CHAPTER - VI
CHAPTER VI
CONCLUSION

The concept of rights provides for an essential tool of analysis of the relations between individual and state, while the state has been claiming authority over the individual despite, odds over the past centuries, the individual is doing his best to protect himself. However, when the state is viewed as an instrument of society it is essential that the authority of the state is made to depend on the function it performs. It is this idea which is expressed when one regards state as a means, and the individual as the end. At this point the state can’t be armed with absolute authority over the individual. In other words, if the state claims authority, the individual clings on to the rights. This kind of relationship thus can be termed as co-existing, co-operating and mutually beneficial. Questions like what does the individual claim from the State? or why individual owes allegiance to the state and obeys it etc., will drive us to elucidate more discussion on the concept of rights.

It is a known fact that the rights essentially belong to the sphere of conflicting claims between individual and the state. Any political theory invariably holds on to the view that, an individual has rights “against the state”, but this is no theory of rights. It is important to note here that the benefits which flow automatically from existence of the state do not constitute rights. Rights come into the picture only when authority of the state is sought to be limited, when the
society demands a positive role from the state. Thus, from Hobbes to Hegel, the rich tributes paid to the state, therefore fell out of the congenial conditions created by state for the happiness of men. However, absence of rights in these theories invariably makes the individual dependent on the "beneficent nature of the state". It is therefore, essential to argue that rights will only help to curb the authority of the state from claiming its absolutist state and degenerating into a regime of authoritarianism, despotism or tyrannical state, which not only subordinates the individual without giving him an opportunity to restrain the authority of the state but leads to the rise in social pathologies like oppression, exploitation and injustice etc., subjecting the individual to hardships of life.¹

The concept of 'Human Rights', therefore, originates from the voice of protest against the oppression, exploitation and injustice perpetuated by the dominating groups within the society. Therefore, Human Rights are seen as safeguards to the individual from the irresponsible and arbitrary use of power by the dominant groups within the society and by the ruling class. Emphasising on this pathetic condition of the human society in the absence of Human Rights Maclver significantly observed:

"Over most parts of the earth and throughout the major range of recorded history the masses of men have lived in a condition of misery and oppression. Nearly everywhere small dominating groups acquired the techniques of power and used them to keep in subjection their fellowmen..... In every age the vision of human liberation has been heard. In every age, the vision of human liberation has been glimpsed".²
In modern times, however, this vision of human liberation has been developed into the concept of Human Rights, which are no longer expressed merely as certain demands but are sought to be enshrined in the structure of the government so as to prevent it from using its power in an arbitrary and irresponsible manner. As Maclver once again noted at this point, “the cry for Human Rights has now become more than an exhortation or protest, but it becomes the precise demand for the legal and constitutional embodiment of specific claims to liberties and then to opportunities”.3

In simple terms, Human Rights today consist in claims of individuals and groups, on and against the state which are sought to be secured through legal and constitutional mechanisms. In the current study this dynamic concept of Human Rights, which are subjected to continual review and redefinition, is taken up once again and presented in a new dimension having a reference to the police organisation.4 However, with spread of modern consciousness even among the police this concept of rights in general and Human Rights in particular, has taken two important directions; 

a) To avoid confining the advantages of rights to any tiny class which is placed in a privileged position by virtue of its manipulative power and
b) To avoid rights being confined to delimiting sphere of state activity and
authority and prescribing functions and responsibilities of the state and
also to make rights meaningful in the context of the bulk of the society
when there will be a shift of focus from negative to positive rights.

The illustration of the case of ‘right to life’, where the state shall be
directed in the formal sense, not to deprive men of their life except as measure of
punishment for a crime, in accordance with the law and the principles of natural
justice, provided the crime has been duly proved in a court of law or an illustration
of the same case of ‘right to life’, in its positive sense, when state that shall provide
for protection of man’s life, without which right to life has no meaning, brings into
the picture the question of whether or not the state should provide for ‘police’ and
‘defence’, only calls for minimum functions by the state even through these
agencies in a society so complex as the one that we are witnessing today are here
to stay and perform in either conditions of extremity. Similarly, threat to an
individual may come from variety of sources, starting from tyrannical state, from
assaults by other individuals and so on and so forth. Under these circumstances,
police invariably becomes a necessary part of a transitory state into a welfare state.
Apart from ‘right to life’, there are many other issues that call for restrain on the
part of the state. While the coercive force of the state is not completely taken out
of sight.5
Keeping such a debate about the question of rights in a welfare state Vs. the protection of the rights of citizens, the current study was thought off. Being aware of the difficulties of intruding into the police organisation for collection of data and also eliciting their true and honest opinion as against the much publicised Human Rights resources, the current study was designed after entering into elaborate discussion with authorities concerned and explaining to them the purpose of this work. Once again it was ascertained that we would have no difficulties to access the information from both organisations concerned. A brief survey was undertaken to find out the potential of this research work, both at the empirical level and at the level of current availability of the literature. This was followed by a series of discussions with officers from the two organisations and other legal experts to finalise a framework for the study. Once again this was done with support and guidance from the professionals in the area of statistical methods and necessary research tools were prepared as can be seen in the chapter one. Formal methods of research were also employed in this study. The result of such an extensive study is presented in the form of Research Findings and Suggestions.

