

Murder in Custody

The Story of two Women

**People's Union for Democratic Rights
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This is actually a tale of two women – 24-year-old Shamsheeda and her mother-in-law Rishna. Both died due to assault on their bodies. One died as a result of violence inside the family, and the other in police custody. Both corpses were thrown into the same *ganda nala* on the U.P.-Delhi border. Eventually the accused in both cases were charged with the same offences – murder and destruction of evidence. The first were the in-laws of the girl, and the second were policemen of the Gokulpuri police station.

The violent mystery began with the discovery of an unidentified body in the *nala* near Pulia Ganga Vihar, on the Loni border, on 10th March. Notified by an informant, the Gokulpuri police went to the spot and recovered the body. Its hands were tied at the back, neck strangulated with a muffler, and face partially burnt with acid. Later, the postmortem report also revealed that the woman was pregnant. The police sought identification through public announcement and by circulating the description to all police stations, including those in neighbouring Meerut and Ghaziabad districts. Almost a week later, parents of the dead woman identified the body as that of their daughter, Shamsheeda.

Twenty-four year old Shamsheeda, from Dadri, Ghaziabad, was married five years ago to Fahimuddin who lives in Khas Pur (Kher Khoda P.S., Meerut). She was, according to the parents, being harassed for more dowry by the in-laws. On 19th February Basheer Ahmed, Shamsheeda's brother, went to Khas Pur – the girl was not there. Nor was she at Balram Nagar (Loni P.S.). The in-laws there claimed that she had gone to her parents' place (*'maikey chali gayi'*). Eventually the parents complained to the S.S.P. Ghaziabad.

The Gokulpuri police arrested the family on 17th March and interrogated them. They are reported to have confessed to the murder and to throwing the girl in the *nala* after defacing her with acid to prevent identification. They accused the girl of 'loose character' and suspected that the child inside her womb was illegitimate. Or so they claimed in their confession. The next day they were produced before the court and charged with murder (S. 302 IPC) and 'causing disappearance of evidence' (S. 201, IPC). Five of them were produced – Fahimuddin himself, his father, two brothers, and eldest sister. The police declared four other members of the family as absconding. One of them was the mother-in-law, Rishna.

Gokulpuri falls under the North-East district of Delhi Police, who promptly released a press statement praising the "Herculean

efforts" of SHO Ram Prasad and his colleagues for "working out a blind murder case". Around the same time when the police issued their statement, a different tale of another woman's body unfolded.

On 18th March two men brought a body that they discovered in the *ganda nala*, to Shri Guru Teg Bahadur Hospital. The doctors at the Casualty ward declared her 'brought dead', registered a Medico-Legal-Case and notified the Gokulpuri police (DD No. 27-B, Gokulpuri P.S., Dt. 18-3-91). Later the Additional Commissioner of Police named the two men as Vakil Ahmed and Vijay Singh, but the hospital record mentions no names. It merely states – 'unidentified female body aged 40 or so, brought dead, MLC'. The following day another unidentified man came to the hospital, claimed the body, took it to the Electric Crematorium and cremated it. Just how the hospital authorities could discharge the body to a nameless man, in spite of a Medico-Legal-Case is a mystery. But perhaps not.

On the same day, 19th March, Mr. Deep Chand, DCP North-East, got information that Rishna the mother-in-law was also arrested along with the rest of the family and was badly beaten up. According to one source the arrested son himself managed to 'get a word across to the DCP'. However the DCP maintained with us that it was through a 'secret source'. The SHO was asked by the DCP about the arrest which he initially denied. But sustained enquiries at the police station through the evening of 20th confirmed that Rishna was also arrested. By the next day, in a rare instance of prompt action, six policemen were suspended and were charged with murder, destruction of evidence and committing the offence with 'common intention' (S. 302, 201 and 34 IPC). Four of them were arrested and two are yet to be apprehended. The investigation of the case was handed over to Crime Branch. The accused policemen include SHO, Ram Prasad, one SI, M.N. Tiwari, two ASIs, Saheb Singh and Rajinder Singh and two head constables, Om Pal Singh and Ajay Kumar Tyagi.

PUDR investigated the case immediately after it came to light. We met personnel of Gokulpuri police station, Crime Branch, Yamuna Bazar, employees of Sri Guru Teg Bahadur Hospital and of the Electric Crematorium, DCP North-East, Mr. Deep Chand, and DCP Crime Branch, Mr. R.C. Tiwari.

What seems to have transpired is that the condition of fifty-year-old Rishna deteriorated by the evening of 17th due to severe beating. Late in the evening, according to one source, two officers "put Rishna's limp form in a jeep and drove away". They are reported to

have first taken her to a private nursing home where the doctors refused her admission. Meanwhile she died and they dumped her in the same *nala* where her daughter-in-law's body was discovered barely a week before. The place in the *nala* where they dumped the body is just about 500 yards away from the Gokulpuri police station. The next day the police got two men, pretending to be good Samaritans, to take her body to the hospital. Legal formalities, like finger-printing, were not undertaken, nor was a postmortem conducted. The following day another 'unidentified' person took charge of the body and cremated it. There were at least six persons with the body at the crematorium. At no stage of the operation does there exist any worthwhile recorded information. And what is 'admissible evidence' is for law courts to arrive at in their proceedings. All those involved at various stages of Rishna's last journey knew who the 'unidentified' men were.

Eventually Rishna was cremated around 2.30 p.m. on 19th March at the Electric Crematorium, where all unidentified bodies in Delhi usually reach. The body, on which no medical record exists, was burnt to ashes, and thus ended, for the present, the tale of the first death of a woman in the custody of Delhi Police.

Rishna was the second person to die in police custody this year, and the fifty-third person since 1980. Only in seven of these cases was some sort of prosecution launched, and only in two or three cases were the accused policemen charged with murder (S. 302 IPC). The cases were launched only after a lot of public pressure. That way this case is an exception for which the Delhi Police are to be commended for acting fast and lodging a murder case. But to what avail? Going by past experience, the case will take at least a decade. As it is, no worthwhile recorded information exists. The people who can provide evidence -- the family, now lodged in jail for murder, the employees of the hospital and crematorium -- are all too vulnerable to police pressure.

Many years ago the Supreme Court suggested that in all cases of custodial death, the onus of proof should be shifted onto the accused policemen, as in the case of custodial rape. It was later proposed as an amendment to existing law by the Law Commission. The legislature is yet to take it up. The tale of this woman is an eloquent plea to the Indian Parliament.

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