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## **POLICING IN CONFLICT ZONES: A STUDY ON HUMAN RIGHTS AND LAW ENFORCEMENT**

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### **ABSTRACT**

*Policing in conflict zones presents a significant challenge as law enforcement agencies must balance national security imperatives with fundamental human rights protections. This study examines the legal and operational frameworks governing policing in conflict-prone areas, with a particular focus on India. It explores the applicability of constitutional provisions, statutory laws, and international legal instruments in shaping police conduct while addressing concerns of excessive force, impunity, and militarization. The research delves into the role of special legislations such as the Armed Forces (Special Powers) Act (AFSPA), the Unlawful Activities (Prevention) Act (UAPA), and the National Security Act (NSA), highlighting their impact on civil liberties and accountability mechanisms. Empirical case studies from conflict-affected regions, including Jammu and Kashmir, the North-East, and Maoist insurgency zones, provide critical insights into the practical implications of law enforcement strategies. Additionally, the study assesses the role of judicial oversight, community policing initiatives, and policy recommendations for rights-based policing in conflict zones. The findings underscore the need for legal reforms, enhanced accountability structures, and human rights-centric policing approaches to ensure effective law enforcement while upholding constitutional guarantees and international human rights standards.*

***Keywords: - Policing in conflict zones; human rights; law enforcement; counterinsurgency; police accountability; Armed Forces (Special Powers) Act (AFSPA); Unlawful Activities (Prevention) Act (UAPA); judicial oversight; community policing; national security laws.***

## **CONCEPTUAL FRAMEWORK OF POLICING IN CONFLICT ZONES**

Policing in conflict zones presents a complex intersection of law enforcement, human rights, and security imperatives, requiring a nuanced understanding of legal principles, operational challenges, and socio-political dynamics. Conflict zones, typically characterized by armed insurgencies, ethno-religious tensions, civil wars, or high-crime environments, demand a distinct policing framework that balances security concerns with fundamental human rights protections.<sup>1</sup> Traditional policing models often prove inadequate in such regions due to the breakdown of governance structures, the prevalence of non-state actors, and the erosion of public trust in law enforcement institutions.<sup>2</sup>

The conceptual framework for policing in conflict zones is grounded in three primary theoretical perspectives: the rule of law model, the militarization paradigm, and the community policing approach. The rule of law model posits that law enforcement agencies must adhere to constitutional principles and international human rights norms, ensuring that policing remains a civilian function even in high-risk environments.<sup>3</sup> This approach aligns with global human rights instruments such as the *Universal Declaration of Human Rights (UDHR)* and the *International Covenant on Civil and Political Rights (ICCPR)*, which emphasize the protection of civil liberties even during states of emergency.<sup>4</sup>

The militarization paradigm, by contrast, acknowledges the necessity of deploying paramilitary or Specialised tactical units in conflict zones, particularly where insurgent or terrorist threats are prevalent. The increasing use of *Special Weapons and Tactics (SWAT)* teams, counterterrorism forces, and military-grade equipment in domestic policing has been both lauded for its efficacy and criticized for its potential to escalate violence.<sup>5</sup> In many conflict zones, the blurring of lines between military and law enforcement functions raises concerns about excessive force, extrajudicial killings, and the erosion of civilian oversight.

From a legal standpoint, policing in conflict zones operates within a hybrid regulatory framework that incorporates *domestic criminal law*, *international humanitarian law (IHL)*,

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<sup>1</sup>Cheeseman, Nic, & Blessing-Miles Tendi, *Power-Sharing in Comparative Perspective: The Dynamics of 'Unity Government' in Kenya and Zimbabwe*, 108 J. Mod. Afr. Stud. 203 (2010).

<sup>2</sup>Bayley, David H., *Changing the Guard: Developing Democratic Police Abroad* (Oxford Univ. Press 2006).

<sup>3</sup>Davis, Lynn, *The Police and the Rule of Law in Post-Conflict Societies* (Int'l IDEA 2012).

<sup>4</sup>U.N. Human Rights Comm., General Comment No. 36, *Article 6 of the International Covenant on Civil and Political Rights*, U.N. Doc. CCPR/C/GC/36 (2019).

<sup>5</sup>Kraska, Peter B., *Militarization and Policing—Its Relevance to 21st Century Police*, 1 Policing 501 (2007).

and *human rights law*. IHL, codified in the *Geneva Conventions*, provides specific provisions for law enforcement in armed conflict situations, particularly regarding the treatment of civilians and detainees.<sup>7</sup> However, one of the key challenges lies in the accountability gap, where law enforcement agencies operating in conflict zones often evade judicial scrutiny due to national security exemptions or the absence of an independent oversight mechanism.<sup>8</sup> In response, legal scholars have argued for the establishment of specialized police accountability commissions and greater international cooperation to ensure adherence to human rights standards in conflict policing.<sup>9</sup>

A critical element of the conceptual framework is the impact of policing strategies on conflict resolution. While aggressive policing may yield short-term security gains, it can also contribute to deep-seated animosities, fostering cycles of violence and resistance.<sup>10</sup> By contrast, models that integrate restorative justice principles—such as *reconciliation programs*, *truth commissions*, and *victim-centered policing*—have been instrumental in stabilizing post-conflict societies and rebuilding trust in law enforcement institutions.<sup>11</sup>

The conceptual framework for policing in conflict zones necessitates a multidimensional approach that integrates security, legal compliance, and community engagement. While militarized tactics may be indispensable in certain scenarios, sustainable peace and law enforcement legitimacy ultimately hinge on adherence to human rights principles, institutional transparency, and the active participation of affected communities. Moving forward, the development of specialized training programs, independent oversight mechanisms, and enhanced legal frameworks will be pivotal in ensuring that policing efforts in conflict zones contribute to long-term stability rather than exacerbating existing tensions.

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<sup>7</sup>Int'l Comm. of the Red Cross, *Commentary on the Geneva Conventions* (2016).

<sup>8</sup>Nowak, Manfred. *U.N. Covenant on Civil and Political Rights: CCPR Commentary*. 2nd ed. N.P. Engel, 2009.

<sup>9</sup>Simmons, Beth A., *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge Univ. Press 2011).

<sup>10</sup>Galtung, Johan, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization* (SAGE Publ'ns 1996).

<sup>11</sup>Howard Zehr, *The Little Book of Restorative Justice* (Good Books 2002).

## **LEGAL FRAMEWORK GOVERNING POLICING IN CONFLICT AREAS WITH SPECIAL REFERENCE TO INDIA**

The policing of conflict zones presents unique challenges, requiring a balance between maintaining law and order, upholding human rights, and ensuring national security. In India, the legal framework governing policing in such areas is shaped by constitutional provisions, statutory laws, and judicial interpretations. Given India's history of internal conflicts, particularly in regions like Jammu and Kashmir, the North-East, and areas affected by left-wing extremism, the legal structure seeks to regulate police conduct while addressing security concerns.

