

# Political Violence and Police

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This <sup>\*</sup> book under review virtually castigates the Police Personnel in all parts of the country for their oppression and violence on the dalits, minorities, and, the weaker sections. What makes such a castigation even more significant is that the author of the book was part of the Police Establishment holding high positions. With the result each and every observation he has made in the book is virtually from the 'horse's mouth', as the saying goes.

The author makes clear what he means by Political Violence in the introduction:

"The term POLITICAL VIOLENCE is used in this study in a double sense. It refers to violence that calls for a political response from the state authorities rather than a police response. The latter may be necessary but not sufficient; second, the term implies that in a situation of a large scale institutional malfunctioning, politics acquires an appetite for all spaces, both public and private. Thus all violence becomes political, in a sense. Ironically, in such a situation, the Indian state relies largely on the police machinery not only for information pertaining to social conflict and violence, but also for the analysis and interpretation of the phenomena of violence in terms of their causes and solution.

"The rule of law is a civilizing factor, but it often subserves the use of violence in governance. Terms such as 'law and order', 'public order' or 'security of state' are often used in India to deploy state violence with impunity".

"The poor in India have to fight pitched battles to secure their minimum human, social and legal rights under the constitution and the general and specific laws of the land. Development related struggles for land, minimum wages, social justice and dignity by the poor along with their demand for the fair implementation of the limited rural development projects and schemes of the government, often bring them into conflict with the police and the administrative machinery, which frequently in collusion with the rural power structure inflicts enormous state violence against the poor and commits large scale human rights violation".

The introduction portion running to 13 pages is brilliantly written, it presents succinctly the contents of the eight chapters - in a manner one may become hungry to know the details.

The first chapter is titled 'Political Violence and State Response in India'. The author observes:

'State violence is defined as legitimate, but violence of the oppressed is regarded as illegitimate.

Structural violence against the poor in India takes the forms of unfair wages, usurious money lending, unfavourable terms of share cropping, bonded and child labour, and untouchability. Struggles against the violence are often met with vigilante actions by the landlords and the rural mafia assisted by agents of the state and the police, who intervene in the name of law and order. Law and order

becomes a semantic tool for the preparation of state violence and atrocities management by the modern state.'

The relationship between violence and power is to be noted. Though violence in society is perceived as a breach of law, often the law itself becomes equally violent and has a debilitating impact because of its systematic ruthlessness backed by official sanction.

There has been no serious policy discussion of the phenomena of violence in Indian society, though there has been plenty of retail discussion in the media.

The CrPc contains drastic provisions for dispersal of unlawful assemblies by force. The police authorities freely misuse these provisions, since administrative accountability in India is lax.

The demands of the rural poor are related to land, wages and struggle against social oppression. A large number are landless agricultural workers. A landless person in rural India is virtually a non-person. Any attempt at getting possession of land, security of tenure or minimum wages is still often seen as an attempt to disturb the status quo and when this happens public order and tranquility are threatened and the relevant provision of IPC & CrPc are involved.

The second chapter is titled 'Indian Police System in crisis'.

There is an interesting quote of the British view of the Indian Police of 1859 vintage :

"The police in India were 'all but useless for the prevention' and sadly inefficient for the detection of crime and with rare exceptions 'unscrupulous' in the exercise of their authority together with a very general reputation for corruption and oppression" (Many will say that this is true of the Indian police today).

The author's own observations are:

"The modern Indian State was the product of a freedom struggle. It adopted a written, liberal democratic constitution but retained the colonial administrative, police and judicial structures without recasting them to meet the changed situation".

"In the 10 years since Independence, the police in Congress-ruled states opened fire over a thousand times to contain industrial and political unrest, killing over 800 and sustaining limited casualties. The Congress in office was as chary as the British had been in allowing police accountability to the public".

Police is perceived as the single largest lawless group.

There is yet another interesting observation: "No riot can continue beyond 24 hours unless the state wants it to continue".

The Third chapter is about the Intelligence Bureau (IB) which is described as a secret state reporting to the Ministry of Home Affairs. The MHA is the most powerful organ of the GOI, with the Union Home Minister next in importance to the Prime Minister.

The Director of the Intelligence Bureau (DIB) is regarded as the senior most police officer in the country - formally reports to the Union Home Secretary - has access to Home Minister/Prime Minister-Reports are classified as Top Secret.

The fourth chapter is titled "Central Paramilitary Forces: A Parallel Force!"

The CPFs have almost become a permanent feature in disturbed areas such as Jammu and Kashmir, the north-eastern states and the central tribal belt affected

by Naxalite activities. This undermines civilian policing and beat patrolling, which are essential to crime control and service provision.

This emphasis on public order maintenance at the cost of crime prevention has been a distinguishing feature of the Indian police since the colonial period.

Fear of the people rather than fear of disorder seems to have determined the response of the state, the upper castes and classes of India, fearing the organized assertions of the poorer castes and classes.

The British-created police were so shaped in personnel, powers and procedures 'as to be a terror to the law and to the law abiding citizen..'

The objectives that the police must safe-guard in India are democracy and freedom - Armed police forces are not trained to do this.

Chapter Five is titled "Naxalite Violence - what can the Union Home Ministry do?"

