

POLICE LEADERSHIP IMPERATIVES IN THE PROTECTION OF HUMAN RIGHTS

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Abstract—Leadership in Police is totally different and difficult from that we find in any other walks of life. It is so in as much as the ability to inspire and motivate the rank and file is so demanding that sacrificing of life in the line of duty is part of their occupational hazard. In the specific context of upholding Human Rights also, the police leadership has to set an example and be a role model for the subordinate ranks. Or else, they cannot enforce observance of Human Rights by their subordinates. Today, Human Rights are truly internationalized but not fully internalized. The internalization of Human Rights culture is now an irreversible need of the times and the police leadership has a crucial role to play in this regard.

Keywords: *Human Rights; Internalization; Police Leadership; International Human Rights Protection.*

I. INTRODUCTION

To quote Vaclav Havel, "the exercise of power is determined by thousands of interactions between the world of the powerful and that of the powerless, all the more because these worlds are never divided by a sharp line; everyone has a small part of himself in both". Ralph Crawshaw said that "the exercise of power by a police official is one significant manifestation of an interaction between the world of the powerful and the powerless ... a police official. ... exemplifies, probably more than any other person, the blurring of the division between the worlds of the powerful and the powerless". Power as an abstract concept is neither good nor bad. Authority, the offspring of power, when based on arbitrariness, becomes authoritarianism and is most offensive to the very concept of Human Rights. The obligation of the police leadership to protect Human Rights will be fulfilled when it is realized that power for the police is not an *end* in itself but is a *means* to serve the people. Police leaders must themselves be humane, ethical, and possess high qualities of human excellence. Professionalism, it has been said, is a proper balance of knowledge and skills on the one hand and proper response to the needs of the people on the other. By this standard and on both the counts already stated, police in India can hardly be called professional. The 'third degree' treatment of suspects or those in custody, the callous way in which most investigations are conducted and the less-than-civil manner in which the poor or less-privileged sections of the society are dealt with at the police stations are but a few examples of the lack of professionalism amongst our police

personnel. Insulating them from the unlawful political interferences is another area of Criminal Justice Administration that requires serious and immediate attention. There ought to be a system of departmental ombudsmen to check corruption and *malfeasance* and to investigate complaints of abuse of power and of harassment and keep a sharp eye and a firm hand on police excesses". If only the police leadership were professional themselves and insisted on their subordinates being alike, perhaps Human Rights would well be protected by the Indian Police.

II. INTERNALIZATION OF INTERNATIONAL HUMAN RIGHTS

"Internalization" is the need of the hour and police leadership has multiple roles to perform in international human rights as enumerated below:

A. CREDIBILITY

Hypocrisy or a mismatch between 'percept' and 'practice' is what a police professional should be indulging in the least or better still, not at all! But in the arena of Human Rights observance by the police, this is exactly what is done, and most of the time. This, to a large extent, is also responsible for the low credibility of the police in India. India has a large number of laws on the statute book, multiplying the 'regulatory' and 'enforcement' role of the police. A sizeable section of the society either disapproves a certain law or approves of it only when applied to someone else. Police are caught in a no-man's land, especially in case of social legislation. The unscrupulous use of discretion in the exercise of power at the cutting-edge level, often in favor of the rich and the powerful, adds to the credibility gap. This is also complicated by the 'pressure' to solve the cases 'somehow' by supervisory officers and even the public, when they happen to be the complainants. That is nothing short of tacit approval. Added to this ambivalent attitude of the public towards observations of Human Rights by police is the trial by the Press, which also affects the way police deal with a given situation. The police leaders, therefore, owe it to themselves, the *Service* they belong, and the people at large to improve the credibility of the organization.

B. POLICING BY CONSENT

It is traditionally believed that, it is a policeman's duty to obey all orders issued by the government and seniors where as, in fact and in law, this duty begins and ends with

compliance of only legal orders. The emerging culture of a 'committed' police is an added insult to the injury of police being widely considered as a visible and strong arm of the government. '*Policing by force*' must eventually and surely yield to '*policing by consent*' in a democracy and it is high time that police leadership became agent of this change process. Instead of 'militarizing' the police, they should seriously and without delay 'civilize' or 'civilianize' the organizational rank and file. Such policing by consent would presuppose ethical and legal policing and in the event, all policing cannot but be necessarily in true public interest, just, legal, and minimize extra-departmental and political interference to any considerable extent.

C. IMPROVING INTERNAL SERVICE

It is an axiom of modern Management Theory that the external service delivery of any organization would not improve until it is made to effectively use and serve its own employees. In the Indian Police environment, the subordinate is invariably considered to be irresponsible and lacking in drive and as such needs to be coerced or punished to achieve organizational goals. For superior police officers, power and authority are sacrosanct and unquestioning obedience from a subordinate is taken for granted while the only motivational techniques known to them are the use of stick, with an occasional carrot! The way in which officers at the lower level behave is conditioned by the manner in which the officers *themselves* are treated by their own higher-ups in the force.