### **Constitutional Provisions And The Role Of Fundamental Rights**

The Constitution of India provides the foundational principles that govern policing in conflict zones. **Article 355** mandates the Union to protect states against internal disturbances and ensure governance in accordance with the Constitution.<sup>12</sup> However, law enforcement agencies, including the police, must act within the limits of **Article 21**<sup>13</sup>, which guarantees the right to life and personal liberty.<sup>14</sup> The Supreme Court has repeatedly emphasized that policing, even in conflict zones, must conform to constitutional safeguards against arbitrary state action.<sup>15</sup>

Furthermore, **Article 22** provides safeguards against preventive detention but also permits exceptions in situations involving national security.<sup>16</sup> The judiciary has attempted to balance this provision with fundamental rights, cautioning against the misuse of preventive detention laws in conflict zones.<sup>17</sup>

### **The Police Act, 1861 And Its Relevance In Conflict Zones**

**The Police Act, 1861**, remains the principal statute governing police forces across India. Enacted during the British colonial period, the Act was designed to maintain strict law and order, often at the cost of individual liberties. In conflict-prone regions, the Act provides broad discretionary powers to law enforcement officers, leading to concerns over excessive force and

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<sup>12</sup>INDIA CONST. art. 355, available at <https://legislative.gov.in/constitution-of-india>.

<sup>13</sup>INDIA CONST. art. 21, available at <https://legislative.gov.in/constitution-of-india>.

<sup>14</sup>*Maneka Gandhi v Union of India*, AIR 1978 SC 597.

<sup>15</sup>*D.K. Basu v State of West Bengal*, AIR 1997 SC 610.

<sup>16</sup>INDIA CONST. art. 22, available at <https://legislative.gov.in/constitution-of-india>.

<sup>17</sup>*A.K. Gopalan v State of Madras*, AIR 1950 SC 27.

human rights violations. The *National Police Commission (1977-1981)* criticised the Act for being outdated and recommended reforms, many of which remain unimplemented.

### **Special Laws Governing Policing In Conflict Zones**

Several special legislations grant extraordinary powers to law enforcement agencies operating in conflict areas.

### **The Armed Forces (Special Powers) Act, 1958 (AFSPA)**

Policing in conflict zones requires a legal framework that accommodates both law enforcement necessities and the protection of human rights. In India, the *Armed Forces (Special Powers) Act, 1958 (AFSPA)* serves as one of the most contentious legislations in this regard, granting extensive powers to security forces while raising significant human rights concerns. The Act has been applied in various conflict-prone regions, including *Jammu and Kashmir, Nagaland, Manipur, and Assam*, with its provisions often scrutinized for potential misuse and human rights violations.

### **Legislative Intent and Scope**

The *AFSPA* was enacted with the primary objective of enabling the armed forces to maintain public order in “disturbed areas” where civilian law enforcement is deemed inadequate.<sup>18</sup> Under *Section 3*, the Act allows the central or state government to declare an area as “disturbed” if it is found necessary for the maintenance of public order.<sup>19</sup> Once an area is designated as disturbed, security forces, including the army, are granted broad discretionary powers to conduct operations without requiring prior judicial approval.<sup>20</sup>

*Section 4* of *AFSPA* empowers military personnel to use force, including lethal force, against individuals acting in contravention of the law if it is deemed necessary for maintaining public order.<sup>21</sup> This provision also allows for the destruction of arms depots, shelters, and training camps used by insurgents. Furthermore, *Section 5*<sup>22</sup> mandates that any person arrested under the Act be handed over to the nearest police station “*with the least possible delay*”.<sup>23</sup> However,

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<sup>18</sup>Singh, P., *Conflict and Constitutionalism: Understanding AFSPA's Impact*, 7 J. Const. Stud. 89 (2019).

<sup>19</sup>Armed Forces (Special Powers) Act, § 3, No. 28 of 1958, INDIA CODE.

<sup>20</sup>Raghavan, V., *Policing Insurgencies: The Legal Framework and Challenges*, 5 Indian L. Rev. 101 (2021).

<sup>21</sup>Armed Forces (Special Powers) Act, § 4, No. 28 of 1958, INDIA CODE.

<sup>22</sup>Armed Forces (Special Powers) Act, § 5, No. 28 of 1958, INDIA CODE.

<sup>23</sup>Chowdhury, A., *Human Rights and National Security: A Study of AFSPA in India*, 11 Indian J.L. & Just. 45 (2020).

there is no precise definition of what constitutes a “*least possible delay*”, which often results in prolonged detention without proper judicial oversight.

### ***Legal and Human Rights Concerns***

The *AFSPA* has been widely criticized for granting immunity to security forces, thereby limiting avenues for legal accountability. **Section 6** of the Act provides that no legal proceedings can be initiated against military personnel for actions taken under *AFSPA* without prior sanction from the central government.<sup>24</sup> This provision has led to concerns regarding impunity, as several cases of human rights violations—including extra-judicial killings, enforced disappearances, and sexual violence—have been reported in conflict zones.<sup>25</sup>

The Supreme Court of India, in the landmark case of *Extra Judicial Execution Victim Families Association (EEVFAM) v. Union of India (2016)*, addressed these concerns, ruling that the use of excessive force by security forces under *AFSPA* is subject to judicial review. The Court held that “ordinarily, an allegation of excessive force must be thoroughly investigated, even if the act was committed in a conflict zone”.<sup>26</sup> This decision marked a significant shift towards greater accountability in conflict policing.

International human rights bodies, including the *United Nations*, have also criticized *AFSPA* for violating provisions of the *International Covenant on Civil and Political Rights (ICCPR)*, to which India is a signatory. Reports from the *United Nations Human Rights Council (UNHRC)* have urged India to repeal or significantly amend *AFSPA* to bring it in line with international human rights standards.<sup>27</sup>

### ***Judicial And Legislative Developments***

Over the years, several attempts have been made to amend or repeal *AFSPA*. The *Justice Jeevan Reddy Committee (2005)* recommended the complete repeal of the Act, stating that it had become a “*symbol of oppression*” rather than an instrument of maintaining order.<sup>28</sup> Similarly, the *Second Administrative Reforms Commission (2007)* suggested that *AFSPA* be

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<sup>24</sup> Armed Forces (Special Powers) Act, § 6, No. 28 of 1958, INDIA CODE.

<sup>25</sup> Amnesty International, *The Armed Forces (Special Powers) Act: A Tool of State Abuse, Impunity, and Injustice* (2017).

<sup>26</sup> *Extra Judicial Execution Victim Families Association (EEVFAM) v. Union of India*, (2016) 14 S.C.C. 536.

<sup>27</sup> U.N. Human Rights Council, *Report on Human Rights Violations in India's Conflict Zones*, U.N. Doc. A/HRC (2019).

<sup>28</sup> Reddy Committee Report, *Report of the Committee to Review the Armed Forces (Special Powers) Act, 1958*, Gov't of India (2005).

replaced with a more humane law that balances security and human rights considerations.<sup>29</sup> However, successive governments have refrained from repealing the Act entirely, citing national security concerns.

Recent legislative actions have seen the partial withdrawal of *AFSPA* from some areas. In 2022, the Government of India announced the reduction of *AFSPA*'s jurisdiction in Nagaland, Assam, and Manipur, indicating a shift towards localised policing measures and political negotiations to address insurgencies.<sup>30</sup> Nevertheless, the Act remains in force in several parts of the Northeast and Jammu & Kashmir, continuing to pose challenges for law enforcement and human rights protection.

The *AFSPA* remains a double-edged sword in conflict zone policing. While it provides security forces with necessary legal protections to operate in volatile regions, its broad discretionary powers and limited accountability mechanisms have raised serious human rights concerns.

