



MISUSE OF POWERS BY POLICE AUTHORITIES AND IT'S CONCURRENT INFRINGEMENT OF HUMAN RIGHTS

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Abstract

Public servants are endowed with legislative authority, however they would be regarded as charged and disciplined & criminally in relation to all residents of the nation until they have exceeded legal boundaries, but once they breach barriers. The Supreme Court has also found that elected authorities had misused their authority. Under this situation, abuse of rights as law violations would be renamed.

Crime concerning compliance involves a felony perpetrated when upholding the rules. The police can be targeted by the public, newspapers, courts when upholding the law with ineptitude, racism, discourtesy, indecency, dishonesty, brutality, brutalization, ignorance, duty-free sleep and illegal inquiry, casual search, epidemiatric calling, unaccountable interrogation, collection of facts, sophisticated enquiry, unequal civil rights strategies, etc. As a consequence, the policing department will not operate efficiently. People say that unless the statute is applied, regulation is broken. These infringements are classified as modern criminology as an compliance activity.

CUSTODIAL TORTURE

The term "torture" has since become associated with the dark side of Human Culture, a problem for medical law and other careers. Torture is so deep a wound in your psyche that you can almost reach it often, but it is still so immaterial that it can be not healed. "Torture." Torture. Is agony, pain is misery and terror, rage and hate, a urge to murder and ruin you. Hard like stone, paralyzing the rest and deep like the abyss.

Other Custodial Crimes

Many types of guardianship abuse conducted by public officials are reserved for violent offences performed in arrest during the questioning of the victim or during the prosecution of the suspected offense.

Human Rights

The concept of justice requires human rights. Equity is wealth. Justice is a fair treatment of an individual. When fairness remains, the statute is enforced. Justice is crucial for humanity. Refusing justice means refusing human rights. The integrity and privileges of individuals is maintained by human rights. Human rights ensure that every citizen will be upheld in a decent life. This requires compassion, grace, nature and a rational relation. This requires the integrated rehabilitation of individuals and the environment, in order to sustain every citizen with integrity. Human rights seem to be the rights that all individuals have under human circumstances. It is commonly known as "Fundamental Rights" or "Human Rights."

VIOLATION OF HUMAN RIGHTS



Whenever and wherever the administration / state or other law enforcement authority is committing a human rights violation as a consequence of the guaranteed rights by international humanitarian law, regional rule or state jurisprudence, the violation of human rights that occur directly by the State, or by any State that does not practice due diligence in protecting its people from the violation of human rights; The State shall be responsible for any misconduct or omission in view of any abuses of human rights. If the police refuse to obey the appropriate protocol in the finding of the suspect and to jail a fraud, that is a breach of human rights, and so the human rights inspector must make sure that the police and the courts uphold the law, maintain complete judicial discretion by punishment, whether politically or economically strong, of the people implicated in this offence.

CHAPTER 1: INTRODUCTION

Public servants are endowed with legislative authority, however they would be regarded as charged and disciplined & criminally in relation to all residents of the nation until they have exceeded legal boundaries, but once they breach barriers. The Supreme Court has also found that elected authorities had misused their authority. Under this situation, abuse of rights as law violations would be renamed.

1.1: GENERAL

Crime concerning compliance involves a felony perpetrated when upholding the rules. The police can be targeted by the public,

newspapers, courts when upholding the law with ineptitude, racism, discourtesy, indecency, dishonesty, brutality, brutalization, ignorance, duty-free sleep and illegal inquiry, casual search, epidemiatic calling, unaccountable interrogation, collection of facts, sophisticated enquiry, unequal civil rights strategies, etc. As a consequence, the policing department will not operate efficiently. People say that unless the statute is applied, regulation is broken. These infringements are classified as modern criminology as a compliance activity.

