CHAPTER VIII
SUMMARY

The present study titled ‘Human Rights Violations by Punjab Police: An Analytical Study of Reported Cases’ dealt with the human rights violations in the state of Punjab specifically by Punjab Police and also focused upon the grievances redressal mechanism, prevailing in the state in this regard. The following is a brief description of various chapters given in the thesis:

Chapter I: ‘Introduction’ deals with conceptual understanding of the idea of human rights. A brief sketch of defined objectives and research methodology used is also a part of this chapter and thus, serves as an introduction to the thesis.

Objectives

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 intervention 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 the 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 violation 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 bounds 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 and vernacular 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 potentials of each and every human beings in a given society at the International level. In all such cases the security forces of a society, mostly the police are looked for the protection of such rights and to take necessary measures to put an end to their violation. However, when police itself indulges in violation of Human Rights, it become 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 of 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 this study was not made available to the researcher. We also approached the PSHRC. 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 PSHRC, Police related complaints constituted 53% of the total complaints received by them since its inception in 1997.

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 fact all these cases are those, which were processed from the office of DGP, Punjab to whom the Commission had sent its recommendations for action against the guilty officials. In the present study all these cases have been covered and pursued through the method of repeated 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 PSHRC and reported cases available with Punjab Police. 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.
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.

**In Chapter II:** ‘Review of Literature’ an attempt has been made to understand the nature of research attempts already made at various levels concerning properties of human rights and conflicts arising out of it, both in theory and practice. The essence of human rights’ concept, as reflected in its various dimensions has been tried to be understood.

**Chapter III:** ‘Concept and Development of Human Rights’ takes a look at how various human rights values got translated into international laws and how it led to creation of various institutions and procedures to promote, protect and implement these laws globally.

**Chapter IV:** ‘Dimensions of Human Rights Violations in India: Establishment of Human Rights Laws and Institutions’ deals with nature and types of human rights violations taking place in India. It sheds light on an elaborative system and mechanism for the promotion and observation of human rights in the country. It also explicates various issues and concerns involved in protection of human rights culture in India.

**Chapter V:** ‘Analysis of Reported Human Rights Violations by Police in Punjab’ attempts to contextualise the dynamics of violations of human rights by the authorities of the State.

**Chapter VI:** ‘Outcome of The Study’; an attempt has been made to look into the nature of police related human rights violations, in the state of Punjab, based on interviews with the victims / complainants and Punjab Police officials, at various rank.

**Chapter VII:** ‘Research Findings and Proposed Interventions’ brings forward findings in the light of stated objectives of this study. Suitable interventions at various levels based on the findings of the study have been proposed accordingly.

**Findings**

Overall this thesis uncovers a grim situation of human rights sustenance; attributable to the functioning of already less solicitous police, meddled in by political interference, under
the influence of self-interested influential people in the society. The situation is even more appalling when a socially and economically deprived person falls victim to the transgressions.

Most of the violations of Human Rights by Punjab Police relate to wilful failure in taking lawful action, abuse of power, false implications. A declining trend has been observed in case of graver violations of human rights, such as unlawful detention, custodial torture or custodial death.

The incidences of human rights violations are high amongst persons who are less educated, socio-economically backward and residing in rural areas. Thus, a correlation can be discerned between susceptibility to victimisation and lack of awareness of human rights and the protective mechanism with respect to protection of these rights.

This study raises a question mark on the effectiveness of institutional mechanism within the Police Department to redress the grievances of the people. At the same time, the effectiveness of investigative mechanism of PSHRC itself was found wanting, in the absence of an independent investigative support system. The officials of the 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 investigations, to establish scientific evidence. Absence of streamlined duty hours and overburdened schedule of working reduces the sensitivity of police officials towards the human rights.

Impact of the incidence on the family has been multi dimensional, where each member of the family, particularly women and children fall evenly victim to wrongdoings of power that be. This impact ranges from psychological trauma to social distress; loss of education of children; financial hardships; drug-addiction; acute problems related to health; and even death in some cases. The victim and his family fight the battle for protection of human rights on their own as the role of civil society or non-government organizations (NGOs) is almost negligible.

The Interventions which have been proposed:

1. The grievance redressal mechanism of the State Human Rights Commission should be redesigned in order to make it absolutely free and prompt in nature.
2. The recommendations of PSHRC should be binding on the Police Department.

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


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

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

7. Effective chain of command in the Police hierarchy should 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.

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

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

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

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

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