

Geeta Colony P.S.

## Death of Matloob

*Vendors, hafta and Delhi Police*

People's Union for Democratic Rights  
Delhi

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Matloob Husain (33) was an agricultural labourer in Farukhabad district of Uttar Pradesh till a decade ago. To augment his earnings he rolled *bidis* for a contractor. Unable to make ends meet, he migrated to Delhi. For the first few years he returned to his village whenever labour was in demand. Around five years ago he was able to secure a steady income by selling fruit from a cart put up along the Geeta Colony-Patparganj road close to his residence at Khureji Khas, a muslim settlement, situated a kilometre south of the Geeta Colony police station. Over the years, his residence came to house his wife and six sons, the eldest aged 13 years and the youngest, 3 months.

Like other shopkeepers and vendors in the area, Matloob had to pay *hafta* (a weekly payment for "protection", in this case against excessive police harassment) in cash and kind to police personnel posted in the vicinity. Policemen taking *hafta* include the policemen in the Police Control Room (PCR) van, others who took rounds on motorcycles and the two policemen from the Geeta Colony police station in whose beat this area falls. Each "type" of policeman makes separate collections. Dispute over the amount to be paid to the beat policemen from Geeta Colony P.S. resulted in severe injuries being inflicted upon Matloob on the afternoon of 11 July 1996. He died a day and a half later in Guru Tegh Bahadur Hospital on the morning of 13 July.

As news of his death reached Khureji Khas and the neighbouring areas, shopkeepers downed their shutters, residents came out in large numbers and blocked the Geeta Colony-Patparganj road for over two hours. The SHO of Preet Vihar P.S., under whose jurisdiction Khureji Khas is situated, pacified the people gathered by recording an FIR on charges of culpable homicide (S.304 IPC) against the accused policemen. Subsequently the SDM started his enquiry and the two policemen involved were suspended.

A four member fact-finding team from PUDR reached the area around noon on 14 July. Matloob's dead body was yet to arrive from the mortuary. Some people were waiting on the main road. The team met the fruit vendors and shopkeepers at the site of the beating. The team also met Matloob's family members, SHO of Geeta Colony P.S., DCP, East district, and the SDM. The happenings from 11 to 13 July, pieced together from different accounts, are as follows:

According to the fruit vendors, two policemen, Head Constable Arvind Kumar and Constable Rakesh Kumar both of Geeta Colony P.S. came to the fruit stalls at around 3 p.m. on 11 July. They had been posted to this area barely a month ago. Since then, weekly money collections had been increased to Rs. 200 apart from the fruits taken away forcibly without payment. Harassment had taken the form of frequent threats and beating. Such incidents had taken place a few times in the previous week. On 11 July the vendors were attacked with sticks. Most of them managed to run away. Matloob was engaged in taking money from a customer and therefore became an easy target. He was beaten and thrown to the ground. Trying to ward off the blows with his limbs, Matloob suffered injuries on his left wrist and right knee.

Residents of Khureji Khas told the team that Matloob reached home in a rickshaw at 4 p.m. Family members and neighbours said that he was in great pain through the night. Next morning he was called out of the house by the two policemen who had beaten him the previous day, taken to Swami Dayanand Hospital, given Rs. 500 and told to keep quiet about what had happened. The authorities at the hospital denied the existence of any records of this visit. Matloob's suffering continued and around 1 p.m. on 12 July he was taken by five other residents to the office of the DCP to lodge a complaint. The DCP informed the team that Matloob could not stand on his own and was supported by two persons. Matloob was then sent to the office of the ACP (Vigilance) in the same building. Those accompanying Matloob told the team that the ACP made a phone call to the Geeta Colony P.S. to enquire about the alleged beating. Matloob was then officially sent to Swami Dayanand Hospital in Shahdara for a medical examination. The two policemen, Rakesh and Arvind, were already present at the hospital. They tried, unsuccessfully, to make a settlement with the residents accompanying Matloob on the promise of paying for the treatment. During the medical examination too, the two policemen were present. Rakesh was even present inside the X-ray room when Matloob was sent there. The doctors advised Matloob to visit the OPD a few days later.

On returning to Khureji Khas, Matloob's condition deteriorated and the pain increased. He was taken to a private hospital, Sharma Nursing Home, situated nearby. He was kept there for the night and administered some pain

relieving medicines. On the morning of 13 July Matloob was admitted at Guru Tegh Bahadur Hospital. He died an hour and a half later.

