Police and Human Rights

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ABSTRACT

Human Rights are universal legal guarantees protecting individuals and groups against actions by government that interfere with fundamental freedoms and human dignity. Human Rights law obliges governments to do some things and prevents them from doing others. Human Rights as a democratic society experiences today is the result of the evolution of human consciousness on the basis of the necessary demand for life based on equality, freedom and justice in a civilized society. Hence human rights are reflections of a civil society to protect and promote rule of law and human dignity.

For preserving law and order and to ensure that the citizens confirmed to the accepted civilized norms and codes in the society, it became necessary for all organized societies, to have a system to the conduct of citizens. Initially, the people themselves performed this regulatory function, as time progressed and society advance, it became difficult for citizens to devote time for their activity and slowly a paid organization designated as the 'Police' came into being. The word 'police' is derived from the Greek word 'Politeia' or its Latin equivalent 'Politia'. The Latin word 'Politia' stand for state or administration. The term 'Police' is now used preliminary to denote a body of people organized to maintain civil order and public safety, to enforcement the law, and to investigate breaches on the law.

In a welfaric state the police is expected to assume the role of a social service organization in addition to its basic functions and duties of prevention and detection of crime and maintenance of law and order. Indeed, effective order, maintenance of law and its enforcement will enable people to enjoy fully not only their civil and political but also social and economic rights. Thoughtless and unlawful policing on the other hand, can only cause suppression of these rights.

As law enforces, it is incumbent on police to obey the law –including laws connected for the promotion and protection of human rights. In doing so, they will be respecting the underlying principle on which that law is based- the principle of respect for human dignity. They will also be acknowledging the inalienability of the human right of all persons. The bases of ethical and legal police conduct, therefore, are respect for the law, respect for human dignity and, by those means, respect for human rights.

The role of police in a country like India is extremely significant in view of the democratic polity and multi-cultural, multi-ethnic, and large size diverse population. Though their ubiquitous visible presence and action, police personnel affect everyone and everything in the society. As the legal force they alone provide for the security of people and enforcement of laws of the country. The officers also determine the manner in which democratic decisions are implemented in the country. In view of the growing violence, extensive social conflicts, and serious threats of terrorist activities, the role of the police is an important factor in the stability of the country. The assurances of equality and dignity to the numerable minorities and weaker sections of the society are also dependent upon the performance of the police. The police also called upon to render assistance to the people during natural and manmade emergencies.

Further, the police reflect the social setting in which they operate. Policing policies, their activities and methodology adopted by them are often shaped by 'major forces of national development as well as international politics'. Therefore police cannot be seen in isolation from...
the changes and development taking place in society. They influence and are in turn influenced by such changes. A well-organized police force, therefore, be an asset and being influence in grappling with the problems of a changing society.

Article 29 of the Universal Declaration of Human Rights states-

"In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

Hence the mandate for police in modern democracies –
1. To protect human rights
2. To defend fundamental freedoms and
3. To maintain public order and the general welfare in a democratic society through policies and practices that are lawful, humane and disciplined

Though human rights is a very wide theme and is comprehensive in its ramifications, it would suffice to confine it to those elements which have a relationship with police.

Two things are significant-
(a) Police is a wing of government.
(b) It deals with human being on behalf of the state in accordance with the principle laid down for governance, therefore the important aspect is the relationship of the individual with police.

In other words, the relationship of the individual with the state through police is the subject matter of police concern for the human rights. The treatment of police with the citizen is an index of the behaviour of the state with individual. It takes the following forms-
(a) Critical comment over the state of affairs, torture of detenues, ill behavior, specially uncalled for fetters over human freedoms, custodial violence etc.
(b) Denial of economic aid or threat there of.

It is a fact that the issue of human rights is an important astrolabe to determine the quality of treatment which nation gives to its citizens.

There are three aspects of police relationship with crime. One pertains to the area of prevention. It is difficult to prevent crime if one starts with the causation of crime. The origin and causes of crime are so complex that it is impossible to deal with this aspect. The other aspect of detection of crime is becoming equally difficult for the reason that criminals have become specialized and professional; they operate from distant areas and do not leave their marks at the spot of crime. Hence detection is not an easy process. Lastly, the task of bringing the offender to justice too is strewn with various hurdles like the availability of witnesses, the speed of process in the court, and other imponderables which are beyond the purview of police.

II. CONCLUSION

In view of the above factors as well as the problems created by the complexities of modern social life, it is reasonable to appreciate the wider role of police and take them off the hook of crime and criminals so that this alone is not their perception, although an important one. The justification for this attitude lies in the reality of the situation rather any theoretical construct. Since police are doing things other than dealing with crime and criminals, it would be pertinent to put the searchlight on those areas as well for a proper appreciation of the role based on their tasks. This realization of role shall widen the horizon of police and permit them to look beyond crime and criminals and enable them to assess their contribution in social control. It will also divest their focus from criminals and humanize their style of functioning.

The attitude of policemen to policing requires a quintessential change. First, it must consider that it has a lot else to do besides its preoccupation with crime. It deals with fear of crime among the people who feel demoralized due to a crime wave or a threat of various sorts to their security whether the fear is actual or imaginary. Fear itself is a matter of reality and police have to resolve it and reduce it. It deals with the rule of law, i.e. enforcement of various laws. It is concerned with the rights of the people. It is involved with situations of a strange nature, unforeseen contingencies and sudden happenings to be controlled, regulated and managed. The maintenance of public order is the raison d’etre for which police was conceived at the initial stages and which continues to be its important mandate. It is responsible for the security of important, controversial, and key person, installations and public property. It is also the agency which contributes to the success of the democratic processes. If one looks at the variegated functions of police, one gets convinced that dealing with crime the whole of it. Therefore, police must acknowledge its broad-based role.

The people oriented policing also sets a tone for better police-community relationship at the working level by means of mental trust and building up bridges of understanding. This conduct will enhance the openness of the organization, bring about a tradition of adhering to the due process, and indirectly satisfy the goals of the constitution, i.e. the dignity of the individual. Police must seek the support of the community for the benefits of the people and in their own interest of effective working. This attitude of positive relationship with people would transform police attitude to the human rights and refine the treatment of the suspects.
REFERENCE