

WHO

BURNT

BASANTI

DEVI

An investigation in to the alleged
torture of a BJP woman worker by
West Delhi Police

PEOPLE'S UNION FOR DEMOCRATIC RIGHTS

DELHI

August, 1981

WHO BURNT BASANTI DEVI

(A PUDR inquiry report on the alleged torture of Basanti Devi by the police sub inspector in-charge of the Anand Van police post, Shakarpur, west, Delhi, on the evening of June 30, 1981).

Background

- 1.1 Basanti Devi is 34 year old Indian woman who has been separated from her husband for -8 years. She is a resident of M 224, Shakarpur resettlement colony.
- 1.2 Dr R.C. Vat's family has been living in Shakarpur village for generations. The resettlement colony was set up next to the village in 1975. After this Dr. Vats opened his clinic in the resettlement colony (M 205). Basant Devi's house is barely 100 feet away from Dr. Vats's clinic. She used to work in Dr. Vats's home, but for the past three years or so, has been working as a midwife and attendant at his clinic.
- 1.3 Since 1976, Basanti Devi has been politically active, working first for the Janata Party and now for the Bhartiya Janata Party (BJP). For several years she distributed bread to the mohalla children on behalf of Social Welfare Department. She has also conducted literacy classes for women, helped pregnant women to the hospital, accompanied people to get their ration cards and generally involved herself for the welfare of the community. Basanti is the Vice President of the Mahila Vibhag (Women's wing) of the Punjabi Bagh District BJP and has fought police excesses in the area – the ill-treatment of women, attempt to grab a local residents' house on behalf local politically influential person, demands for bribe and direct involvement in the liquor trade. Basanti belongs to local nashabandi committee. All this had earned for her the wrath of local police..

- 1.4 An earlier chowki (police post) in-charge, Mr. Chetan Das, for instance used to sell cement in the black market. A house built with this cement collapsed and Chetan Das was caught by the local BJP workers, Basanti prominent among them. This was in 1980. A case under Section 107 and 150 was filed against Chetan Das.
- 1.5 The next Chowki in-charge was Lachhman Das Arora. He tried to take by force the house belonging to Badri Prasad, a Harijan and class IV employee, who had earlier lost his wife. Arora tried to give the house to one Komakshi Devi who is said to be close to local Congress (I) MP, Mr. Sajjan Kumar, The matter went to court, thanks to Basanti Devi and her friends, and the SDM returned the house to its rightful owner, Badri Prasad.
- 1.6 Cases were filed against Basanti Devi by both Chetan Das and Lachhman Das Arora under Section 107 and 150 for breach of peace. There were three such cases in all, one having been filed by Chetan Das and two by Lachhman Das Arora.
- 1.7 After Arora there was new man, Pratap Singh Rana, who came as chowki in charge. He stayed at his post for seven or eight months. As he was a good man, there was no conflict between local residents and the police during this period.
- 1.8 The present chowki in charge was appointed to this post about three months ago. His first task was to take round of this colony and demolish the sheds (khokhas) flying the BJP flags in the local vegetable market.
- 1.9 Chiranjilal Tiwari, a member of the executive committee of District Yuva Janata (BJP), was next called to the Chowki and beaten up. There was a protest, and police are said to have apologised on June 9, 1981.
- 1.10 On June 14, there was quarrel between the children of two neighbouring families. Ramesh kumar, a 60 year old general merchant, was in his shop in D Block when this happened. But his neighbor in C Block, where he

lives, went to the police. He was injured in his eye and had to be taken to Wellington hospital. He was released only after he agreed to pay a bribe of Rs 100. No FIR was filed.

- 1.11 On the morning of June 16, the BJP came to know of this incident and protested. Some 25-30 people sat in dharna at the police post. The SI disappeared from the scene and did not appear till 11 P.M. The matter was reported in a Hindi evening paper the next day. On behalf of the police the SI concerned, the local SHO and ACP (Assistant Police Commissioner Punjabi Bagh) apologized. But on June 19 the SI called Dr Vats to the chowki and said "Main Aapki leadership dekhunga Ap upar Press tak jane lage hain." (I will take of your leadership. You have started going up to the Press).

The June 30 incident

- 2.1 Next to Basanti Devi, at m 223, lives a middle aged woman, Bhashu Sharma who was brought up in an orphanage and has no relations. In fact, in the four or five houses, (in reality miserable hovels) adjacent to Basanti Devi's are all occupied by the unfortunate single women, the last house in the row belonging to a widower. All of them help each other at times of need since they have no one else to turn to.
- 2.2 A young man of 25 or 27, called Arjun Singh, used to live with Bhashu Sharma as her son, He had lived for 5 to 7 months when they quarreled and both went to Chowki where they were scolded by the police and sent back.
- 2.3 Bhashu Sharma is a staunch Congress (I) supporter and a party flag can be seen flying from the house top. However, at times of distress she turns to Basanti Devi. This time the neighbours decided to help solve Bhashu's quarrel with Arjun. They asked Arjun not to harass poor woman. Arjun agreed to vacate the house in four days time provided Bhashu returned him

the Rs 2000 he claimed to have invested in the house. Bashu agreed. But Arjun still showed no sign of moving out.