The police differ from the version given above on four counts. The SHO, Geeta Colony P.S. disputed that Matloob died in the custody of the police on the grounds that he was not brought into a police station. This is a common argument with the police. It has long been established in courts that death in police custody refers to a "death occurring during the period when some limitation is placed upon the liberty of the deceased and the limitation must be imposed either directly or indirectly by the police" (1970 *Criminal Law Journal* 635 [637]). Unmindful of this fact police officers at various levels continue to deny the fact of custody on flimsy grounds.

The second argument denies that Matloob was beaten on 11 July. The SHO Geeta Colony P.S. showed the team a photocopy of the complaint received from Matloob on 11 July. It stated that he had been beaten by policemen on 7 July due to which he had got injured on his wrist and knee. The complaint did not mention any beating on 11 July. However the account given by Matloob to the DCP and the doctors at Swami Dayanand hospital on the morning of 12 July, less than 24 hours later, contradicts the contents of this complaint. So does the version of the happenings narrated by other fruit vendors and shop keepers. The complaint is not only at variance with all other accounts, its wording is also strange. It records that Matloob had already visited Jaya Prakash Narayan Hospital and hence did not need medical help. The SHO did not get Matloob medically examined. Thus, if the statement is true, the SHO is guilty of dereliction of duty. If it is false the SHO is deliberately misleading evidence.

Thirdly, the SHO argued that Head Constable Arvind Kumar could not have been involved in the beating and it could, instead, be another policeman Sanjeev Kumar. He claimed that Arvind Kumar was being implicated since he had been involved in a recent drive to clear encroachments from the road. The SHO claimed to have received complaints from various quarters to clear vendors from the road. However, the fruit vendors as well as nearby shopkeepers confirm that Arvind Kumar was involved in the beating on 11 July. He had also beaten the fruit vendors on earlier occasions and was known for bragging that he was especially close to the SHO.

The last argument of the police casts doubt on whether death could have resulted from the injuries sustained by Matloob. While the DCP felt that the injuries were not sufficient to cause death in the ordinary course of nature, the SHO went a step further to opine that the treatment provided at the private hospital could be responsible for the death.

The last three arguments bring to the fore serious questions in the context

of the death of Matloob and for custody deaths in general. The beating and torture meted out by the police is normally not intended to kill. It is only in rare instances that the beating causes such injury that results in death. Where most of the victims of police brutality are poor and undernourished people, their capacity to withstand such attacks is low. And when the death does occur, the police being the sole authority to register crime, possess ample means to distort or change facts. The police have also been known to have doctored medical evidence. The plain paper complaint allegedly made by Matloob could similarly have been manufactured as an afterthought, once Matloob had died. Yet, if the matter were to go to court, such a document could be admitted as evidence to let off guilty policemen. As of now the alibis have collectively prevented the arrest of the two policemen.

The findings of the post mortem examination conducted on 14 July have put to rest many of the arguments doled out by the police. It concludes that the injuries inflicted upon Matloob were "collectively sufficient to cause death in the ordinary course of nature". These were caused by a "blunt force", a day and a half before the death i.e. on the afternoon of 11 July. The extent and nature of these injuries is also far more serious than those recorded in the MLC — approximately 10 c.m. by 15 c.m. injury marks on both the legs and on the wrist.

What an instance of death in police custody again brings to light are the humiliating conditions faced by numerous people subjected to beating by the police both in the lock-ups and on the streets. The slaps or lathi blows inflicted on street vendors and rickshaw pullers, by the police whether in pursuing their duties of enforcing "law and order" or for extracting protection money, are so frequent that they become almost invisible to all of us. The death of Matloob at the hands of the police brings into focus the crimes committed by the law enforcers daily in our city. Ironically, while the team was at the spot on the afternoon of 14 July a PCR van came to a halt nearby and asked for money payment from a shop. The death of Matloob seemed to have made no difference to the system of extracting money in the area.

PUDR demands:

1. That the accused constables be immediately arrested.
2. That Matloob's family be provided adequate help and compensation.
3. That the SHO Geeta Colony P.S. be suspended.

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**For Copies:** Ms. Sharmila Purkayastha, 332, Tower I, Mount Kailash  
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