1.2: CONCEPT, NATURE OF ENFORCEMENT CRIMES (a) Concept and Nature

Applying the law and applying it can imply the same. However, law policy and compliance are completely different. In addition to breaches of the Panel Rules, there may be infringements of legal, financial, economic, psychological, moral and other laws when performing law crimes. Law enforcement agents confess to breaching rules, but have different definitions and justifications for their often criminal actions. In so many cases of civil breaches perpetrated by authorities, the courts still are compelled to interfere. The High Court of D.K. Basu's⁶²⁹ instructed police that when they are brought into custody / arrest, guardianship / detention will be provided for citizens. Once the defendant is put before the Jury, the Magistrate shall test it. There are a range of requirements incorporated in the Code of Criminal Procedure of 1973 to guarantee detainee-justice and the Courts test that criminals, prisoners, inmates are handled in compliance with the law and the protocol set down by statute. The technique shows that there could be breaches of the rule in police



departments or in the public detention of witnesses, prisoners or captives. The Indian legislation therefore states that compliance violations occur.

Human Rights Commissions shall award substantial redress to the perpetrators of police and other state authorities' misuse of power / authority. What are they saying? They inform the government. They prove us. It is a strong indicator that police and other policing and monitoring entities conduct compliance violations during the detective process.

Two elements of police service are effective internally and organizationally. Crimes in justice will also guarantee specific police performance. The officer may be defined as effective, knowledgeable, competent, excellent, etc. and the police and the public are respected by several officers / men. People might expect these law enforcement officers to fulfill their expectations, as in their situations they just want results, but in short order, they also will also condemn government authorities who uphold the law by breaking the law or committing crimes. Experience and practice demonstrates that law enforcement will not guarantee corporate success by abuses. Rather, the representations of the agency, and the people who constitute the organisations, as they conduct law enforcement offences, are stereotyped poorly.

(b) Extent and Intensity

Police authorities usually say that forensic inquiries are a prerequisite for prosecution by Indian courts. This is also correct, though, that individuals have a right to be free from unfair searches and assaults in their

individuals, homes, documents and properties. Nonetheless, citizens are hunted for the safety of the family members in their homes during the old hours of the night. When that is achieved, the infringement of power is certainly a breach of the rule and in this sense a denial of civil rights. Therefore in D.K. The Supreme Court of Basu's case issued clear instructions on the detention and questioning of offenders. A variety of felony prosecutions may still be convicted as some type of drug law violations have been found. In the case of Nadini Satpathy, "A police officer will not demand that a female be brought into the Police Station because it breaches Section 160(1). There is no question that police officers in certain cases send people to police stations, and the people go to police stations in terror of the repercussions. That is a breach of legislation because it itself represents an execution offense that is responsible for the felony they perpetrate.

In another scenario, the findings in the forensic document and the post-mortem report do not indicate that the conduct of law violations is specifically caused. In situations where court trials are conducted, the legal attorney takes care of these loop holes. In a trial, the Supreme Court found that law department misconduct have been a justification to doubt the veracity of the police records. The explanation is clear: whether the police report appears dubious or untrustworthy whether it was intentionally deceptive or fraudulent, it lacks its validity.

CHAPTER 2: ABUSE OF CUSTODIAL CRIMES

Even today's sophisticated and streamlined police stations, guardianship offences are typical occurrences. They are also under



standard and authority control. They are usually performed in the context of unjustified abuse and barbaric interrogation procedures, which specifically breach the fundamental human rights of the suspects being held. Even such forms of abuse and assault are cruel and barbaric. It is so serious that the convicted can die or disable the charged to such an degree that an irremediable body and soul damage is incurred. They are also going to conduct the horrific abuse against innocent women and girls under their care on certain instances. The role and reliability of the law enforcement departments as far as their existence and their responsibilities under the Act are concerned are both undermined by these harsh activities. Since such criminal activities put a prohibition at the frontline of law and order protection in a community regulated by the basic precept of the 'rule of law.' Nevertheless, to grasp the deep-rooted question of prison violations alluded to above, it must be addressed further.

2.1: Custodial Torture

The term "torture" has since become associated with the dark side of Human Culture, a problem for medical law and other careers. Torture is so deep a wound in your psyche that you can almost reach it often, but it is still so immaterial that it can be not healed. "Torture." Torture. Is agony, pain is misery and terror, rage and hate, a urge to murder and ruin you. Hard like stone, paralyzing the rest and deep like the abyss.

The deprivation of civil freedom is oppression itself and a regression at the heart of human rights practice. The meaning is "The intentional, systemic or malicious imposition of physically or mentally distress of one or

more individuals acting individually or on the order of some agency to compel others to render confessional or otherwise known.

