

## Deaths in Police Custody Some Anatomical Considerations

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TO create a monster must be a fascinating experience. It is easy to imagine the thrill experienced by the gods of our *puranas* whose favourite sport it was to grant boons that made men into monsters and monsters into something worse. The thrill is in no way diminished by the occasional emergence of a Frankenstein's monster or a *Bhasmasura* out of this pastime. And even if one cannot create one, one can set free Nature's monsters and watch the fun: every child has enjoyed letting loose—and watching the consequences thereof—all those animals (like dogs and Cattle) upon whose secure custody a considerable part of human civilisation depends. Those who are new to the powers of governance appear to find an equal enjoyment in the possibility of letting loose upon the people the powerful machinery they have newly acquired control over. They invariably succumb, and if there is some variation between instance and instance that is only concerning which arm of the machinery they prefer to unleash. Some prefer the civil bureaucracy and some the 'law and order' machinery.

It is the latter that NTR plumped for, way back in 1983. He is by no means the first novice in the practice of governance of the Republic of India—or parts thereof—to believe impatiently that if you have the power of policing, the power to issue GOs and ordinances, and enough numbers in the Assembly to back up the consequences, then all is well; but he is certainly among the thoroughest of the lot. His GOs however, soon ran into the quicksands of writs of mandamus, which only made him fume and fulminate a lot against the Courts and their writs. (At one Press Conference he said that if the Courts had had writ jurisdiction in *Ramarajya* would Rama have been able to fulfil his *dharma* by banishing Sita to the forests when her chastity was questioned?) And now the full consequences of his free use of the powers of policing have come to roost with a racious noise.

For the last two unusual months the Press and public in Andhra have talked and discussed much more about 'Mock-up deaths' than about drought, floods or NTR's latest headgear. All of a sudden the entire state has become alive to the fact that the police routinely torture suspects in their custody and periodically kill them. The immediate background to this realisation was a sudden rush of custodial deaths in the month of September: one each on September 6th, 9th, 15th, 17th and 23rd; and one more that took place in August became public on September 19th. However, this rush of cases was only the immediate cause of the awareness, for

re is really nothing uncommon about this

rapid death-rate if one averages it over the year, taking all these six cases into account the total number of deaths in police custody during the year 1986 adds up (I apologise) to only 17, whereas the recorded number for the full year 1984 was 24. What has really happened is that whereas in the past such killings were of no concern to the general public but only to the relatives of the victims and to civil liberties organisations, the sustained campaign of the latter has now made them issues of public concern and political capital.

### COLLECTIVE RIGHT TO MURDER

One can derive considerable morbid gratification by recounting the gory stories of the deaths; what is more useful however is to analyse and understand at least three important aspects of their anatomy: the ease with which the police kill, the variety in the lies they invent to explain the killings, and the unbreachable solidarity with which the entire machinery—from the Chief Minister downwards—supports an errant sub-inspector of police. Such solidarity is all the more remarkable in an organ of government which is otherwise bitterly divided by a rigidly authoritarian regimen of internal discipline, unequal avenues of sycophancy, uneven access to graft, and the consequent jealousy, hatred and mutual suspicion. It is not easy for the average middle class citizen to realise how obscenely uncongenial policemen normally are among themselves, unless one has watched them from very close quarters, preferably from inside a lock-up. It is only when they have killed somebody that they gang up solidly to defend their collective right to commit murders. Naturally, they would not have the guts to do this if they did not have the full support of the rulers, all public declamations to the contrary notwithstanding.

Let us take the first aspect: how easily you can die inside a lock-up. The Indian police do not use any sophisticated instruments of torture: sticks, boots and fists do most of the job, aided if necessary by belts, rubber pipes and thick wooden rollers. Sexual abuse then adds humiliation to the torture. That is about all. Normally it would not be very easy to kill a person with such instruments, but when the police use them they can and do become lethal for at least three reasons: the inability of the victim to defend himself; the state of demoralisation induced by anonymous and indefinite confinement in an ill-ventilated and stinking lock-up outside the sight of the world; and the lowered resistance caused by poor and meagre food and the unsanitary conditions of incarceration. A dramatic reflection of this complex

of causatory factors is the correlation that exists between the death-rate in police lock-ups and the season of the year. The hot months are 'favourable' periods for custodial deaths. The largest number of deaths take place in the summer months of April-June and during September, which is sandwiched between the South-West and North-East monsoons and is usually described as 'second summer' in the South. The heat apparently lowers body resistance and causes death that much more easily.

