

Twelve Days In A Lockup And Forty Three Days In Chandrapur Jail

Since 1980, the Communist Party Of India (Marxist-Leninist) led movement in Gadchiroli, Maharashtra's most backward district with a 40 percent tribal population, has been facing government repression. The movement is based among the tribals and its demands are mainly for higher wages to agricultural and forest workers. The movement has spread to Chandrapur where students, youth and trade unionists are also involved. Police have repeatedly made arbitrary arrests of tribals and of activists in an attempt to crush the movement and intimidate its supporters. The latest spate of arrests occurred from April to June 1986. Here, one of those arrested, a CPI(ML) member and an activist of the Committee For Protection Of Democratic Rights, describes her experience in police custody and in prison.

EACH of those arrested will have his or her own story to tell. For all of us, except advocate Reddy, this was the first time we had been arrested. I was arrested the day I returned to Chandrapur after a month in Bombay where I had appeared for the LLB final examination. The police arrived at the place where the May Day meet was to take place, trundled nine of us into a jeep and took us away. There was no policewoman to escort me, as is required by law.

Next day, in court, we found out that we were charged under section 124A of the Indian Penal Code, with bringing the Indian government into contempt and exciting disaffection against it, and under section 153B, with exciting disaffection between classes.

The ladies cell in Rajura police station was filled with junk so I had to sleep in the police station. When I saw the filthy condition of the lockup in which the men were kept, with bad drainage and insufficient space for eight persons, I felt I was better off. While I was in the Rajura lockup, my fingerprints and photograph were taken, as if I was a common criminal. My house was raided, and literature, personal letters and files were seized, in violation of all legal norms. No search warrant was provided. Three workers who came to the police station bringing some

papers from our lawyer to be signed by us, were promptly arrested.

We spent five days in the lock-up. We kept our spirits up by singing songs and raising slogans like "Long live international May Day"; "Release the workers who celebrated May Day." I also

became friendly with Kamal and Rekha, the two policewomen deputed to be in charge of me. I was amazed to find that they were ordinary women facing the problems that working women with families face. They accepted their official roles without much questioning, and talked of the brutal



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methods they too had to use as “the only way to get the truth from an accused.”

Eight Days Of Isolation

On May 5, advocate Reddy was separated from the rest of us. We were told that we were rearrested under a second sedition case. This case, involving Jaya and Chandranna, the first two arrested, had been instituted during the month when I was in Bombay.

In the evening, we were produced at the magistrate’s residence. We reminded him that, according to law, we should be produced before him in court and in the presence of lawyers, but he ignored this, and remanded us to another week in police custody.

Though the Chandrapur city police had arrested us, we were kept at Bhadravati, 28 kilometres away. We were not allowed to inform our relatives, friends or lawyers about this. When one lawyer finally tracked us down at Bhadravati, he was not allowed to meet us.

During these eight days of isolation, our only contact with the outside world was through newspapers and our police guards Kamal and Rekha were themselves harassed, because they were posted out of station, and not given any relief. They said this was not unusual. Sometimes, they were posted out of station for a whole month, and not relieved. So they devised their own methods of being relieved. They took turns sneaking home on alternate days. Kamal had to manage, singlehanded, a family of five daughters, and Rekha had a one year old baby. Kamal, being senior, even escorted me to a tea stall opposite the police station, and had to face the music afterwards.

It was different music I faced when one night I was woken up at 2 a.m. and interrogated for an hour by deputy superintendent of police, Raj Khilnani. He showed me a four page list of my ‘associates’, compiled from the seized letters, with separate columns for their background and when our association began. Realising that my house had been turned upside down was bad enough, but

it was worse to know that my friends were being harassed because of me.

It was the height of summer with temperatures rising up to 46 degrees centigrade. There were no bathing facilities and no change of clothing was possible. The food supplied, too, had to fit into the allocated quota of Rs 2.85 per meal. I fell sick, began to vomit and developed diarrhoea. Even after three days of this, I was not given any medical treatment.

On May 12, since the police did not ask for extension of remand, chief judicial magistrate, Barde, ordered jail custody. The police objected to our being released on bail, saying that incriminating material had yet to be seized. Our lawyers insisted that our complaints of ill treatment be recorded but Barde summed up by saying that there was no ill treatment.

In the lockup, I wrote three poems, the first inspired by Emily Dickinson’s poems and letters.

