

Criminal Negligence

Death in Custody at Kanjhawala Police Station

**People's Union for Democratic Rights
Delhi
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On the evening of 3 November 1993, Om Prakash (27) was picked up by the Kanjhawala police. In the early hours of 5 November, he died while still in police custody. The fifth death the custody of the Delhi Police this year, had taken place.

Kanjhawala police station is situated midway between Kanjhawala and Ghevra villages on a road connecting Narela with Rohtak Road. Apart from a primary health centre and a school, there is no other settlement close to it. Solely covering rural areas in North West Delhi, according to the SHO, this police station has the second lowest crime rate in Delhi. It appears that most of the complaints here are settled through negotiations between the concerned parties and do not translate into FIRs. Even serious criminal cases are settled in this fashion. This probably explains the low crime rate.

On 3 November Om Prakash was found lying on a road connecting Ghevra with Nizampur. Police was informed around 7 p.m. and they took him in an inebriated state to the PHC situated facing the police station. The doctor examining Om Prakash found that he had a black eye and an injury above the eye. He was treated for the same, charged with a case of drunken driving and kept at the P.S. for the night. Next morning his sister's family at Sakhol near Bahadurgarh was informed. Her brother-in-law accompanied Om Prakash to the Tis Hazari courts. In the event of non payment of the fine imposed, he was remanded to judicial custody. Om Prakash was taken to the Tihar jail lockup at Tis Hazari where the jail staff refused to accept him on account that he could not speak coherently and looked visibly unwell. Om Prakash was brought back to the Kanjhawala P.S. and later shifted to Sultanpuri P.S. since the Kanjhawala P.S. lacks a lockup. During the night Om Prakash's condition became serious and when he reached the Deen Dayal Upadhyaya Hospital, he was declared brought dead. This is the story pieced together from the press reports appearing on 6 November and our conversations with the Kanjhawala police.

Om Prakash resided at Humanyupur village with his family comprising a mother, two younger sisters, a younger brother, wife and a two year old son. The village today is an

urban settlement sandwiched within B block of Safdarjang Enclave. Prior to 1956 however, agriculture was the principal means of livelihood for the residents of the village. From then till 1976 ensued a systematic takeover of all their agricultural lands by the government, initially at the price of 50 paise per square yard. The elders still recall the massive demonstrations staged by them alongwith residents of other villages, then on the periphery of Delhi's urban settlement which were similarly affected. A case regarding this takeover is however still pending before the High Court.

Om Prakash's family was also based on farming. After the takeover of their lands, his father got a job as a gardener with the horticulture department. His father died a few years ago and his mother got the same job on compassionate grounds. Till recently this was the only source of livelihood for the family. Om Prakash got himself a job as a driver in a Red Line bus operating on route No. 628.

The account given by Om Prakash's family casts serious doubts on the story given by the police. According to them, Om Prakash had started from Humanyupur around 10 a.m. on a scooter borrowed from a relation promising to return it by 3 p.m. He was going to Sakhol to attend a ceremony for the birth of his sister's child. The ceremony had been reduced to a small formal affair due to a death in the close neighbourhood. Om Prakash attended the ceremony and left for Humanyupur around 1.45 p.m. However police found him at 7 p.m. beside a road which was much off his route back home. Where was he in the intervening period? How did he reach there? The police claim that he was badly intoxicated is not supported by other evidence. No alcoholic drinks were served at the ceremony in Sakhol. Even the doctor who examined Om Prakash found him coherent and responding to questions. The police story about the accident is not supported by accident marks on the scooter or his other belongings. Anyway why was the scooter and belongings not sealed for further examination? Further, why was Om Prakash kept at Kanjhawala P.S. on the night of 3 November given that the police station lacks a lockup. To top all this the police is not maintaining any consistent position about how Om Prakash was brought to the police station. The have

variously claimed that they brought him on his scooter, on a tractor trailer, in a police jeep and in a DTC bus.

The family was informed about the death on the morning of 5 November and brought to Kanjhawala P.S. in a private car requisitioned without any record or payment conditions. They were kept at the P.S. for a long time and then taken to the mortuary near Tis Hazari. They were prevented from seeing the body until after the post mortem examination.

Despite all these procedural anomalies and unanswered questions, the principal charge on the police pertains to the denial of medical help while in custody. After the Tihar jail staff refused to accept Om Prakash on grounds of not being medically fit, why was he taken to Kanjhawala P.S., miles away from any hospital. The subsequent suspension of a constable is a pretense of action taken. All the superiors knew about the happenings at Tis Hazari courts. Police personnel even visited the doctor at the PHC who advised that Om Prakash was likely to have suffered a brain haemorrhage and should be quickly shifted to a hospital. Yet he was denied medical help and sent to the lockup at Sultanpuri.

PUDR demands:

1. That a case of criminal negligence resulting in homicide be registered against the SHO and investigating officer in the case.
2. That Om Prakash's family be paid compensation for the death.
3. That Om Prakash's wife be provided a government job to enable her to support the family.

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