

A STORY OF 'SUICIDE' AND SURVIVAL

Death in the custody of Vijay Vihar Police Station

In a society like ours, which is deeply divided along lines of social, cultural and economic status, violence meted out to the outcaste, to the marginalized, to women, to the poor is systematic, and normalized. Our senses are so much used to such everyday forms of violence that most of the time we do not even take note of them. This attitude perhaps prepares us to tolerate and ignore more visible and cruel acts of violence. Even a death in custody turns out to be a number, or another file in the dusty alleys of officialdom, justice being just a far cry. And that such lives and deaths, which are deemed to be inconsequential, also has so many consequences – so much joy and sorrow attached to them, most of the time remain incomprehensible.

Here is such a story of a death in the custody of Vijay Vihar Police Station, located in the North-West district of Delhi. The newspapers on the 3rd of November 2010 reported a death in the premises of this P.S. of a 25 year old youth named Vikas. These reports suggested that Vikas had an affair with a woman married to another man. On that specific day Vikas called up police assistance at 100 after he entered into a fight with the husband of the woman he reportedly loved. Thereafter Vikas committed suicide inside the police station where he was kept. PUDR's team investigated this death. We met senior police officials of Vijay Vihar Police Station, a photographer/journalist who is a witness, the woman who allegedly had an affair with the deceased and the Metropolitan Magistrate investigating the case. While the police claimed this death to be a case of suicide, and not a custodial death, there is credible evidence which point to torture and killing and then attempts at covering it up.

The Police Version:

A senior officer of the Vijay Vihar P.S. narrated to us the following story on the condition of anonymity. Around 10o'clock on the night of 2nd November 2010 there was a call at the number 100 about a scuffle at Mange Ram Park Extension between two men. When a PCR van reached there, they found it was a quarrel between two men named Vikas and Kewal Ram. Kewal Ram is the legal husband of a woman named Vimala alias Veena but he is almost always away from her and does not stay with her, though comes to see his children (three: the eldest 14 years and the youngest 8 years old) occasionally. Vikas, who comes from Bihar and works here in a plastic granule factory, on the other hand was in a relationship with Vimala for past 8 years. He was supporting Vimala and her children financially as well. However, recently Vikas went to his native place Bihar for some time. On his return Vikas found Kewal Ram with Vimala. It was at this point that the quarrel broke, and Vikas called up the police. The PCR van picked up both Vikas and Kewal and brought them to the police station. While they were trying to get Vikas into the police vehicle, he kept shouting, 'agar mujhe kisi ne Vimala se alag karne ki koshish ki to chhodunga nahi.' After some time, the police took Kewal back to Vimala's house to record her statement.

According to the police, Vimala gave the statement that Kewal is her husband and the three children are theirs. At this point the police left Kewal and Vimala.

Suddenly at about 11 o'clock the police team handling this case got another call from Vijay Vihar Phase II where a mother called up to complain about her son who was forcefully trying to enter her house. The Investigating Officer (IO) along with others left the thana to attend to this case, leaving Vikas in a first floor room of the thana with a constable. When they reached the spot in Vijay Vihar phase II, they found Vimal Verma, the son, making a raucous. As the mother refused to allow him to come in, they decided to send him with one constable to the thana while the others took the details of the case from the family. The IO called up the P.S. to inform that he is sending Vimal and asked another constable who was with Vikas to receive him and take him to the first floor room where Vikas was kept. When Vimal reached, this constable came downstairs and he took about 10-15 minutes to go up. When he reached first floor along with Vimal, Vikas had by then hung himself up from the latch of a window with a vest. The official who spoke to us told us that they have no clue from where the vest came to the room where Vikas was kept. That every small thing in a Police Station are kept counted and recorded. They checked their records and stocks, but nobody's vest is missing. Vimal then gave his statement in the thana that Vikas had committed suicide, but after going out of the thana he is spreading news that he saw Vikas being tortured. According to the police official that we spoke to, Vimal is doing this due to his animosity to the police at Vijay Vihar P.S. who are not helping him in any way to tackle the property dispute with his mother. According to the police Vijay's death is clearly a case of suicide, as he was depressed because the woman with whom he stayed for eight years had gone back to her husband. The body had two external injury marks, one at elbow and the other on an arm, which were just abrasions which might have occurred while they were bringing the body downstairs. However, the police official whom we spoke to claimed that he too had urged for an M.M(Metropolitan Magistrate) enquiry, as in such a situation police is the target of suspicion and only a M.M. inquiry which is believed to be impartial can prove the innocence of police. This police official from the very beginning was trying to impress upon us that he is not a typical policeman, but has a Masters degree in law. Another noticeable thing was that though he was being very polite in talking to the PUDR team, whenever someone else interrupted our conversation, he shot back quite rudely.

He provided us with the address of Vimala but said that Vimal Verma, the possible eye witness of Vijay's death in custody is untraceable. However we later got the address of Vimal Verma's mother from the daily diary entry.

How did it happen: The other versions of the story

A story of the relations between three individuals is what is highlighted by police as the cause of depression and suicide of Vikas. So PUDR thought it important to collect other pieces of the story from those angles. Apart from the people directly involved in the police story, Vimal Verma who happened to be there at the Vijay Vihar police

station that night just as a coincidence is a crucial link to verify the authenticity of the claim of police about Vikas's death. What had followed for some of them is a struggle for dignity and livelihood.

