

# Why prisons continue to harbour the most marginalised citizens

A young researcher speaks up for some accused, finds himself hauled up by the cops

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**A**mosi is a tola of Khagariya district in Bihar. It is populated by some 300 musahar families; the musahar is a scheduled caste; at Amosi, they all live in thatched huts. One reaches the village after crossing the river Bagmati twice, so treacherous is its watery course. Amosi tola is some 5 km further up from Etuwa Dhalla, an embankment that contains a brimming Bagmati from inundating the human urban settlements. During the floods, which are an annual recurring phenomenon in the region, Etuwa Dhalla is where the people of submerged villages seek refuge.

Beyond Etuwa Dhalla lies urban chaos – undulated and potholed roads, naked red-brick houses (small and storied), a mass of squeaking people, scurrying poultry and cudding cattle. On the other side of it lie salubrious green fields, scattered thatched settlements and watery streams; people can occasionally be spotted but always in single silhouettes. Both sides exist in their respective worlds and Etuwa Dhalla is their dividing line; it is here that exchange between them is committed, garbs are donned, and a new language of communication is adopted.

Amosi's claim to fame was its infamy: the village had come under the national spotlight when, in early October 2009, some of its wretched residents were accused of massacring 16 others from a nearby village. The media reported the massacre to be the doing of

Naxals and called it an instance of land grabbing by the red insurgents, a possibility later discounted by chief minister Nitish Kumar. The police listed 37 male residents of Amosi tola as accused in the first information report (FIR). The names of the accused apparently were given to the police by the relatives of the victims. Out of the 37 accused, a few had been arrested and put in jail; a few others were on the run. They were all Mahadalit, a social category newly christened by the Nitish Kumar government, such a christening being more political than constitutional.

On Christmas eve in 2009, I rode pillion on a motorbike with Varun Choudhry, a grassroots activist with a Khagariya-based non-governmental organisation (NGO), to reach Amosi. My interest in Amosi was kindled not just by the October killing of backward caste people allegedly by dalits, but also by this recent political engineering over caste-mobilisation in Bihar. When

we arrived, the village was in turmoil, yet overtly calm. A police party was in village to apprehend or enforce a kurki-jabti (attaching of property) against those absconding. It was going about breaking thatched huts of absconding accused, while the rest of the village mutely followed them in a procession.

Shankar Sada, whom Varun had beckoned to, took us to the spot where police party, after its arrival, had dined and rested awhile before taking up the rip and strip job. I suggested to those few around us that we should at least ask the police if they have a legal order to tear the huts apart. Understandably, Shanker Sada was non-committal. Seeing his perplexed look, I rose from my chair. It was a 50-metre stride across a ploughed field to reach the platform over which stood the said hut, now under the police peril.

A tall uniformed man with a rifle slung over his shoulder was awaiting my arrival. As I reached him, I raised my head to humbly ask if his party had an order to rip huts apart, even if it belonged to an absconding accused. I stood at the lowest rung of the mud platform, he at the top. My humility did not melt his heart; it chafed him. Ignoring my query, he asked me to divulge my identity. I told him I taught in Delhi. Name? I told him. Father's name? I told him. Show your identity, he said curtly. And, even before I could take out identity card from my wallet, he turned aggressive and hostile.

Now, these hardened men in khaki uniform and green fatigue, guns slung over their shoulders, surrounded me, swearing at me, calling me names liberally. A besieged and weak 'enemy'

only whets juvenile appetite for cruelty. 'Where was he when Naxalites massacred villagers?' an excited constable bellowed. 'He is a Naxalite.' The leader held my shirt-collar in one hand and a lathi in the other. In silent spectatorship, the numb village watched the scene. It was the police who were in excitement; they had found some challenge at last, however meek it might have been. The village had long given up; the people had become lifeless witnesses to their own humiliation and indignity.

But by then somebody had gestured towards Varun. He had not anticipated such a turn of events; no one had, least of all, I; you do not dig your own grave. The police attention now was on Varun. I saw him being held by the neck, and the leader shouting at him, spewing venom, his raised lathi bashing at his legs. Some policemen saw me still standing amidst all shouts and urgency and asked if I would not flee the village immediately. One of them said they shall not be held responsible if something happened to me: such a statement is a police speak I have encountered many a time – it contains some threat and some truth.

Anyway, running away was not an option in this treacherous terrain. The further I would run, the easier it would be for the police to claim for themselves heroic patriotism by bumping off a 'Naxal' in a fierce encounter. We have seen enough of this in media stories and cinematic renditions. My presence was provocation. My questioning was a threat to the authority. In that split-second, I had the option of instant protest or strategic retreat. As I stood, benumbed, pushed by a constable, I began to walk out of the village. A few minutes later, I heard Varun's motorbike approaching me. He stopped. We rode the bike on a sandy patch, on a thin divider that demarcated swaying green fields, crossed two river streams and reached Etuwa Dhalla. All the while, we didn't utter a word.

Humiliation has its own semantic; it degrades but it also fires the embers of justice. A police-woman, Ansuiya Ransingh, met us in the superintendent



Amosi tola in Bihar, after the massacre in October 2009

of police (SP) residential office. She was offensive while listening to our narration: orders have come straight from the headquarters; whose human rights violation we are talking of; what about those who have been massacred; will you not be revengeful if someone murders your family members? Her colleagues chipped in: a difficult terrain invites some extra-legal measures.


In the presence of the SP I asked for a piece of paper to put down the narrative that might constitute a complaint if she so deemed... When I wrote the complaint, personally, I had felt humiliated but revenge was not a thought that had occurred to me. State high-handedness does not elicit anger; first thought is to escape, so overwhelming is its power. The SP was kind enough to order a medical report on Varun's injuries. Finally we had some administrative proof that we did go to the village and things did happen there. That very night at Patna, we talked about what happened in Khagariya to friends in the media. *The Times of India* made it into a front page national news item the next day. Soon hell broke out. More media people approached the SP.

The SP projected the whole affair tangentially. A report quoted the SP saying that "an FIR shall be registered against the professor for hindering the execution of court order". This was an afterthought and had ominous portents. Fearing a wrongful retribution from the police, I wrote to the National Human Rights Commission (NHRC),

requesting protection, "I fear that the police can cause further violation of human rights by instituting false cases against the villagers at Amosi and me."

Meanwhile, at the university, authorities took umbrage at me being called a 'Naxalite'. The word is an accusation. The director told me that the vice-chancellor said, "You have tarnished the university's name." Naxal is a sensitive word these days. Perhaps anyone expressing concern for the poor is branded a Naxal. "What about Muslims? Are all Muslims terrorist?" the parallel allusion silenced the critics. The NHRC, in this case, however, acted just like a post-office: it forwarded the complaint for investigation to the same authority which was complained against, making the whole exercise a mockery. The complaint was sent to the same police officer heading that bunch of policemen whom we had encountered in Amosi. The NHRC concluded the enquiry and found nothing of sort as claimed ever happened. ... No wonder that the prisons of India continue to harbour the weakest, most marginalised and dispossessed citizens in its "snake-houses". Indian politics, like the water of the Ganga, is dirty; more the same, dirtier it flows. ■

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