There are tables - giving all India figures and statewise figures of the number of incidents, number of civilians killed, number of Policemen killed and the number of naxalites killed.

The Ministry's approach makes a notional reference to socio-economic issues, but does not address the land question, the rural development strategy, land transfers from peasants to the communities as a result of development projects and violent suppression of peaceful movements and demands. It merely mentions 'project implementation in the rural areas', which have in the past been effectively sabotaged by a corrupt administrative structure at the cutting-edge level in collusion with the rural power structure.

The administrative structure remains still basically regulatory as in colonial times with its dominant pre-occupation with 'order' at the cost of law and justice.

Official reports received from the state governments and the Intelligence Bureau (IB) are often biased or partial and self-serving. The IB, the main information agency of the Central Government, often serves the ends of the politicians in power.

Under the heading 'Naxalite movement today', the author quotes B D Sharma:

"Dr B D Sharma, commissioner for STs & SCs (1980) has argued that the outcome of developmental measures taken by the government and the adverse forces already at work in society had led to a 'relentless slide back' in the fortunes of SCs & STs despite gains by way of 'reservations' in govt. jobs. The people were paying a heavy price for the 'so-called' development: The institutions of the state had abdicated their constitutional responsibility of safeguarding the interest of the deprived sections. The executive in particular, with its distorted role perception, was working against the interest of SCs STs".

The sixth chapter is titled "Violence against Dalits and Adivasis": The author observes:

"The SCs (dalits) constitute the largest single social group in India, with about 17 percent of the total population. The 'exclusion' and deprivation of the dalits is associated with the institution of caste and the practice of un-touchability aggravated by market forces and weak state policies of 'inclusion'. The Scheduled Tribes (adivasis) constitute about 8 percent (80 million) of the Indian population. They are perhaps worse off than the dalits in terms of 'exclusion' and deprivation, the basis of adivasis' exclusion is not caste but 'ethnicity'. The two

social groups, accounting for about a quarter of the Indian population (250 million), are the prime victims of violence in society".

The Naxalite movement, supported by the dalits and the adivasis, and spreading across parts of rural India, must be viewed in the context of this process of comprehensive, still unquantified, violence against the rural poor.

The author has given a long list of atrocities perpetrated by the Police under an apt heading Police culpability.

The police machinery itself perpetrates the following atrocities.

1. Custodial torture and killings
2. Criminalization of social activism
3. Killing by 'encounter'
4. Interaction with the rural power structure in inflicting the violence
5. Raids on dalit colonies
6. Inflicting violence as a pressure tactic
7. Inflicting violence as a method to quell the ordinary democratic protests of dalits.
8. Collective penalization for individual transgression
9. Criminalization of communities

The police also acted as saboteurs of justice by

1. Not registering cases
2. Pressuring the victim/complainant to compromise
3. Helping the perpetrator of violence
4. Foisting false cases against victims to pressurize them to compromise.
5. Ignoring relevant sections of law while registering cases.
6. Shielding the accused, the public servant/local political leaders involved; violating specific provisions of law on the rank of the investigating officer and letting a lower ranking officer do the investigation with the higher ranking officer only putting his signature.
7. Delaying investigation and the charge sheet of case
8. Granting bail in violation of stringent provision of the law

The seventh chapter is titled 'State-sponsored Violence against the Muslims in Gujarat, 2002: A Case Study in Police Partisanship'. "The speed with which the violence spread and its intensity and brutality suggested that it could not have happened without government support".

The eighth and last chapter is about the Political Violence in the North-east. Human Rights or Ordinary People. Here are some excerpts:

"At present, Manipur, Nagaland and Tripura, along with Assam, witness active political violence. They are inhabited by over 300 tribal communities extending beyond the Indian borders into Nepal, Bhutan, China, Myanmar and Bangladesh.

These states have for long been under the draconian Armed Forces (Special Powers) Act 1958 as amended in 1972, in view of the "disturbed conditions". The Act empowers any commissioned officer, warrant officer, non-commissioned officer or another person of equivalent rank in the Armed Forces to shoot or kill on suspicion; destroy armed dumps; arrest any person without warrant; and search any premises without warrant. No prosecution, suit or legal proceeding against any such officer shall lie without the prior sanction at the central government. The normal operation of the law and order and development

administrative machinery cannot take place under such conditions. Human rights violations are common.

The situation in Tripura is just horrible for the ethnic people:

In Tripura, the indigenous people, who accounted for 95 percent of the population in the 1931 Census, were a mere 31 percent in the 1991 Census. In addition to land control and monopoly of trade and business, the immigrants also dominate government jobs. The conflict situation, relating basically to the land issue, has persisted since the 1940s. Demographic and political forces have further conspired to thrust political power into the hands of the non-tribal immigrants. The aggravated disadvantage lends a sharper edge to the ongoing indigenous communities' militancy. These developments have had their adverse impact on women and children. There is a particular need and scope for a comprehensive study of this impact.

This book is of the must read category for the Police officers, Politicians, Social Scientists and every responsible citizen who wants to know how the law and order situation in India is bungled by the Politicians using the Police as the instrument.□□□

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\*POLITICAL VIOLENCE AND THE POLICE IN INDIA

by K S Subramanian

Sage Publications India Pvt. Ltd.