D. DAY-TO-DAY POLICING

Policing in a democracy is decidedly a tight rope walk. While police are '*statusquoist*,' it needs to be said that dissent is vital to democracy. There is a virtual breakdown of traditional and informal controls and the near breakdown of the Criminal Justice System due to sheer overload. It is only the fine-tuning of day-to-day policing function by police executives in the specific areas like the use of force, arrest, treatment of detainees, privacy of a citizen, policing during civil disorder, social responsibility/accountability of police, protection of minorities, women, children, and weaker sections of the society, alone can restore a semblance of balance. It is true to a large extent that abuse of authority by police is checked very little by the police executives. What the active Press and judicial activism have been able to do in this regard touches only the tip of the iceberg.

E. TRANSPARENCY & ACCOUNTABILITY

The growing awareness among the public of their rights necessitate a certain transparency in police conduct along with accountability for the work they do or don't. The international standards on redressal of grievances pertaining to Human Rights' violations require that free, fair, and impartial investigations are conducted into all such violations. While the bold and path-breaking initiatives of the National Human Rights Commission and certain judicial courts in initiating criminal action against the defaulting agencies of the State—even awarding compensation—are welcome, it would be in the fitness of things if the police

leadership were able to inspire the confidence of the public by holding the police accountable for all their omissions and commissions.

F. SENSITIVITY TO MULTI-DIMENSIONAL ROLE OF HUMAN RIGHTS

Much of the malady with regard to the police wrong doings vis-à-vis Human Rights could be mitigated if the staff at cutting edge level are sensitive not merely to the matters pertaining to what are strictly the police subjects but to other areas like upliftment and empowerment of women and dalits, rehabilitation of juvenile delinquents, sex workers, drug addicts, etc. Then there would be a semblance of sensitivity in whatever they do besides appreciating the multi-dimensional role of Human Rights. They no longer are confined to a few covenants, declarations, protocols, or such other instruments but transcend today to areas like development, environment, etc. Police must get used to respecting dissent and criticism as part of civilized democratic existence and this would also mean that they cooperate with NGOs including those connected with Human Rights like the Amnesty International, PUCL, etc.

G. IMPORTANCE OF HUMAN RIGHTS TRAINING FUNCTION

Senior police officers have an obligation to develop the human resources at their disposal through training. The importance of training function in the scheme of things in any police set up is at best marginal and it is common knowledge that most police chiefs consider it essential for the trainees to "unlearn" what has been taught at the police training institutions for them to be "effective" in the field. Against this backdrop and in the context of Human Rights training, it would be pertinent to point out that the knowledge, skills, and attitudinal inputs that are presently given can hardly be said to be comprehensive at most of the police training institutions. It is high time training is undertaken that is aimed at building a 'Culture of Human Rights' in the organization.

H. EXTERNAL VIGILANCE TO UPHOLD THE MAJESTY OF LAW

The problem today is not lack of provisions in law or direction from the apex and other courts but a lack of will to implement the law in its true *letter and spirit*. It is in this regard that police leadership has to assert itself and ensure that Law, as in the statute book and as laid down by the various courts, is implemented and no extraneous considerations are allowed to step in the way. In other words, there is need to restore the majesty of the law. Any appeal to the police to be sensitive to the Human Rights dictates would tantamount to asking the wolf to be kind to the lamb.

I. TERRORISM AND INSURGENCY

In a democracy, violence as a form of dissent can never be justified. Whether it is the extremist and terrorist on the one hand or the law and order enforcement agency that has sworn to shoot and kill them at sight, both are fanatics, one swearing allegiance to instant change and the other to the

status quo. Both are intolerant to dissent as neither believes in Human Rights and both of them will lead to authoritarianism of one kind or the other. Every attempt to silence dissent (calling it 'subversion') by the forces of law and order will only hasten the deterioration of dissent into violence and generate and foment violence. Some apologists claim that police do not make violence: they react to violence and sometimes excessively with counter violence. Human Rights must not be allowed to be used as a political weapon. Ways and means have to be found out to check the wayward enforcement of laws, whether special or ordinary.

J. VICTIM'S PERSPECTIVE

All along, there has been a general awareness on the need to protect the rights of offenders and the accused but since 1985, with the adoption of the UN declaration on the basic principles of justice for victims of crime and abuse of power, the focus has shifted to victims as well. Higher echelons of police are yet to catch up with this changed scenario. It is time that police executives have paid serious thought to the plight of the victims of crime and abuse of power. By victims we mean those who collectively or individually have suffered harm including physical or mental injury, emotional suffering, economic loss, or substantial impairment of their fundamental rights through acts or omissions that are in violation of operative national criminal laws (Victims of Crime), or of internationally recognized norms relating to Human Rights (Victims of Abuse of Power).

K. POLICE REFORMS

It is often seen that police officers feel the need to change everyone else except themselves. They also bemoan the need for reforms but do little to bring about changes wherever they could in the limited sphere of their activity. At the individual, team, and organizational levels, there is a *felt need* to change to be in tune with the changing environment. Progressive police leadership should make every effort to insulate investigative tasks of police from political, executive, or other interferences. An efficient and honest police force is the 'principal bulwark' of the nation against violation of Human Rights and the leadership has to improve its quality and restore its prestige and luster in the eyes of the nation.

