Right against torture

What is the issue?

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

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What is a state of Kerala’s progressive society?

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- The state has the high literacy rate in the nation, with the incessant newspaper reading and the political fervour.
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- It has the ‘forward’ ‘matriarchal’ society which are somehow linked to a liberated, less patriarchal, more equal existence.
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- The Malabar regionalso has a matrilineal practice of naming children, with mother’s name following the last name.
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- 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.
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What are the recent instances of Humiliation in Kerala?

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- 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.
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- 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.
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- 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.
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- 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.
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- 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.
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- He was assaulted, both physically and verbally and threatened with being force-stripped.
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- While these cases are examples from Kerala, they are reflective of a normalized structure of custodial violence and moral policing across the country.
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What are the implications of the instances?

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

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- 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.
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- 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.
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- Ironically this judgment also held that right to privacy was not a fundamental right under the same Article.
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- 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.
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- It must not be ignored by activists and researchers while speaking out against torture and police violence.
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Source: Indian Express

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