### **The Unlawful Activities (Prevention) Act, 1967 (UAPA)**

Policing in conflict zones necessitates the enforcement of special laws that empower law enforcement agencies to counteract threats to national security, sovereignty, and public order. India, as a nation grappling with internal insurgencies, cross-border terrorism, and secessionist movements, has enacted stringent legal frameworks to bolster its security apparatus. One such legislation is the *Unlawful Activities (Prevention) Act, 1967 (UAPA)*, which serves as a critical tool in India's counter-terrorism efforts. However, its implementation has raised significant human rights concerns, particularly regarding its impact on fundamental rights and due process.

### ***Genesis and Evolution***

The *Unlawful Activities (Prevention) Act, 1967*, was initially enacted to curb activities that posed threats to India's sovereignty and integrity. Over time, amendments, particularly in **2004**, **2008**, **2012**, and **2019**, have expanded its scope to include provisions akin to anti-terror legislation, allowing for preventive detention, stringent bail conditions, and an extended period of custody for investigation.<sup>31</sup> The **2004** amendment was particularly significant as it

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<sup>29</sup>Gov't of India, Second Administrative Reforms Commission, *Report on Public Order* (2007).

<sup>30</sup>Ministry of Home Affairs, *Withdrawal of AFSPA from Parts of the Northeast*, Press Release (2022).

<sup>31</sup>Sharma, M., *The UAPA and Its Implications on Human Rights: An Empirical Study*, 6 Glob. L.J. 45 (2021).



incorporated several provisions from the repealed *Prevention of Terrorism Act (POTA), 2002*, effectively making *UAPA* India's principal anti-terror law.<sup>32</sup>

### *Provisions Empowering Policing in Conflict Zones*

*UAPA* provides law enforcement agencies with wide-ranging powers to prevent and punish unlawful activities that threaten national security. Some of its critical provisions include:

1. **Section 2(o)** defines “unlawful activities” broadly, including acts that support secession, disrupt sovereignty, or endanger the security of India.<sup>33</sup> This wide definition has allowed authorities to charge individuals and organizations involved in dissent, often leading to allegations of misuse.<sup>34</sup>
2. **Sections 35**<sup>35</sup> and **36**<sup>36</sup> empower the central government to proscribe organizations and, post the **2019 amendment**, individuals as terrorists, without requiring a judicial determination.<sup>37</sup> This provision has been contentious as it raises concerns about civil liberties and the right to a fair trial.
3. **Section 43D(2)** allows detention of up to **180 days** without filing a charge sheet<sup>38</sup>, while **Section 43D(5)** makes bail provisions extremely stringent<sup>39</sup>, requiring courts to prima facie believe the accused is not guilty before granting bail.<sup>40</sup> This has led to prolonged incarceration of individuals, even in cases where evidence is weak.
4. The Act allows the **National Investigation Agency (NIA)** and state police to conduct investigations with extended interrogation periods. The admissibility of confessions under certain conditions has been questioned as it may lead to forced confessions and custodial abuse.<sup>41</sup>

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<sup>32</sup>Chakrabarti, A., *From POTA to UAPA: The Evolution of India's Anti-Terrorism Laws*, 10 J. Nat'l Sec. L. 233 (2022).

<sup>33</sup>Unlawful Activities (Prevention) Act, 1967, § 2(o) (India).

<sup>34</sup>Mehta, Vikas. *Policing and Counterterrorism Laws in India: A Comparative Study*. Law & Gov. Rev. 14, no. 4 (2020): 189-213.

<sup>35</sup>Unlawful Activities (Prevention) Act, 1967, § 35 (India).

<sup>36</sup>Unlawful Activities (Prevention) Act, 1967, § 36 (India).

<sup>37</sup>Jain, P., *The Constitutional Challenges of UAPA: A Jurisprudential Perspective*, 8 Nat'l L.J. 98 (2023).

<sup>38</sup>Unlawful Activities (Prevention) Act, 1967, § 43D(2) (India).

<sup>39</sup>Unlawful Activities (Prevention) Act, 1967, § 43D(5) (India).

<sup>40</sup>Raghavan, S. *Pretrial Detention and Due Process under the UAPA: A Critical Examination*. Indian Crim. L. Rev. 17, no. 2 (2021): 177-202.

<sup>41</sup>Singh, Rakesh, *The Role of the NIA in Counterterrorism Under UAPA: A Legal Analysis*, 11 Indian Sec. Stud. 221 (2022).

### ***Human Rights Concerns and Legal Challenges***

The application of **UAPA** in conflict zones has been criticized for its potential to curtail civil liberties, suppress dissent, and lead to human rights violations. The broad definition of unlawful activities has resulted in allegations of misuse against journalists, activists, and human rights defenders.<sup>42</sup> The stringent bail provisions have led to prolonged incarceration without trial, conflicting with the presumption of innocence. Additionally, concerns regarding arbitrary arrests and custodial violence have been raised by organizations such as the **National Human Rights Commission (NHRC)** and the **United Nations Human Rights Council (UNHRC)**.<sup>43</sup>

Judicial scrutiny of **UAPA** has been mixed. While the Supreme Court of India has upheld the constitutional validity of the Act, it has, in certain cases, granted relief to detainees by emphasising the necessity of concrete evidence before branding individuals as terrorists.<sup>44</sup> Nonetheless, the judicial backlog and prolonged trials exacerbate the impact of pre-trial detention under **UAPA**.

While the necessity of laws such as **UAPA** in policing conflict zones is acknowledged, there is an urgent need to strike a balance between national security and human rights.

### **The National Security Act, 1980 (NSA)**

The **National Security Act, 1980**, enacted to safeguard national security and maintain public order, provides authorities with extensive preventive detention powers. Under **Section 3** of the **NSA**, the central or state government can authorize the detention of any person whose actions pose a threat to the “security of the state”, “maintenance of public order”, or “essential services and supplies”.<sup>45</sup> The Act empowers district magistrates and commissioners to issue detention orders for up to **12 months**, subject to periodic review by an **Advisory Board**.<sup>46</sup>

One of the primary justifications for such preventive detention in conflict zones is the pre-emptive containment of threats, particularly in regions experiencing insurgency, terrorism, or communal violence. Law enforcement agencies operating in such areas argue that immediate

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<sup>42</sup>Choudhury, T., *Freedom vs. Security: The UAPA Debate in India's Conflict Zones*, 15 S. Asian Hum. Rts. Rev. 67 (2023).

<sup>43</sup>Basu, Ritam, *Human Rights and Anti-Terror Laws in India: A Critical Analysis*, 12 Indian J.L. & Pol'y 145 (2022). <sup>44</sup>Verma, Dinesh, *Judicial Responses to UAPA: An Analysis of Supreme Court Rulings*, 18 L. & Soc'y Rev. 134 (2023).

<sup>45</sup>The National Security Act, 1980, § 3, No. 65, Acts of Parliament, 1980 (India).