The most recent 'lock-up death' in Andhra is a fine specimen to illustrate these considerations. The victim was Md Salim, a teenaged slum-dweller of Erragadda, Hyderabad. He knew some motor repair work but nobody had ever given him a regular job. Like a large body of Hyderabad's teenagers, especially Muslims, he roamed the streets doing work when he could get some and breaking whichever law stood between him and food when he could not. On September 6 he and two other similarly situated friends of his, Pasha and Srinivas by name, were picked up and put inside the lock-up at Sanatnagar police station, Hyderabad. They were thrashed mercilessly for one day. Salim's eye started bleeding inside and he carried that haemorrhage until his death one month later. After the first day they were beaten again only once in a while but left alone most of the time inside the dirty lock-up to be bitten by rats and stung by mosquitoes. They were detained thus for 25 days, whereas the law does not sanction detention beyond 24 hours after the arrest. Such illegal detention is generally recognised as common but what is not recognised is the consequence it has for the suspect's food intake. Since the law does not allow detention beyond 24 hours, the police station cannot lawfully claim money for the suspect's diet for more than one day. Normally, therefore, the police do not provide the suspect any food beyond the first day, unless he happens to have some money on him and they choose not to steal it; instead, the suspect's family members take food to the police station everyday, a practice completely contrary to the normal safety regulations that any place of detention should observe. Contrary to the law or not, it is so routine that the first thing one does upon coming to know of the arrest of a friend or relative is to collect some food in a bundle and take it to the police station. It gives one a chance to enquire from the SHO why so-and-so has been arrested, for no such thing as walking into a police station and putting a direct question is allowed (naturally) in our policing regimen. More importantly, it gives the police a further weapon of torture, for it is at their discretion that you can give food to the suspect, and they never allow such pampering as giving more than one meal a day, not without a bribe anyway.

In the case of Salim and his friends, the

Situation was worse for their parents did not know of their arrest, and they probably had to make do for the 25 days with what little money they had on them at the time of arrest. It was in these conditions that a mosquito bite on Salim's nose led to his death. The bite got slowly infected and the infection soon spread to the whole of the face. The boys pleaded for medicine but were given none. By the end of September Salim was in bad shape; the police consulted a doctor hurriedly and took the three of them on October 1 to the VI Metropolitan Magistrate's Court on a theft charge Salim's younger brother Rahim who saw them being taken to Court noticed that Salim was quite palpably sick, with his infected face bloated and wobbly limbs. The Magistrate, however, like most of his tribe, did not give Salim a second look but signed the remand application and sent the three youth to Secunderabad jail. Jails are normally vary of admitting sick people, for the entirely legitimate if selfish reason that they do not like anybody to die within their walls; but the officials of Secunderabad jail were careless enough this October 1 to admit Salim. It was only on the 3rd that they discovered how sick he was, and sent him to Osmania General Hospital. By that time, however, the infection had spread to the brain; it kept spreading to the rest of the body and Salim died of Septicemia on October 7. The doctor who performed the post-mortem examination the next day discovered pus all over the face and chest—in the teeth, the gums and the lungs. And all because of a mosquito bite.

That is how easily they can kill you inside a police lock-up, Md Salim's case is admittedly at one extreme, but it is rarely that torture by itself leads to death. It is torture plus a half-starved and unhygienic existence plus fear and demoralisation plus lack of medical attention that kills people in police lock-ups. And it is so difficult to establish all these in an inquest or a post-mortem examination—even if the magistrates and the doctors have the will to do so—that no policeman is ever going to get the maximum penalty for killing a suspect in custody—even if any is ever prosecuted, a one-in-one thousand possibility.

