

S H A L I M A R B A G H

TORTURE OF CHILDREN AND THE COVER-UP

PEOPLE'S UNION FOR DEMOCRATIC RIGHTS

DELHI

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On 1 July many Delhi newspapers carried reports of torture of young children by the Shalimar Bagh Police. Two days later a Hindi daily carried an editorial and demanded a judicial enquiry into the incident. The police while ordering an enquiry by its vigilance branch also promptly and flatly denied all allegations. What followed the press coverage is a massive cover-up operation and intimidation of the victims. People's Union for Democratic Rights conducted its own enquiry and met all concerned people including the policemen of Shalimar Bagh Police Station (PS). The findings, presented here are shocking in their detail and dangerous in their implications.

Background : The cluster of jhuggi jhopdis in Shalimar Bagh came up when DDA flats were built there in 1980. Some of the construction workers, mostly from Rajasthan stayed on even after the work was over. Later they were joined by others from UP, Haryana and Nepal. Presently there are about three to four hundred families in this cluster, all around the Gauri Shanker Mandir, AE Block, Shalimar Bagh. They earn their living through varied jobs - vegetable vending, rickshaw pulling, construction work and domestic service.

On 26 June a marriage took place in one of the houses nearby, AE 173. It is the house of Mr. Taneja, an officer of the Reserve Bank of India. It appears that a theft took place in the mele of the baraat and the reception which according to Mr. Taneja was attended by over 700 guests. The first Information Report (FIR) registered later mentions that a purse containing Rs.16000 and some jewellery was stolen.

Soon after, around 9.30 p.m. Sub Inspector Pooran Chand and Constable Pooran Parkash along with some members of the Taneja and bridegroom's family came to the jhuggis and beat up one person, Prem Singh, alleging that he had made

the children steal ("sala, bacchon se chori karvata hai"). They came again later and started the round of picking up that continued for several hours. Ten children, including three girls, all in the age group of 6-16, were rounded up by the police and the marriage party members and taken to the kothi (Mr Taneja's house) where they were tortured by both the police and the family. The jhuggi people who had followed them to the kothi pleaded in vain to stop the beatings and to release the children. Finally, the Pradhan of the jhuggis, Shri Jamna Prasad contacted Central Police Control Room. Thus around midnight the police "officially" came. They assured the people that the children would be released soon. But instead they were taken to the police station in the police van and a maruti car. Later, around 3 a.m. the police again came to the jhuggis and picked up 18 year old Shiv Kumar. At the thana the SHO kept reassuring the anxious jhuggi people that nothing would happen to the children. But the beatings and torture that had started at the kothi.. continued in an even worse form. The children were subjected to horrible forms of torture at both places, whose details makes one feel sick.

*Munni (13, d/o Ratan Lal) belongs to a migrant family from UP. She was dragged out of her house, while her protesting mother was abused in obscene language, and was taken to the kothi. She was stripped naked and hot boiling water was poured on her private parts, and she was beaten up. Later at the police station she was again stripped, made to lie down on her back, with her arms spread out and was thrashed with the leather belt of the policemen.

* Lala (13 s/o Ghaisu Ram), who actually lives and studies in a village of Rajasthan but came on a visit to Delhi, was dragged with a rope round his neck to the kothi. Led by the two policemen, the family stripped him, forced him into a latrine. In a peculiar perversity the marriage party

also took photographs of him in the latrine. Later at the police station he was again stripped and was given electric shocks.

* Shравan Kumar (12, s/o Pancham Singh), studying class V in a local government school was beaten up in the kothi and was burnt with cigarettes. At the police station he was stripped, thrashed with leather belts and was given electric shocks.

* Shiv Kumar (18, s/o Prem Kumar), is a migrant from Nepal and is a rickshaw puller. He was taken straight to police station where he was stripped, tied with a rope and hung upside down. He was beaten in that position till he became unconscious. Police poured cold water on him, made him conscious and then again beat him up. His arm was broken in the process and he still can't go back to his rickshaw pulling.

* The others who were stripped, beaten, burnt with cigarettes, given electric shocks either at the house of Mr. Taneja or at the police station, include Jeetu (16, s/o Mangal), Babli (10, s/o Mangal), Asa (10 d/o Prem Singh), Ghan Shyam (11, s/o Juggal Kishore), Babulal (11, s/o Shyam Lal), Manoj (6, s/o Prem Singh) Macchla (10, d/o Aji Ram Matkarala).

Of the eleven people detained and tortured on the night of 26-27 June, the younger six were let out next morning. The older children were kept back and further beaten. By evening, led by the Pradhan and jhuggi dwellers of nearby colonies, four thousand people demonstrated at the thana. As a result around 4 p.m. all others were also released.