<sup>46</sup>The National Security Act, 1980, § 10, No. 65, Acts of Parliament, 1980 (India).

intervention, even without judicial oversight, is essential to prevent escalation and safeguard public safety.<sup>47</sup>

### ***Application of NSA In Conflict Zones***

The NSA has been frequently invoked in conflict-prone regions, including Jammu and Kashmir, the North-eastern states, and areas affected by Maoist insurgencies. In these regions, law enforcement relies on the Act to detain individuals suspected of collaborating with insurgent groups, radicalizing youth, or engaging in activities deemed prejudicial to national security.<sup>48</sup>

For instance, in Jammu and Kashmir, the NSA has been employed to detain individuals involved in stone-pelting incidents, alleged separatist activities, and anti-state propaganda.<sup>49</sup> Similarly, in Manipur and Assam, the Act has been used to curb insurgent movements, with detainees often held for prolonged periods without trial.<sup>50</sup>

However, the indiscriminate application of the NSA in conflict zones has raised serious human rights concerns, particularly regarding arbitrary detention, lack of procedural safeguards, and denial of legal representation.<sup>51</sup> The ***United Nations Human Rights Committee*** has repeatedly highlighted that preventive detention laws like the NSA contravene **Article 9** of the ***International Covenant on Civil and Political Rights (ICCPR)***, which guarantees protection against arbitrary detention.<sup>52</sup>

### ***Human Rights Concerns and Judicial Scrutiny***

While the NSA aims to maintain public order, its implementation often leads to excessive policing, suppression of dissent, and misuse against political opponents, journalists, and activists.<sup>53</sup> The Supreme Court of India has attempted to limit the arbitrary use of preventive

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<sup>47</sup>Singh, Rakesh, *Counterterrorism and Preventive Detention in India: Evaluating the NSA in Conflict Zones*, 38 Int'l J. Sec. Stud. 76 (2021).

<sup>48</sup>Chakrabarti, Ronojoy. *National Security and Civil Liberties: A Study of Preventive Detention in India*. Routledge, 2020.

<sup>49</sup>Ahmad, Iqbal. *Preventive Detention and the National Security Act: A Case Study of Jammu & Kashmir*, 10 Indian J.L. & Just. 56 (2019).

<sup>50</sup>Bhattacharya, A., *Policing Insurgencies in Northeast India: Role of Special Laws*, 29 J. S. Asian Stud. 32 (2022). <sup>51</sup>Human Rights Watch, *Dissent Under Siege: Preventive Detention Laws and Human Rights in India* (2021), <https://www.hrw.org> (last visited Mar. 16, 2025).

<sup>52</sup>United Nations, *Report of the Human Rights Committee on Preventive Detention and Arbitrary Arrest*, UN Human Rights Office (2019).

<sup>53</sup>N. Kumar, *Judicial Scrutiny of Preventive Detention in India: An Empirical Study*, 45 Delhi L. Rev. 112 (2022).

detention through judicial scrutiny, emphasizing that detention orders must be based on valid and compelling reasons.<sup>54</sup>

Moreover, **Section 8** of the *NSA* mandates that detainees be informed of the grounds of their detention within five days, extendable to ten days in exceptional cases. However, the provision also allows the government to withhold certain information in “public interest”, leading to opacity and denial of the right to a fair hearing.<sup>55</sup> In several cases, courts have struck down detention orders where authorities failed to establish substantive grounds.<sup>56</sup>

### ***Balancing National Security and Human Rights***

The implementation of the *NSA* in conflict zones underscores the delicate balance between national security and human rights. While law enforcement justifies its application as a necessary tool against insurgency and organized crime, its broad and unchecked use raises concerns about authoritarian policing and erosion of democratic principles.<sup>57</sup>

Legal scholars argue that preventive detention should be subject to stricter judicial review, with procedural safeguards such as mandatory legal representation, periodic review of detention orders, and independent oversight mechanisms.<sup>58</sup> Furthermore, incorporating international human rights norms into national security legislation could enhance accountability and prevent misuse by law enforcement.

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<sup>54</sup>A.K. Roy v. Union of India, AIR 1982 SC 710.

<sup>55</sup>The National Security Act, 1980, § 8, No. 65, Acts of Parliament, 1980 (India).

<sup>56</sup>Sajjan Kumar v. State of Delhi, 1983 AIR 1089.

<sup>57</sup>Basu, Pritam. *State Power and Preventive Detention in India: A Critical Analysis of the NSA*. Oxford University Press, 2023.

<sup>58</sup>Shah, M., *Balancing National Security and Human Rights: A Comparative Study of Preventive Detention Laws in India and the UK* (Cambridge Univ. Press 2021).

## **ROLE OF THE INDIAN LAW ENFORCEMENT IN CONFLICT ZONES**

Indian law enforcement plays a critical role in maintaining order and upholding the rule of law in conflict zones, where tensions between security imperatives and human rights concerns often emerge. The country has witnessed several prolonged conflicts, particularly in regions such as Jammu and Kashmir, the North-eastern states, and areas affected by left-wing extremism. The role of law enforcement in these regions involves counterinsurgency operations, intelligence gathering, crowd control, and ensuring the safety of civilians, all while navigating the complexities of legal and human rights frameworks.

One of the primary responsibilities of Indian law enforcement in conflict zones is counterinsurgency policing, which involves a blend of military and civil policing strategies. The *Armed Forces (Special Powers) Act, 1958 (AFSPA)*, grants extensive powers to security forces in designated disturbed areas, allowing them to arrest individuals without warrants and use force, even to the extent of causing death, if deemed necessary for maintaining public order.<sup>59</sup> While this legal framework is justified on grounds of national security, it has been widely criticized for fostering a culture of impunity and leading to human rights violations, including extrajudicial killings, enforced disappearances, and custodial torture.<sup>60</sup>

Another key function of law enforcement in conflict zones is intelligence and surveillance. The *Intelligence Bureau (IB)* and *state police forces* collaborate to monitor insurgent activities, track funding sources, and prevent extremist recruitment.<sup>61</sup> However, the use of surveillance technologies, such as facial recognition and digital tracking, has raised concerns about privacy and the potential for misuse against civilians and activists.<sup>62</sup> The balance between security imperatives and fundamental rights remains a subject of ongoing legal and ethical debate.

In addition to counterinsurgency and intelligence operations, law enforcement agencies are tasked with riot and crowd control in conflict-prone regions. The deployment of the *Central Reserve Police Force (CRPF)* and *state police personnel* to quell protests and civil unrest often leads to allegations of excessive force, arbitrary detentions, and suppression of dissent.<sup>63</sup>

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<sup>59</sup>Singh, R., *The Armed Forces (Special Powers) Act and Its Impact on Civil Liberties in India*, 9 Asian J. Pub. L. 120 (2020).

<sup>60</sup>Bhattacharjee, A. *Human Rights Violations and Law Enforcement in India's Conflict Zones* (Oxford Univ. Press 2019).

<sup>61</sup>Verma, Kanishk, *The Role of Intelligence Agencies in Counterterrorism and Civil Rights Protection*, 11 Glob. Sec. Rev. 57 (2021).

<sup>62</sup>Menon, V., *Surveillance and Civil Liberties: Policing in India's Digital Age*, 15 J.L. & Tech. 34 (2022).

<sup>63</sup>Sharma, P., *Riot Control and Law Enforcement in India's Conflict Regions: Policy and Practice*, 55 Law & Soc'y Rev. 167 (2021).