2.2: Custodial deaths

In recent years, national media and the legislature have brought attention to custodian violations which involve deaths in detention. However though this event has been treated seriously by the Human Rights Commission, fatalities in police custody can arise in a variety of ways that may include:

- (i) "Death in police custody of persons remanded to police custody by court."
 - (ii) "Death in police custody of persons not remanded to police custody by court"
 - iii) "Death in police custody at the time of production/proceeding in Court/journey connected with investigation."
 - (iv) "Death in police custody during Hospitalization/Treatment."
 - (v) "Death in police custody due to accidents."
 - (vi) "Death in police custody in mob attack /riot."
 - (vii) "Death in police custody by other criminals"
- "Death in police custody while escaping from custody"

2.3: Custodial Rapes

Like in many countries around the world, rape in India is extremely popular. There is scarcely a day without news of a case of



abuse in the journals. People from low castes and tribal people are targeted specifically at this challenge to human society. In India, the lack of severity with which the offence is sometimes handled and of the negative care that is sometimes given to the accused perpetrators of rape by lawyers in their own societies is especially troubling. The reality that violation regulations and so limited meanings are insufficient is exacerbating this issue. Bhanwari Devi, a backward caste kid, was reportedly acknowledged as Gang Rapper in the infamous Rayasthan case involving the viol of 43 years of age, for her caste and middle old age. Bhanwari Devi was a social worker of volunteer people in Rajasthan's Bhatri district. She alleged in her allegations that, as part of her job in the State which funded Rajasthana women's construction project, she was Gang Raped on 22 September 1992 by representatives of the wealthy, high-caste community she had arranged to disclose to arrange a child marriage. It demonstrates the issues of abused women and provides an overview into the status of women in India. The District & Session Court in Jaipur dismissed her lawsuit, acquitting all five of her suspects after shifting of the lawsuit from the local policeman to the State Criminal Investigation agency under stress from a women's party, to the Central Bureau of Investigation (C.B.I). The judgment stressed that the First Knowledge Report (F.I.R.) had not been sent promptly and that it did not warn anybody else of the experience in the area.

2.4: Other Custodial Crimes

Many types of guardianship abuse conducted by public officials are reserved for violent offences performed in arrest

during the questioning of the victim or during the prosecution of the suspected offense.

(i) Illegal and Inhuman Handcuffing

India already has one of the world's most radical human resimes for handcuffing. The only exception is the usage of restraints, not the law. Sadly, there has been considerable lobbying from the government lately to make the legislation compulsory. On 10 July 2002 a workshop on "Use of rational approach by the Handcuffing" was arranged by the Police Research and Development Agency, in conjunction with the Institute of Social Sciences. The workshop was participated mainly by policemen from all over India and presented the attendees with an opportunity to explore handcuffing protocols. Most of them called for legislative changes to make handcuffing compulsory.

(ii) Deprivation from adequate fooding and other Human amenities

The term "custody" is liable for taking care of the person or properties under custody. That obligation is enhanced if police officers or some other professional enforcement body places a suspect in arrest that limits the rights of another suspect. No matter what, a person could lawfully have been detention by the authorities, but the fundamental requirements for maintaining a individual's safety can not be diminished in either situation. Throughout the Indian case, moreover, the Police or other civil sector employees engaged with police departments and crime reduction become very inhumane while they are kept in jail on suspicion of committing crime. The people associated with any offense will not provide sufficient food and necessary human services, and are a custodial offense themselves. A Public Officials' such harsh



conduct shows a very grim and shameful picture to those accountable for professional police departments.

CHAPTER 3: MEANING OF HUMAN RIGHTS

The concept of justice requires human rights. Equity is wealth. Justice is a fair treatment of an individual. When fairness remains, the statute is enforced. Justice is crucial for humanity. Refusing justice means refusing human rights. The integrity and privileges of individuals is maintained by human rights. Human rights ensure that every citizen will be upheld in a decent life. This requires compassion, grace, nature and a rational relation. This requires the integrated rehabilitation of individuals and the environment, in order to sustain every citizen with integrity. Human rights seem to be the rights that all individuals have under human circumstances. It is commonly known as "Fundamental Rights" or "Human Rights." Human rights are essential in the context that they will not be revoked under any conditions and are therefore not liable to the States or govt's granting or approval, nor should they be removed by officials. Human rights are not just freedoms but values focused on mankind's expectations in terms of equality, fairness, justice, liberty and security. That member of human civilization should therefore be regarded independently from bias against class, belief, ethnicity, sex ideology, ethnicity or another rank. Human rights are inevitable because they've become active from their conception owing to their very nature.

