

# ***Another 'Suicide'***

## **A Death in custody of Subzi Mandi Police Station**

**People's Union for Democratic Rights  
Delhi, August 2004**

On 5<sup>th</sup> July 2004 as per the Delhi police, a homeless migrant Pramod allegedly hung himself to death in a lock-up at Sabzi Mandi PS. PUDR conducted a fact-finding into the incident. As per the police Pramod had been arrested for refusing to reveal his identity while he was found loitering under the influence of alcohol at about 7.00 pm. Sometime around 9.45 pm taking advantage of a power failure that occurred he hung himself by his shirt from the door of his cell which is how the police discovered him at 10.00 pm.

The ADM North conducted an inquiry in to the incident. The police have suspended Constable Umesh who was on duty that night.

There were no witnesses to the arrest and the events that transpired as there were no other inmates in the lock-up that evening. The only people present on the scene were the policemen on duty. And they have been instructed to not speak to 'the public.' One of the constables on duty that night as well as the SHO refused to speak to the PUDR team citing orders from higher-ups as the reason.

This case of a death in police custody, a death to which there are no witnesses, a death in which there is no direct evidence of foul play is not the first of its kind. This is the third such death in little over a year. In April 2003, Ravinder, a thief in the custody of the Special Staff, allegedly committed suicide by hanging himself from the lock-up bars in Madangir PS. In June 2003, Gopal Das, an impoverished alcoholic, succumbed to his poor health in Patel Nagar PS. Significant and not surprising is the police's refusal to take responsibility for the well being of those in its custody. The ACP (Subzi Mandi, M. A. Rizvi) shrugged off accountability arguing that that there is only one such death per year! The police have not registered an FIR in the case; nor has it launched an investigation in spite of the questions being asked. The ACP also said that criminal action was subject to the ADM's report - a clear attempt to shield the policemen when in fact the ADM's inquiry cannot be a substitute for a criminal investigation and the two are independent.

In every case of custody death it is mandatory that a magisterial inquiry under section 176 of the CrPC be held. However, the findings of the ADM's report cannot serve as evidence in the court of law and technically it is not even necessary for the police to take action based on these.

The ADM told our team that he believed the police guilty of negligence as the policeman on sentry duty had left his post. However, this offers little hope as the ACP rejected charges of negligence arguing extenuating circumstances. Clearly, the police's primary aim is to protect its own. And what makes it even easier for the police is the absence of families that are in a position to demand justice.

The postmortem report suggests that Pramod's death happened due to asphyxiation and that there were no internal or external injuries. However, some nagging questions remain:

1. One, why did this man who had been living a hand-to-mouth existence on the city's streets for the last sixteen years suddenly decide to commit suicide, that too in the police lock-up that night? Is it not possible that something happened at the police station that forced him to take such drastic step? In that situation it becomes a case of abetment to suicide.

2. Three, the police argue that there was a power failure at 9.45 pm which is why the sentry left his post and the policemen failed to notice Pramod's actions till 10.00 pm. One wonders about the quality of this darkness that was too dark for the police to see through, but light enough for the inmate to perform the intricate maneuvers required to hang himself? Why did the policemen not notice his actions given that they were all supposedly scurrying around the generator about 15 ft. away, and well within sight and sound of the lock-up across the courtyard?

3. Is it possible for a man who is drunk, medically 'under the influence of alcohol', to perform the rather complicated maneuvers required to hang oneself from the top-most cross-bar of the door while standing on the bottom cross-bar, that too in the dark? The claim that all this happened within 15 minutes also raises doubts.

4. And finally there is the question of Pramod's state of health. The post mortem revealed Pramod's lungs and liver to be in a very poor condition where even less than normal pressure could cause death. Did the "routine interrogation" to which Pramod was subjected result in a collapse because as is well known the police 'routinely' manhandles detainees as a part of interrogation. As per the ACP it was during routine interrogation that Pramod revealed the address of his family and that he had run away from home 16 years ago.

There are two possibilities – one that Pramod committed suicide or the second that he collapsed during the 'routine interrogation' given his ill health. In either case the police has to be held accountable for the death and a case of abetment to suicide and negligence should be filed immediately. Also the family of the victim should be given compensation.

One fact that does not change is that a man lost his life that night. A death that was not necessary and a death that the police could have avoided. Pramod's death is another reminder of the high risk factor for the homeless, "vagrants", people in a poor state of health to the fact of custody. Other than their vulnerability to arrest, for many of them custody can also mean a difference between life and death.

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