

Guru Tegh Bahadur Police Post

Death
via
Custody

People's Union for Democratic Rights
Delhi
December 1991

On 3rd December 1991, some newspapers reported a death due to beating and torture in the custody of the Delhi police. The victim was a suspect in a theft case. Enquiry by the Vigilance branch of the police was ordered the same day. The death had taken place four days earlier, on 29 November. Following is the report of the investigation conducted by the People's Union for Democratic Rights (PUDR).

Every year around 7,00,000 migrants enter Delhi in search of a living. Raghunath was one of them, who, along with his five brothers had come from Bihar (dist. Sitamarhi) five years ago and was residing in Ghonda village in the trans Yamuna area. Thus, like most of the previous victims of custodial violence, Raghunath too was part of the ranks of the unorganised working class. He worked at a lathe machine earning Rs. 600-700 per month.

The story of his death starts on 15 November when he was picked up by the employers of his cousin Nandu in connection with a theft case. This was followed by "interrogation" by the police and the employers. Raghunath succumbed to the injuries fourteen days later.

Sequence of Events

Nandu was employed at M/s M.K. Communications, Laxmi Nagar owned by R.S. Arora. Ravinder worked at T.R. Properties (F-98, GTB Enclave) owned by Manmohan Kumar and Rajinder Kumar. The owners of these establishments are relatives. Thus both Nandu and Ravinder usually slept in the office of T.R. Properties.

On 14 November, both of them went to sleep in the office as usual. When they woke up in the morning, they found the office in a state of mess. Meanwhile Ratan, another employee, came to the office, and seeing its state, rushed to call the employers. Both Rajinder and Manmohan reached the office immediately, and started beating Nandu and Ravinder. According to the owners a theft of Rs. 3 lakh had taken place in the office. By this time, R.S. Arora too had arrived and joined in the beating. Manmohan Kumar then left for Ghonda and asked Nandu's brothers Sitaram and Raghunath to accompany him since their brother had met with an accident. On reaching the main gate of GTB Hospital, Manmohan asked the two of them to first come to the office. By this time, apart from the four, Vinod, another resident of Ghonda, Ravinder's brother Rampukar, as well as a local paan vendor, Shatrughan, had also been brought to the office. Then the spate of beating started all over again. Just after noon the employers decided to inform the police, who incidentally, are posted right next to the office. A case of theft was filed with the police with Nandu and Ravinder named as prime suspects. All of the people brought to the office were taken into police custody at GTB Enclave police post. Meanwhile Nandu's residence was searched, but to

no avail, as nothing could be traced. Some of the policemen as well as the employers then started beating the suspects. Throughout the beating Raghunath was specially targeted as he was the only one who consistently protested against the beating. In addition, his hair, which was long, was cut short. The same night around 11 p.m., four of the people were released. But Nandu, Ravinder, and Raghunath were further detained for the next three days.

Raghunath was released on 18 November. He was in bad shape, and was vomiting blood when he reached his house at Ghonda. Nandu and Ravinder were detained for one more day.

From 18 November till his death on 29 November, Raghunath was confined to his bed. When his brothers asked him to see a doctor, Raghunath refused, saying that he was taking some medicines. The torture and humiliation of those three days in custody had shocked him so badly, that he could not get out of his house again. He died around noon on 29 September. The last rites were performed the same evening.

Newspapers reported the incident on 3 December and an enquiry by the Vigilance Branch was ordered. Subsequently the employers were arrested for illegal confinement and culpable homicide. Later they were released on bail.

The Police Version

The police however contradict this story. We met the DCP (North East) Deep Chand and ACP R.K. Khanna (whose office is situated above the GTB Enclave Police Post). The ACP claims that only four people were brought to the police post. Nandu and Ravinder had minor injuries and a medical check-up was done (no record available). The injuries, they claim, were not serious enough to justify a criminal case against the employers. They maintain Sitaram and Raghunath were released after primary inquiry, and Nandu and Ravinder were released later the same day.

In sum the police claim, as in most such cases, that the death is not related to custody in any way. It might be worthwhile at this stage to state another such case that took place in May this year (Lahori Gate P.S.). The victim in that case died eight days after being released from custody. PUDR had conducted an investigation and submitted the report to the SDM who has later indicted the police for the death. Thus it is important to extend the definition of custodial death especially in the light of the fact that in most cases the medical examinations are not conducted prior to and after the arrest.

The DCP has questioned how a secondary suspect could have died in custody considering that the prime suspects were not beaten to that

extent. Thus the police admit that all detained are anyway subjected to torture. In that case would a corpse of Ravinder or Nandu been more agreeable to them.

The main plank of the police argument hinges on the fact that the body was cremated without any protest from the family members. Considering the humiliation and torture that all the family members suffered at the hands of the police, the lack of protest does not seem odd. In addition they are all first generation migrants who have yet not stabilised themselves in Delhi and are not sure of the implications of protesting against the police. Even after the issue was made public by the press and a Vigilance enquiry was recording evidence, the police from the local post threatened the witnesses with dire consequences. Thus the tape recorded evidence with the DCP too, does not mention beating and torture at the hands of the police.

A few questions arise about the role of the police in this case. Why was an enquiry not ordered immediately after the death of Raghnath? Why were the employers not charged with illegal confinement when they registered the complaint with the police? Why is one of the employers, R.S. Arora, who was also involved in the beating, not arrested till date? Why was a medical examination not conducted at the time when the suspects were released?

The above-mentioned arguments strongly stress the need for an SDM enquiry under S. 176 Cr.P.C. especially since the police claim that the death is not a result of the custody, thereby pre-empting the enquiry.

P.U.D.R. demands:

1. Enquiry be conducted into the death by a Sub-Divisional Magistrate
2. Action against concerned police personnel for illegally detaining three persons for over 24 hours without producing them before a magistrate and for allowing the complainant to beat up those detained within the police post premises.
3. Suspension of the SI and investigating officer till the enquiry is completed.
4. Compensation to the family of the deceased.

Published by: Secretary, People's Union for Democratic Rights, J-157, R.B.I. Colony Paschim Vihar, New Delhi 110 063

For Copies: Dr. Sudesh Vaid, D-2, Staff Quarters, I.P. College, Shannath Marg, Delhi 110 054

Suggested Contribution: Re. 1