

Special Staff on Duty

Death in the custody of North East District police

**People's Union for Democratic Rights
Delhi
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On 8 August 1995, newspapers reported the death of Dilip Chakravarty, a businessman in his late thirties, at Holy Family Hospital. His death was reported to have been caused by head injuries sustained on 30-31 July, in severe beating by policemen belonging to the Special Staff of North East police district. Four policemen - 2 Sub Inspectors and 2 Head Constables - were suspended, and a total of 10 policemen were charged under Section 308, IPC (attempt to commit culpable homicide) on 2 August. The charge was changed to Section 302 (murder) after the death was reported on 8 August.

Dilip Chakravarty, a resident of Dilshad Garden in East Delhi, had been running a transport company for the past twenty years. According to the family, he had recently sold off one truck, and was considering going into the export-import business this year. The family said that on the night of 30-31 July 1995, at about 1 a.m., 12 to 15 policemen in civil clothes came to the house. They were drunk and did not possess either an arrest or search warrant. They did not identify themselves. When the wife questioned their identity, they forced the door open, and proceeded to ransack the house. They threatened the wife and the eight-year-old daughter, cut off the telephone wires, and took away certain documents as well as cassettes from the answering machines. When Dilip Chakravarty came into the room, they started abusing and hitting him. They then took him away to the police station, along with three others - a servant, a friend of the family who was visiting, and a neighbour.

According to these witnesses, they were taken to the Special Staff *thana* in North East district, where they were detained for over twelve hours. They were not told why they had been brought there, in spite of repeated enquiries by Dilip Chakravarty. The latter was taken into a separate room. When the family friend and the servant saw him the next morning, after about six hours, he was already unconscious, and had injuries on his head. At about 4 p.m., as his condition was obviously deteriorating, they were allowed to leave.

The family first took him to a nearby clinic, Dev Nursing Home in Anand Vihar. Doctors there refused to treat him, because this was obviously a medico-legal case, and referred the case to Guru Tegh Bahadur Hospital. An examination was conducted at the hospital at about 8:00 p.m. and a Medico Legal Case (MLC) was lodged. Since the hospital does not have scanning facilities, on their advice the family shifted Dilip Chakravarty to Holy Family Hospital. He was still unconscious. The doctors there

examined the injuries and told the family that his survival would be a miracle. Dilip Chakravarty remained at the Intensive Care Unit in a coma, till his death seven days later. In the course of that week, the same Special Staff policemen went to the hospital and contacted the family. They donated blood for the victim, and offered to bear the cost of all medical treatment. The family also claims that they received anonymous intimidatory calls during this period, dissuading them against pursuing the case with the police. When the PUDR team tried to meet policemen at the local *thana* level they were simply unwilling to speak to us. The officer of the Crime Branch investigating the case also refused to give any information.

The family first tried lodging a complaint about the disappearance of Dilip Chakravarty on the morning of 31 July, hours after he had been taken away. By 2 August, as Dilip Chakravarty slipped into a coma, the police started taking action. According to the DCP (North East), the detention of the victim was illegal. He was never formally arrested, although a Daily Diary entry was made at the Police Station. Ten policemen were identified on the basis of a departure entry made at the police station before they raided the victim's house. Of these ten, eight have surrendered so far. Two constables are still absconding. The accused have been remanded to judicial custody. The investigation has been taken over by the Crime Branch, which expects to file the chargesheet within the stipulated ninety days. The statutory inquiry by the SDM under Section 176 Cr.P.C. is also near completion. The *post mortem* report indicates that Dilip Chakravarty died due to coma which was caused by head injuries. He may have been hit with a sharp edged rod.

A Test Identification Parade was scheduled for 25 August. The accused, in a submission to the Link Magistrate conducting the identification, exercised their legal right and refused to go through this procedure. According to the DCP (Crime), this only strengthens the case against them, since it amounts to admission of guilt. However, this legal provision which guarantees certain rights to the accused, also decreases the chances of direct and clear identification by the family, since they have to wait until the accused are presented in court in due course of time.

The brutal killing of Dilip Chakravarty raises serious questions about the functioning of the Special Staff. The DCP (Crime) stated that the policemen went to the victim's house on the basis of information they had received about anti-social elements visiting the house. There were also reports of a weapon on the premises. Unconfirmed information such as this

still does not give police, even if they are Special Staff, the licence to raid a house in civil clothes, without search or arrest warrants. The family maintains that Dilip Chakravarty had no criminal record whatsoever. It is not clear therefore on what basis the police conducted a raid. And the victim was never formally arrested or charged with any offence. Further, when the family tried to lodge a complaint initially, they were told at the Seemapuri PS that they were not authorized to register complaints against the Special Staff.

According to police officials, the Special Staff was set up in each district for important cases which require intelligence work and impartial investigation. This is the second case in quick succession, where a special wing set up by Delhi Police in the interests of more efficient functioning and better investigation, has grossly exceeded its authority, resulting in a custodial death. In June 1995, policemen attached to the Special Investigation Unit (SIU) of Central District were responsible for the death of 23-year-old Ajay, an auto mechanic in the Jama Masjid area. For the family of Dilip Chakravarty, as in the case of Ajay, specialized functions have translated into the greater impunity of policemen and a total lack of accountability.

PUDR demands adequate compensation for the family of the victim.

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