

On 29 May 1994, at around 8.30 p.m. a wireless message is given to Hari Nagar Police Station by the 3rd battalion of Delhi Armed Police informing the death of Kuldeep Singh. Next day the area SDM starts his inquest into the death under Sec. 176 Cr.P.C. The following pieces of evidence come before him: illegal detention of Kuldeep for 7 hours, attempted extortion of money from the family, 11 injuries on the body (seven of them caused during the period of custody) and heat stroke as the clinical cause of death.

The method by which the SDM arrives at certain conclusions in his report highlights the way in which causes are selected and truth is arrived at. Thus, the whole exercise of using empirical evidence in the search of justice becomes a question of interpretation. Investigation requires that facts and evidence must be treated as parts of a whole not as isolated, self contained units. The report, however deals with each piece of evidence separately, as mutually exclusive categories. Not surprisingly, the recommendations suggested have no connections with the cause of

I.G.I. Airport Police Station

A Very Easy Death

death. The two recommendations concern charges of wrongful confinement and attempted extortion of money. Enquiry into appearance of seven injuries during the period of the custody is conveniently left out.

In the last week of June, the SDM report was made public, not by the SDM, ADM, DC or the Home Secretary, but by the Police Commissioner. And there too selected passages are used to support the claim that the death was natural. Heat stroke easily gains credibility since the Delhi heat claimed 18 lives in the course of a single day in the month of June.

But if nature can be pressed into the service of explaining torture, then death in custody is a very easy matter which brings us to the story of Kuldeep. Who was he and why is this reasonable theory of heat stroke plausibly used to explain his death in police custody?

Kuldeep was the younger son of Ajeet Singh and Nishan Kaur, residents of Baljeet Nagar. The family came to Delhi in 1954 from Kapurthala in Punjab and Kuldeep's elder brother, Sukhvinder Singh, is employed in a very small trade of garment export. A taxi driver by profession, Ajeet Singh had to leave his job because of paralysis, some years ago. In the limited world of a resettlement colony Kuldeep's desire to make it big is a run of the mill story. A familiar story of an ordinary youth caught in a social environment from which he desires to break free. The promise of a better material existence in a western world is reason enough to resort to an

extra legal method, a common one at that. He procures a passport for which he pays a considerable sum and leaves the country in October 1992. The sequence of events from then till May 28 is unclear but he does find employment as florist in Dusseldorf. One day he is apprehended by the German authorities, detained from 9 to 26 May, and deported back to India. He arrives on 28 May. That day, Kuldeep a law breaker comes in contact with the state and dies a day after. In the days that follow, the truth behind the death is sought to be established: a truth that has several versions.

POLICE ACCOUNT

According to the SHO of the I.G.I. Airport Police Station, Kuldeep arrived at 6.45 a.m. He was interrogated by the immigration authorities for three hours and handed over to the P. S. where an FIR was lodged at 11.05 a. m., charging him under sections 419, 420, 465, 471 IPC and S. 12 P.P. Act. He was taken to BaljeetNagar at about 1.45p.m. and brought back with his father at 6.30 p.m.. The joint interrogation team grilled him for half an hour and because I.G.I. Airport P.S. does not have lockup facilities, he was taken to Palam P.S. at around 11.15 p.m. The following morning he was brought back and later produced before the duty magistrate at Patiala House some time after 1.30 p. m. He was remanded to judicial custody and taken to Tihar Jail No. 4 at 5.00 p. m.. Two hours later he was seriously unwell and life saving drugs failed to revive him. At 7.20 p.m. he was rushed to DDU hospital but he died on the way.

The SHO maintained that Kuldeep was never unwell while in custody. Only once, at about 8.30 p.m. on 28 May he had complained of a slight headache and was given disprin from the airport dispensary. On being asked why he was taken home in the afternoon, the SHO gave two divergent reasons: one, that Kuldeep wished to meet his family, and two, that the police wanted the address of the agent Nirmal Singh, who had given the forged documents to Kuldeep. Significantly, on their return from Baljeet Nagar, they had located the taxi belonging to the agent near Vivek Cinema, but could not find the owner.

The SHO explained the cause of death as heat stroke. The climatic difference between Dusseldorf and Delhi was responsible for the sudden death. The SHO of Hari Nagar P.S., under whose jurisdiction Tihar falls, also supported this assertion. He also held that there were no injuries.

