

Very much in character
(Human right to probe violations)

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Policemen rarely talk of the law with reference to themselves. But everybody else has to tell them what is the lawful right or the lawful authority under which they function, or even merely live.

The Police Officers' Association of Andhra Pradesh has asked the Indian People's Human Rights Tribunal to explain what is the lawful authority under which it held the enquiry into the police action of August 28. The answer is: none. It only had the authority of the age old human urge to seek the Truth, especially where the Truth is in dispute. The urge is so old that it is probably close to being innate in human beings, and therefore a natural right. They might as well ask people what is the law under which they eat, sleep or converse.

However, it is remarkable that in almost every State in which this unofficial Tribunal headed by the V.R.Krishna Iyer has held enquiries in the last fifteen years of its existence, the State government – including the police – have cooperated fully, excepting only in our State. Even in Bihar, where the administration is by consensus declared to be beyond redemption, when an Indian People's Human Rights Tribunal bench of two retired High Court judges held an enquiry into police firing on a peasant rally at Arwal in Jehanabad district, the policemen concerned attended the enquiry with due deference and made all reasonable efforts to defend their action.

What makes the Andhra Pradesh Police different is that over the years every government that has ruled this State has pampered the force so much that it finds the very idea of being accountable to any body or any institution unbearable. They have asked retired Justices H.G.Balakrishna and Malay Sengupta what is their lawful authority to enquire into complaints of police atrocities, but how much respect have they ever shown to those who are enquiring with lawful authority? Pick any instance of prosecution of policemen in a Court of law for custodial violence, and you have a saga of doctoring of evidence, and threats and violence, some times fatal violence, upon the complainant and the witnesses.

Coming back to August 28, what is their problem? It is after all their case that the rallyists employed violent means, and that they could only be dispersed by the police with the use of force, and no more of it was used than was just necessary. The rallyists, too, have never said that there was no stone throwing on their part. Their only case has been that the stone throwing was not the cause but the consequence of police violence. They have been courageous enough to put up their version for examination by two persons who have spent a life time – or at least a career's

time – weighing and assessing evidence or evidentiary material of all sorts produced before them. Why could not the police show the same courage? Of human rights activists the police can say that they have no sympathy for the problems of policing. But they certainly cannot say the same about persons who have served a Constitutional office under the Indian State for donkey's years.

Talking of lawful authority, there is a body with lawful authority to enquire into human rights violations, called the National Human Rights Commission (NHRC). About six years ago, a five member team of that body, headed by a former Chief Justice of India, came along with its lawful authority to gather public opinion about 'encounter' killings by the police in our State. Public memory is not so short that all would have forgotten how the police mobilized mobs to assault human rights activists right in the presence of the members of the NHRC. So why ask for lawful authority when you have no respect for it any way?

But the previous effort of the Indian Peoples Human Rights Tribunal to enquire into police atrocities in this State was even worse than the insolent questioning that has followed the departure of retired Justices Balakrishna and Sengupta. This was way back in 1988, when retired Justices Chandrasekhara Menon and Jyotirmoyee Nag sat in the premises of Andhra University at Visakhapatnam to enquire into an allegation of large scale arson by the Chintapalli police who burnt down a total of 46 tribal hamlets to the last log of wood. The sin of the tribals was that they were suspected to be harbouring naxalites. That time, the police mobilized a mob to invade the enquiry hall and pick up the chairs and beat the tribals who had gathered there to depose before the Tribunal.

The sad part is that the police of this State are able to get away again and again with such behaviour. The Congress party, which was at the receiving end along with the others on 28 August, is as much responsible for this demoniac force as the Telugu Desam Party, and the two Communist parties must accept their share of the guilt as long term allies of the TDP for having stood silently by and watched the creation of this monster. Not many people, perhaps, know that in the border districts of our neighbouring States, the last threat used by the local police to 'break' an unwilling suspect is that he will be 'handed over to the Andhra police'. The threat, it is said, invariably works.

What other response does one expect from such a force than the insolent questioning that attended the departure of the Tribunal that enquired into the events of August 28?

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