After designing the study and establishing the purposes, problems, objectives and hypotheses followed by a brief survey of literature and methodology and placing them under Chapter one, the study was further divided into five more chapters. In chapter two, followed by introduction, the concept of Human Rights with a historical perspective was taken up employing historical and descriptive approaches. A series of important theories have been identified in this chapter
before focusing on the concept of Human Rights. Much of it invariably gives an idea that the concept of Human Rights although is a part of Indian classical thinking, is more or less a western concept and this has been exposed clearly in this chapter. The chapter further brings into the picture the role of United Nations Organisation in popularising Human Right concept, as a concept that has gained universal acceptance today.

Followed by this, once again employing the historical approach, Police Administration in chapter three has been discussed. Intertwining in this chapter we have discussed the western and the eastern concept of Police Administration together. This chapter also deals with the establishment of Police Administration in its historical time frame thus helping to trace the stages of growth of Police Administration in India.

Chapter four, titled Human Rights vis-a-vis Police Administration is an attempt to synchronise the two concepts. This chapter also brings out the commonality between these two agencies and also the areas of differences between the two, keeping in view only its operational aspects, thus bringing into the picture the constitution of India as a document that has provided intertwining of these two concepts.
Entitled as “Human Right and Police Administration - An Empirical Analysis”, this is chapter five, has been carefully written with stress on analysis and presentation of facts supported by the available documents and secondary resources. Substitution of results obtained after serving the schedules to the designated officers, NGOs and those who matter for the study is done after duly collecting the information from the Police Administration and Human Rights documents. The details of methodology can be seen in chapter one. The results of this study after ensuring the covariant and intrinsic between the two concepts is presented in this chapter.

Findings of the Study:

It is true that the Police Administration in India has been one of the acclaimed efficient units of administration even to this day. However, the major criticism against this unit of administration is in terms of its ability to accept change and to adapt itself to the new circumstances. On the other hand, the concept of Human Rights being enshrined in the Constitution in different forms (fundamental rights) is seen as rather recent phenomena. This supposedly new concept of Human Rights among the Police thus has made the Police more conscious of the presence of Human Rights. The larger publicity, exposure and the social base for Human Rights as compared with Police Administration, is seen by the Police Administration as a matter of concern. This is the first and most important finding of our study since, this kind of apprehension has lead to a thorough change in the
attitude of police towards Human Rights, while Human Right seems to work to find faults with police rather than working towards other contents falling under Human Rights such as poverty, disaster etc.

Keeping awareness as a yardstick the study conducted amongst the Police Officers, who consist of graduates and post-graduates in subjects ranging from science to history, it was noticed that the response of police personnel was quite overwhelming so far as their awareness about Human Rights was concerned.

Most of the police personnel had heard of Human Rights (85.71 percent) from various media and less from their own inservice training or through routine circulars. This clearly demonstrated the fact that the change setting in the society has been noticed by the Police Administration by being alert leading to a sense of responsibility amongst them. The hypothesis test applied to this question clearly indicates that a significant number of police personnel were rather aware of the Human Rights. This ofcourse is scientifically proved in the chapter concerned. However, a break-up of these responses clearly indicates that majority of the respondents at all the three levels chosen for the study were aware of Human Rights.
Of the sources from which this awareness about Human Rights has come, the study revealed that media had played a vital role in bringing about this awareness with majority of officers at all the three levels accepting this. This in fact indicates three important findings;

a) That the level of education has a direct link with the level of understanding amongst the police personnel;

b) That the information sources within Police Organisation right from period of training up to the internal circulars etc., are to be updated and socialised well by circulating in a proper fashion, so that it would facilitate this organisation as an important input and

c) That it is the media which is still the largest socialising agent of Human Rights.