*Bring me sunlight in a tea cup
A ribbon of a rainbow,
A handful of stars
And a life
Tempestuous and stormy
As the sea.*

*Give me the rainy smell of earth
A cool breeze on a hot summer day
Gentle sleep to smooth a fevered brow
And friends Firm and sturdy
As the hills*

*Locked away in a cell
I taste for the first time
The pleasures of freedom.*

*My guards, Kamal and Rekha
Offer me friendship
And sneak to me
Titbits of freedom.*

*I washed my hair for the first time
And sunlight playing on my face
Was freedom.
Two small girls crouch
On the road outside
Picking the leftovers from*

*Yesterday’s market day.
No one stops them—
This is their freedom.*

●
*The smell of my own sweat
overpowers,
So does the stench of urine
Soaked into the mud floor.
But more stifling
Than the bars of the lockup
Is the listlessness
The cramped feeling
Of my own thoughts.
I dream strange dreams
Pleasantly hazy
Back to my childhood days.
The guard caught me laughing
In my sleep last night.
I wondered
Whether the reality of a lockup
Had yet to sink in.*

One And A Half Months More

I thought that once the uncertainty of the lockup days were over it would not be difficult to get bail. Little did I, or anyone else, except perhaps the police, realise that the efforts to get bail would extend over 43 days and we would finally have to approach the high court.

It was growing dark as I WE escorted into Chandrapur jail women’s ward by a dumbstruck sweeperess. The other prisoners too seemed to be awed by my appearance and by the reasons for my being in jail. It was the first time they had seen an educated woman in jail. They had never heard of crimes such as organising people and holding meetings. One of them commented: “*Didi* is educated. She could get a job for Rs 2,500. When she works for the poor, the government puts her in jail. So what can we expect from the government?”

Most of them, I found, had been picked up on petty charges, some false, some genuine, but nevertheless petty. Some of these women were in jail for four to five months on the flimsiest of charges, because they did not have the means to pay bail money.

Mopi, a 40 year old woman, had been

in for nine months on the charge of kidnapping children and selling them. This was rumoured but, when I enquired, no one, not even the jail records, could provide information. No charge sheet had been filed against her by the police and no trial conducted. She was in as an undertrial but was not taken to court for her remand to be extended.

Mopi was slowly losing her mental faculties. She spoke in a language of her own, which no one could understand. This made her the butt of ridicule, and even of physical assault, from the others. I started campaigning for her release. Finally, the police took her to court and set her free. She probably could not find her way back to the jail to collect her only possessions in the world, some vessels and clothes. She disappeared into the free world, with nothing but the clothes she was wearing.

Then there was Leela who had been in for six months for a petty theft. In order to get her released on bail, her husband stole some money, for which he was arrested. Now both are in jail. They get no support from their families because Leela is a Hindu and her husband a Muslim, both having originally committed the sin of an intercommunity marriage.

Rita, a very bright girl from Bangladesh, was in for three months on the charge of trying to sell a child, her own niece. According to her, her husband and her sister who were having an affair, had conspired to get her arrested. She was an undertrial and the police had neither investigated the charge nor produced her before a magistrate.

Rita was picking up many negative traits like fighting with other women, trying to attract the men prisoners, using abusive language. I could see that these were the picked up traits of a bright but highly impressionable girl who wanted to reign over her prison surroundings. Now that she has been released, I would not be surprised if she has become hardened enough to take to crime as a means of survival in a hardened world.

Maya was a 25 year old undertrial who

looked 10 years younger because of her emaciated, TB ridden state. She and her two brothers had been involved in a quarrel with another family over Rs 5. She says that the other family bribed the police who arrested Maya and her brothers. The



police demanded money and chickens from them, but they replied that they did not even have food to eat. So they were sent to jail. Her case has not been investigated nor has she been produced in court. It took her family three months to raise the money to get Maya's brothers released, but she is still inside. Over a mere Rs 5, Maya has

spent more than five months in jail. Her condition is deteriorating and she was hospitalised on one occasion.

The so called hardened criminals were women involved in brewing illicit liquor. Their hardness consisted in their ability to play tough with customers and make the business run against all odds. They had little respect for the police, who, they said, took bribes from them, drank the illicit liquor, and, later, arrested them. Yet, they accepted having to go to jail once a month as part of their lot. I could not see how they could be called criminals.

Political Prisoners

Jaya and Sushila were political undertrials like myself. Jaya, with Chandranna, was the first to be arrested in the Chandrapur crackdown. She was sent to jail after one month of police custody in various police stations. Six cases were filed against her.

Sushila, a Gond tribal girl from Gadchiroli, had surrendered after witnessing her husband, Ganpati, killed in an encounter staged by the police. She felt she could no longer bear the responsibilities of a full time political life. One would imagine that government, with its policy of crushing Marxist-Leninist movements, would encourage those who want to leave the movements. But Sushila could not be forgiven her past. So she is in jail with seven cases registered against her, one of them for alleged participation in the so called encounter in which her husband was killed.

