

SYNOPSIS

CUSTODIAL VIOLENCE IN KERALA (1956-2006) :

A HISTORICAL PERSPECTIVE

The practice of Custodial Violence dates back to very ancient times. The work gives due priority to the undercurrents of Police Torture, emphasizes the gravity of police torture through the ages, examines the breakdown of law and order that it stems from, and tries to provoke a response regarding its elimination. Often cases of torture inflicted on vulnerable sections like street children are left out of the account. The number of complaints on inhuman nature of the police and custodial crimes are on the increase in Kerala. It is in this context that a study of the custodial crimes in Kerala becomes relevant and meaningful. There are studies about the intensity of custodial violence, but no historical and empirical study has been conducted on the Origin of police torture in Kerala. This study intends to portray the police crimes in Kerala during the period from 1956 to 2006, i.e. the first fifty years of democratic governance since the formation of the State of Kerala.

In this background, the objectives framed for this study are:

1. To examine the historical factors leading to the prevalence of police torture and thereby help in reducing the frequency and intensity of custodial crimes which are on the increase in Kerala.
2. To examine how far the Legal, Constitutional and International provisions against Custodial violence have been successful in preventing the recurrence of this evil practice.

The Methodology used is a combination of Descriptive and analytical method. Descriptive method is used to trace out information having immense value in the development of the concept of Police torture in Kerala. Analytical approach is used to evaluate various aspects and intensity of the problem affecting different sections of the population in different periods. I have consulted the Primary and Secondary sources from the Dailies, Journals, Administrative reports and Human Rights Commission

reports and other relevant Documents available in the Kerala State Archives, Tamil Nadu Archives and various libraries. I have also conducted personal Interviews with eminent Jurists like Justice V R Krishna Iyer (Rtd. Supreme Court Judge), Justice K T Thomas (Rtd. Supreme Court Judge); Activists like Smt. K Ajitha, Shri. K Venu, Shri. Philip M Prasad, Shri A Vasu; Late Prof. T V EacharaVarier, Late Shri. Mukundan C Menon, Justice V Ramkumar, Prof. S Balaraman and several other personalities

The first Chapter begins with a brief survey of the historical background of police torture in Kerala till 1956. The second Chapter examines major instances of police torture since 1956 covering the Naxalite period also. The declared object of the Naxalites was to overthrow the government by sheer violence. The treatment meted out to those arrested in the late 1960s and 1970s under the pretext of their being ‘naxalites’ breaks even those standards set by jail authorities themselves. The case of A Varghese shows the extent to which the police conduct in Kerala had degenerated during this period. The third Chapter draws attention to the Emergency excesses of the period 1975-77 which bring into public view the organizational crisis of the entire police administrative system. Those were the black days of the Emergency, when issues relating to the citizen’s liberty could not be raised in the courts. The Rajan case, one of the most sensational cases of custodial death during the emergency period in Kerala, haunts the public memory even today. The last Chapter summarises the findings of the study and makes several recommendations based on the discussions in the previous chapters.

The study brings to notice of all concerned the need to initiate ethical, social, political movements founded on the centrality of the dignity of persons. It is expected to be helpful to open the eyes of the present generation and the future custodians of law to see the harsh realities in the society with the spirit of emancipation.
