

Suicide in a lock-up?

(Custody Death at Adarsh Nagar PS)

**People's Union for Democratic Rights
Delhi, October 2005**

On 13th September 2005, on the ever busy Azadpur Mandi main road, a public protest by basti dwellers of Bharola village in the middle of the day caught the attention of the media. As trucks, buses and tempos were unable to ply on the main GT road for over two hours, the death of 19 year old Sunil in Adarsh Nagar PS was reported in the press along with news of the protest and the subsequent lathicharge.

Sunil, a young man in his late teens allegedly committed suicide in the Adarsh Nagar PS in the early hours of 13th morning by hanging himself from the horizontal bars of the lock-up. His body was never taken home and after a speedy postmortem he was cremated at Nigambodh Ghat in the presence of his family members, the same evening. The police made all the arrangements.

The official denials were quick. Irked by the public protest and the media information that the PS is armed with the close-circuit television, the local police went about its business in blaming the sentry on duty for negligence and in placing the remaining blame on the deceased. After suspending the sentry and speedily transferring the SHO and the Addl. SHO, the police was prepared to rebut any accusation of abetment and torture with a wall of silence and the usual answer that the mandatory ADM inquiry was underway. No FIR was lodged.

Arrest and Death: Sunil's mother told the PUDR team that her son was picked up on 11th morning by the local Chowki police on charges of quarreling. She acknowledged that her son had been picked up earlier too for similar reasons but did not elaborate further. The family is very poor and Sunil was the only earning member who sold pictures and posters on the roadside at Azadpur. His father is mentally unstable, his mother is suffering from tuberculosis and he has two sisters. The house is located in the congested lane of a slum called Bharola adjacent to the main GT road at Azadpur.

On 12th early morning two policemen, Praveen and Surajmal, from the Chowki brought Sunil home. They demanded money beginning with Rs 10,000 then bringing it down to 5,000 in return for Sunil's release. Sunil begged his mother to have him released. However, as she didn't have the money, the policemen took Sunil back to custody. According to the family and neighbours, the same evening the two put in an appearance again and told the family that Sunil had been sent to jail for four months, at about 2pm. The family did not worry as they thought that they could get him out on bail later.

The mother was informed the next morning by constables belonging to the Adarsh Nagar PS, that the family's presence was needed at the thana. Besides the parents, some neighbours also went. At the PS, the mother was told to put her thumb impression on a blank document and then the father was shown the body of the son. The father noticed that the son was dressed in underpants, something which he had never worn or owned.

The family returned and soon the neighbourhood erupted in a spontaneous public protest over the custodial death. Later in the day, the family was again contacted and with the police, the family cremated the body at Nigambodh Ghat at 8 in the evening.

The official Version: The police denied that he was picked up on 11th although one newspaper did report that the police had said that Sunil escaped from custody on 11th night. While the new SHO at Adarsh Nagar maintained a tight silence and the ACP (Model Town) categorically said that Sunil had been arrested on 12th night on preventive charges and not for committing any crime (S. 107/151 Cr. PC). So, the official version is that Sunil was picked up on the night before his death and he was barely a few hours in the custody of the Adarsh Nagar PS. The police claim that Sunil committed suicide under the influence of drugs. He was known to be a Mandrax addict.

The ADM (North West) who is conducting the magisterial inquiry said that after his initial examination of the body, he asked for the presence of the family in PS. Without informing the matter of death to the parents, he proceeded to record the mother's statement about her son's arrest in the presence of the police. Only after she had put her thumb impression did he tell her that her son was dead. Apparently, the mother is reported to have said her son was an addict (he was addicted to 'anthrax', so the mother said), that he was a nuisance and a liability for his family, that he had been arrested twice in the past three months, and that he was unstable ever since a wooden rafter fell on his head from the roof. She also stated that he had been picked up on Sunday morning (11th September).

The ADM also told the PUDR team that there was another young man involved in the incident that led to the arrest of Sunil. On 11th September, Sunil had stolen a bicycle and was trying to sell the bike to this young man and his family. The police arrived at that moment and arrested both as the property was a stolen one and the transaction was underway. This other man was bailed out that same day and he testified that Sunil was in the custody of the Chowki police.

Officially, Sunil was brought to the Adarsh Nagar PS on the night of 12th September, a little after 11 p.m. Madan, the other inmate in the lock-up with Sunil had been brought a little before. According to him, Sunil was desperate and was trying to strategize ways of escaping from custody. He along with the sentry on duty (who overheard the conversation) assured Sunil that he ought to rest and that he would be let off the following morning. Apparently, Madan fell asleep but not before he saw that Sunil was trying to take his trousers off and donning them the moment the inmate opened his eyes. When the sentry left his post for over half an hour, between 3 and 4 in the morning, Sunil allegedly took off his trousers and made a makeshift noose from the horizontal bars of the lock-up and hanged himself.

