

A Wiped Out Life

The story of a police cover-up

On 20th July a Hindi daily reported the death of an autorickshaw driver under mysterious circumstances in Ram Manohar Lohia (RML) hospital. This "unidentified" man had been brought there by the police on the night of 10-11th July in an unconscious state, and died on 14th without regaining consciousness. The People's Union for Democratic Rights undertook an investigation, meeting with the family of the deceased, the SHO of the Connaught Place police station, the DCP, New Delhi district, the SDM, New Delhi, doctors of the RML Hospital and other concerned persons. The following is the report of the team.

Shankar Lal (the deceased autorickshaw driver) lived in a small tenement cluster near Connaught Place with his wife, three small children, two brothers and their families. His elder brother, Rooplal, sells ice-cream near Hanuman Mandir, while his younger brother is unemployed. Shankar, his family admits was also a drug addict.

Sequence of Events

- 4 July :** Shankar was picked up late in the evening by the passing SHO of Connaught Place thana and taken to the Parliament Street lock up (the CP thana does not have a lockup). He was picked up for loitering under S.102, Delhi Police Act) as he stood near his autorickshaw with a few friends, watching a marriage procession pass by. The next day he was produced before the magistrate O.P. Gupta and when released, was taken home by his family. According to the DCP, Shankar and his friends looked 'conspicuous', walking along with the marriage procession. This aroused the suspicion of the SHO who arrested them.
- 9 or 10 July :** A complaint about the consumption and peddling of smack in the tenement where Shankar lived was made to the ACP of the area. The complaint specifically naming Shankar was made by a small time politician, who insisted that some action be taken.
- 10 July :** Having finished his work for the day Shankar ate his dinner and left home, at 8.45 pm, to see a film. That was the last time he was seen alive by his family.
- According to the police, around midnight the beat constable of CP Thana and

the accompanying Home Guard saw Shankar, and another group of 4-5 men walk past them at Janpath. The group of men was stopped and questioned. A few minutes later on hearing some shouting the policemen went to investigate and found Shankar lying unconscious around the corner. The commotion also attracted the attention of two watchmen stationed at a nearby carpark. However none of the men actually saw Shankar collapse. Allegedly there were no papers on the person to aid his identification. He was then taken to the Casualty of RML Hospital in an ambulance. The attending doctor (Dr. Sharad Agarwal) recorded in the MLC that an unknown person was brought in an unconscious state with no apparent injuries and though otherwise seeming normal was unfit to make any statement (MLC no. 66784 and DD nos. 19A and 21A of 10/11 July) Seemingly, as an afterthought he added the possibility of alcohol poisoning implying drunkenness. The patient was shifted to ward 8 meant for coma patients where he remained till he died under the care of Dr Atul Goel. Dr Goel claimed to immediately begun the routine symptomatic treatment for coma patients. The treatment was continued till the patient was declared dead.

11 July: Shankar's family was not unduly worried by his overnight absence as he often stayed over with friends or relatives. Later in the morning the family was visited by two SI's from the CP thana ostensibly to look into the complaint by the politician. They enquired about the whereabouts of Shankar and his friends. The SIs were known to the family as Shankar had had an altercation with them and another constable earlier over the parking of his rickshaw. This visit worried the family and they started attempts to locate him.

Meanwhile at the hospital the unknown patient remained unconscious. The SI from the thana found him unfit to make statements on all the three occasions that he visited him.

12 July: Shankar's elder brother, Rooplal tried to lodge an FIR about his missing brother but the police refused to do so. In desperation he sent a telegram to the commissioner of police alongwith copies to the LG and DCP against police harassment and the refusal to lodge the complaint. At 4.50 pm the SI from the thana came to the hospital for the fifth time and found the "unknown" patient still unconscious and unfit to make any statement. After this the SI went on leave and the file seems to have been forgotten.

