

“In a democratic nation, people’s participation in governance is of utmost importance. As a vital component of the governmental machinery, the police too, are under an obligation to take into account community aspirations and tailor policing to serve the community’s needs best. Transparency and openness in functioning are excellent ways to break barriers and engage in people-oriented policing”



Mamta Sharma

CHAIRPERSON

Phone : 23230785, 23236204 (O)

Fax : 23236110



भारत सरकार
राष्ट्रीय महिला आयोग
4, दीन दयाल उपाध्याय मार्ग
नई दिल्ली-110 002

GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR WOMEN
4, DEEN DAYAL UPADHYAYA MARG
NEW DELHI-110 002
Website : www.ncw.nic.in
E-mail : chairperson-ncw@nic.in

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MESSAGE

I am happy to learn that HUMANRIGHTS MISSION is publishing a booklet 'POLICING AND HUMAN RIGHTS'.

Humanrights Mission is engaged in the task of preventing crimes and human rights violation in the society through its extensive network in 17 states of the country and with the help and co-operation of Government Agencies. This organization gives legal help to the disturbed and upset people and to those who are afraid to tell their matters to the police. MISSION is making people aware of their rights, especially the poor and weaker people of the society.

On this occasion, I extend my warm greetings and felicitations to the National President Dr. Mahendra Sharma and all the Members of the Mission for their strive hard and commendable services & wish them all success for their endeavour.


(MAMTA SHARMA)

FROM THE DESK OF NATIONAL PRESIDENT



MANVADHIKAR MISSION is a Non-Governmental Organisation registered under Societies Act, 1860 by the Government of India. The main aim of the Mission is to Prevent crimes in the society and to stop the human rights violation with the help and co-operation of Government. This organization gives legal help to the disturbed and upset people and to those who are afraid to tell their matters to the police. Our main purpose is to help the distressing people with the help of police and administration to make a crime-free society.

Today, small crimes and human rights violation in comparison to big one are increasing day-by-day. Small crimes have hollow out the society from inside and it is having impact on our future generation. Anti-social elements and

criminals try to discredit the police and public thinks the police force ineffective in many cases. That is why public confidence in the police is decreasing. We are trying our best to re-build public confidence.

I appeal all of you to become the member of MANVADHIKAR MISSION so that we can work all together for the welfare of the people especially for the down-trodden of the society.



(Dr. Mahendra Sharma)
Chairman

HUMAN beings are rational beings. They by virtue of being humans possess certain basic and inalienable rights which are known as Human Rights. Since these rights are available to them by virtue of being humans, as such they come into existence at the time of their birth. The Constitution of India as adopted in 1950 provides certain rights to its citizens known as the Fundamental Rights. These rights are similar to those rights which are provided in Universal Declaration of Human Rights and the rights provided in International covenant on civil and political rights and international rights on social, economic and cultural rights.

The Constitution of India provides the following rights to its citizens:

Right to Equality:

Right to Freedom:

Right against Exploitation:

Right to freedom of Religion:

Cultural and Educational Right

ROLE OF POLICE IN HUMAN RIGHTS PROTECTION

Police is an executive branch of any state government. It is the liability of police to protect the constitutional rights of each citizen. Police plays an important role in human rights protection. Policing is at the heart of a broad spectrum of human rights discourses. This has been apparent for many of those working on civil and political rights who have generally targeted police as human rights violators. However, policing also has a direct relevance to economic, social and cultural rights. Police can and should play an important role in ensuring a safe environment in which individuals can seek to realise their full range of rights – be they social and economic or civil and political.

Word “POLICE” can be explained as under:

P	=	Polite
O	=	Obedience
L	=	Liability
I	=	Intelligent
C	=	Courageous
E	=	Efficient

GUIDELINES (CODE OF CONDUCT) FOR POLICE

The Government of India (Ministry of Home Affairs) has issued certain guidelines to all the State Governments for the police:-

1. The police must bear faithful allegiance to the Constitution of India and respect and uphold the rights of the citizens as guaranteed by it.
2. The police should not question the propriety or necessity of any law duly enacted. They should enforce the law firmly and impartially, without fear or favour, malice or vindictiveness.

3. The police should recognize and respect the limitations of their powers and functions.
4. In securing the observance of law or in maintaining order, the police should as far as practicable, use the methods of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used.
5. The prime duty of the police is to prevent crime and disorder.
6. The police must recognize that they are members of the public, with the only difference that in the interest of the society and on its behalf they are employed to give full time attention to duties, which are normally incumbent on every citizen to perform.
7. The police should realize that the efficient performance of their duties would be dependent on the extent of ready cooperation that they receive from the public. This, in turn, will depend on their ability to secure

public approval of their conduct and actions and to earn and retain public respect and confidence.