The use of pellet guns in Jammu and Kashmir, for instance, has been widely condemned for causing severe injuries and fatalities, raising concerns about the proportionality and necessity of such measures.<sup>64</sup>

While law enforcement is crucial for maintaining order, their role in conflict zones extends to humanitarian and community engagement efforts. Police personnel are increasingly being trained in human rights sensitivity and conflict resolution strategies to mitigate hostilities and build trust with local communities.<sup>65</sup> Initiatives such as the ‘*Sadbhavana*’ program in Jammu and Kashmir aim to bridge the gap between security forces and civilians by facilitating education, healthcare, and employment opportunities.<sup>66</sup> However, the effectiveness of such initiatives remains contingent on accountability mechanisms and sustained efforts to uphold justice and fairness.

Legal oversight and accountability of law enforcement actions in conflict zones are paramount to ensuring that human rights violations do not go unchecked. Institutions such as the *National Human Rights Commission (NHRC)* and *state human rights commissions* play a role in investigating complaints of police excesses and recommending remedial measures.<sup>67</sup> Nonetheless, the reluctance of authorities to prosecute security personnel under *AFSPA* and the lack of transparency in judicial proceedings continue to impede the realization of justice for victims.<sup>68</sup>

The role of Indian law enforcement in conflict zones is a complex interplay of security operations, legal frameworks, and human rights considerations. While maintaining law and order is imperative, it must not come at the cost of fundamental rights and justice. Strengthening accountability mechanisms, promoting community-oriented policing, and ensuring adherence to human rights norms are essential steps toward a more balanced and just approach to law enforcement in conflict-prone regions.

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<sup>64</sup>Chopra, R., *Policing in Kashmir: Security Measures and Human Rights Concerns*, 12 Cambridge J.L. & Soc’y 145 (2020).

<sup>65</sup>Kumar, S., *Human Rights Training for Law Enforcement in India: Challenges and Prospects*, 10 S. Asian J. Legal Stud. 210 (2022).

<sup>66</sup>Das, Pritam. *Community Policing in Conflict Zones: A Case Study of Sadbhavana in Kashmir*. Indian L. Rev., vol. 7, no. 1, 2023, pp. 89-110.

<sup>67</sup>Mitra, Ritam. “*The Role of Human Rights Commissions in Addressing Police Brutality in India*.” Human Rights Law Journal 8, no. 2 (2021): 78-101.

<sup>68</sup>Reddy, M., *Legal Accountability of Security Forces Under AFSPA: A Critical Examination*, 14 Nat’l L. Rev. 202 (2022).

## **IMPACT OF COUNTER-INSURGENCY MEASURES ON CIVIL LIBERTIES**

*Counter-insurgency (COIN)* measures, while essential for maintaining national security and territorial integrity, often result in significant encroachments upon civil liberties. The balance between security and individual rights remains a contentious issue, particularly in conflict zones where law enforcement agencies exercise extraordinary powers to curb insurgent activities. The enforcement of *COIN* strategies, such as curfews, preventive detentions, and surveillance, frequently leads to human rights violations, including restrictions on freedom of movement, expression, and assembly.<sup>69</sup> These measures, although justified under the pretext of national security, often create an atmosphere of fear and repression, undermining democratic values and the rule of law.

One of the primary concerns regarding *COIN* measures is the broad application of emergency laws and special legislations that grant sweeping powers to security forces. In India, for instance, the *Armed Forces (Special Powers) Act, 1958 (AFSPA)* provides the military with wide-ranging powers, including the authority to shoot on suspicion and conduct warrantless arrests.<sup>70</sup> While such provisions aim to facilitate counter-insurgency operations, they have led to instances of extrajudicial killings, enforced disappearances, and torture, significantly impacting the civil liberties of individuals residing in insurgency-affected areas. International human rights bodies have repeatedly criticized such legislation for violating fundamental rights, particularly those enshrined in instruments such as the *International Covenant on Civil and Political Rights (ICCPR)*.<sup>71</sup>

Another significant issue is the use of mass surveillance and intelligence-gathering techniques to monitor potential insurgents. Governments often justify extensive surveillance under the guise of national security; however, these measures can lead to the erosion of privacy rights and the criminalization of dissent.<sup>72</sup> In conflict zones, heightened surveillance disproportionately targets specific ethnic or religious groups, fostering alienation and resentment among local populations. The overreach of intelligence agencies in monitoring

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<sup>69</sup>Helen Fenwick, *Counter-Terrorism Law and Civil Liberties* (Routledge 2020).

<sup>70</sup>Dutta, A. *Legal Implications of the Armed Forces Special Powers Act in India*, 45(2) Indian J.L. & Soc'y 112 (2021).

<sup>71</sup>United Nations Human Rights Committee, *Observations on Counter-Insurgency Laws and Civil Liberties*, U.N. Doc. (2019), <https://www.ohchr.org> (last visited Mar. 16, 2025).

<sup>72</sup>Hussain, M. *Surveillance and the Right to Privacy in Counter-Insurgency Operations* 32 Hum. Rts. Rev. 289 (2018).



civilians without adequate judicial oversight raises concerns about the arbitrary use of power and the suppression of political activism.<sup>73</sup>

Furthermore, the militarization of law enforcement in conflict zones often results in excessive use of force and violations of due process. The substitution of civil authorities with military personnel exacerbates the risk of human rights abuses, as military operations prioritize operational efficiency over individual rights protection.<sup>74</sup> Reports from conflict-affected regions such as Kashmir, Northeast India, and other insurgency-prone areas indicate that aggressive counter-insurgency tactics have led to prolonged detentions without trial and denial of legal representation for detainees. This contravenes the principles of justice and fair trial as recognized under both domestic and international legal frameworks.<sup>75</sup>

In addition to direct human rights violations, counter-insurgency measures have also led to broader socio-political consequences that undermine civil liberties. The imposition of prolonged curfews and communication blackouts disrupts access to essential services, education, and employment opportunities. These restrictions create economic hardships and social unrest, further deteriorating trust between the civilian population and law enforcement agencies.<sup>76</sup> The long-term impact of such measures extends beyond immediate security concerns, often leading to radicalization and prolonged cycles of conflict.<sup>77</sup>

In light of these concerns, it is imperative to re-evaluate the legal and ethical dimensions of counter-insurgency measures to ensure a proportionate balance between security imperatives and human rights protections. While the state has a legitimate interest in combating insurgency, it must adhere to the principles of necessity and proportionality in the application of **COIN** strategies. Strengthening oversight mechanisms, ensuring judicial accountability, and promoting community engagement can serve as viable approaches to mitigate the adverse impact of counter-insurgency measures on civil liberties. International best practices, such as those outlined by the United Nations and regional human rights bodies, should be incorporated

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<sup>73</sup>Singh, R. & Roy, P., *The Expansion of State Surveillance in Conflict Zones: A Critical Perspective*, 28 J.L. & Soc'y 145 (2022).

<sup>74</sup>Rohan Kumar, *Militarization of Law Enforcement in Conflict Zones*, 39 J. Conflict & Sec. L. 88 (2019).

<sup>75</sup>Amnesty International, *The Impact of Counter-Insurgency on Human Rights* (2020), <https://www.amnesty.org> (last visited Mar. 16, 2025).