Jaya's physical condition should be of serious concern. She suffers from fits and was hospitalised five times while in police custody and once while in jail. She is not being given any treatment although she stands a good chance of being cured, since these attacks began only a year ago.

Jaya was arrested when she had come

I have throughout used the term Naxalite between quotes because, in these areas, the police use this term indiscriminately to describe any political activist, and any member or sympathiser of the Communist Party (Marxist-Leninist).

to Chandrapur for treatment for the fits. The deputy superintendent of police registered a false statement that she had come for an abortion and had not mentioned that she was married. This reinforced the prevalent prejudice that 'Naxalite' women are bad charactered and frequently have abortions.

The women in the jail too considered abortions reprehensible. When the word surreptitiously went round that Jaya had had one and Sushila two abortions, we thought we should discuss the issue. In the course of the discussion, the sweeper woman who had initially spread the rumour, changed her stand that abortion was a sin. We informed the women that according to law, any woman could get an abortion under certain conditions, and many women who wanted to continue their careers after marriage, would use contraception and resort to abortion if it failed. Not all of them were convinced.

The three of us were treated differently from the others, in many ways. We were not assigned any manual work. At first, I thought this was because we were political prisoners. Later, we discovered that according to law, no undertrial is to be given manual work. The authorities obeyed this law only in our case while the other women undertrials were made to clean rice and vegetables for the 300 prisoners, clean the barracks, and fill water, all without payment.

We three were regularly taken to the court when our remand was to be extended whereas other women were often kept in jail without periodic extension of remand. Even when the date for extension was the same for us and for some of the other women, we would be taken to court and they would not. Also, we were frequently visited by lawyers and friends, whereas the other women were rarely allowed visitors.

It was thus easy for us to be set apart from the others, which is what the prison officials wanted. We, however, maintained a close knit system, sharing whatever we had, discussing our problems, organising joint entertainment programmes. We also made joint complaints against the poor

quality of the food. The food was insipid and substandard. We frequently found rat excreta in the breakfast gruel and worms in the cooked vegetables. Once, a cooked lizard's tail was found in Maya's food. All of us vomited, more from revulsion than any poisoning effect. We were sent to the hospital for a check up.

The embarrassed officials twisted the incident and implied that the women were play acting, instigated by us, the 'Naxalite' women. The women, however, stood up to the officials and stuck to the facts. The officials then began to use blackmailing



tactics. They would call the women one by one and tell them that if they wanted to be released, they should be obedient and not associate with us. Yet, in most situations, we remained united.

This was no small achievement, considering the volatile atmosphere that exists within prison walls. The male political prisoners found it difficult to coexist with the other prisoners and on one occasion, first fighting broke out between the two groups. There were about 20 male political prisoners staying with 50 others. We were three women staying with about nine others.

Unjust Situation

The average undertrial faces a raw deal between the police and an uncaring judiciary, often spending months, even years, in jail without being put on trial and with no chance of getting released. Most often, they plead guilty to all charges in order to speed up the trial procedure and get released after paying a fine or serving a fixed term of imprisonment imposed by the judge.

On the whole, women get a rawer deal

than men. When undertrials are taken to court for remand, women get left behind if policewomen are not available to escort them. They have fewer opportunities of contact with the outside world and to press for release. For nine hours in the day, men are allowed to move around in the prison compound but women are confined to the ward courtyard all day. Entertainment programmes like film shows, puppet shows and meetings are arranged only for men.

The political prisoners are subjected to special indignities. They are made to feel like criminals because in our society, to be a prisoner is synonymous with being a criminal. The police and judiciary have a preconception that political prisoner is a threat to law and order. The prison authorities are similarly biased. They are more biased against a 'Naxalite' than against a Communist Party (Marxist) or a Janata Party worker.

The police harassed our neighbours, relatives, clients, damaged our reputations through the press and clamped false sedition charges on us. The courts refused us bail at each stage of the proceedings. In the high court, our lawyers had to argue for three weeks before bail was granted. The bail amount was Rs 15,000. Two people had to stand surety for each of us. Advocate Reddy and I were not to step into Chandrapur and Gadchiroli district for a month. Also we had to report to a police station every day throughout this month.

The prison authorities saw us as a challenge to their authority and as a potential bad influence over other prisoners. The men were isolated from other prisoners by putting them in a separate ward. Since the women were fewer in number, a surreptitious campaign was carried out against us, trying to isolate us. Fortunately, this did not succeed.

I remember the songs sung by the women to relieve the monotony, the common despair. These are Dalit movement songs translated here from Marathi, which we used to sing together:

"God, how can you treat us so ?

Don't you have eyes to see ?

We have no food and no water

Sleep does not come to our eyes..." □