

# Poaching on Innocents

*Kumar Badal*<sup>1</sup>

**M**y journey from the CBI headquarters to jail had all the elements of a suspense drama. Prior to my appearance before the CBI, there was a raid at my residence and our office premises, which came as a rude shock to all of us, including my wife who was still to overcome her post-pregnancy complications (my son was only two months old).

There were media reports that I was absconding and we had to clarify that this wasn't true. It was just an irresponsible statement from the CBI that started the confusion. When our lawyers objected to the CBI leak, the agency was forced to respond with a proper notice for me to appear before it as a witness in a poaching case. As I appeared before the CBI, I had no idea of what they intended to ask me. As the day progressed I was subjected to a barrage of questions concerning the functioning of my organisation, *tehelka.com*. By late evening, I was told that I was under arrest.

I was taken for a medical examination at the Safdarjung Hospital. In the morning I was taken to the Saharanpur court. As I stood in the witness box, some 5,000 people gathered to catch a glimpse of me. The CBI got my remand for three days (on second attempt) and mercifully the judge allowed my lawyers to be with me during the 78-hour interrogation.

I was carrying the images of prison culled from what I had seen in Hindi movies. But reality was different. I found myself inside a crude barrack, resembling a railway platform fenced in by concrete walls on all sides. I could see prisoners sitting in groups. Some were smoking, some passing their time by putting insects in

a bottle and watching them fight, while some were just chatting. A number of them approached me and asked me about my case. Some even pledged their support to ensure a comfortable stay for me.

I remember an occasion when I went on hunger strike against the government's letting loose a reign of terror on us *tehelka.com* journalists. Almost the entire barrack goaded me to end the strike by saying that they've seen many such protestors end in obscure deaths. Many of them brought fruits for me to end my fast, while some even pleaded with the authorities to make me see reason and end my fast. I conceded to their wishes after six days.

As my bail petitions got rejected, I realised that I was fighting a losing battle against a force to reckon with. But in due course I also realised that my trauma and despair pales in comparison to what my fellow prisoners were going through.

Visitors - my wife, journalists, office colleagues, friends and relatives - came to meet me twice a week. I was getting comparatively better food than the bland stuff that almost 90 per cent of the inmates were getting. I didn't have to pay money to avoid punishment - which included your feet being tied together with a piece of cloth with a wooden shaft in between, and being hung upside down while someone hit your feet with another wooden shaft. And I didn't have to work like a slave in the jail compound.

Prisoners don't get any of the 'comforts' that I received during my incarceration. Though they get temporary

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<sup>1</sup> Kumar Badal is a *tehelka.com* journalist. He was imprisoned for being in league with poachers, a charge that he has denied throughout.

reprieves, improvement in this matter is subject to transfers of the jail authorities as well as the police force.

One prisoner was in jail on the flimsy charge of stealing two eggs. He had been languishing behind bars for the last 13 months! Then there were mentally disabled prisoners who have to face the wrath of jail authorities as well as that of fellow prisoners. They are subjected to unspeakable ridicule, abuse and exploitation day in and day out.

What I have learnt from my stay in jail is that the real culprits are hardly ever imprisoned and even if they are, they are free after a very short period. I've seen this happen many times in all my seven months of captivity. Even the police officials confided in me that they get a 'quota' from their seniors, who in turn get a 'quota' from the top brass to 'crack' a certain number of cases per month to keep the police force in good light. This 'quota system' results in many innocents getting picked up in the bargain who keep languishing in jail without anyone to care for them. And once they get picked up, they get the tag of being a criminal. Even after release, they are again picked up by the police at their whim and fancy.

I spoke to many such prisoners who told me that they commit crimes knowing that they will be 'picked up anyway'. The strange part is that they hardly get jailed for the crimes they have actually committed.

G.G. Hasan was a jolly prisoner I met in jail. Whenever I asked him about his case, he told me as if cracking a joke that he was charged with attempting to run away with a locomotive engine! Later I came to know from fellow prisoners that the first time he was arrested, he was charged with 'trying to lift a scooter'. The truth was that he was just a village bumpkin who didn't even know how to drive a scooter. Since then, he had been picked up several times by the police on several charges. By the time I met him, he had become a drug addict and a petty thief.

As he was being released after some time, I told him to stop committing crimes and leave the area in which he lived to start a new life. He promised to follow my advice and left. After a week, while I was returning to my barrack after receiving a visitor, I saw 'G.G.' sitting with other prisoners. I was stunned to see him back in the jail so soon. He informed me that when he came to the court to appear for a previous case, the police - on a false charge of 'lifting an autorickshaw' - picked him up again.

This time he looked quite sad, for he couldn't spend enough time with his three children after being released from his one-and-a-half year stint in jail. A few days later, as I was entering the prison hospital, I saw G.G. pleading with the prisoners on duty to admit him in the hospital as he was having serious chest pain. The prisoners on duty reacted violently. I tried to convince them to let him in so that a doctor could attend to him. They finally agreed and the doctor referred him to the district hospital.

Next morning, when I saw that G.G. was still in the jail hospital, I asked him why he wasn't taken to the district hospital. He replied that the jail authorities were convinced that he was faking his chest pain and sent him back. Since I couldn't do much, I decided to wait for the doctor till the evening and talk to him about the matter.

During the same afternoon, as I was reading a book in my cell, I heard someone say that a prisoner had died. G.G. instantly came to my mind. When I went to see him, I found him lying on a stretcher.

As I touched G.G. to feel his pulse, I realised that he was dead. This was confirmed when the jail doctor arrived after an hour. I am still not sure whether he got a decent burial or not. ■

*(Source: Hindustan Times - January 28, 2003.)*