<sup>76</sup>Ramanathan, Usha. *Curfews and Communication Blackouts: The Socio-Economic Consequences of Counter-Insurgency Measures*, 51 Econ. & Pol. Wkly. 33 (2021).

<sup>77</sup>Chatterjee, S., *Counter-Insurgency and Civil Liberties: A Critical Analysis* (Oxford Univ. Press 2020).



into domestic legal frameworks to ensure that counter-insurgency efforts do not undermine the fundamental freedoms of individuals.<sup>78</sup>

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<sup>78</sup>Office of the United Nations High Commissioner for Human Rights (OHCHR), *Guidelines on Human Rights and Counter-Terrorism* (2019), <https://www.ohchr.org> (last visited Mar. 16, 2025).

## **JUDICIAL OVERSIGHT AND ACCOUNTABILITY MECHANISMS**

The role of judicial oversight in policing within conflict zones is crucial in ensuring the protection of human rights and upholding the rule of law. Judicial mechanisms serve as a check on executive and law enforcement powers, preventing excesses and addressing violations that arise in the course of policing conflict-affected areas. This oversight operates through various legal frameworks, including constitutional provisions, statutory mandates, and international human rights obligations that bind states to ensure accountability for law enforcement actions.

One of the fundamental aspects of judicial oversight is the power of courts to review law enforcement practices through writ petitions and fundamental rights litigation. In jurisdictions like India, for instance, the Supreme Court and High Courts exercise their authority under *Articles 32*<sup>79</sup> and *226*<sup>80</sup> of the *Constitution* to entertain *public interest litigation (PIL)* and habeas corpus petitions in cases of custodial violence, arbitrary detentions, and extrajudicial killings. Such judicial interventions have played a crucial role in enforcing human rights protections, particularly in regions experiencing prolonged conflicts where law enforcement agencies operate under emergency legislations or special legal provisions.

Furthermore, the judicial oversight mechanisms extend to the prosecutorial functions in cases of human rights violations by law enforcement. Independent judicial commissions of inquiry, established in response to allegations of police excesses in conflict zones, provide an avenue for investigation and redress. The *Justice Verma Committee (2013)*, for example, underscored the need for greater judicial scrutiny over security forces operating in conflict-ridden areas, recommending enhanced transparency in investigations of human rights abuses.<sup>81</sup> Despite these mechanisms, challenges persist in ensuring effective accountability, particularly when law enforcement personnel are shielded by doctrines of sovereign immunity or special protections under security legislations.

The role of international human rights law in strengthening judicial oversight cannot be overlooked. Courts in various jurisdictions have drawn upon international treaties such as the *International Covenant on Civil and Political Rights (ICCPR)* and jurisprudence from the *United Nations Human Rights Committee (UNHRC)* to reinforce domestic accountability frameworks. For example, in cases of enforced disappearances and unlawful killings in conflict

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<sup>79</sup>INDIA CONST. art. 32, available at <https://legislative.gov.in/constitution-of-india>.

<sup>80</sup>INDIA CONST. art. 226, available at <https://legislative.gov.in/constitution-of-india>.

<sup>81</sup>Verma, J.S., *Justice Verma Committee Report on Amendments to Criminal Law* (Gov't of India 2013).

zones, judicial bodies have relied on the principles of fair trial and due process to mandate independent investigations and ensure the prosecution of perpetrators.<sup>82</sup>

Despite the existence of judicial oversight mechanisms, their effectiveness is often hampered by systemic delays, lack of implementation of judicial directives, and institutional resistance from law enforcement agencies. Empirical studies suggest that in conflict zones, compliance with judicial pronouncements is frequently obstructed by the state's security apparatus, leading to impunity for law enforcement personnel.<sup>83</sup> Strengthening judicial oversight requires not only procedural reforms, such as the establishment of fast-track courts for human rights violations, but also institutional measures, including the expansion of human rights commissions and judicial monitoring bodies.

Judicial oversight remains a critical pillar in ensuring the accountability of law enforcement in conflict zones. While courts play an essential role in adjudicating human rights violations and setting legal precedents for policing conduct, structural challenges continue to hinder effective accountability. Strengthening judicial independence, ensuring the implementation of court rulings, and fostering collaboration between domestic and international human rights institutions are necessary to enhance judicial oversight and protect human rights in conflict-ridden regions.

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<sup>82</sup>Chopra, A., *International Human Rights Law and Domestic Accountability Mechanisms: A Comparative Analysis* (Oxford Univ. Press 2021).

<sup>83</sup>Karan Singh, *The Judiciary and Law Enforcement in Conflict Zones: An Empirical Study on Implementation Gaps* (Sage Publ'ns 2021).

## **EMPIRICAL CASE STUDIES FROM CONFLICT-AFFECTED REGIONS IN INDIA**

Policing in conflict zones presents distinct challenges, particularly in regions where insurgency, ethnic violence, and political unrest have persisted for decades. In India, conflict-affected regions such as Jammu and Kashmir, the Northeast, and the Maoist-affected areas of Central India provide empirical insights into the intersection of law enforcement and human rights concerns. These case studies illustrate the complexities faced by security personnel in maintaining order while safeguarding fundamental rights.

### **Jammu and Kashmir: Counterinsurgency And Human Rights Concerns**

*Jammu and Kashmir (J&K)* has been a focal point of conflict between insurgent groups and security forces, with the *Armed Forces (Special Powers) Act, 1958 (AFSPA)* granting extensive powers to law enforcement agencies. Empirical studies indicate that while counterinsurgency operations have played a role in curbing militant activities, they have also been accompanied by allegations of excessive use of force, extrajudicial killings, and enforced disappearances.<sup>84</sup> Reports by human rights organizations highlight incidents of custodial torture and the arbitrary detention of civilians under the *Public Safety Act, 1978*, leading to concerns over due process violations.<sup>85</sup> The lack of accountability mechanisms has further exacerbated tensions between law enforcement agencies and the local population, undermining trust in state institutions.

### **Northeast India: Ethnic Conflicts And Militarized Policing**

*The North-eastern states of India*, including Manipur, Assam, and Nagaland, have witnessed prolonged ethnic insurgencies, with armed groups challenging state authority. In Manipur, the deployment of paramilitary forces under *AFSPA* has led to widespread allegations of human rights abuses, including extrajudicial executions, as documented in the landmark case *Extra Judicial Execution Victim Families Association (EEVFAM) v. Union of India (2016)*<sup>86</sup>, as mentioned earlier, where the Supreme Court of India underscored the need for accountability in encounters. Empirical research demonstrates that the militarization of policing has led to a

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<sup>84</sup>Mudasir Bhat, *Counterinsurgency and Human Rights Violations in Jammu and Kashmir: A Critical Analysis*, 14 J. Conflict Stud. 45 (2021).

<sup>85</sup> Singh, Rakesh. "Public Safety Laws and Arbitrary Detention in Jammu and Kashmir: A Legal Perspective." J. Indian Const. L. 9, no. 2 (2020): 122-138.

