

Seemapuri Police Station

## Triggering Death

*Custodial Death, Delhi Police Style*

**People's Union for Democratic Rights  
Delhi  
March 1999**

*Holi* this year proved to be a fatal festival for Anil, a resident of Sonia Camp jhuggi cluster under the jurisdiction of the Seemapuri P.S. For it was on 2 March, the day of *holi*, that he was shot dead by a constable of the same police station.

Considering this to be a 'rash and negligent act', the police have taken prompt action. The guilty policeman has been duly suspended and sent to the district police lines for his carelessness.

Anil was 25, disabled, and the sole breadwinner of a large family.

He had been living in Sonia Camp for over five years, earning a living by making bulb holders and electrical circuits on contract. His dependent parents and three younger sisters and one brother live in Allahganj village in Bihar's Jehanabad district. His married sister and unemployed brother in law, who live in the same jhuggi cluster had also been partially dependent on him for the last six months.

Sonia Camp in north eastern Delhi, is a 10-12 year old colony. Other jhuggi colonies, Indira Camp and Rajiv Camp, are located nearby. The MCD has provided a public toilet in Sonia Camp, as well as regularised electricity. Migrants, economic refugees from all parts of the country live here, eking out what can be called at best a precarious living by working in factories, as construction workers, or domestic labour, trying to feed hungry stomachs back home. A substantial proportion of the population is, like Anil's family, *dalit*, and many have come from Bihar.

**Eyewitness Account :** On the day of *holi* at about the time that the festivities were winding down in Sonia Camp at about 12:30 p.m Anil intervened in a fight between two children, scolding them in the process. The mother of one of the children started fighting with him about intervening in their internal affair. She also

slapped him, after which Anil bit her hand in anger (Anil could not use his legs and was forced to move about on his hands, rendering his height above the ground only about two and a half feet). The woman, Somwati, went away to lodge a complaint at the PCR van stationed nearby. After some time, at about 1:30 p.m. three beat constables came by and hearing of the altercation went up to Anil who was sitting near the entrance of the public toilet. The constables are alleged to have been drinking. They started kicking and beating Anil. Attempting to flee from the thrashing, Anil managed to crawl into the compound of the toilet, about 10 metres away from where he had been sitting. The policemen followed him and one of them, Padam Singh, shot at him thrice with his sten gun. Anil collapsed on the spot. The policemen immediately tried to take away the body. Prevented by the angry eyewitnesses, and the 300 other jhuggi-dwellers who had collected there, they beat a hasty retreat. It was about 2:30 pm by then. The police came back at about 3:00 pm with the SHO of Seemapuri P.S and about 150 policemen from the neighbouring police stations. They surrounded the jhuggi cluster and the SHO ordered the protesting people to return to their houses under threat of shooting. They took away the body to GTB hospital at about 4:00 pm, covering up the blood stained spot where Anil had fallen, with fresh earth.

At the same time 18 men (including Kamlesh, Anil's brother in law) were picked up from their jhuggis, and taken to the police station. The police tried to charge them for 'rioting', claiming that they had thrown stones at the police. The men were detained at the police station till about 7:00 pm, when they were finally released by the intervention of local politicians who had been summoned by the jhuggi dwellers. Meanwhile Anil's sister, Basanti, went to the GTB hospital with the body. She was asked to record her statement, the incident and <sup>was</sup> pressurised by the police to say that the death was caused accidentally, as well as asked to sign a sheet of paper, all of which she refused to do.

The post mortem examination was conducted the following day, i.e 3 March, and the body handed over to his family by the afternoon for cremation. A large number of people from the neighbouring jhuggi clusters congregated for the funeral, blocking the roads in the entire area. The SHO offered Rs. 5000 to Anil's family, 'towards funeral costs', and offered to pay more money.

**Police Version :** According to the SHO, Satyavir Dagar of the Seemapuri P.S, they had made special provisions to deal with unruliness on Holi and set up a number of extra booths. These were wound up by late afternoon, and the policemen from the booth near Sonia Camp, who were also on the regular beat in the area, decided to take a round before getting back to the police station. As they came to Sonia Camp, they were informed of the altercation between Somwati and Anil. Somwati herself did not meet them, for she had gone to report the matter to the PCR van stationed nearby, and unable to find it, had come back to the colony. On hearing of the case, one of the policemen, constable Padam Singh, went to investigate. He found Anil sitting inside the public lavatory compound. When Padam Singh started reprimanding him, he picked up a piece of brick lying on the ground and threatened to throw it at the constable. A crowd had begun to gather around

by this time. Somehow the sten gun on his shoulder slipped and fell, and due to the impact got unlocked, resulting in the loaded weapon firing exactly twice at Anil Kumar and piercing his chest and head.

