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From the Desk of Law Faculty, Delhi University (Right: Which was Denied)

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MEDICAL NEGLIGENCE

Know Your Rights

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From the Desk of Law Faculty, Delhi University

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“Sir, I have the keys of the shop I work in. Please let me ring up the owner and inform him that he should take the keys from here.” But Narender’s repeated plea fell on deaf ears of the policemen in the Civil Lines Police Station. Instead of allowing him his right to contact a friend/relative, so boldly painted in every police station, the police personnel simply denied Narender possessed anything but a 10” knife. The “right” which Narender was denied are painted in white over blue in every Police Station. Now Aren’t blue and white both very passive colours? And over that Narender was only making a request; ignorant of his right.

“Sir, from my work-place I had gone to see my friend. He didn’t come to his room, so after waiting till about 11 O’clock, I went to the Bus-stop. I was waiting for a bus when a constable came and roughed me. He demanded money. I thought why should I give him any. And he brought me to police station.”

And it took him a day before Narender understood why he was in Jail. Because the nation needed to celebrate independence day. And consequent to the usual security threat; Red Alert had been sounded and the security needed to be beefed up. Who said an innocent-looking salesman could not carry a knife.

“He might just be looking so” said the lawyer whom I approached with Narender’s case. To me it was a kind of shock. It made me realise how the stereotypes effect our criminal justice administration.

The lawyer was skeptical about Narender’s case. He gave 50% chances to this case. To me the reply of the lawyer appeared cynical. There are reasons for it. I am not as distant from these men as the lawyer was. On one of my early visits to Tihar I had met a rickshaw puller. He said he was sleeping on his rickshaw-basking in the mild winter sun—when a “policeman” came and caught him by the collar and pushed him in the “Gypsy” (Police Control Room van). How could I believe him? The rickshaw puller told me he was booked for theft.

Later I realised police does arrest men in their pressure to make up numbers. The tally of anti-social elements is doubly beneficial to them. One, when the figures are publicised the confidence of the people about their security gets a boost; two, it saves them from the blame of being inefficient keepers of peace if an “incident” happens. The “rickshaw wallah” was only the first whom I encountered in Tihar. After that for the past two years I have met so many such people that I have lost count. Because I am always at a loss as to how can one tackle this lawlessness of the police. The bogey of security threat makes confirmation of wide powers unavoidable. And then the misuse is only a natural corollary. As for accountability is concerned there is hardly any in India. And the result—men become numbers at the police station, blackboards, on files containing compliance reports, on the boards of the jails and at many more places.

The police are very clever people. They play upon your fear psychosis. Its hidden arguments always is “You might have been stabbed” and this makes you blind to its excesses—in terror. I fail to understand why it doesn’t occur to people that instead of being the one to be stabbed he could be the one being booked under Arms Act in one of those days preceding the celebration of independence.
Perhaps it has something to do with the experiences of the class to which we belong. The middle class does not have the same kind of interaction with the police as the lower-income group. I wonder why none of my close ones have ever been hauled up in such a manner. Confidence and good clothes? May be. More it is a balance of terror. The police is also aware (if not afraid) that a person like "us" can take them to task. And therefore, the victims are those who have no one to bail them out. Men like Narender who are too docile and resource-starved to retaliate.

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