- 2.4 It was then that Basanti Devi took Arjun, and along with 4-5 other people went to the chowki saying that since Arjun did not listen to Dr. Vats or come when he calls him, the SI should try to solve the issue. The SI said that he appreciated a person who did not respond to the 'Dr Sahib's call. He drove the other people away and detained Arjun there.
- 2.5 What transpired between Arjun and the SI is not known. But on June 29, Arjun filed a case against Bashu Sharma saying that the house was entirely his and he has spent Rs 8000 to construct it. (In 1996-97 Basu Sharma had taken a loan from the state bank for building the house). Both Basant and Dr. Vats were charged with having threatened Arjun that they would throw away his belongings if he didn't vacate the house.
- 2.6 On June 30, 1981, at about 5 or 5.30 p.m. a baliff came surprising promptly to Dr. Vats's clinic with summons for him and Basanti. They took the summons and started reading it. This took about 7-8 minutes. This was when Basanti discovered that the date for appearing in the court was next day. Basanti said that she wouldn't be able to go to court next day, since there was hardly any time to get a lawyer. Upon this, the baliff snatched the summons from his hand, saying that she had wasted 15 minutes of his time. He slapped Basanti on the face (the baliff was probably high on some drug). With his shouting, some mohalla people had gathered outside the clinic. Dr. Vats pushed the baliff out and he stood outside and started hurling abuses. The mohalla people objected to this and gave him a few slaps.
- 2.7 Basanti went to report the matter at the police chowki which is not very far from the dispensary. Meanwhile, Arjun brought a few constables to Dr. Vats's clinic. This was at about 6 P.M. The policeman asked Dr. Vats to accompany them to chowki. Dr. Vats obliged. He found that the SI was not there. ASI, Mahindra Pal Singh Tyagi, started investigating in to the case.

The baliff said that Basanti had beaten him up but Dr. Vats had rescued him from her hands.

- 2.8 The SI returned to the police post, but in the meanwhile a crowd of 150 to 200 people had collected outside. Hearing the baliff's complaint, the SI said in the presence of everyone that if the baliff would only say that "Dr Sahib" had beaten him up he would personally take care of the rest.
- 2.9 Basanti was taken to a separate room for personal search. Suresh runs a tea stall next to the police post, and his clients are mostly policemen. Suresh's mother Jai Devi was asked to search Basanti. According to Basanti SI thereafter asked Jai Devi to go and detained Basanti. He closed the door and, danda in hand, asked Basanti to strip. When Basanti pleaded with him not to do this, he started slapping her, threatening to beat her and rape her if she shouted for help. Basanti took off her clothes and was asked to go round and round the room, naked. She was then asked to do sit ups holding her ears, during which the SI kicked her on the hips. He then asked her to lie down, lit a biri and started applying it on her lower abdomen. Basanti says that she shouted, but perhaps not loud enough for people outside to hear her, since SI was constant threatening to do worse if she did. Having burnt her 3-4 times, the SI asked her to get up and wear clothes. Saying that if she dare report the matter to anyone he would blacken her face (Tumhara muh kala karenge).
- 2.10 In the meanwhile, Dr. Vats had been handcuffed and was being paraded in front of crowd. Cases under Section 353, 332, and 186 had been filed against him and Basanti, all of which were bailable. After Basanti emerged from the room, however, both were taken in a taxi to the Punjabi Bagh police station. She was so terrified, she told Vats nothing about her ordeal, At the Punjabi Bagh thana she told the SHO and the ACP that she had a complaint. But neither of them would listen to her, saying that they had no time, that she was under arrest and could say what she wanted the next day.

- 2.11 Dr. Vats and Basanti were kept in a separate lock-ups. Basanti repeatedly asked the policeman on guard to call the SHO as she was in great pain. But the SHO refused to come. Next morning (July 1) when Mr. P.K. Chandra of Delhi BJP came to see her, she told him about the torture. At his behest, the SHO came and took Basanti to his room, gave her a chair, a drink of water and tea. He insisted that she was lying and nothing of that sort had happened when Basanti refused to withdraw her charge, he called a photographer to take the picture, and took the impression of her hands and feet. A woman SI, Lachhmi, was then asked to examine Basanti. Lachhmi saw the wounds.
- 2.12 Since Basanti went on asking for medical help, she was sent to police hospital where Dr. Mrs. Cahudhuri examined and treated her.
- 2.13 Basanti and Dr. Vats were then taken to court where they were bailed out. From there 15-20 of them went to the Punjabi Bagh thana to record a complaint against the SI. But for on-and -half-hour nobody listen to them. The FIR could only be filed next day, July 2.