Immediately afterwards, Padam Singh and the other two officers on the beat tried to take the body away. The SHO said that they felt that there may have been a possibility of saving him. They were however prevented from doing so by the angry crowd. They then left the jhuggis and within half an hour the SHO and police summoned from other *thanas* had reached the spot. According to the police, the jhuggi dwellers started throwing stones at the police. Some of them were briefly arrested and detained upon this ground in the P.S but let off as the police realised that their anger was 'normal' under the circumstances. Padam Singh has been charged under S 304A (for committing a rash and negligent act) and suspended. Most of his colleagues at the P.S are however convinced that it was an accident and narrate other episodes of the kind. It appears to be common knowledge that sten guns, of the kind Padam Singh had carried are extremely unsafe weapons.

This 'common sense' of the *thana* about the 'accidental' nature of the act seems to be shared by the ACP of the District Crime Cell, under whom an enquiry into the case is being conducted, despite the fact that all the reports have not yet come in. In the presence of this 'meeting of minds' between the accused and the enquiring authority, (which is part of the same police force) it is highly unlikely that the Crime Cell's investigation will reveal any incriminating information against the policeman.

The highest police officials in the district had come to the spot on the same day. Since the incident, according to the police, did not occur 'in custody', no SDM enquiry has been launched. No official compensation has been announced though the police had voluntarily given them some money from their own pockets, to help them pay for the funeral.

According to the police the post mortem report too verifies the police version, since it apparently shows that the trajectory of the bullet inside Anil's body was upwards, indicating, the SHO said, that the gun had hit the ground leading to the bullets being fired. However, newspaper reports of the findings of the post-mortem examination had stated that the trajectory of the bullet was from the top downwards. The gun had obviously not been properly locked.

A few questions need to be asked. For instance, why did the loaded gun stop firing after 2 or 3 bullets, if indeed the impact of falling triggered it off? Why did the police try to remove the body immediately after the 'accident'? What was the basis for their belief that the victim was still alive after two bullets had hit him at point blank range? Was any fingerprint test done on the gun to see the nature of pressure on the trigger? Where were the other policemen on the same beat at the time of the incident? According to newspaper reports and the version of eyewitnesses, the other two constables, Jaypal and Pawan were present during the entire period with constable Padam, which immediately enhances their guilt. They too had beaten and kicked Anil, for which there are eyewitnesses. The attempt of the police to frame false charges against jhuggi dwellers is also extremely suspicious and mal-

intentioned. It is important to ask why the police had been so keen to remove the body before it had been duly examined and photographed, and their eagerness to cover up the blood is tantamount to tampering with evidence.

Even taking the police story at face value, it has to be noted that constable Padam, who routinely carried a gun as part of his job, was aware, as others at the P.S. of the accident-prone nature of the sten gun. He was therefore fully aware of the dangers of carrying this gun while thrashing Anil, as he did. This increases his culpability and the gravity of the case.

Anil's death and the protest of the people made the headlines for one day. The Power Minister of Delhi, the local MLA and several local political leaders had visited the area. Yet the case is unlikely to proceed much further. According to all indications, the District Crime Cell will not indict the policeman. So the charges are unlikely to be heightened, and the Padam Singh would be duly reinstated in service, once the case dies a natural death.

It is ironical that even the decision to not consider this case as one of custodial death, was taken by the police, the very perpetrators of the crime. Significantly, the circumstances described above leave no room for ambiguity, putting this case wholly within the definition of custody, given in law. It follows that there are more than ample grounds for an SDM enquiry.

An agent of the state with sheer callousness, takes a human life, of a disabled person who had in no way challenged his authority. He is then, in fact, protected by the custodians of the law, while the victim's family has lost a son and brother, and its sole earner. This makes it imperative for PUDR to demand :

1. Immediate and exemplary compensation be paid to Anil's family for (a) the beating and subsequent killing of a handicapped person, ~~and (b) the death of a son and brother, and its sole earner.~~
2. A magisterial enquiry, mandatory in cases of custodial death, (under section 176 CrPC), should be immediately initiated.
3. The Crime Cell enquiry is blatantly biased and should be stopped. The enquiry should be handed over to the CBI and charges of 'culpable homicide' be framed against the guilty policeman and 'abetment' against the other two beat constables. Prosecution should be promptly launched, and protection given to the witnesses from police pressure and intimidation.

---

**Published by:** Secretary, People's Union for Democratic Rights (PUDR)

**For Copies:** Dr. Sudesh Vaid, D-2, Staff Quarters, I.P. College, Sharnath Marg, Delhi - 110054.

**Suggested Contribution:** Re.1.00 (Please add postal charges).