While the training for higher officers is quite updated, this study believes that there is lot to be done to update training programme to the lower level officers. This is evidenced by the fact that of the 74.79 percent of respondents belonging to third category viz., Police Constables, only 16.81 percent had heard about Human Rights during in-service training and nearly 47.90 percent had heard of it from the media.
To ascertain the weakness of training as discussed above, specific question on training/orientation vis-a-vis Human Rights give us nearly 82.35 percent of respondents informing that they had not heard anything about Human Rights during the training period as against a merely 15.13 percent of respondents saying that they had learnt about it during their training. Once again it was a small group (6 to 9 percent) of middle level officers who had been imparted refresher course in Human Rights in the recent years. This was further ascertained when nearly 35.29 percent of respondents said that they had heard of the concept of Human Rights only recently.

To another question about the time period when the respondents belonging to various groups had heard of Human Right, as discussed earlier, the respondents indicated that most of them had only heard of it in the period ranging between 5 to 10 years. This clearly speaks of weak input of Human Rights amongst Police Administration.

In their response to defining the concept of Human Rights, most of them attempted to locate the concept of Human Rights within the frame work of Indian Constitution which falls under the Protection of Human Rights Act 1993. Although, many of them were unable to identify it precisely with Police Administration it is only a solace that they were able to lay hand on something closer to the concept of Human Rights, while defining it but at the same time this
also indicated that they were not very familiar with the Universal Declaration of Human Rights and textual definition of Human Right as enshrined within it. Even amongst senior officers belonging to the Indian Police Service, this differentiation is not clearly known, even the middle level officers only had a fair idea and the lower level officers also were not clear about the differences.

Being a comprehensive concept, Human Right, it is noticed is rather elusive. This is clearly noticed when the respondents were asked to identify the various Acts/Declarations that govern Human Rights. 84.87 percent nearly accepted that they were unaware of these Act/Declarations, while only a meagre 10.92 percent of respondents were able to name the Fundamental Rights. Even amongst 2.52 percent of higher officers, this was clearly divided.

Further, to a much focused question of identifying more specific Acts/Declarations governs Human Rights vis-a-vis Police Administration, nearly 94.12% of respondents replied ‘do not know’ and a meagre percent of respondents were able to identify these Acts/Declarations although, they form the core of the Police Administration under the blanket of Criminal Justice System.6

Ignorance on their part in these matters is no doubt seen as a negative point in our study. Despite, the fact that the poor response of police personnel to identify the various acts that fall within broader framework of Human Rights having specific relation to Police Administration. To a further question regarding
contents of Declarations, a supportive 5.04 percent responded saying that the contents of these Declarations as being satisfied which of course consists of a very minor percentage of respondents, indicating to the fact that there is a need for some of these police officers to update themselves about the Acts/Declarations that govern Police Administration. And most of them who responded 'negatively', to this question were of the opinion that the contents of these Acts/Declarations were not in consonance with the Indian conditions. In fact this entire preceding paragraphs clearly brings out two major findings;

a) That the police organisation needs to help their personnel to be updated this changing world while

b) Is supportive of the first of our hypotheses which spells out that the concept of Human Right may be too complex for specific application in Police Administration.

This is so because there are today a number of developments in Human Right that have an application value to the state in general both at the national and at the international level of which sub-systems like Police Administration will have to draw out in their functioning. Since this is too large for a smaller organisation to draw from, the question of specific application is put in to debate and hence the confusion and weakness within the Police Administration.
On the issue of relationship between Human Rights and Police Administration, there was consensus. The hypothesis test indicated this as a positive response. While to a rejoinder about defining this relationship most of them saw it as a co-operative kind of relationship followed by Human Right as dominating over Police Administration and friendly also. The respondents firmly believed that Human Right was dominant over Police Administration (84.03%) and considered Human Right as a stumbling block but at the same time they also saw it as a humanising one. While they also said it was bottleneck too.

Accepting the fact that Human Rights interferes in Police Administration, the respondents saw the intervention of Human Right in Police Administration at the investigation level and they also felt that it interrupted the investigations of Police Administration while applying the methods of extraction of information at the second stage of interference by Human Rights in Police Administration. A majority of them agreed that Human Right was a part of Police Administration and disagreed to the view that Police often violates Human Rights in the name of crime prevention. It is at this state that the difference in opinion amongst the two agencies crops up, throwing up the fact that Police Administration is not receptive to Human Rights. This of course is our second hypothesis which is proved. Though they were not agreeable to the idea that crime prevention lead to violation of Human Rights, they only accepted the fact Human Rights invariably targets Police Administration and therefore, this bitterness amongst Police Administration towards Human Rights.
Accepting the fact that Human Right was a component of Police Administration in matters connected to official/administrative procedure even in implementing judicial proceedings they say Human Rights as a weak component in the training curriculum of police.

Human Right on the other hand is seen as a concern beyond the police and this fact is represented in graph No.16. Nearly 83.19 percent have disagreed to the view that Human Right is a concern of police alone.