8. The police should always keep the welfare of the people in mind and be sympathetic and considerate towards them. They should always be ready to offer individual service and friendship and render necessary assistance to all without regard to their wealth and /or social standing.
10. The police should always be courteous and well mannered; they should be dependable and impartial; they should possess dignity and courage; and should cultivate character and the trust of the people.
12. The police should recognize that their full utility to the State is best ensured only by maintaining a high standard of discipline, faithful performance of duties in accordance with law.

HUMAN RIGHTS COMMISSION'S GUIDELINES ON POLICE - PUBLIC RELATIONS

NHRC has issued some important guidelines and these guidelines are in an invaluable aid for police officers to perform their duties in a manner compatible with prevailing human rights standards.

Toll free telephone number for the public to convey crime information to the public

Police services of all states should set up a toll free telephone number for the public convenience. In Kerala, this number is 1090.

The National Human Rights Commission has recommended that for the purpose of uniformity, all states should have the same number i.e 1090. They have advocated that the number should be dedicated to public use and installed in the Police Control Room/Police Station/ Sub-Divisional Office.

The number should be toll free within the state, enabling people from remote parts or interiors of districts to access it.

Callers should not be compelled to reveal their identity. They may be given a code number to identify themselves to know the result of the investigation.

Callers should be rewarded for their public-spirited service by issuing commendation certificates if the information results in detection of crimes.

Transparency in the investigation process must be maintained. The Commission has stressed that complainants must have access to information about their cases. They have said that:

A First Information Report [FIR] should be registered promptly on receiving a complaint.

A copy of the FIR should be given to the complainant and an entry about this should be made in the First Case Diary.

If the complaint does not make out a cognizable offence, the police should

explain to the complainant, the reasons why the complaint cannot be registered.

If investigation is not completed within three months of the FIR being registered, the complainant should be informed in writing giving specific reasons for the delay.

If investigation is not completed within six months of registering the FIR, the complainant should be informed again in writing about the reasons for non-completion of investigation, and the acknowledgement should be kept on the Case Diary file.

If the investigation is not completed within one year, a more detailed intimation should be prepared by the investigating officer giving reasons for the delay to the complainant. The intimation should be endorsed by a gazetted officer who directly supervises the work of the investigating officer. The gazetted officer should personally verify the reasons for delay given by the investigating officer. A record of the intimation and its

acknowledgement by the complainant should be kept on the Case Diary file.

The complainant should be informed once the investigation is completed and a charge-sheet is filed before the court. A copy of the charge-sheet should be given to the complainant by the police. In case the complainant is not available for some reason, her/his family should be informed.

In order to strengthen police-public relations, Station House Officers [SHO] must hold regular monthly meetings in areas falling under their jurisdiction. This will enable people to voice their grievances to the SHO. It will also give the police an opportunity to inform people about law and order issues and enlist their cooperation in maintaining peace and preventing crime. The Commission has advocated that senior officers should also take part in these meetings along-with Station House Officers.

Use of force should be avoided while making an arrest. In case the person being arrested offers resistance, minimum

force should be used and care should be taken to see that injuries are avoided.

Dignity of the arrested person should be protected. Public display or parading of the arrested person is not permitted.

Search of the arrested person should be carried out with due respect for her/his dignity and privacy. Searches of women should only be done by women, with strict regard to decency.

Women should not be arrested between sunset and sunrise. As far as practicable, women police officers should be associated when the person being arrested is a woman.

Force should never be used while arresting children or juveniles.

Article 22 (2) requires an arrested person to be produced before the nearest magistrate within 24 hours. Section 57 of the CrPC says that an arrested person cannot be in kept in custody for more than 24 hours without the order of a magistrate.

SOCIAL RESPONSIBILITIES OF THE POLICE

Every police officer shall:

- (a) behave with the members of the public with due courtesy and decorum, particularly so in dealing with senior citizens, women, and children;
- (b) guide and assist members of the public, particularly senior citizen, women, children, the poor and indigent and the physically or mentally challenged individuals, who are found in helpless condition on the streets or other public places or otherwise need help and protection;
- (c) provide all requisite assistance to victims of crime and of road accidents, and in particular ensure that they are given prompt medical aid, irrespective of medico-legal formalities, and facilities their compensation and other legal claims;

- (d) ensure that in all situations, especially during conflict between communities, classes, castes and political groups, the conduct of the police is always governed by the principles of impartiality and human rights norms, with special attention to protection of weaker sections including minorities;
- (e) prevent harassment of women and children in public places and public transport, including stalking, making objectionable gestures, signs, remarks or harassment caused in any way;
- (f) render all requisite assistance to the members of the public, particularly women, children, and the poor and indigent persons, against criminal exploitation by any person or organised group; and
- (g) arrange for legally permissible sustenance and shelter to every person in custody and making known to all such persons provisions of legal aid schemes available from the

Government and also inform the authorities concerned in this regard.

(h) preserve, promote and protect human rights and interests of weaker sections, backward classes, poor, weak and the downtrodden.