For every person, such privileges are important since they are synonymous with

rights and liberties and lead to biological, ethical, civil and religious well-being.

Due to differences in traditions, judicial systems, ideologies and monetary, social and political circumstances of individual states, the human rights term is hard to define. Nevertheless, the concept of civil rights could be said to connect us to the concept of human integrity. Therefore, human rights can be considered all those freedoms that are important to the protection of inherent dignity. D.D Basu describes human rights as the fundamental rights of all people, regardless of any other interest towards the States or any other public body as a representative of the human family. Immunities protections are an assurance that some actions can not or should not against such a particular individual would be assured. Under this definition, human beings should be shielded from cruel or inhumane conditions by way of their dignity. Human rights are, in other words, exceptions from the coercive control process. A person could only sought human rights in a structured society, i.e. the country, or in other phrases where there is a civil society structure. Nobody can foresee invoking them in such a condition of disorder, where a individual could hardly argue against deprivation of freedoms. The theory of human rights security is thus drawn from either the definition of the individual and his contribution to an ordered society that can not be isolated from either the common human existence.

Subhash C. Kashyap's words: "The fundamental norm governing the concept of human rights is that of the respect for human personality and its absolute worth. Human rights may be said to be those fundamental



rights to which every man or woman inhabiting any part of the world should be deemed entitled merely by virtue of having been born a human being.”

Youcef Bouandel claimed that almost all universities assume that the word "human rights" usually means a title for rights of man in the 20th century.

What are human rights? This has been the most contentious issue throughout the human rights discussion. Contract between scientists on human rights is still to be achieved. The developmental cycle ends in human rights. The initial list of human rights has been augmented by different ideologies and conditions. There will be, in general, three human rights classifications. Firstly, social and democratic freedom, the so-called 'first century' by most academics. Originally these freedoms are rooted in Liberal practices and are known as "the original set of human rights." The second concern includes financial, cultural and social equality recognized as the 'second human rights wave.' First of all Marx and his supporters have stressed these freedoms. Thirdly, only after the rise of Third World / Developing Countries, a new organization of freedoms dubbed the "third wave of human rights" began pretending to be part of human rights. We will now concentrate on the issues during the first two groups of freedoms only. It is a topic that has caused some debate if human rights must include all ages of freedoms or only the initial. Some philosophers on human rights such as Maurice Cranston and R. S. Downie claimed that individual rights shouldn't include financial and health benefits and social rights but must be restricted to civil and political rights. Cranston claims that human rights are impossible for the second

generation, and that their incorporation is an obstacle to the security of typical human privileges. He has carried out three trials that assess the validity of civil rights. Such parameters are: possible, necessary and basic. First of all, he claims that social and economic freedoms are not possible as they need services that go beyond the capacity of governments. On the other side, he claims that the conventional rights to life and freedom also require government protection and are therefore feasible. Additionally, he insists that the freedoms to life and freedom alone are essential. Third, he asserts the universality of human rights. The rights to privacy and freedom of the first century can be uniformly secured, but the cultural-economic rights vary from the worker's rights to community because they rely on enough resources.¹³The liberal thinking group primarily assumes that social and economic rights need a lasting benefit of the state, contributing to more government actions and an eventual violation of right. Thanks to the above reality, human rights of the second generation are not protected.

Human rights are crucial for the entire development of the individual's experience in culture, must be preserved and made accessible to all persons. Maybe the most critical problem to man daily is not that everybody should recognize the different "democracy" which we have, as we are "all immaculately conceived to seek the same freedom and freedoms”.

