

An evil that is by no means necessary.

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Once in a while it is the season to talk about custodial brutality and lockup deaths.

The Press has in recent days reported a series of incidents of custodial deaths in various districts – Medak, Ranga Reddy, Anantapur, Cuddapah and Nizamabad..The visual media has brought home a dimension of the crime that would otherwise have escaped notice: the wailing families that have (in most cases) lost a bread winner belie the image sought to created by the police, namely that those who die in their custody are hardened criminals who do not possess such civilisational adjuncts as families and children.

Of course, there are quite a few professional criminals in our society. Their population ranges from white-collar financial swindlers to itinerant gangs of dacoits. But these professional never die in police custody. The white collar category gets anticipatory bail from the Courts, or else as soon as they cross the doors of the police station, telephone calls follow them to ensure that they are taken to Court intact. The dacoits, on the contrary, are tortured very badly. Most of the gangs are composed of castes that are accorded even less regard in Hindu society than the dalit communities. The British called most of them ‘criminal tribes’. We don’t, but we think of them in much the same language. But it is part of the meaning of the expression ‘hardened’ usually applied to them that they are inured to police brutality as well as to social ostracism and disregard.

Those who die in police custody are mostly not such ‘hardened’ types. Usually they are first time suspects who do not see themselves as ‘criminals’ and are therefore in a state of moral shock and loss of self-esteem from the time they are taken into custody. Of the six who died in recent days, none except one was accused of a serious offence. And all, including that one, were from the toiling classes: a stone mason, a hamali, a worker on a stone crusher, a fisherman, a farmer, etc. None of them had any previous experience of police custody. Such people are in a state of trepidation from the moment they are taken into custody.

As the only methods of interrogation known to our police involve further devastation of the suspect’s self-esteem, the common suspect is soon in a state of terribly weakened resistance to not only death, but also the idea of death. Add to this the dingy and unhygienic cells, poor quality of food and water, abuse and beating, and the indefinite duration of detention – that it is *indefinite* and depends on the fancies of the police is more unbearable than the *duration*, however prolonged – and you have a set of conditions calculated to break down all resistance.

I do not wish to be taken to mean that the police don’t torture much. They do, and at least in South India, the Andhra Pradesh police have the worst reputation. I have had the privilege of

hearing people of border districts of neighbouring States – from Nanded to Hosur to Raichur – say that the last threat the local police issue to suspects in their custody is that the he/she will be ‘handed over to the Andhra police’, and that the threat invariably works.

Electric shocks to sensitive parts of the body, forcing the suspect to sit on a bottle and pushing him down by the shoulders so that the mouth of the bottle is forced into the anus, suspending him by the arms and thrashing with thick sticks on the legs and soles of the feet, trampling upon the prostrate body with heavy boots and thrashing with lathis, locking up the suspect’s legs in the holes of a two-piece wooden log held together with iron chains – you have probably seen this picture in western slave films – these are some but not all of the methods of torture very commonly used by our police.

They get away with this and much worse because there is no real will in the sections of society that matter that such methods of policing should not be permitted. This applies not only to the executive but also to civil society and the judiciary. It was five years ago that the Supreme Court, in the now famous case of D.K.Basu vs State, laid down eleven procedural principles concerning arrest and interrogation, and declared that violation of these principles would amount to Contempt of Court. We know that our Courts are not very reluctant to exercise their power to punish contempt. Yet, even though every policeman violates the D.K.Basu guidelines day in and day out, not one has been punished for contempt anywhere in the country.

There is a sneaking feeling not only in the judiciary but in civil society in general, which is not usually made explicit, that unless the police are permitted to use ‘third degree’ methods to some extent, society cannot be held together. The belief is even regarded as plain and hard-headed good sense, whereas an absolute opposition to police torture is shrugged off as unrealistic and idealistic. This issue cannot be settled by abstract disputation. It can be set at rest only if we take a look at who are killed in police custody. Once we realize that the victims of society’s permissiveness in the matter of police torture are the weakest and most vulnerable sections of the population, we will see the criminal folly of the ‘hard-headed good sense’ that holds police torture to be a necessary evil.

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