Despite this, Police Administration believes that Human Right has a positive as well as mutually beneficial relationship and agrees to the fact that Human Right should be a part of Police Administration. They also see Human Right as a catalytic agent to put Police Administration on its toes. They firmly believed that necessary interruption of Human Rights is a must to work efficiently in their administration. However, it is important to note here that most of the police personnel at all the three stratified levels are agreeable to the fact that there is a positive relationship between Police Administration and Human Rights. Our hypotheses was inclined to put this issue rather as a doubtful case, but with this response our analysis infact favours this mutually contributory relationship. Hence, our third hypothesis is also accepted.
With these being the findings, it is clearly seen that Human Rights and Police Administration are not anti-thesis but definitely are at logger heads depending upon the issues that they confront and what is required is a careful mode of inter-twining and combining these two, keeping in view the larger welfare of the society.

The following suggestions emerges from the study which may not be a complete recipe for revamping Police Administration, but is definitely a responsible attempt to speak out about the needed changes in Police Administration as well as Human Rights application. These suggestions include:

- That there is a need to prescribe higher education for entry into the Police irrespective of caste, creed etc., to facilitate better understanding of their job.
- That the on-job training and in-service training imparted in Police Administration with futuristic perceptions would go a long way in contributing to the efficiency of this organisation.
- That it is not only important that top officials have necessary training or higher qualification but this facility must be horizontally extended to other officers for ensuring an improved and effective command of operation and performance among the police.
- That there is need for improvement and up-gradation in the training components of Police Administration.
■ That the police manuals must be updated to facilitate greater perceptibility among all the levels of officers and compulsory reading and regular orientation to all these officers at all levels should be made a must.

■ That there should be meetings at regular intervals of officers at different levels by the hierarchy and external experts should be brought into the organisation to help the organisation perform effectively.

■ That Regular interface of these two organisations, Human Rights and Police Administration, through a state level mediating agencies and NGOs for cross pollination of ideas should be made a must.

■ Since automation has invaded every stream of life, equipping every police station with accessibility to all the levels of officers and training to handle them would greatly benefit to understand the consequences of new developments.

■ Socialising the new Acts/Declarations by calling regular academic sessions from the Universities activists would thus contribute to internalising the new developments in the areas directly connected to police organisation.

■ Similarly, orientation in law and elaborate discussions on the Constitution, the important cases in focus would greatly benefit the enlargement of knowledge among the functionaries in the police organisation.
As is being done in case of Inspector and Sub-Inspector levels, refresher courses would go a long way in contributing to expansion of knowledge at all the levels of police officers.

Personality Development Programme, Human Resources Management, techniques and newer managerial approaches for those in charge of day-to-day administration would thus make Police Administration change receptively. This further enables the organisation to be appreciative of the new thoughts and progressive thinking thus helping to improve the organisational aspects contributing to changing their old and outdated styles of functioning.

Exposure to western and newer modes of investigation, extraction of information and corrective administrative aspects would go a long way in changing the face of Police Administration. These changes would therefore effectively contain violation if any, of Human Rights in the modes of these investigations.

Exemplifying the police with reverence and identifying their achievement in the media and representing them properly in media without any pervasions giving them greater scope as heroes and law abiding citizens would help to remove greatly the disrepute they have earned so far.

Personnel and other service conditions must be improved to alienate police to certain extent above the society would also greatly bring value
to Police Administration. Amongst Human Right, focus of Human Right activists must be enlarged to other social actions of state and not only target police always. Failures of crisis management and disaster management should be brought within their purview. The Human Right Groups must be educated on the issues of human failures, poverty, administrative negligence etc., so that they concentrate and work towards improving life situations. Perhaps, this and many more constructive suggestions if are brought together as a set of reforms in Public Administration, the social change contemplated in and through the Constitution could be achieved.

More precisely, the current rate of uneasiness between Police Administration and Human Rights would thus shrink further. If only a civic society preceeds the current standards of society things as desired in an ‘ideal’ atmosphere would no longer be a myth in a developing society like India. In this regard, Police Administration seems to be positive about it. This itself is a sign of hope for a better tomorrow and for a better society. In conclusion, it may be said that Police Administration and Human Rights are like the bridegroom and the bride, whose marriage of course is a necessity, especially in the light of a brighter prospect for the society as a whole. So long as they are seen as opposing to each other, accusations against each other would only cause stress within the society, which is not in the interest of the society.
The study is only an humble attempt to bring these concepts and issues into focus and this study may have left many more questions unanswered in it and it is hoped that this would generate further research. Thus, this study has helped us to prove our hypotheses in a scientific manner.