DIFFERENT APPROACHES TO HUMAN RIGHTS

David claims that fundamentally problematic are theoretical strategies towards human rights. There are findings in



human rights legislation on certain criteria. Criticisms are given by human rights methods. He suggested that human rights legislation and exercise must be assessed by real risks, not by optimal norms. The foregoing are the different methods to human rights:

Natural Law Theory

The hypothesis of natural law is based on Sophocles & Aristoteles, although the Stoics of the Hellenic Greek era and the subsequent Roman era have been explained initially. They claimed that divine laws encompassed certain basic concepts of righteousness which are the true, moral, unchangeable, and everlasting purpose. Christian religious thinkers, including Thomas Aquinas, also imposed a great emphasis on the natural law by giving men some unchanging privileges in the rule of God. But the medieval principles, which accepted bondage and servitude, had essential restrictions, thereby removing core ideals of liberty and justice. During a collapse in serfdom, median liberal teleological hypotheses emerged, especially as Hugo Grotius and Samuel von Pufendorf had articulated. Grotius described law of nature as the 'dictate of right reason,' meaning that an activist's reliability of moral imperative or moral lowliness was or was not in compliance with the reasonable existence. Grotius was also a founder of current international law, it must be remembered. Clearly, this principle has enormous relevance as part of an international legal system for the protection and recognition of human rights. The philosophy of law of nature contributed to doctrine of natural rights, the concept of mobile human rights very closely linked.

John Locke was the primary proponent of the philosophy. In a capitalist market, Locke conceived the future of human beings. In that country, sexes were in a condition of liberty, able to know their acts and justice in the context that none of them were susceptible to someone else's will or power. The principle of natural rights contributes significantly to human rights. It calls on a greater obligation to protect human rights from either the complexities of the bare authority. This deals with the liberty and equality that other human rights emerge freely from but it offers protection resources and help for a system of economic rights at home and abroad.

Rights Based on Natural Rights Theory

In varying forms the modern's central ideas on human rights seem to describe principles which apply to basic needs, that is to say requirement to determine a minimum of what it means to be human in any form of governance that is morally permissible. This finds human life to include other rights, values that would be worthless without the label "alien." Mankind has a linguistic position in order to use a symbolic analogy that includes some basic human rights. Clearly, many of the modern collectivist ideas has a certain level of respect. It can be seen that, if we take such human rights (liberty of expression, equality) as criteria, another kind of society can be created, and, if one thinks this type of society ideal, it must be accepted and called absolute values. The revival of eligible and modified natural rights and fundamental principles has played a decisive role in global standards for human rights. The Universal Declaration on Human Rights itself illustrates this impact, and starts with the



principle ' whilst appreciation of the inherent dignity and equitable and inalienable rights of all people is the cornerstone for liberty, fairness and world peace.”

Rights Based on Justice Theory

A principle of Law. i4's Justice was the first quality in social structures; said Rawls. The concept of modern ethics is profound. Principle of Justice. The role of justice is therefore key to understanding civil rights, as human rights are, of course, the beginning of equality. By acknowledging Rawls ' study, no human rights philosophy of domestic or international digital culture can currently be developed, and this hypothesis is more addressed here than any other current concept. According to Rawls, the principles of freedom include a way to allocate rights and obligations in fundamental social organizations. The premise of Rawls is that every citizen has ' a justice established inviolability' who can not even be overestimated by social welfare.

Origin of Human Rights

The idea of human equality is as ancient as human culture. In certain ways or in other "political" document the issue of human rights was implicit. The privileges and responsibilities of their leaders have been established by all cultures and societies. The concept of religion does not come solely from the West. It is a sublimation of ideals which are humanity's shared history. As when the Universal Declaration of Human Rights found out by Mary Ann Glendon, never suddenly fell down from the sky on plates but was rather a landmark on the path that mankind took in nations only.' The human rights vocabulary is in reality a result of European illumination. But the

human rights ideas are as ancient as the Indian culture as the Indians say. From the very young days of the Vedic age, political thinkers and scholars have raised concerns regarding the protection of human rights or rights for all humans. India ' s philosophers find that the fact that the notion of human rights is based solely on western civilization, as the Western has today discovered on human rights, is not justified since it is an agreed concept of India's rich historical heritage of heritage and culture which is evident in the Vedas statements.

