer.**

This can prevent a large number of complaints of Human Right violations by making the present system more transparent, as even despite the extensive use of information technology and construction of community police resource centres, at the sub-divisional/Police Station level, it is still not easy for a common man, without powerful connections, to get an action initiated on his complaint/FIR.

6. **The present system of making police station boundaries co-terminus with assembly constituencies should be done away with and redesigned:**

The ruling party has appointed its own henchmen as halqa-incharges of every Assembly Constituency and also changed the boundaries of Police Stations to make them co-terminus with the Assembly Constituencies. These non elected Political workers have become extra constitutional authority & given the power to post & transfer police officers at the level of Sub-Divisions and Police Stations, including SHO and Munshi. They exercise complete control over the working of Police Stations, including deciding which FIR to be registered and which complaint to be enquired into, including whom to arrest and when to arrest. This has led to large scale abuse of power by police.

7. **Effective chain of command in the Police hierarchy should be restored:**

In view of the political leadership taking over the role of executive, the chain of command in the police hierarchy has completely broken down. The police officials do not consider themselves answerable to their senior officers anymore. This has resulted in lack of proper supervision and indiscipline leading to police station staff indulging in human rights violations. Thus, sanctity of chain of command in the Police hierarchy must be restored.
8. **Suitable policy measures need to be taken in order to ensure de-politicisation of Police force and to insulate it from outside illegitimate control and influence:**

   A vacuum in the grievance redressal mechanism has been created as result of police leadership surrendering their role to the political setup. The corrupt police officials misuse this space by conniving with the political leadership and getting plum posts for which they are even willing to pay huge sums of money. Some of them have to even pay a monthly to the halqa-incharge. These officers in turn, recover this money by indulging in false implications, unlawful detention and abuse of power.

9. **Undue public pressure for instant justice should be restrained and no media trial should be allowed at the initial stage of investigation:**

   It is becoming increasingly common for a mob to collect outside the police station, with a view to pressurise the investigating officer, into following a particular course of investigation and arrest all the alleged accused, named in the complaint/FIR, without verifying the genuineness or otherwise of the facts. Such instances are becoming common in respect of cases relating to alleged demand of dowry, rape, medical negligence and road accidents. The mob pressurises the police to promptly arrest all those named in the FIR which leads to miscarriage of justice and serious Human Right violation of the innocents.

   Media also plays an important role by highlighting only the version of the complainant, without verifying the facts. In many cases, this has led to police detaining wrongly the innocents, to satisfy the media and dealing with the law and order situation.

10. **There should be up-gradation of infrastructure and training in terms of scientific techniques for investigation by the police:**

    Punjab police is still not properly trained to use scientific methods of investigation, which leads to use of short cuts like torture, illegal detention and false implications, based on cursory examination of evidence and under the influence of political masters. The interference of external pressure groups can be highly reduced only if police is bound to conclude investigation, based only on Scientific methods, which can be proved in the court during trial.

11. **There should be provisions of strict punishment to those complainants who indulge in either giving false complaints or implicating innocents falsely:**

    For the purpose of false cases, even false Medico-Legal Reports from corrupt doctors are being procured, to add non-bailable sections of law. This method is being widely
used to pressurise the opposing groups into compromise in the political or property/financial disputes. This is resulting in human right violations of innocents by way of false implications and illegal detention.

12. Periodic seminars/workshops should be organised for officials at lower echelons to sensitisce them regarding human rights:

Punjab police perceives that the concept of Human Rights has been imported more to protect the rights of accused and criminals and not the victims. Hence, they show indifference and contempt towards the same. There is an urgent need for NGOs and other agencies involved to work together with the police, to educate them about the rationale and advantages of the contemporary Human Rights concepts.

In addition, the focus of reforms should be on behavioural aspects of the functioning of the police, particularly at the cutting-edge level and also sensitisation of the police towards the human rights of the people. People oriented reforms by bringing in accountability in the functioning of the police, with co-option of members of the civil society, in the supervisory bodies can open new vistas in the pursuit of protection of human rights in the country.

There is no doubt that human rights machinery consists of host of institutions, procedures and a web of legal instruments but at the same time, it has been observed that ultimate solution lies in spread of a culture of human rights consciousness along with strict implementation of various laws and guidelines.