#### THE LIES

Next come the lies they tell to account for the death. For the police, the main problem here—unlike in cases of custodial rape or non-fatal torture, which need not become public unless the victims choose to make them known—is that a death in police custody leaves a dead body behind. Sometimes—and much more often than many people realise—the police make the body disappear and pretend they never arrested the victim. There were two sensational cases of this nature during 1985; Rammohan Gupta, an ENT specialist, was kidnapped by the police Vizianagaram taluq station on the night of June 7 (he was himself accused in an abduction case), killed that very night, and his body was burnt in a forest region.

At Hyderabad a young man by name Nageswara Rao, allegedly a bicycle thief, was arrested on May 12, seen in Chickadpally, police station lock-up for a week thereafter, both by his parents and the local MLA, and then just 'vanished'. The police claimed that he had escaped. The High Court refused to accept their story, and in a judgement that had more righteousness than legality to it, directed the SI—or, in his default, the state government—to pay the victim's family Rs 40,000. The government did not prosecute the SI, but (to be fair to it) did not show much interest in salvaging him financially either. It only took vocal objection to being shouldered with the liability in the event of his defaulting. It showed no interest in the matter beyond that.

In November 1985 the police of Hyderabad repeated their crime. They arrested two radical activists, Sekhar and Sanjeev, kept them in illegal custody for many months, denied the arrest when the High Court served them with a notice on a habeas corpus petition, and finally declared that they had "disappeared". During the same year there were two cases in Warangal district, in which a person was killed in lock-up as a consequence of torture and then the body was taken to the Godavari forest and burnt. One of them was a radical activist and the other an alleged dacoit.

But more often the police invent stories of a different kind. There are basically two types of stories: that the victim died of ill-health and that the victim committed suicide. Which they choose depends upon what kind of injuries—external and internal—the victim carries, and what causes of death the post-mortem examination is likely to reveal. Whichever it is, the stories are rarely credible. At Vijayawada, a sizeable town whose police have over the last three years acquired a special notoriety for lawless and arbitrary behaviour, the police recently killed a Keralite navyman by name Muralidharan who was employed at the Visakhapatnam naval yard. There are vague rumours that he was involved in the distribution/sale of smuggled video-cassette recorders and that differences erupted between him and the Vijayawada 5 town police station's SI over the quality of the VCR supplied by Muralidharan to the SPs wife or mistress. In any case, he was brought to the police station on the night of September 16, 1986 and beaten mercilessly throughout the night. He died by the morning, crying vainly for help in Malayalam till his last breath. The first story of the police was that he was mentally unsound and somebody had handed him over to the police for safe custody; once he was put inside the lock-up he was supposed to have suffered a stroke and died. The inquest and the post-mortem report, however, revealed wounds and lacerations on the arms, legs, neck, jaw and the chest. When this became public the police tried to change the story to one of suicide but by that time it was too late to convince anybody.

But even when they think of a suicide story in the first place it sounds no more

credible. Here is the most recent example of an impossible suicide, David Raji, delinquent son of a Christian pastor, was convicted on a theft charge and given a four month sentence. He seems to have been an impatient sort-for he decided not to stick out the brief sentence but escaped from Khammam sub-jail on August 10. Four constables and a head constable were suspended for negligence, but apparently informally promised that if they managed to catch Raju again they would be reinstated. Whatever the legality of such a promise, it proved fatal for Raju. The policemen hunted for him, found him at Torur in Warangal district, beat him black and blue in their wrath and brought him to Khammam I town police station. Being an escaped convict, his legs were chained to the lock-up bars, and he was thrashed further till he died on September 23. The police then invented the incredible story that he had tied his leg-chains to his neck, thrust his legs against the lock-up bars, pushed his body backwards, and thus strangled himself with his own chains! And this not with standing the blood-filled froth on his lips, his damaged testicles, and traces of blood on the lock-up floor.