The post mortem indicates hanging as the reason for death. The viscera analysis is awaited. The ADM was categorical that there were no external injuries and therefore torture could not be a motive for death. Officially the version that the police and ADM support for Sunil's death is that of a suicide that result out of depression and anxiety of addiction. Hence, Sunil's death was the natural consequence of a drug addict who incidentally decided to end his life in a lock-up. A custodial death but not because of police torture, the ADM opined. Both the ADM and the police denied that there was any

motivation for the arrest and that the family is too poor to pay any bribes and that the family version of bribes is false and untrue.

A Cover Up: Since the ADM admitted that the police had fabricated the time of arrest and that besides the case of illegal detention, the issue of negligence is also present, the official version of suicide is suspicious and doubtful. It is clear that Sunil was detained on 11th September and was officially taken into custody on the 12th night.

- **Where was Sunil for 36 hours?** How can such a gross violation not be punished? Was Sunil kept locked up and tied in the Chowki? Was he kept elsewhere? The ADM had no answers.
- **Obviously, his alleged suicide has much to do with this period of detention. So, was he sexually abused? Mentally harassed for not giving the money? Or threatened on some pretext?** The local complaint in the colony is that both Surajmal and Praveen are notorious and known to harass the residents by arresting young men and demanding money in return. There is thus reason to believe that Sunil was detained precisely because his family was too poor to pay the bribe.
- **Why was no medical examination done when Sunil was brought to Adarsh Nagar PS?** Since no medical examination was ever conducted, on what basis can the ADM and the police explain his death as a suicide of a drug addict? Why would a seasoned man like Sunil who had already been arrested twice before, end his life in the third instance, especially since he was assured that he would be let off the following morning? Since Sunil was agitated when he was brought to the PS, the lack of a medical examination only raises further suspicions. The ADM attributed the alleged suicide to the suicidal tendency of the drug addicts. This conclusion is a bit unrealistic when the ADM was not even sure of the name of the drug he took. He said the drug was Anthrax, which is a pathogenic bacterium used for biological warfare! His theory is dubious because no one has any idea about the extent of his addiction or whether it was enough to make him suicidal. It is also possible that he took drugs only occasionally. So the attempt is not just to explain the death as suicide but also to give reasons for the same. Such baseless assumptions occlude the possibility of a fair inquiry. For instance even if it was a suicide, something could have happened that led Sunil to take such a drastic step and that it could be a case of abatement to suicide.
- **Why was his family not told immediately about the death?** Why was the mother's statement recorded in the presence of the police without her knowledge that her son is dead and that too when he was in their custody? The ADM's argument that he wanted to record a 'true' statement and not an emotional one is suspicious as it was recorded without disclosing the truth. Wasn't this done in order to insure that the family does not accuse the police of foul play?
- **Why was his body not handed over to the family?** Since the family was not informed about the post-mortem, never shown the videotapes of the examination, never allowed to take the body back, how can the question of torture be ruled out?
- Moreover, if his death was all so natural and that he was a wastrel and a nuisance, then **why was there such a strong public protest?**

Clearly, the poverty of the family and the possible fact that Sunil was a drug addict has been used in this case to give the police a clean chit and to blame the deceased. The

case of suicide cannot be believed as no medical examination was conducted and the police had ample time and reason to do so. Equally, the argument that Sunil committed suicide under the influence of drugs cannot be believed as no facts were gathered to establish this as the reason for the suicide. The case of torture and foul play cannot be ruled out both because he was illegally detained for 36 hours and because the family wasn't told the truth or given the body. Finally, the fact that neighbours stated that the two policemen are actually corrupt underlines the fact that bribery as a reason for detention and torture of Sunil is a very real possibility.

Sunil's family is an impoverished one and has lost its only earning member. The guilty officials, on the other hand, have not been punished or even held accountable. The official cover-up that has happened in this case clearly shows that the administration is out to protect the guilty.

It is imperative to punish the guilty and compensate the family.

PUDR DEMANDS:

- 1. That an FIR u/s304 A, 305 and 306 IPC be registered against the guilty officials for negligence and abetment of suicide.**
- 2. That an FIR be lodged against the same for illegal detention of Sunil for nearly 36 hours.**
- 3. That the family is compensated given the fact that it is already an impoverished one and has lost its only earning member.**

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