The "Rigveda," considered the earliest letter, states that all that everyone is the same and all siblings. In the numerous discourses in the ancient Vedic and the post Vedic Indian times the "Atharvaveda" promotes the equality of all people on resources, such as air and water and food, such as the right of the intellectual to health, schooling, the right to worship, welfare and the right to fair care and safety, etc. "Nobody is higher or inferior, all are sisters," says the Rigveda, Mandala-5, Suktan-60, Mantra-5. "All should take out the needs of everyone and go forward together." Manu defines the King's Raj Dharma as "As the Mother nature offers all living creatures equal support, so should the King give without prejudice"(Manuix-31). Manu orders the king more, "The king's greatest job is to protect his own people; the king who collects the taxes ordered by him (from subjects of his), who preserves himself by himself, behaves as per Dharma." Kautilya springs up wonderfully the concept of the welfare system. He rejected the King's theory of relativism and subject him to law and duty. In addition to claiming and establishing Manu's first constitutional and rights, Arthashastra has introduced many



economic rights. He conclusively declared that the Lord shall give care to the Orphan, the Elderly, the Disabled, the Stricken, and the Helper, and shall provide food to the needy waiting mothers as well as to the kids to whom they bear in their conception. The compassionate sentiments are also evident in Buddhism. His values teach all things compassion. Non-violence, unhatred and kindness are the fundamental principles of Buddhism. Because of its injustice, Buddha opposed the caste system and regarded certain men as intellectually superior solely because of their birth. The creation and propagation of quality education-education for all would be another of

Buddhism's most important contributions.

CHAPTER 4: INFRINGEMENT OF HUMAN RIGHTS

Whenever and wherever the administration / state or other law enforcement authority is committing a human rights violation as a consequence of the guaranteed rights by international humanitarian law, regional rule of state jurisprudence, the violation of human rights that occur directly by the State, or by any State that does not practice due diligence in protecting its people from the violation of human rights; The State shall be responsible for any misconduct or omission in view of any abuses of human rights. If the police refuse to obey the appropriate protocol in the finding of the suspect and to jail a fraud, that is a breach of human rights, and so the human rights inspector must make sure that the police and the courts uphold the law, maintain complete judicial discretion by punishment, whether politically or

economically strong, of the people implicated in this offence.

The standard of the culture of State can be assessed primarily by the strategies it uses in criminal law compliance. The police must be vigilant and autonomous of the Executive Branch, even though it is part of a government agency for the purpose of fulfilling the task of protecting people. Police with an excess of victorious forces must be practiced without fear and independently of the state, purely for the defense of the citizens' lives and rights, but not as an agent of the citizens' transgression. The Supreme Court then ruled that in cases within its only jurisdiction they should not intervene with the police. In a recent judgment, the Supreme Court upheld its earlier stance though disregarding the tradition of other high courts where they intervene with the prosecution and while the inquiry was under way they called for the development of the trial diaries. But the true issue is not here: rather, the police have been commonly assumed to use fast and unethical forms to conduct their duties, a prominent scholar has claimed in accordance with this that the origins of police inconsistency are profoundly rooted and multi-dimensional. It comes from vague legislation, susceptibility to legal sacredness and a need to achieve swift performance, as is seen in many countries of the world. The people trust the police to take laws into their hands in places like India.

4.1: Meaning and Principles of Human Rights

Meaning:- Human rights are the freedoms which any individual being has the freedom



and privilege to live. The fundamental principle of such freedoms, which are important for human integrity, is that the care of people, women and children is uniformly valued. In all cultures and communities these freedoms occur in any way. The people of countries across the world is constitutionally accorded civil rights. They apply in particular to good life, health care and homelessness, freedom of speech, educational rights and several other freedoms. The

Fundamental Declaration on Human Rights ratified by the United Nations on 10 December

1948 is the current legal statement on these freedoms. In addition to human and civil rights and equality for the people of the nation, the Declaration declares physical, social and cultural freedoms. The cornerstone of democracy, equality and fairness are called such freedoms. For developed countries like India, the UN added in 1986 a special right of significance:

Basic Principles:

(I) In freedom and in freedoms all humans are born free and fair. We have purpose and faith, so will behave in the sense of fraternity against one another.

