

*Hauz Khas Police Station*

## **A Rape in Custody**

**People's Union for Democratic Rights  
Delhi  
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On 14th July, 1994, a missing persons' report was lodged at the Okhla PS, by the father-in-law of the missing woman. Two days later, on 16th July, a FIR (278/94) was lodged at the Haus Khaz PS by the same complainant. In this report ASI Ratan Singh of the Haus Khaz PS was named as the abductor of the missing woman. Five days later, on 21st July, ASI Ratan Singh was interrogated and charged under Sec. 365 IPC (abduction). The following day, the missing woman was found in a park outside the Govindpuri police post. A Test Identification Parade (TIP) was held the same day and the woman identified Ratan Singh as her rapist. A medical examination was conducted. On 23rd July, Ratan Singh was formally arrested and charged under Sec. 376 (2A) IPC (punishment for a police officer for at least seven years for committing rape) and remanded to judicial custody. The link magistrate, VK Bansal recorded the victim's statement under Sec. 164 CrPC (recording of confessions and statements). The bail application of Ratan Singh has been rejected twice. The case has now been committed to the sessions court.

According to the SHO, Shri Onkar Prashad, Haus Khaz, the victim was found loitering in the IIT campus on the night of 12th July 1994. On being informed by the security guard, ASI Laxmi Narain brought her to the police station at 9 p.m. No entries were made. Since the official vehicle did not have headlights, instead of reaching her home, Laxmi Narain brought her back to the thana. The SHO said that he was not informed. When the shift changed at midnight, ASI Ratan Singh came on duty and he too did not inform the SHO. The woman was thus kept in the thana the whole night. Next morning at 8 a.m. the ASI took the woman to his residence in the police colony at Pahar Ganj. He came to work for the next two but did not report for emergency duty on 17th July. By this time the FIR had already been lodged and the Haus Khaz police suspended Laxmi Narain because of negligence of duty. Ratan Singh returned to work on 20th July. The same day the victim's family came to the PS for information and urged the police to find her. Within 24 hours Ratan Singh was interrogated and he admitted that he had taken her home but stated that he had put her on a bus to ISBT, the same day. He was suspended and charged under 376 (2A) when he was identified as the accused by the woman the following day. The investigation officer (IO), SI TP Singh, categorically stated that Ratan Singh was guilty and that the medical examination had been conducted and the samples sent for forensic tests to CFSL, Chandigarh. The results are yet to come in. The police is still trying to locate one 'Radhey', a jhuggi dweller near Kamal cinema, who offered shelter to the woman between 13th and 22nd July. The IO ruled out any possibility of Radhey being involved in the rape. As of now, Radhey is still untraced.

Describing him as a 'delinquent' man, the SHO told the team that Ratan Singh is known to be a chronic absentee. In fact, when he did not report

for work for three days, he could not be found at his residence. Over 45 years of age, Ratan Singh is a married man with daughters as old as the victim. When contacted, his neighbours told the police that they thought that the woman accompanying him on the 13th morning was his own married daughter. However, unofficially, the police maintain that the rape charges have been framed by the victim in order to save her own reputation. According to them, particularly the duty room constables, the victim was unhappy, her husband was 'impotent', she was childless a whole year after marriage, and that she had an illicit liason. That night she had arranged to meet her lover at IIT and he failed to show up. This is the hypothesis of the SHO as to why she was found wandering alone at night. Thus, Ratan Singh is both the accused and a victim of allegation. When investigating authorities examine the violation of law committed by their own colleagues then, the pursuit of justice is not a straightforward matter. Particularly in the case of rape, departmental inquiries and action against the accused does not preclude the possibility of a different interpretation based on the assumption that women who wander late on their own are vagrant, that such women can and do manipulate rape charges and that the accused is a victim of such allegation. As in many other cases of custodial rape, the woman's account is not available apart from her initial complaint.

The woman's marital family resides in Tughlakabad village. An urban village with a mix of prosperous bungalows and thatched dwellings, it lies off the main Badarpur-Mehrauli road. The narrow road leading to the village is unlit making it unsafe for outsiders after dark. According to the villagers this road is a haven for anti-social elements. Predominantly a Gujjar village, most families are engaged in the production and sale of milk. Some residents have also profited from land speculation. Belonging to the Sohna district of Haryana, the victim is a young married woman in her early twenties and who has been staying here at Chhuria mohalla for over a year. Her husband, is employed in milk selling and her father-in-law is a Class IV employee with the DDA. The house is pucca, has a large courtyard with some buffaloes. The family owns about 20 acres of agricultural land near Faridabad. She now lives there with her ~~family~~ *husband*.

According to the father-in-law, his daughter-in-law had been adamant to visit her natal family for Teej on 12th July and had set off on her own. When she did not return for over two days he filed a missing person's report at Okhla police station and was informed that she had been found by the Haus Khaz on that very night. After she was located on the 22nd and the official procedures were completed, she was sent off with her husband to the farm near Faridabad. The family does not seem willing to pursue the case in court.

For them the arrest and imprisonment of the involved policeman is sufficient punishment. They do not want further involvement in a 'police case'.

This is the eleventh reported case of custodial rape in Delhi since 1989 and the first one this year. Given the problems of social ostracism and the fear of threat and intimidation by the police, familial support to a rape victim is rare.

The filing of the chargesheet, official action against the accused and committing the case to the lower court are welcome and necessary steps. Welcome, precisely because in cases of custodial death, such steps are rarely taken. But our past experience has shown that these steps have not and do not lead to conviction. The attitude of the investigating agency, is such that the victim's testimony is treated as unreliable evidence. The tragic irony is that the woman is both the victim of and witness to the crime and she is viewed as unreliable on both counts. Her allegation is treated as false because she is perceived as an untrustworthy person with a dubious past.

The judicial remand of Ratan Singh is welcome. But what needs to be remembered is the negligence on the part of the police which led to the rape, i.e., the illegal detention of the woman in the thana for the whole night; the lack of any diary entry recording her presence; that no action has been taken against the duty officer and the SHO. This collective negligence shows the participatory nature of this crime in which fellow policemen were accomplices of Ratan Singh. Equally important is the fact that the only account available to explain the events between the 12th and 22nd of July is the police version. There is no independent evidence to corroborate this: that is, how she was found, brought to the police station, and why and where she disappeared soon after the rape.

Meanwhile, the victim leads a life of isolation many miles away. Her segregation is a reminder of the shame and trauma she caused her marital family to suffer. Imprisoned within her is the humiliation and violence that she herself suffered.

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**For Copies:** Dr. Sudesh Vaid, D-2, Staff Quarters, I.P. College,  
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