



Police as a Protector of Human right

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Ensuring the safety of the life and property of its citizens is one of the basic responsibilities of the government in all societies. It is by establishing and maintaining an efficient and an effective police force that the government provides a feeling of security to its citizens

.Police have to play a vital role as the protector of Human Rights.

Rights and duties are so related and in respect of human right duty fall upon the state. From times immemorial, law and order enforcement agents, have used various forms of force. Among of them one of the most significant law enforcement authorities in any state is police. In recent decades, Police have been viewed as a service provider rather than a force. This perspective is rooted in larger concept of a democratic state founded on the rule of law and inspired by human right considerations .Police has a special responsibility for the protection of human right.

Human rights are not an alien concept, but an essential part of Indian philosophy. They were incorporated in the Indian Constitution as fundamental right much before their general acceptance. The Indian constitution guarantees the right to life, liberty, and equality to every citizen. Even though unlike the fundamental rights they cannot be forced by a court of law.

The police being the most important law enforcement agency has special responsibility to ensure that they are not violated by any individual group or an instrument of the state. It can use force and take legal action to ensure that no one violates them.

And the role of the Police work encompasses preventive and protective role in the course of maintaining Law and order.

Police gives priority in protecting the rights of the vulnerable section of the society.

Respect for human right lies in the heart of good governance. In a democratic society, it is responsibility of the state to protect and promote human rights. All state institutions whether they are police department, the army, the judiciary, or civil administration have a duty to respect human rights, prevent human rights violations and take active steps for the "promotion of human rights.

The role of police is especially significant in this respect .The police is charged with the responsibility of maintaining order and enforcing the law. Therefore, the onus bringing those who break the law – including laws which protect people's human right – before the criminal justice system lies on the police.

Police as a protectors of the law have both a legal duty and amoral obligation to uphold, human rights standards and act strictly in accordance with the law and spirit of our constitution.

The National human Right Commission (NHRC) too has issued guidelines for police officers. The Commission has been established under a special act of Parliament to protect and promote the human rights for all people living in India.

In a democratic society, police officers hold a unique position since the state empowers them to use force when required. Human rights impose significant limitations on police operations including the use of force, requiring them to adhere to stringent legality, proportionality, and necessity criteria .Such constraints help to guarantee that when police operate they do so in a way that respects human rights and seeks to achieve their purpose in the least invasive manner possible. Officers must not only respect but also actively protect human rights of others such as by arresting a suspect to protect the human rights of others.

A right based Policing service- There is no conflict between human rights and policing. Policing means protecting human rights for the public and police Officers alike

People often see human as something bigger them their own rights, but the law applies equally to everyone and it is vital to ensure it is being applied across the service for the benefit of community

In February 2003 PSNI Code of Ethics was introduced that sets out the professional standard and behavior expected of officers.

Having a rights based policing service is a key element in both delivering and building public confidence in the service provided by the PSNI

Police Pilot Project -set up Human rights based Policing

WHAT	WHERE	WHEN
1- Pilot project program	The police district	Planned to be launched in sept 2015
Human rights based Policing	Police resort	

A police lockup is neither a jail nor prison. Based on the federal Prison Rape Elimination Act 2003 (P.R.EA.),a police lockup is temporary holding facility of a federal , state or local law enforcement agency used to hold suspect waiting for interrogation, arrest processing, transfer to jail or for other administrative procedures of juveniles pending parental custody of Shelter placement [Layman and Mc Campbell 2007]office of the Police integrity (2006)

Human right in the police process is a positive step towards people oriented police

Policing essentially is a public service and in a democracy it is responsive to the people that public institution which widely affects large section's of population in their everyday lives, more seriously than any other agency of government.

Police as a public institution is created and strengthened by law and therefore must be more responsible to people. Whenever violation of human rights by police are reported it causes an overall effect of loss of faith in the police as a protector and upholder of citizen's rights. The failure to respect human rights in everyday police process alienate public sympathy and people's confidence in police.

Indicators face effective police accountability

- Democratic -The structural linkage of police with the local elected representative
- Transparency- Awareness of the community about the activities of the police and interaction with the media
- Legal – structures and mechanisms of police accountability and it's mutual acceptance with the Community
- Internal discipline – The rules, procedures and mechanism to deal with complaints against police.