The Sequel

- 3.1 On July 2, 5-6 BJP men went to see the Deputy Commissioner of Police , West Delhi, Mrs. Kiran Bedi. The DCP challenged their version of story, but assured she would hold a public meeting in the colony on Monday (July 6), when she would listen of everyone's complaint.
- 3.2 The time given for the DCP meeting was 7 P.M. on Monday, and electric lights have been put up at the venue. But she came at about 5 or 5.30 p.m. and a hurried meeting and went away.
- 3.3 Earlier, on July 3, the BJP held a press conference to highlight Basanti's grim experience. DCP Bedi also made a statement to UNI. The next day's paper (July 4) carried Basanti's charges against police as well as DCP Bedi's contention that they were "blatant lies". Kiran Bedi said, "Basanti Devi is a history-sheeter and is undergoing externment proceedings in my

court. She and her employer Dr. Vats are both activists of BJP". She also said that the police would proceed against Basanti for lodging "false and concocted" complaint.

- 3.4 What the DCP forgot to tell the Press was that this "history sheet" had been prepared by the police only on the morning of July 1, when her photograph was taken. This was after Basanti had made her allegation against the police SI concerned. However, this photograph has been put up by the SI in the reporting room of his chowki along with the photograph of known characters. At the Anand Van police chowki, the SI in-charge told the PUDR representatives that the picture was put up about two months ago, when Basanti Devi's history sheet had been prepared. ACP Upadhyay of Punjabi Bagh, who was also present, did not know that Basanti's picture had been displayed at the police chowki. Later, DCP Bedi told PUDR that she did not know "when the picture had been put up under persistent questioning she said that it was done when the history sheet was opened under her order on June 30 (though on June 30 Basanti had not made her charge against SI). The DCP also says that she personally made a spot inquiry on June 30 itself and sent a report to the police headquarter on July 1. So this, too, happened before Basanti Devi complained of torture in the hands of the SI.
- 3.5 The medical report apparently says that Basanti did have burn injuries. The vigilance inquiry, which DCP Bedi says took three days to complete, says that there was no torture. It is significant in this context, that at no stage on inquiry was the SI suspended or transferred.
- 3.6 DCP Bedi told the single-member inquiry committee, comprising Modhumita Majumdar, Secretary, that she (the DCP) could not go only by the medical report and had to take all other factors into account. She said she had reasons for saying that there was no torture, though it did not "behave" her "rank" to reveal these reasons except to her superiors. Those under her, however, seemed to have no such compunction and, at the

Anand Van police chowki where the PUDR inquiry committee was requested to await the arrival of ACP Upadhyay who was specially coming over to, explain the situation, it was insinuated that Basanti Devi had inflicted those injuries herself. There was, also, a systematic attempt to vilify her character to prove that she was capable of anything.

Furthermore, the SI says he was busy controlling the crowd all the while and was never alone with Basanti in any room. However, Jai Devi who had searched Basanti said that she had found nothing on her (Basanti). In which case, how could she have burnt herself while in the police custody throughout?

- 3.7 Home Minister Zail Singh has admitted the BJP delegation that went to meet him in this connection that keeping Basanti Devi in the police lock-up overnight without a woman guard was against the clear directive of his ministry. She should have been released on bail, sent to judicial custody or to a women's home.
- 3.8 It is noteworthy in this context that the only witnesses the police have been able to against Basanti Devi in the June 30 case against her, apart from the complainant, Baliff Ram Singh, are (a) Arjun Singh who had already implicated her in a case regarding which the baliff had gone to serve her summons, and (b) Manohar Lal, Arjun Singh's lawyer. This is confirmed by police sources.
- 3.9 It is further revealing that ACP Upadhyay admits having been busy meeting with Basanti's relations and BJP leaders. But the BJP people say that all that he has been trying to do it, through persuasions, or threats, somehow make Basanti withdraw her charges against the Police SI.

CONCLUSION AND RECOMMENDATION

- 4.1 While walking with Basanti Devi in the resettlement colony, the PUDR representative saw many people coming forward to greet her with love and respect. The police, on the other hand, have not only violated the

Home Ministry directive by keeping Basanti overnight in a police lock-up, but contradicted each other and acted in seemly haste, to say the least. They have, moreover, no satisfactory answer as to how Basanti Devi could have inflicted burn injuries on herself, injuries that the medical report confirms.

- 4.2 PUDR therefore recommends withdrawal of all cases pending against Basanti Devi . Immediate suspension or transfer of the key police personnel involved directly or indirectly n the torture case (the DCP, the ACP, the SHO and the SO concerned) and the institution of judicail inquiry which should come up with its findings within a month.

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Secretary, PUDR

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