The issue was taken up by not only the Pradhan but also by some local Congress-I leaders, Meanwhile Lawyers Forum for Civil Liberties, filed a petition in the court

of Shri P.D.Gupta, Metropolitan Magistrate on first July. The petition prayed for immediate medical examination of the children, which the magistrate granted the very same day. But the doctors at the Ram Manohar Lohia Hospital, in connivance with the policemen present refused to examine them. The Forum filed a contempt petition against both the policemen and the doctors on 3 July, Meanwhile the Forum also approached Lt. Governor, Police Commissioner. The people themselves held a demonstration at the office of Additional Commissioner of Police, Mr. S.K. Kain on 4 July, who turned down the demand for suspension of two policemen. Press covered the incidents from 1-3 July, A vigilance Enquiry was ordered by the Delhi Police. A whole week after the events a perfunctory medical examination was done at Jaya Prakash hospital. And then the cover up operation began.

The Cover-Up : Even before the enquiry was formally begun, the DCP, North West (in whose jurisdiction Shalimar Bagh PS falls), Mr. S.K. Jain issued a press statement flatly denying all reports. He said that the children might have been tortured by the marriage party and the police had no role in it. Yet no case has been launched against the family. The SHO, Shalimar Bagh P.S. unlike the DCP, claimed that neither the family nor the police had done any torture. The family, he said, had committed no "cognizable crime." He further stated the police had gone there hours after the discovery of the theft. His subordinates had gone to the marriage pandal according to the SHO only after the message from the Control Room (11.56 pm.m.) This is absolutely contrary to Mr. Taneja's statement to us that a constable had been present at the pandal right after the discovery of the theft around 9.30 p.m. While there are a number of witnesses among the jhuggi people who went to the kothi after the children were taken there, both Mr. Taneja and the SHO assert that the children were never

brought to the kothi and were taken straight from the marriage pandal to the thana. The SHO was unable to satisfactorily answer the question that if this was the case, how did the marriage party manage to detain the kids for a full two and a half hours. As to Mr. Taneja, he claims total ignorance of what happened and states that his family is not even an interested party since the stolen property belongs to the groom's family (Kukrejas from Malviya Nagar) on whose complaint the FIR was registered (at 2.30 a.m.) The SHO, while maintaining that his subordinates were not involved, did admit that the children had been detained that night at the thana and were interrogated "in the presence of their parents." (Witnesses from the jhuggis however reported that the children were detained in a separate room)

After the news of the torture came to public notice, electricity and water supply was cut off to the jhuggis, Police are regularly visiting the jhuggis harassing and intimidating the people. Some have been coerced into changing their evidence. The jhuggi people told us that they had never had any police trouble before. But now they all fear the police. Last week two vegetable vendors involved in an ordinary quarrel were immediately arrested and sent off to Tihar Jail. Even now the jhuggis are still without electricity or water. All these myriad forms of intimidation and harassment are being personally conducted, we were told, by SI Pooran Chand and Constable Prakash, the two concerned policemen.

Conclusion : Of the eleven people who were detained one was an adult, just 18 years of age, three in the age group 12-17, including one girl. And there were six children, including two girls, who were in the age group 6-12. But according to Section 83, Indian Penal Code (IPC) any "act of a child above seven and under twelve of immature understanding" cannot be treated as an offence. In the case of one child,

who is six years old, the law is more clear. According to Section 82, IPC, "nothing is an offence which is done by a child under seven years of age." By the policemen's own admission these children were detained at the thana, accused of a crime that the law itself does not recognize as an offence. In addition, Section 330 IPC makes "voluntarily causing hurt to extort confession" a crime. The two policemen have clearly violated the spirit and letter of the law.

But what is a matter of concern is not only the law and its violation, but the attempt to shield the guilty Delhi Police. Vigilance Enquiry is an eye wash since it is merely a departmental enquiry conducted by the police itself. And already a responsible police official has pronounced his judgement even before the enquiry is over while his subordinates are allowed to harass the hapless people of the jhuggis.

We may recall here that the present Commissioner of Police when he took charge promised an end to the use of third degree methods in police stations.

In the light of the above findings, PUDR demands

- 1) Immediate suspension of the SI Pooran Chand and Constable Pooran Parkash and launching criminal proceedings against them.
2. Immediate transfer of R.L.Gautam, SHO Shalimar Bagh and S.K. Jain, D.C.P., North West.
3. Restoration of water and electricity supply to the jhuggis of Shalimar Bagh, and
4. Exgratia payment of relief to all the injured persons.