

Delhi Police, With You, After You, Always

**Custodial Death
in
Timarpur P.S.**

**People's Union for Democratic Rights
Delhi
August 1991**

On 12th July, around 10.00 PM, the police thana at Timarpur received a phone-call from Bhushan Tyagi informing them of a fight that was taking place in Wazirabad village. On arrival at the village a few minutes later the police found Om Prakash Kaushik (32 years) lying in a vacant plot. He was picked up and brought to the Timarpur thana. After some time Om Prakash's condition deteriorated alarmingly and he was taken to Bara Hindu Rao Hospital where he was declared dead on arrival.

The People's Union for Democratic rights (PUDR) conducted a fact-finding into this death. The team met the SHO and the DCP of the area, the family of the dead man, residents of Wazirabad village and the SDM of the area who is conducting an enquiry into the death. The team also visited the spot from where OM Prakash Kaushik was picked up. The following is the report of the team.

POLICE VERSION

According to the SHO Ramesh Chand Saini, the Timarpur P.S. had responded to a call from Bhushan Tyagi about a fight taking place in Wazirabad village. They had found Om Prakash Kaushik lying in a vacant plot in a drunken state without any clothes on. He was conscious and was hurling abuses all around. The police assisted him into their vehicle after helping him in dressing and took him to the thana. Here the officer on duty K.C. Tyagi tried to ascertain details about him and pursue leads about where he resided from a piece of paper found on his person. An hour later a constable suddenly noticed that Om Prakash's condition was deteriorating and he was taken to Barahindu Rao Hospital but he died on the way. (MLC no: 3791/91, 11.45 p.m., 12.7.91).

The next morning the police tried to follow the lead provided by the piece of paper found on Om Prakash's person by despatching a constable to a village in Rohtak district. They were then directed to an address in Timarpur where they located Om Prakash's relatives. According to the SDM Ms Nandita Sehgal she was called in at a late stage by the DCP Bhim Sain Bassi, when an angry mob had collected at the house of O.P. Kaushik. The SDM went to Timarpur and assured the relatives that she would order a second post-mortem. A magisterial enquiry is currently in progress. The police stand is that this death cannot be treated as one in custody because O.P. Kaushik was not arrested but merely brought to the thana to try and find out who he was and where he lived, in order to "help" him reach his

home. They maintain that the deceased must have been run over by a vehicle. They had, however, missed any evidence of this when they had found him at Wazirabad because it was dark. According to the SHO Saini, his death could have been caused by a heavy vehicle or by a blow from an exceptionally hard object. The DCP B.S. Saini stated that Om Prakash's death was one of the rare, one in million cases in which an internal haemorrhage took place without manifesting any external evidence, which is why signs of fatal accident could not be discovered earlier.

Asked about the police investigation of the fight which had been reported on the 12th night, the SHO Saini maintained that there had been no fight. The report of a fight had been a ruse to get the police to come immediately and pick up a person causing nuisance under the influence of alcohol.

The SHO admitted that the deceased was in very good health with a physique like a pehalwan and was neither bleeding nor vomiting when picked up. The complaint of the incident was entered in the Daily Diary. Later a FIR (No177) was filed on 13th July of an accident.

THE FAMILY'S VERSION

The deceased, Om Prakash was employed in the Health Department (Malaria dept) in Janakpuri but was presently on leave and was involved in the construction of his house in Rohini. Currently he was residing with one of his brothers in Timarpur. He leaves behind a wife and four children, of ages between 5 and 12.

Om Prakash's brother and other relatives came to know about his death on the morning of the 13th July, around 10.30 am. They live about two minutes away from the thana and are convinced that the police could easily have contacted them by tracing the phone number found on Om Prakash, even if the calls claimed to have been made by the police failed to get through. They suspect that Om Prakash was beaten to death at the thana.

According to the family the body bore marks around the groin, and the testicles were abnormally swollen indicating beating around the area. On the 13th morning the family and the neighbours collected around the Timarpur residence, in anger and in sorrow. Police officials, Jagdish Tytler (M.P) and the SDM all congregated at Om Prakash's house, and the SDM promised a second post-mortem, to diffuse the situation. The family is unconvinced about

the fairness of the second post-mortem as Dr L.T. Ramani who had also conducted the first post-mortem was in the second team too. The family finally received the body for cremation only on Monday 15th July. They also allege that Om Prakash was carrying Rs 15,000 in connection with expenses for the construction of his house which has disappeared from his person.

Om prakash's death raises many questions.

First, Om Prakash was picked up from a residential plot belonging to Bhushan Tyagi (Youth Congress I worker - an influential person, locally referred to as Netaji) located 300-400 ms off the main highway. During our visit to the area during peak traffic time we found that the traffic inside the village was minimal. This was confirmed by the villagers. Moreover no one in the village witnessed any accident even though the spot from where Om Prakash was found has two sweet-shops opposite it and is well-frequented by the residents.

Second, by all accounts, Om Prakash was made to put on his clothes and was merely assisted into the police vehicle. It is significant that it was not necessary to lift him, which presumably a person with a crushed pelvis would require. The PUDR fails to understand why Bhushan Tyagi who appears to be a key figure in the whole incident has somehow dropped out of the investigative reckoning of the police. Moreover why a person like Bhushan Tyagi who had considerable clout in the local thana had to use an allegedly false complaint of a quarrel to get the police to the site of the incident remains unexplained. This is the fifth custodial death this year, and the second in the jurisdiction of the DCP B.S. Bassi.

We urge that the police and the SDM investigate and clarify the above controversial questions raised by the death of Om Prakash. The PUDR also demands that the family of the deceased should have access to both the post-mortem reports.

Published by: Secretary, People's Union for Democratic Rights, J-157,
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