L. PRIVACY

A special form of police activity that is designed to counter present day problems like terrorism, insurgency, organized crime etc., besides day-to-day policing is that of intelligence and security services or the plainclothes police, which impinge upon the rights of privacy and civil liberties of a citizen. It is necessary that police executives do contain the activities of these agencies that they are amenable to the rule of the law and for upholding Human Rights.

M. ORGANIZATIONAL CULTURE

A police stereotype as perceived by the man on the street—one who is potbellied, more of brawn and little of brain, brutal, foul-mouthed, corrupt, having nexus with the

under-world, more amenable to the moneyed and the politically powerful—is, in short what a policeman *should not* be. These sub-cultural and deviant traits are a product of personal weaknesses, personality defects, failure to cope with work-related stress, and low morale. An organizational culture conducive to the promotion of Human Rights needs to be brought about by the police executives. Mission Statements for the Police force must be written to contain an action plan for making the police force more responsive and effective besides making the people more conscious of their duties and responsibilities.

N. CODE OF CONDUCT FOR POLICE

Code of Conduct for Police and its training establishments guide their actions as per the dictates of Law and the aspirations of the people. The Police must bear faithful allegiance to the Constitution of India and respect and uphold the rights of the citizen as guaranteed by it. As members of a secular and democratic state, the police should strive continually to rise above personal prejudices and promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, regional, or sectional diversities and to renounce practices that are derogatory to the dignity of women and disadvantaged segments of the society.

O. COMPLEXITIES OF MODERN CRIME

Development of modern technology in various fields has undoubtedly brought many benefits to mankind but it has also brought with it evils of its own. Technology is a double-edged weapon—it helps the police in crime prevention and crime detection but it also helps the criminals in committing "sophisticated crimes". It can even be stated that the degree of motivation in the criminals in the commission of crimes is higher than in the prevention and detection of crimes by the police. Commission of crimes in an atmosphere of psychological aberration, the *camaraderie* generated by guilt feeling and guilt-sharing, disproportionate monetary benefits, perceived sense of real or imaginary 'injustice' at the hands of the 'society' and many other genetic and environmental factors create greater intensity of morbid levels of motivation in criminals. These factors are stronger than the factors like devotion to duty, feeling of righteousness, uprightness, etc. among the police. Hence greater effort is needed in training and motivating the police in tackling the vastly different range and variety of crimes committed in the present times.

P. TRAINING MODULES IN HUMAN RIGHTS FOR POLICE LEADERSHIP

Adequate steps must be taken by the Police Leadership to ensure proper training for sensitizing the police at the cutting edge levels to these varied Human Rights at national, regional, and local concerns. The training should not only be pedagogic but also situation-oriented through actual simulation exercises in real life problems Training sessions should include textual provisions of laws and judicial pronouncements.

III. POLICE LEADERSHIP –TASKS AHEAD

The tasks that lie ahead of the police leadership in India are:

- Observance of Human Rights Day (10th Dec.) by all Police Organizations in a befitting manner
- Installation of Closed Circuit Television Cameras in the lock-ups in all Police Stations.
- Setting up of interrogation centres at all Sub Divisional Headquarters
- Starting up of field units of Forensic Science Laboratory in all districts and one regional forensic science laboratory in each State.
- Making a reference to observance of Human Rights standards in the employee appraisal formats.
- Surprise inspections of Police Stations by Senior Officers to deter custodial violence.
- Expeditious inquiry into complaints of Human Rights violations.
- Human Rights awareness campaign on a continuous basis to educate all.
- Deemphasizing crime statistics for evaluating the performance of an SHO.
- Organizational culture to promote Human Rights observance in letter and spirit.

IV. CONCLUSION

Everyone is entitled to a social and international order in which the rights and freedoms as set forth in the Universal Declaration of Human Rights can be fully realized. In India, Police leadership needs awareness both of international human rights standards as well as of the legal provisions protecting Human Rights in India. This is needed for a reinforcement of national standards, the international context of policing, and compliance with international obligations by the States. Awareness of philosophical and historical rationale for the development of national standards and systems that protect Human Rights not only provides insights into the nature of specific rights but also underlines the reasons for their protection. It enhances the probability of compliance with domestic provisions designed to protect Human Rights. All States are bound, to varying degrees, by international legal obligations protecting Human Rights. More effective compliance by States will be secured only when Police leadership and other public officials are aware of their nature and purpose. All police leaders must develop a demeanor, which embodies an instinct or a perception for human dignity. Being witness to human beings, as they sometimes are, in degrading and degraded situations, Police leaders are exposed to cynicism. It is in this context, they have to avoid becoming indifferent, however difficult that might be, if they are to develop and retain proper judgment of an appreciation for the rights and dignities of all concerned.

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