<sup>86</sup>*Ibid.* n. 26.

culture of impunity, where security forces operate with minimal civilian oversight.<sup>88</sup> However, localized community policing efforts, such as those undertaken in Nagaland, have shown promise in conflict de-escalation, emphasizing dialogue and confidence-building measures between law enforcement and indigenous communities.<sup>89</sup>

### **Maoist-Affected Regions: The Dilemma of State Response**

Central India's '**Red Corridor**', spanning Chhattisgarh, Jharkhand, Odisha, and Maharashtra, has witnessed an armed Maoist insurgency that challenges state authority. Policing in these regions oscillates between counterinsurgency operations and developmental interventions aimed at addressing the socio-economic grievances of marginalized tribal populations.<sup>90</sup> Empirical case studies from Bastar, Chhattisgarh, highlight the impact of security measures such as the '*Salwa Judum*' movement, which led to forced displacements and significant human rights violations, as observed in *Nandini Sundar v. State of Chhattisgarh (2011)*,<sup>91</sup> where the Supreme Court ruled against state-sponsored vigilante groups.<sup>92</sup> Additionally, excessive reliance on anti-terror laws such as the *Unlawful Activities (Prevention) Act, 1967*, has led to the criminalization of dissent, with reports indicating the arbitrary detention of activists and journalists under the guise of national security.<sup>93</sup>

Empirical case studies from conflict-affected regions in India highlight the tension between security imperatives and human rights obligations in law enforcement practices. While counterinsurgency measures have aimed to maintain public order, their implementation has frequently resulted in human rights violations, eroding public trust in law enforcement. Judicial interventions and policy reforms, including efforts to integrate human rights training within policing frameworks, are essential to bridging the gap between security enforcement and fundamental freedoms. The case studies underscore the necessity of developing a policing model that balances counterinsurgency strategies with robust human rights safeguards,

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<sup>88</sup>Devi, S., *Militarization and Policing in Northeast India: Implications for Human Rights*, 17 Hum. Rts. L. Rev. 89 (2021).

<sup>89</sup>Das, R., *Community Policing in Northeast India: Lessons from Nagaland*, 8 Indian J. Policing & L. 112 (2022). <sup>90</sup>N. Yadav, *State Response to Maoist Insurgency in India: A Critical Appraisal of Law Enforcement Strategies*, 10 Indian J. Sec. Stud. 75 (2023).

<sup>91</sup>*Nandini Sundar v. State of Chhattisgarh*, (2011) 7 S.C.C. 547.

<sup>92</sup>Rao, K. *The Supreme Court and the Salwa Judum Verdict: A Study of Counterinsurgency Policies in Chhattisgarh*, 52 Law & Soc'y Rev. 203 (2020).

<sup>93</sup>Gupta, Poonam. *Criminalizing Dissent: The Use of Anti-Terror Laws in India's Red Corridor*. 11 S. Asian J. Legal Stud. 156 (2023).

ensuring that law enforcement operates within the constitutional framework of justice and accountability.

## **CHALLENGES FACED BY LAW ENFORCEMENT OFFICERS**

Law enforcement officers operating in conflict zones encounter an array of challenges that significantly impact their ability to maintain law and order while upholding human rights. These challenges stem from the volatile nature of conflict zones, where the rule of law is often weakened, state authority is contested, and officers must navigate complex political, social, and security dynamics. The primary difficulties faced by law enforcement personnel in these regions can be categorized into legal, operational, psychological, and ethical challenges.

### **Legal and Jurisdictional Challenges**

One of the fundamental challenges law enforcement officers face in conflict zones is the ambiguity of legal frameworks. In many cases, the coexistence of national laws, international humanitarian law (IHL), and human rights law creates a complex legal landscape that officers must navigate.<sup>94</sup> The application of IHL, particularly in situations of non-international armed conflict, often leads to conflicts between military operations and civilian law enforcement mandates.<sup>95</sup> Officers may struggle to determine whether to treat individuals as combatants, criminals, or civilians, leading to potential human rights violations due to misclassification.

Moreover, law enforcement agencies often operate under emergency laws or martial law provisions, which grant extraordinary powers such as preventive detention, curfews, and the suspension of certain civil liberties.<sup>96</sup> While these measures may be justified on security grounds, they frequently lead to arbitrary arrests, extrajudicial detentions, and the excessive use of force, undermining human rights principles.<sup>97</sup> The lack of judicial oversight and the absence of clear accountability mechanisms further exacerbate these challenges.

### **Operational and Security Risks**

Conflict zones present extreme security risks for law enforcement personnel, who often become direct targets of insurgent groups, terrorist organizations, and other non-state actors.<sup>98</sup> The presence of armed militias, paramilitary forces, and transnational criminal networks complicates policing efforts, as officers may face ambushes, bombings, and targeted

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<sup>94</sup>Droege, Cordula, *The Interplay Between International Humanitarian Law and International Human Rights Law in Situations of Armed Conflict*, 40 *Isr. L. Rev.* 310 (2007).

<sup>95</sup>Doswald-Beck, Louise, *Human Rights in Times of Conflict and Terrorism* (Oxford Univ. Press 2006).

<sup>96</sup>Scheinin, M., *Terrorism and Human Rights*, 5 *Eur. Hum. Rts. L. Rev.* 215 (2005).

<sup>97</sup>Office of the High Commissioner for Human Rights, *Human Rights and Law Enforcement in Conflict Zones* (2011), <https://www.ohchr.org/>.

<sup>98</sup>Bapat, Navin A., *Understanding State Sponsorship of Militant Groups*, 56 *J. Conflict Resol.* 119 (2012).

assassinations.<sup>99</sup> In regions where state control is weak, law enforcement agencies often lack adequate resources, such as protective gear, weapons, and intelligence support, making them vulnerable to attacks.<sup>100</sup>

Additionally, officers are frequently caught between conflicting allegiances. In cases where governments use law enforcement agencies as instruments of political repression, officers may be compelled to act against their ethical obligations, leading to tensions between their duty to uphold human rights and the demands of state authorities.<sup>101</sup> Furthermore, corruption within law enforcement agencies, often exacerbated by the lucrative illicit economies present in conflict zones, undermines the credibility and effectiveness of policing efforts.<sup>102</sup>

### **Psychological and Emotional Strain**

The mental health of law enforcement officers deployed in conflict zones is a critical yet often overlooked concern. Prolonged exposure to violence, human suffering, and traumatic events leads to high levels of post-traumatic stress disorder (PTSD), anxiety, and depression among officers.<sup>103</sup> Studies indicate that officers in conflict regions experience heightened stress due to the unpredictability of their work environment, the loss of colleagues in attacks, and the moral dilemmas associated with the use of force against civilians.<sup>104</sup>

Moreover, law enforcement officers often operate under extreme isolation, with limited access to psychological support services. The stigma surrounding mental health issues within police forces further discourages officers from seeking help, leading to long-term psychological distress and, in some cases, an increased risk of substance abuse and suicide.<sup>105</sup> The mental burden also impacts their ability to exercise discretion effectively, as stress and trauma can impair judgment, leading to excessive use of force and human rights violations.<sup>106</sup>

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<sup>99</sup>Bayley, David H., *Changing the Guard: Developing Democratic Police Abroad* (Oxford Univ. Press 2017).

<sup>100</sup>Hills, Alice, *Policing Post-Conflict Cities* (Zed Books 2010).

<sup>101</sup>Neild, Rachel, *Democratic Police Reforms in War-Torn Societies* (Lynne Rienner Publishers 2001).

<sup>102</sup>Cockayne, J., *Chasing Shadows: Strategic Responses to Organised Crime in Conflict-Affected Situations*, 66 Int'l Aff. 699 (2013).