#### CLOSING OF RANKS

These lies are not very remarkable in themselves but what is really remarkable is the ease with which the entire governmental machinery tell lies to defend an ordinary SI of police. Ministers, Superintendents of Police, Executive Magistrates, Doctors and jail officials collude as a matter of course, as if it is the most natural thing to do, to save the skin of a subordinate policeman who has committed murder in his custody. Perhaps it is an instinctive recognition of the fact that it is not really the subordinate policeman who has killed the victim, but the compulsions of the system which cannot survive if it honours its own criminal law—let alone the Constitution purportedly held aloft by it.

Among the six lock-up deaths of this September there was one which became the talk of the state for one week. The story is worth recounting in some detail. On July 8 the police of Macherla, a stone-quarry town of Guntur district, arrested three persons—Devara Nagulu, Dasari Venkateswarlu and Kalluri Narayana. They were suspected to be involved with a dacoit gang. They were kept in illegal custody and tortured severely until September 15. The families of the three were ignorant of their place of detention and were therefore unable to take food to them. The three men would probably have suffered severe deprivation of food but for the fortuitous accident that there were two other accused in another crime detained along with them in the same police station, and the wife of one of them was kind enough to give food not only to her husband but also to the others once in a while. However, on September 15, after more than two months of illegal detention and torture, Dasari Venkateswarlu died. The SI called a rickshaw-puller, put the body in the vehicle.

and directed him to take it by a roundabout route to the hospital with the story that it was a stray dead body found by the way. At the hospital the post-mortem examination was performed the next day and the body was buried within an hour after the examination, without any efforts to get it identified, as was obligatory considering that it was supposed to have been a stray body. Photographs of the dead body taken prior to the post-mortem examination were deliberately spoilt and blurred pictures obtained. The police then quietly allowed the rumours to spread that it was Devara Nagulu who had died in lock-up. Knowing fully well that Devara Nagulu was alive and in their own custody, they allowed the public to think it was he who had died, and the Press to run daily stories on what became known as the 'Devara Nagulu' case. Not only the SI of Macherla but the SP of Guntur district knowingly participated in misleading the people. Their bluff was almost called when a local Court gave an exhumation order to dig up the buried body and get it properly identified. The case had become so well known by this that thousands of people gathered on September 24 at Macherla burial grounds to watch the exhumation. To everybody's surprise, the body was missing from the grave. The SI had got it dug up the previous night, with the connivance of local Telugu Desam leaders, and thrown in the right canal of the Nagarjunasagar project which gives irrigation water to this part of Guntur. For good measure, the district SP then accused civil liberties people of having spirited away the dead body.

Meanwhile the two persons still alive—Devara Nagulu and Narayana—were shifted from station to station in Guntur and neighbouring Nalgonda districts, in search of an 'unsolved' dacoity case. One was finally discovered at Garidepally in Nalgonda district and the two were shown as accused in that case and sent on remand to Nalgonda jail. The SI of Macherla could not have arranged all this on his own, without the active help of the SPs of both Guntur and Nalgonda districts, and he obviously got the help in full measure.

The idea of the police was that they would allow everyone to think it was Devara Nagulu who had been killed; and if there was ever an enquiry into the killing then they would produce him from Nalgonda jail and render the enquiry infructuous. Unfortunately for their calculations there was in Nalgonda jail another prisoner who was acquainted with Nagulu, was literate and in the habit of reading the daily papers, and was courageous enough, for all his criminal proclivities, to take on the police. He wrote a letter to the Press and civil liberties people revealing that Devara Nagulu was very much alive and in Nalgonda jail along with him, and it was Dasari Venkateswarlu who had died. The Press and civil liberties people hurried to Nalgonda to meet Nagulu in jail and verify the assertion. But by this time there were orders from nobody less than a DIG (Prisons) to the Superintendent of

Nalgonda jail that he should not allow anybody to see Nagulu. Nothing but the instinctive closing of ranks of Authority can explain this uncalled-for aid from a high ranking prison official to a mere SI of police in covering up for his crime. However, the intervention of the Nalgonda Bar with a petition to the district judge made it possible to meet Nagulu in the prison and get the full story. But the tracks have been so thoroughly covered up and confused by now that no enquiry can succeed in unravelling the facts to the satisfaction of the trial procedures' of our Courts.

