

Seelampur P.S.

First Notch In Their Gun

People's Union for Democratic Rights [PUDR]

October 1994

At around 4.00 in the afternoon of August 27, Masoom Ali, a 60 year old ex-Army person, goes to a tea-stall in his Seelampur locality, Chauhan Bangar. He has heard that his son, Nusrat, is involved in a brawl with Mohd. Farman, son of Chand, the tea-stall owner. Not only does he reportedly himself get beaten up, later that evening Farman alleges criminal intimidation by Masoom Ali and his four sons in the context of an earlier murder case. The Seelampur police take Masoom Ali into custody at 5.30 pm. Seven hours later, he is brought dead to the G.T.B. Hospital.

Official Version

The PUDR team first met the SHO of Seelampur P.S. and the area ACP.

Both directed us to a higher official, until the DCP asked us to meet the SDM. They had nothing of note to say regarding Masoom Ali's death. Thus our understanding of their story is based on media reports and their depositions before the SDM. According to which the police arrested Masoom Ali in the evening of August 27 on the basis of an FIR (no. 475/94) lodged by Mohd. Farman, registering a case of criminal intimidation (Sec. 506 and 34, IPC).

Additional DCP Pranab Nanda insisted that Masoom Ali was not even interrogated in the P.S., let alone beaten to death. He said that around 10.30 pm. Masoom Ali complained about his health, but initially refused to go to hospital. He agreed only when his condition began deteriorating. He complained of severe chest pain on the way to hospital, and died before they could reach him there. The police statement mentions the post-mortem report, which is said to indicate death due to heart attack.

The SDM conducting the enquiry, Amit Yadav, was not in a position to conclude anything, as he had yet to complete his investigations. He showed the team the post-mortem report. Whereas the report suggests a history of heart attack, it also suggests that the contraction of arteries as a cause of death could be due to physical and psychological torture. Significantly, the report notes nine injury marks on Masoom Ali, seven of which it terms "fresh". The forensic report is still awaited. No action has been taken against the police personnel involved.

Family Version

The family told us that when Nusrat went to buy milk from Chand's tea-stall at 3 pm. Farman asked Nusrat to first pay old dues. They argued and Nusrat was beaten up by Farman and his cronies. Nusrat went to lodge a complaint at the Jaffrabad police *chowki*. The police there instead began beating him. He was then taken to Seelampur P.S. Masoom Ali, on hearing his son was involved in a brawl, rushed to the tea stall, and he too was roughed up. Farman and his men later went to Masoom Ali's house with knives, threatening to finish off the entire family. After all this, Masoom's family allege, Farman complained to the police blaming Masoom's family for everything.

Farman's version of the brawl reveals old vendettas and tensions between the families. It goes like this: Farman's brother, Mohd. Furkan and one Master Qayoom were murdered in 1988, of which Farman is

sole eyewitness. Farman says Masoom Ali's family is sympathetic to the murderers. He alleges that Nusrat and his friends came to the tea-shop and threatened to kill him should he persist with his evidence in the case, and that Mobin, a brother of Nusrat even fired a shot from a pistol into the air, creating panic.

Masoom Ali's family deny these charges, but this was the complaint accepted by the police. ASI Ratan Lal and constable Narender of Seelampur P.S. arrested MasoomAli from his house on the basis of these charges.

At around 10 pm., Mohsin (another of Masoom Ali's sons) and a friend went to the P.S. He was allowed to meet his father. Masoom Ali asked him to arrange for his bail, and also asked for a cup of tea, since he was not feeling well - he complained of being tortured by the police. Mohsin then went to Jaffrabad *chowki* to find out why Nusrat had not yet returned. They happened to meet Chand there who informed them that Nusrat had been taken to Seelampur P.S. itself.

Back home, they were told that their father's condition had badly deteriorated and that he had been taken to G.T.B. Hospital. Mohsin, his mother, sister and a friend were to learn at the hospital that Masoom Ali had been brought there dead. The family claims that Nusrat was a witness to his father's beating in the *thana* by the police. He was not allowed by the police to accompany his father to hospital, and was later set free.

Masoom Ali's body was handed over to the family the next day, after the post-mortem. They noticed injury marks on the body, which they have photographed. On seeing the body, a large number of people collected outside MasoomAli's house, angered by his death. The people were later pacified by the intervention of the SDM and local leaders.

Conclusions

The two rival private parties are putting forward two different versions of the incident that took place. But their differing versions only concern the reasons of the brawl and how it all occurred. The police should have interrogated both the parties involved fairly. That the police gave weightage to one version and victimised the other family is probably a reflection of local dominance.

Irrespective of these patterns of power, the way the police enters the

picture and subsequent developments show typical police high-handedness. The FIR accused Masoom Ali and his four sons. Yet, the police takes only two of the five in custody. One of them - Masoom Ali - is denied bail. Another accused in the FIR - Mohsin - himself pleads for bail for his father. A third - Nusrat - is let go without bail. It seems clear that it was never the police intension to pursue the case fairly, but harass and victimise Masoom Ali specifically. The police claim that Masoom was not tortured holds no water - the marks on his body tells otherwise. Previous investigative experience suggests to us that the injuries are probably due to electric shocks. And once again the victim is from a deprived economic background. Masoom Ali was a retired pensioner. His four sons are all casual workers.

This is the first death in the custody of Seelampur Police that has come to PUDR's notice. In a majority of the cases, the official cause of death is recorded as due to some physical ailment. Of the 78 reported custodial deaths that have occurred in the last 14 years, illnesses such as heart attack or tuberculosis or even stomach pain have been given officially as the cause of the death in 19 cases. Besides, there are 26 cases of 'suicide'. Strange that all this should happen while they are in the care of the police.

PUDR demands :

1. Action be taken against the guilty policemen.
2. Adequate compensation be paid to the next of the kin of the deceased.
3. A judicial inquiry be initiated.
4. The SDM report be made public.

Published by : Secretary, People's Union for Democratic Rights
[PUDR]

For copies : DII, Staff Quarters, I.P. College, Shamnath Marg,
Delhi 54

Suggested contribution: Re. 1.