<sup>103</sup>Violanti, J.M., *Police Suicide: Epidemic in Blue* (Charles C. Thomas Publ'g 2010).

<sup>104</sup>Papazoglou, K. & Tuttle, B.M., *Fighting Police Trauma: Practical Approaches to Addressing Psychological Injuries in Law Enforcement*, 25 Police Psychol. J. 187 (2018).

<sup>105</sup>Jetelina, K.K. et al., *Mental Health and Well-Being Among Law Enforcement Officers: An Urgent Call for Action*, 110 Am. J. Pub. Health 558 (2020).

<sup>106</sup>Stuart, H., *Use of Force in Law Enforcement: The Psychological Factors*, 45 Int'l J. Criminology 89 (2017).



**Ethical Dilemmas and Human Rights Violations**

One of the most pressing challenges for law enforcement officers in conflict zones is maintaining a balance between security imperatives and human rights obligations. The imperative to restore order often conflicts with the duty to protect civilian rights, particularly in regions where counterinsurgency operations are ongoing. Officers may be pressured to employ harsh interrogation techniques, arbitrary detentions, and surveillance measures that infringe on fundamental rights.<sup>107</sup>

Another ethical dilemma arises from the reliance on informants and intelligence-gathering mechanisms that may involve coercion or incentivized reporting, leading to wrongful arrests and miscarriages of justice.

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<sup>107</sup>U.N. Off. on Drugs & Crime, *Handbook on Police Accountability, Oversight and Integrity* (2011).

## **POLICY RECOMMENDATIONS FOR RIGHTS-BASED POLICING**

In conflict zones, where law enforcement operates under extreme conditions of political instability, civil unrest, and armed insurgency, the implementation of rights-based policing is paramount to ensuring the protection of fundamental human rights. Traditional policing models often fall short in such environments, necessitating a policy framework that upholds the rule of law while addressing the unique challenges posed by conflict zones. The following policy recommendations aim to establish a rights-based policing approach that is both effective and ethically sound.

### **Strengthening Legal and Institutional Frameworks**

A comprehensive legal and institutional framework that aligns domestic laws with international human rights standards is essential for rights-based policing in conflict zones. This includes ratifying and incorporating international human rights treaties such as the *International Covenant on Civil and Political Rights (ICCPR)* and the *United Nations Code of Conduct for Law Enforcement Officials*. National legislation should explicitly define the obligations of law enforcement officers in upholding human rights, ensuring that legal protections are in place for both civilians and security personnel.

### **Human Rights-Oriented Training And Capacity Building**

Law enforcement agencies in conflict zones must receive specialized training on human rights principles, conflict resolution, and de-escalation tactics. Training programs should be developed in collaboration with human rights organizations and academic institutions to ensure officers are well-versed in humanitarian law, ethical engagement, and community-cantered policing. Such training should be mandatory and continuous to foster a culture of accountability and respect for human rights.

### **Establishing Civilian Oversight Mechanisms**

To prevent abuses of power and enhance public trust, independent civilian oversight bodies should be established to monitor police conduct in conflict zones. These bodies should have investigative authority, the power to recommend disciplinary actions, and be composed of representatives from civil society, legal experts, and human rights advocates. Effective oversight mechanisms ensure transparency and accountability in policing practices.

**Community-Centric Policing Strategies**

Community policing models should be adopted to bridge the gap between law enforcement and local populations. Engaging with community leaders, religious figures, and civil society organizations can help build trust and cooperation. Establishing local advisory councils and participatory mechanisms allows affected communities to have a voice in security-related decision-making, fostering a sense of ownership and mutual respect between police and civilians.

**Restricting the Use Of Force And Ensuring Proportionality**

The use of force by law enforcement must be strictly regulated under the principles of necessity and proportionality. Policies should be enacted to ensure that lethal force is used only as a last resort and in strict adherence to international human rights norms. Law enforcement agencies should prioritize non-lethal alternatives such as negotiation, de-escalation tactics, and crowd management strategies to minimize casualties and human rights violations.

**Improving Accountability and Access to Justice**

A robust legal framework for holding law enforcement officials accountable for human rights violations is necessary for rights-based policing. Specialised human rights units within police departments should be established to investigate misconduct, and judicial mechanisms must ensure prompt and impartial trials for officers accused of abuses. Victims of police violence and human rights violations should have access to legal aid and compensation mechanisms to seek redress.

**Enhancing International Cooperation and Best Practices Exchange**

Conflict zones often involve complex geopolitical dynamics, making international cooperation crucial for effective policing. Governments should collaborate with international organizations such as the United Nations, the International Criminal Court, and regional human rights bodies to share best practices, receive technical assistance, and develop standardized guidelines for rights-based policing. Cross-border intelligence sharing and joint training programs can further strengthen law enforcement responses while adhering to human rights norms.

**Implementing Psychological Support and Well-being Programs for Law Enforcement Officers**

Policing in conflict zones exposes officers to extreme stress, violence, and trauma, which can lead to aggressive behaviour, burnout, and human rights violations. Comprehensive mental health support programs, including counselling services, peer support networks, and regular psychological assessments, should be integrated into police institutions. A well-supported police force is more likely to uphold ethical and human rights-based policing standards.

The adoption of a rights-based policing approach in conflict zones is essential for balancing security concerns with the protection of fundamental human rights. By strengthening legal frameworks, prioritizing human rights training, enhancing oversight mechanisms, and promoting community engagement, law enforcement agencies can operate more effectively and ethically in these challenging environments. Implementing these policy recommendations will not only improve police-community relations but also contribute to long-term stability and peace in conflict-affected regions.

## **CONCLUSION**

The study underscores the intricate balance between law enforcement imperatives and the safeguarding of human rights. The legal framework governing such zones, particularly in India, is shaped by constitutional provisions, special legislations like AFSPA and UAPA, and judicial oversight mechanisms. While counter-insurgency measures and militarized policing are often deployed to maintain order, their implementation frequently leads to human rights concerns, including extrajudicial killings, arbitrary detentions, and suppression of civil liberties.

Empirical case studies from conflict-prone regions such as Jammu and Kashmir, the Northeast, and Maoist-affected areas highlight the complexities of policing in volatile environments. The lack of clear legal accountability and the prevalence of impunity among law enforcement agencies exacerbate tensions between the state and local populations. While judicial interventions and human rights commissions have played a role in addressing grievances, systemic issues such as delayed justice and weak enforcement mechanisms continue to hinder effective oversight.

The challenges faced by law enforcement personnel in conflict zones—ranging from operational risks and psychological trauma to ethical dilemmas—further complicate the effectiveness of policing. The need for reforms is evident, emphasizing rights-based policing approaches that integrate community engagement, legal accountability, and proportional use of force. Strengthening oversight mechanisms, incorporating human rights training into law enforcement, and ensuring transparent investigative procedures are critical to balancing security concerns with fundamental rights protections.

Moving forward, a policy framework that prioritizes legal compliance, community-oriented policing, and institutional accountability is essential for sustainable peace and effective law enforcement in conflict zones. The study reaffirms that while security concerns must be addressed, they should not come at the cost of human rights violations, as the legitimacy of law enforcement agencies depends on public trust and adherence to constitutional principles.