



IAS PARLIAMENT

Information is Empowering
A Shankar IAS Academy Initiative

Right against torture

What is the issue?

\n\n

Amidst of progressive societal setup, there are many reported instances of humiliation by the police in Kerala.

\n\n

What is a state of Kerala's progressive society?

\n\n

\n

- The state has the high literacy rate in the nation, with the incessant newspaper reading and the political fervour.

\n

- It has the 'forward' 'matriarchal' society which are somehow linked to a liberated, less patriarchal, more equal existence.

\n

- The Malabar region also has a matrilineal practice of naming children, with mother's name following the last name.

\n

- The sad reality is that in Kerala, all of these practices are not markers of a more evolved society, but simply of culture, of tradition and custom, handed down the years.

\n

\n\n

What are the recent instances of Humiliation in Kerala?

\n\n

\n

- A video surfaced online showing three half naked male suspects in a police station, clapping their hands and singing, in an apparent exercise in humiliation.

- \n
- It emerged that the video was shot at a police station, in malapuram district and the suspects were detained for creating a ruckus on the streets.
- \n
- Earlier in October a young boy of 16 years was beaten up a police officer in Kozhikode, near a women's hostel, allegedly for questioning him regarding his identity.
- \n
- In July a 19-year old Dalit boy committed suicide in Kerala after the police brutally tortured him, he was harassed and mocked for his haircut.
- \n
- In March 2016, a theatre artist was picked by the Trissur police, allegedly on the suspicion that he was travelling on a bike with a drug peddler.
- \n
- He was assaulted, both physically and verbally and threatened with being force-stripped.
- \n
- While these cases are examples from Kerala, they are reflective of a normalized structure of custodial violence and moral policing across the country.
- \n

\n\n

What are the implications of the instances?

\n\n

- \n
- The shame associated with the naked human body makes it easy for police officers to use nudity and sexual abuse as a tool of punishment.
- \n
- The victims were targeted for being 'different', for refusing to conform to the dominant narrative of how a person should look and behave.
- \n
- All these instances of police brutality and torture in custody are gross violations of the right to privacy.
- \n

\n\n

What is Apex court's view on police torture?

\n\n

- \n
- SC in its judgement explained, moral policing and enforced nudity in custody are gross violations of one's right to privacy, bodily integrity and human

dignity.

\n

- The judgment talks of the 'right to be left alone', the right to human dignity and refers to Article 21 includes the right to protection against torture.

\n

- Ironically this judgment also held that right to privacy was not a fundamental right under the same Article.

\n

- While this judgment does not specifically rule that the right to privacy includes the right to torture, these are analogous, both of them are un-enumerated fundamental rights.

\n

- It must not be ignored by activists and researchers while speaking out against torture and police violence.

\n

\n\n

\n\n

Source: Indian Express

\n



IAS PARLIAMENT

Information is Empowering

A Shankar IAS Academy Initiative