(II) All shall have access, irrespective of color, colour, sex, gender, ethnicity, political or other viewpoint, national or social history, to all the privileges and liberties set out in this Declaration.

(III) Everyone have the right to life, equality and health.

(IV) Slavery or serfdom shall not be kept by any; in all its manifestations slavery or slave trading shall be forbidden.

(V) The care or discipline of no person shall be oppressive or barbaric, inhuman or degrading. (VI) All are entitled to be treated as a citizen before the law in the nation.

(VII) They are both citizens before the law and have the right to fair treatment under the law beyond prejudice. In breach of this law, all are entitled to equitable defense against prejudice as well as against inciting hatred.

4.2: Instances of Human Rights Violation by Enforcement Agencies

Even after more than five years of Independence, news of police excesses can be seen in daily newspapers in a nation which is proud to be the biggest democracy and have the only written constitution between all the societies of the world and has the particular, clear paragraphs on the fun in its constitution. The residents of Punjab tend to be brutalized by the authorities. The Punjab Police were provided unnecessarily by the government to establish a rule for itself. In the once stable and successful State the constant proliferation of security services in Punjab tears down its foundation.

Most civil rights leaders and protesters paved the road to democratic freedom or charged with their life. In addition, while Punjab has a total murder rate of 15,000 between 1984 and 1996 according to official estimates, the number of people murdered by the Punjab Police increased to 25,000 according to different public servants and human rights groups. That covers individuals involved in "encounters," cremated as "unidentified" and "escape custody by the police." It haunts every



Punjabi's minds and is regarded as the sordidest period of the Punjab state's past.

Human Rights Violations of Prisoners

If he is brought into jail or placed into detention, an inmate will not forfeit all his rights. He will not suffer abuse, unilateral imprisonment or any such injustice simply because of the restriction of his free movement. Moreover, 8 out of 10 trials in Bhagalpur Central Jail in Bihar lost their eyes in a major human rights abuse accident. The Court ordered the Registrar and other authorities to go to jail to clarify the details with the blind and other inmates.

Data is obtained from the Regional Crime Database System in terms of the amount of reports, enquiries and lawsuits reported in 1996 to 2000 against police officers. The Office recorded that 68160 allegations were issued in 2000 against police staff in all Indian countries in 13734 incidents, 236 incidents were prosecuted by the Magistrate and 452 cases by judicial inquiries. However, it is quite shocking that 4,2608 incidents, or 62,5 per cent of the allegations recorded, either weren't validated or not proven valid. This appears to be a totally unpersuasive method.

CHAPTER 5: CONCLUSION

Our law allows the director the sole judge to determine if there is an incident and allows the manager the sole accountable. Immediate calls for emergency measures, and the government has to be prepared with appropriate resources to cope with the situation. Around the same period, though, these enormous forces can be exploited and

such violence must be controlled as far as it can be avoided.

The key focus will not be disciplined after a long court process, but will be at the core of the violence. Prevention can be regulated where undue force is exerted. Apart from laws which give authority, certain stringent requirements ought to be implemented in an irregular manner by the government.

Then the residual intervention, which is either statutory or judicial, is regulatory activity. The diagnosis of a single condition is concerned and is generalization clear. This does not include methodological criteria to gather facts and assess claims. It is founded on individual gratification while strategy and expediency are the foundation of decision taking. It does not select a rule, even though it does influence a right. It does not say, though, that while the government has "administrative powers" the standards of procedural fairness may be totally neglected. If the law does not allow for anything more, it must also uphold a minimum of natural justice in compliance with the relevant condition of each case.

References:

- Police Enforcement Crimes and Injustices", Vadackumchery, p. 19
- D.K. Basu vs. State of W. Bengal, A.I.R. 1997, S.C., p. 610.
- "Murder, assault, bribery – the policemen's beat in India", Ranjit Devraj in Asia Times, Oct,25th, 2000.



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4. “Police personnel violating traffic rules not be spared” The Tribune (Delhi Edn. August 9th, 2003.
 5. “4 Cops Suspended for trespass”, The Tribune (Delhi Edn.), August 19th, 2003.
 6. “SHO ordered to pay Rs. 1 lakh”, The Tribune (Delhi Edn.), July 17th, 2003.

