

A Death in Mangolpuri P.S.

“I Only Came to Attend a Wedding”

People's Union for Democratic Rights

Delhi

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Kanwar Singh, a Head Constable of Delhi Police attached to Mangolpuri Police Station, was stabbed near Peeragarhi Chowk on the night of 28 November 1994 by three unidentified young men. The same night onwards, police from the thana started rounding up young men from the locality. The process of finding culprits for the stabbing incident by picking up the local youth and interrogating them, went on for the next two to three days. Until one of these 156 boys, Suresh alias Montu, died in this process. Whether this death was natural or unnatural will now be decided by an SDM enquiry held under Section 176, Cr.P.C..

Suresh (26), a safai karamchari in Bombay, arrived in Delhi on the morning of 1 December with his mother, to attend a family wedding. He was picked up by the police on the night of 1-2 December. On the next day, he was brought to Jaipur Golden Hospital at 11:30 p.m., and he died there within half an hour.

We started investigating the death from 4 December. By which time enquiries by the SDM and the Special Investigating Unit of Delhi Police had been ordered, and most of the policemen at Mangolpuri P.S., including the SHO, had been suspended. We were told by the current SHO that he could not say anything since he had taken charge only after the incident, and all the documents of the case had been taken by the SDM for his enquiry. The ACP heading the recently established Special Investigating Unit of North West district told us that he was not in a position to comment because he was waiting for the SDM's enquiry to proceed. In any case, he added, the case would be transferred to the Crime Branch, which it was on the very next day. Every investigating authority pleaded its inability to comment on the case because of another enquiry. We did manage, however, to speak to the SDM and to the Additional DCP (North West). They indicated that the prima facie evidence pointed to death due to torture. But they too pleaded their inability to give us an official account, since the case was still being investigated. Whatever we have gleaned has been limited, therefore, by all these restrictions on the availability of information. The sheer profusion of enquiries leaves very little space for any independent investigation.

The official action in the aftermath of this death is welcome, since this is the first case of custodial death out of four in this year, in which any police official has been suspended. The SHO, Virender Chauhan, 2 Sub-Inspectors, Ishwar Singh and Jai Bhagwan, and 3 constables, have been suspended, and the Additional SHO, Laxmi Narain, has been transferred. The case is now being investigated by the Crime Branch. A case of culpable homicide not amounting to murder has been registered under Section 304 IPC, on a complaint filed by the victim's mother. But no policeman has been arrested so far.

We were told that this was partly because the FIR and all the statements made before the SDM did not accuse any specific policeman. Which in itself is a pointer to the intimidatory power of the police in the colony. Further, when the death took place inside the premises of the police station, how can the family be expected to know which specific policemen were involved? Secondly, it was argued that in any case the accused were not likely to abscond, since they were all policemen. Our experience tells us otherwise, because in the case of custodial rape at Samaipur Badli (in the same police district) in July 1993 for instance, two of the accused policemen absconded for more than two months, by which time the victim retracted her charges. Thirdly, the investigating authorities argued that they wanted to build up a substantial case based on solid proof, before they made any arrests. Such scruples did not seem to operate, unfortunately, when more than a hundred and fifty young men from the colony were picked up for interrogation.

There is some uncertainty as to whether the victim Suresh was officially arrested at all. According to the Additional DCP, he was taken away from his house in the early morning of 2 December. He died in hospital on the same day at 11:30 p.m. Even according to the official account, he had been in police custody throughout the day. And yet, he had certainly not been produced before a magistrate. The police technically had twenty four hours' time to carry out this procedure, and since they had arrested him early in the morning, they could arguably have produced him before the magistrate the next morning. Unfortunately for them, Suresh did not survive the day.

This was not an isolated instance of an arrest being made without the necessary safeguards being observed. The hundred and fifty six youth rounded up for routine investigation were not formally arrested. Higher authorities in Delhi Police conceded that an entry of arrest has to be made in the daily register, before any individual is questioned in the thana. This admission of principle though has very little relation to the ground reality of police practice. And charges of wrongful confinement are never pressed against these policemen.

The death of Suresh in police custody is not just an aberration or a deviant act by a few policemen. Hidden behind this death is the process by which unemployed and idle young men in slums or resettlement colonies are routinely rounded up when a crime is committed. Sometimes they are picked up because they have an official history of crime, sometimes even when they have no criminal records. Sometimes they are produced before a magistrate, sometimes they are let off after a little questioning, some humiliation and beating. And in this inhuman and illegal process of random arrests, a corpse is sometimes brought to a city-hospital mortuary. The resettlement colony keeps changing, now Pandav Nagar, now Mangolpuri. The police station keeps changing. The

crime for which the youth are rounded up keeps changing, now theft, now assault. What does not change is the socio-economic background of these youth. That background determines the nature of the relationship between the residents of these localities and the police. Hence the disregard of the police for procedure, which becomes an issue to be investigated in the aftermath of a custodial death.

But a death in police custody becomes an issue in the first place, only when popular protest forces official action. As soon as news of Suresh's death spread in Mangolpuri on the morning of 3 December, hundreds of angry residents gathered outside the Police Station to protest. For the police, a crowd of people is a problem of law and order. For the residents on the other hand, a gherao was the only mode of protest left open to them. Particularly because they had already made repeated trips to the thana to find out about the various young men, only to be turned away every time. It is quite possible that but for this protest, Suresh's death would have gone unreported and unnoticed by the authorities. In the four cases of custodial death in Delhi this year, this is the only case where there was concerted public protest, and the only case where any policeman has been suspended. In this collective action lie the sources of hope.

A Record of Silence: OTHER DEATHS IN 1994						
Date	Name	Social Background	Police Station	Cause of Death	Official Action	Other Action or Protest
23.4.94	Unknown (20)	Footpath dweller, manual work	Jama Masjid	De-hydration	None	None
29.5.94	Kuldeep Singh (21)	Son of taxi driver. Illegally migrated to Germany	I.G.I. Airport	Heat stroke	None	Writ petition by family. S.C. orders CBI enquiry and Rs. 1 lakh compensation
27.8.94	Masoom Ali (60)	Retired army pensioner	Seelampur	Heart Attack	None	None

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