FAMILY VERSION

According to the family, Kuldeep came home on 28 May at about 1.30 p.m. with a plainclothes policeman who identified himself as SI Rajesh Kumar from I.G.I. Airport P.S. and another police constable. The family was threatened and asked to give the name and address of the agent who had supplied Kuldeep with the forged documents. They were then asked to pay a sum ofRs. 10,000. The family denied knowledge about the whereabouts of the agent and was also unable to pay beyond Rs. 2500. The SI then insisted that the father accompany them to the P.S. On the way, Sukhvinder tried to arrange money at the South Patel Nagar taxi stand, but could raise only Rs. 1,300. The SI refused this paltry amount and took Kuldeep along with his father to the P.S. At 8.30 p.m. the father was sent

home and told to raise the required sum. While parting Kuldeep told his father that he had been physically tortured.

On the afternoon of the 29 May the family received an anonymous telephone call informing that Kuldeep was to be produced before the magistrate at Patiala House. Kuldeep's father went to Patiala House but could find neither his son nor the police officials.

On 30 May at 10.00 p.m., 27 hours after the death, a constable from Hari Nagar P.S. came to inform the family of the death of their son. The body was at DDU Hospital. The following morning, the family went to the hospital to identify the body. They noted a large number of external injuries. They met the SDM, Punjabi Bagh. and got their statement recorded. Six witnesses, including the father and the elder brother, testified that the police had threatened the family and demanded money from them. On 1 June, at about 10.30 a.m. the *post mortem* was conducted and photographs were taken. The same morning at the Tis Hazari courts, one of the witnesses, Ranjit Singh, was threatened against giving evidence. An FIR was lodged under section 506 IPC at the Tis Hazari police chowki. The family maintains that Kuldeep had died due to police torture.

CONCLUSION

Between the police account and the family version stands the SDM report. It chooses heat stroke over injuries, as the cause of death. If the injuries were caused within 24 hours before the death, then how can it be conclusively inferred that they were totally unconnected with the cause of death? Is one to assume that late in the evening, Kuldeep decided to fall off a chair and injure himself? Heatstroke is possible, but how can the theory of acclimatization hold if the SHO at I. G. I. Airport P.S. categorically denies that Kuldeep was unwell while in custody? The jail authorities at Tihar say that he was in their custody for only two hours. The police at Palam P. S. maintain that he was never alone in the lockup, and that he was kept there for the night with several others. When and where did he start feeling unwell? Nobody claims to know, but everybody is certain that he died of a heat stroke.

Even if one were to grant the validity of this claim, why has the police not been charged with criminal negligence? The lack of medical examination when taken into custody is also conveniently forgotten. Further, why has the police not been charged with torture, when clear-cut evidence of fresh injuries exists and police records are silent about it? In the face of three points of admitted evidence, that Kuldeep had been illegally detained at the I.G.I. Airport P.S., that marks of fresh injuries were found on his body, and that money had been demanded from the family, the real possibility of police torture cannot be denied. The sole evidence of heat stroke cannot be isolated and shown as the cause of death.

Even where the *post mortem* report is conclusive the SDM inquest cannot base itself solely on those findings. This way the whole inquest exercise would be futile. The reason for conducting an inquest is *Aat post mortem* examinations work in the field of possibility, that independent eye witnesses do not exist in the case of deaths in custody. Thus even stray scraps of circumstantial evidence gain considerable importance. Yet all this is denied.

The inquest report thus becomes the outcome of a united operation of power. Which is why the report of the SDM is made available to the Delhi Police, the accused party, but not to Kuldeep's family. The channels of information work within this particular boundary, and remain inaccessible to the public.

But the story does not end here. No charges have as yet been filed against the police personnel involved. The SDM inquest is undermined by the SDM himself. He limits the scope of his own inquest since the inquest report has to be submitted within a fixed time frame to the National Human Rights Commission - another body that can make recommendations but has no power to prosecute. Somewhere in this labyrinth Kuldeep's family searches for justice.

PUDR demands the immediate suspension of the SHO I.G.I. Airport P.S. and the investigating officer in the face of the recorded evidence, judicial enquiry into the death, and compensation be awarded to the family. *Post mortem* and SDM inquest reports should be made public in every case of custodial deaths.

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