Study

(1)It is no part of an official's duty to commit an offence and never can be[Ratanlal and Dhirajlal(2002)]

(2)Police officers must register on FIR immediately on receiving information about a cognizable offence. Persons aggrieved by non registration of FIR can approach the District Superintendent of Police. [under section 154 (3) CrPC]

(3)Police officers often find themselves under pressure to register cases on flimsy grounds. The Supreme Court has laid down that a just balance has to be struck between fundamental rights of citizen and the expansive power of the police to investigate an offence [T.T. Anthony V State of Kerala (2001)]

(4)The Supreme Court has said that even a person under death sentence has human rights which are non negotiable and even a dangerous prisoner, standing trial has basic liberties which cannot be bartered away [Sunil Batra 1978][Sunil Batra V Delhi Administration 1970 Scc 494]

(5)The NHRC said that it was aware that lie detector tests have been held consistent with due process of law by courts in the united States on grounds that they are a part of everyday life .[Ram JawayaKapur (1955) 2 SCR 225, Kharaksingh (1964) .SCR 332; Benett Coleman (1972) 2 SCR 288 ;Thapur Bharat Singh (1967) 2 SCR 454. BishambarDayal (1982) , SCC 39; Naraindass (1974)]p

(6)Breithbaupht v Abram (1957) 352 US 432

(7)A first information Report [FIR] should be registered promptly on receiving a complaint about a cognizable offence.[State of Haryana Vs BhajanLal AIR 1992 SC 604]

(8)Section 50 (2) CrPC Section 436 (1) CrPC] lays down that when a person is arrested for a bailable offence she/he has a right to be released on bail upon arrest

Right and duties are so related, while in respect of human right duty fall upon the state. It implies that, there should be minimum restriction and safe ground to maintain maximum liberties of the people. The first Universal and elaborative recognition of Human Right and fundamental freedom was recognized in the charter of the United Nation on 26th June 1945.

Government play an important role to protect human right.

From times immemorial law and order enforcement agents have used various forms of force while interrogating alleged or suspected convicts and in some cases q common man

Policing and human right- Enforcing the law and preventing criminal activities, Investigating crime.

Police officers serve their Communities-In the course of their work, they often put their lives in danger to keep citizens safe. From sheriff's working in small towns to criminal investigators solving crime in big cities, people with careers in criminal justice go to work to serve and protect our communities. And at the center of their role is community engagement

Police service

- (1) Maintaining public order.
- (2) Enforcing the law and preventing criminal activities.
- (3) Investigating crimes
- (4) helping citizens get to safety
- (5) Protecting victims
- (6) Conducting patrols.
- (7) Collecting evidence at a crime Scene
- (8) Directing traffic
- (9) Assisting in emergency.
- (10) Mediating disputes
- (11) Performing welfare checks upon request.
- (12) speaking to groups about crime prevention

Respect for freedom, liberty and rights of citizens

The characteristics of the human rights. Human right by nature as universal, undivided, uniform, fundamental .

- The role played by police could play a positive role in the protection of human rights in following manner.
- Police contribute to give liberty, equality and fraternity in human affairs.
- Police helps and reconcile freedom with security and uphold the rule of law.
- Protect human rights of the citizens.
- Build up faith of the people in their protection of human rights by the state.
- Investigate ,detect and prevent the offence
- Deal with the minor child in Crisis
- Accept public service as a mission.
- Understand human rights in true spirit.

Police actively protect human rights such as by arresting a suspect to protect the rights of others. Human rights are the foundation of police work because of this police commitment to defend .Police have the basic responsibilities of respecting, protecting, and promoting the Human rights of the suspects in a case. Thus, the behavior of the police officer should not affect the human rights of another individual even if he is a culprit.

References

- (1) Anthony, TT., vs State of Kerala AIR (2001) Sc. 2637
- (2) Batra, Sunitavs Delhi Administration [1978] Sc 494.
- (3) Breithbaupt vs Akram [1957] 352 US 433.
- (4) Ratanlal and Dhirajlal: Code of Criminal Procedure, Wadhwa and Company, Nagpur [2002], Page 636.
- (5) State of Haryana Vs Bhajanlal AIR [1992] SC 604
- (6) Section 50 (2) CrPC Section 436 (1) CrPC]Under Section 154 (3) CrPc.