Police & Human Rights of Women

Important guidelines for police officers dealing with women:

- A. Women shall be shown special treatment wherever they interfere with the system whether as complainants, victims, accused, witnesses or inmates of institution, giving respect for gender dignity and habitative concern for women. Separate prisons and police lockups, correctional centres and separate courts shall be set up exclusively to deal with women.
- B. Recognizing the children of custodialised women as innocent, the State shall conscientiously respect the

rights and privileges of the children accompanying the women in custody.

- C. The police, prison, correctional, judicial personnel dealing with women shall be specially trained.
- D. Women shall be arrested only in case of absolute necessity and only between sun rise and sunset except in exceptional cases.
- E. Arrests and search of women including interrogation shall be conducted according to strict standards of decency. Women police officers shall search women and escort women prisoners.
- F. Basic amenities and privacy shall be provided to women prisoners.

Human Rights of Juveniles

Juvenile Justice (Care and protection of children) Act 2000 is human rights legislation and is enacted to lay down procedures while dealing with neglected and delinquent juveniles.

- A. Every police officer should be acquainted with the provisions of this Act while dealing with delinquent juveniles. The following are some of the important points relating to juveniles.
- B. When a delinquent juvenile (Juvenile in conflict with law) if arrested for committing any offence, shall not be kept in lockup nor handcuffed. He shall be released on bail whether the offence is bailable or non-bailable provided an undertaking is given by his parents or guardians to take care of him and for production in court.
- C. Interrogate a juvenile delinquent with sympathy, care and caution.

- D. Question the juvenile in isolation and never be authoritative. Be kind but firm.
- E. Whenever a statement is to be recorded from a juvenile witness keep him at ease and make him to speak the truth away from influences.

IMPORTANT CONTACTS:

NATIONAL HUMAN RIGHTS COMMISSION

Faridkot House,
Copernicus Marg,
New Delhi-110001

Tele. No. 23384012 Fax No. 23384863
E-Mail:covdnhrc[at]nic[dot]in,
ionhrc[at]nic[dot]in

NATIONAL COMMISSION FOR WOMEN

4-Deen Dayal Upadhyaya Marg
New Delhi-110002

Tele.23236154, 23234918, 23236988
Fax:23236154, 23236153

Complaint Cell: 23219750, 23213419

Email:ncw@nic.in complaintcell-
ncw@nic.in

**NATIONAL COMMISSION FOR
SCHEDULED CASTES**

5th Floor, Lok Nayak Bhawan
Khan Market
New Delhi
Toll Free No.1800118888
Tele.24620435

**NATIONAL COMMISSION FOR
SCHEDULED TRIBES**
6th Floor, Lok Nayak Bhawan
Khan Market
New Delhi
Toll Free No.1800117777
Tele.24697018

**NATIONAL COMMISSION FOR
PROTECTION OF CHILD RIGHTS**
5th Floor, Chanderlok Building,
36, Janpath,
New Delhi - 110 001
Tele No. 23724026 23478200
E-Mail: complaints.ncpcr@gmail.com)

**NATIONAL COMMISSION FOR
BACKWARD CLASSES TRIKOOT - 1,**
Bhikaji Cama Place
New Delhi - 110 066.
Tel. No. 2618-9210, 9211, 9212
Fax No. 2618-3227

POLICE HELPLINE

Faridabad: 0129-2227200 Women helpline:1091

MANAVA ADHIKAR MISSION

**2/13, Julena Commercial Complex, Okhla
Road New Delhi – 110025,**

Helpline No. 8826178400,

Fax: 011-26914348

E-mail: presidenthrm@gmail.com

chairmanhrm@gmail.com

**HELPLINE
PH.: 8826178400**

STATE PRESIDENTS

1.	DR.MAHENDRA SHARMA	HARYANA	09716164004
2.	HAJI MOH.IRFAN	DELHI	09873492797
3.	YADWINDER SINGH	PUNJAB	09780505051
4.	JITENDRA UPADHAYYA	U.P.	09450224165
5.	DR.UMA KANT PATHAK	BIHAR	09835291966
6.	DR.SIDDHARTH ROY	JHARKHAND	09332265696
7.	ATMARAM PANDEY	M.P.	09425141281
8.	ASHOK TIWARI	DNH	09979629024
9.	M.FIRASAT A.SIKANDER	KARNATAKA	09810425786
10.	P.P.MUKHARJI	WEST BANGAL	09040792438
11.	GOPAL SHARMA	RAJSHTHAN	09782632599
12.	MANISH K.SHAH	ODISHA	09438837858
13.	BHAJRAM GOUR	CHATTISHGARH	09993891616
14.	BRIJ BHUSHAN	J&K	09803107620
15.	BALBIR SINGH	HIMACHAL	09915745557
16.	TEJVIR SINGH	UTTRAKHAND	09760755059
17.	BALWINDER KAUR	CHANDIGARH	09463390207
18.	ASHOK KUMAR	GUJARAT	08140917861