14 July: At 9.15 am the unknown patient was declared dead by Dr Mahesh Garg who also prepared a death summary which was not made available to either the PUDR team or the SDM. A death certificate stating that the cause of death was alcohol overdose was issued. A second death summary was prepared by dr Goel at 11 am, where he cited two alternative causes of death, either alcohol poisoning or a cerebro vascular accident. According to the police records the beat constable at the MLC post was informed of the death at 12.15 pm and he in turn informed the Connaught Place thana at 12.40 by telephone

Meanwhile Rooplal came once again to the thana to try and lodge an FIR. This time he was accompanied by Shankar's wife, Lajwati and three children. They were made to wait from 10.00 am to 1.40 pm when finally a daily diary entry was made (DD No 10B, 14.7.91) The SHO claims to have walked at the precise moment that Lajwati was describing the the physical features of of her husband and was stating that the two fingers of his left were joined. It struck him that the person who had died in RML hospital had a similiar characteristic. He sent Rooplal with an SI of the thana to see the body. Rooplal was allowed only to see the face of the dead man and was able to identify his brother. He resisted the attempts of the SI to make him take immediate possession of the body and decided to wait till the next morning.

The body of Shankar still listed as unknown in the records was handed over to the police who in turn took it to the Subzi Mandi mortuary on Rooplal's insistence. Rooplal broke down on seeing the full body thre for the first time. It was covered with ugly bruises especially the wrists and ankles, the doctor there voiced his suspicions about foulplay by the police.

Rooplal rushed to secure permission from the SDM who came and examined the body. According to her there seemed to be no serious visible injury marks apart from a scratch above the eyebrow. Thus the post mortem report came as a surprise because it said that death resulted from a fracture in the skull and the resultant haemorrhage. It was described as a broad impact injury and it could have been caused by a fall or a blunt object. A SDM enquiry has been instituted into this "unnatural death"

Several aspects of this case raise doubts about the role of the police

1) Why did Shankar remain "unknown" (read unidentified) until after his death?

He was well known at this thana, according to the family and had been taken in for questioning many times in the past. Most recently, on 4th July he had been questioned by the SHO himself. The same SHO had been informed at 2.00am at night a while after Shankar had been found. The SHO excuses his men's failure in identifying Shankar on the feeble grounds that communication between 22 different SI's at this high profile thana was difficult! If that was the casethen why were they flashing wireless messages all over India to aid identification.

2) Why did the police refuse to lodge an FIR when Rooplal tried to locate his missing brother? Why was he made to run from pillar to post to get a complaint egistered? There is proof of his having tried to contact the Commissioner of POLice.

3) Where is Shankar's driving licence?

The family could not find the licence either in the house or in the scooter so it should have been on Shankar's person. Yet neither the doctors at RML hospital nor the beat inspector could find any identification papers on Shankar when he was brought into the hospital. Further in violation of normal

procedure Shankar's clothes were not collected from the hospital and this evidence is now lost.

4) What has been the role of attending doctors?

The head injury was not discovered throughout the time the patient was in hospital. Neither an X-Ray nor a Catscan was done. The fact that patient was a smack addict was also not discovered suggesting an absence of any attempt to monitor drug levels in the patients body. Yet it was certified that the patient died of alcohol poisoning. The injury markson the wrists and ankles are ascribed to the fact that the patient was resless and had to be strapped to the bed.

5) Why did it take almost three and a half hours to communicate the news of the death in the hospital to the thana?

There is no convincing reply and both doctors as well as the police have evaded a direct answer and pass on the responsibility of informing about a death on to the nurses and wardboys! The evasions and the delay seen together with the fact that the deceased person's family members were waiting at the at the thana at that time seem suspicious. Equally dubious is the theatrical manner in which the SHO made the connection between the unknown man who had died that morning and the missing Shankar.

6) Was Shankar spotted on 12th July?

Rooplal said that a friend of Shankar's in the de-addiction centre near RML hospital saw him being brought in there by some policemen; he was staggering and unable to walk unsupported. Being a drug addict himself he has refused to give evidence, as he feels vulnerable before police victimisation. Rooplal recognised SI Mangat-RAM who was in plain-clothes on the day he went to the hospital to identify the body. Shankar was no stranger to this man. Neither of these facts is corroborated. However, if they are established to be true they falsify the story that is being presented by the police about what happened to Shankar between the 10th and the 14th. In addition it would also imply that the hospital has colluded in fabricating proof for this story.

The case is ridden with coincidences contradictions and unanswered questions. The police seems to have undertaken a massive and unfortunately successful cover-up of what really happened. They have once more demonstrated that facts can be droned in a deluge of "documentary evidence". In the meantime Rooplal struggles to provide proof of the wrong that was done to his brother. The burden of proof, ironically, is shifted to the victim's family.

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