It is against the background of this closing of ranks that one should try to make sense of the government's reaction to the unprecedented outcry against lock-up deaths. Both NTR and his Home Minister have issued a series of confused statements in the last one month. They are obviously not upset so much at the death of six people in one month—what is six out of sixty million, to imitate the logic NTR frequently employs—as at the possibility that the Opposition may make campaign material out of the lock-up deaths during the Mandal Panchayat elections that are due in a couple of months. That the Opposition is quite alive to this possibility is clear. The Congress(I), CPI and BJP have staged dharnas, demonstrations and processions in protest against lock-up deaths. It is perhaps the first time in the history of this state that these parties have agitated on a purely civil liberties issue, which is a gain of a sort in itself, whatever be their motives and political calculations. Only the CPI(M) remains steadfastly loyal to its electoral ally and has maintained a studied silence in the midst of the outcry. Given the crucial importance the Mandal Panchayat elections have for NTR—he has as yet been unable to fully breach the Congress(I)'s hold over the institutions of the rural power structure—he

## PRICES

# Inflation under Control?

THE consumer price index is compiled and published by the Labour Bureau, Government of India, Ministry of Labour and Rehabilitation. The Bureau compiles three types of consumer price indices, viz. Consumer Price Index for Industrial Workers, Consumer Price Index for Agricultural Labourers and Consumer Price Index for Urban Non-Manual Employees. However, among these the All-India Consumer Price Index for Industrial Workers is considered as representative in as much as the compensations for rise in the cost of living of employees in the organised sector is determined on the basis of this index. The all-India Consumer Price Index for Industrial Workers is a weighted average of 50 centres spread all over India, with each state having at least one centre. The index for each centre is constructed according to the spending habits of consumer as revealed by surveys

is naturally perturbed that the issue of police lawlessness, which strikes such an immediate chord in the hearts of the people that 'responsible' politicians are normally wary of raising it as an agitational issue, may succeed in thwarting his desire to capture a dominant position in the Panchayat structure.

This is on the one hand. On the other, he has got so much accustomed to using the police as the principal tool of administration that he is loth to 'demoralise' them, especially in view of the invaluable role they have been playing in suppressing the naxalite movement. Like many people NTR would like to have a magic formula by which he can at least pretend to have concern for the civil liberties of the non-political victims of police violence while aggressively denying civil liberties to the naxalites and the people sympathetic to them. Caught in the blades of these multiple scissors he has very little of the sophistication required to wriggle out without getting his skin scraped. He, therefore, issues a series of contradictory statements, whose sum does not cancel out their mutual absurdity but multiplies them manifold in a strange arithmetic of resonance. One day he says that he will order judicial enquiries into all lock-up deaths (and actually does announce enquiries into the recent six) and the next he says that the police are his administration's right hand (a pathetically accurate confession); one day he says that whenever a lock-up death occurs the SHO will be booked for murder (which has never been done) and the next day he says that a policeman is verily a god in the eyes of the people (these are his very words). He has perhaps only succeeded in making himself look a colossal fool but whether the public's memory is long enough for the unseemly exhibition to have material consequences—in other words whether the police will be NTR's *Bhasmasura*—will have to be revealed by the coming Mandal Panchayat elections.

conducted in all the centres by the Technical Advisory Committee on Cost of Living Index. This Survey was conducted way back in 1958-59 and there has been no revision since then. The trends in consumer price index are generally taken as an appropriate proxy for the trends in retail prices.

A study of the trends in the Consumer Price Index over the last twenty-five years indicates that there has been an acceleration of the rise in this index from decade to decade. Thus the compounded rate of rise in consumer prices with 1960 as the base, which was 6.5 per cent in the sixties, moved up to 7.4 per cent in the seventies and to 9.5 per cent in the eighties so far (Table 1). According to the latest issue of the IMF's *International Financial Statistics*, the pace of rise in consumer prices eased considerably in the developing countries of the western hemisphere, Europe and West Asia in the