Vimala/Veena: without a fault yet condemned by all

The address of Vimala/ Veena that we found from Vijay Vihar police station led us to a one-room accommodation in a low-income locality. Here Vimala/Veena used to live in a rented house from where she had already been evicted by her landlord, as he also had to suffer in the hands of police in this present case. Her neighbours informed us that Vimala / Veena (it was through her neighbours that we came to know that Vimala is commonly known as Veena) was living there with Vikas for last one year. They knew him to be her brother-in-law until they discovered this *Karva Chauth* that they are in a relationship. They also never saw Kewal living with her. They said that Vikas was a very decent person, who never looked at any other women in the locality.

The day when the incident took place, they saw Kewal and Vikas were fighting, and Vikas called up police. When police came, they picked up both of them. A little while later Kewal came back with a policeman and other people who were not in uniform. They were asking Veena who is her husband and whose children she has, and were using abusive words at her. One woman repeated what kind of abuses the police were hurling at Vimala/Veena: 'Bhen ki laudi bolti kyon nahi'. Veena was not saying anything, but when the children said that Kewal is their father, then she also said that Kewal is her husband. She signed a statement and then the police left.

Taking a hint from the neighbours about Vimala's whereabouts, we reached her new one-room accommodation which is not far from the earlier place where she lived. It is again a cluster of one-room accommodations surrounding an open place, seemed to have been constructed along the boundary wall of a rectangular plot. Other people of similar economic condition housed other rooms. Though she was very new in that place, even a very young boy of around three-four years knew Vimala's room. When we met Vimala/ Veena she appeared very sad. Initially, she told us that Vikas used to come and stay, but that he was like a brother to her, that he was very nice, and that he really took care of her. Later she also said that he used to share her sorrows, and that also used to advise Kewal Ram at times. At the end of our meeting Vimala forthrightly told that whatever the relation between her and Vikas was, it is nobody's business. But apparently she was completely shaken by the death and even more by the fears of living in a place where she would always be despised as a 'loose' woman.

Vimala's narration of the entire incident draws holes in account and dates of events presented to us by the police. She said that on the night of 1st November, Vikas and Kewal were having a minor quarrel. She was unwell and lying inside and did not know who called up police. However, police came and took both of them. After some time the police returned with Kewal and asked her who is her husband and whose children does she have. She said and signed in a statement that Kewal is her husband. At that

the police left. But later that night, in the early hours of 2nd November, when they were asleep, police came back and took both of them to the police station. No female constable came to pick her up. In the P.S. she was kept locked in a ground floor room. Initially there was no female police, though next day she was kept with a lady police. The police woman was verbally abusing her all through when she asked to see Vikas or asked why she had been detained, or when she asked to go home saying that her young children are all alone at home. She was kept in police custody in the same ground floor room of the P.S. till around 5 o'clock in the evening of 3rd, November. Thereafter, she was taken in a vehicle to Sanjay Gandhi hospital where postmortem was done on Vikas. Vimala, however was quite unaware of the name of the hospital to which she was taken. Here she saw Vikas's body with a cut mark in his belly. The cut at the belly was perhaps to do the postmortem. According to Vimala there were no marks on the neck, though there were signs of blood coming out of the mouth. Vimala was shocked to see Vikas's dead body as she had no information about his death till then. She remembers collapsing at this point. She could gain consciousness only a while later when water was sprinkled over her. After that the police took her to the magistrate even while she was in a state of shock. She did not know that it was the magistrate.

Vimala doesn't coherently remember all of what happened after she was taken to the magistrate. However, she remembers this much that the police said that they picked her up from home just then. She did not say anything refuting that statement of police. She was also taken to a separate room by the magistrate who asked her if she felt anything was wrong. She stated that nobody can commit suicide in a place where so many others are present. Then police took her back to the thana and from there sent her off to her house with Kewal in his rickshaw. At some point after they showed her Vikas's body, they also asked her to sign another paper. Prior to that Vimala had signed on several other papers that police had asked her to sign on. However this time she threw the pen away and refused to comply. At this, two constables pulled her hand and forcefully took her thumb impression on this paper.

Vimal Verma: tangible and credible

On the night that proved fateful for Vikas, Vimal Verma too was brought to the same police station in a completely different case involving a scuffle with his step-mother. Vimal Verma is a smalltime photographer cum journalist. He is journalist in a sense that he publishes a fortnightly paper solely on his own endeavour named *Chaturdisha Times*. He does not employ any other person and runs this petty enterprise on his own. He takes photographs for his paper and takes other assignments like wedding photography as well. Being denied entry into the house of his mother at midnight, Vimal Verma was offered shelter in the Vijay Vihar Police Station by the policemen. Vimal Verma readily accepted the police offer. However, as Vimal Verma made his way into the police station along with constable Bhim on intervening night of 1st and 2nd

November , he claims that he heard someone screaming in pain. At that time those who were present in the P.S. were Additional SHO, ASI Brijmohan, and constables Sandeep and one more constable (perhaps Pawan??). The SHO was not present there at that time. Vimal was taken to the first floor to ASI Brijmohan's room by constable Sandeep. This room was adjacent to where Vikas was kept.

The position of ASI Brijmohan's room was such that to go to his room one has to pass the room where Vikas was kept. Incidentally, when Vimal was being taken to ASI Brijmohan's room, the door of the room where Vikas was kept was open. Vimal saw Vikas there with two policemen in civilian dress. Vikas was kept near the window and the policemen were hitting him at his elbow, and also slapping him. So, now Vimal could co-relate the screams that he heard from downstairs with what he saw happening in this room.

As Vimal curiously tried to figure out what was happening the policemen told him to sit silently and not to show his journalism there ("salle baith ja, teri patrakarita nikal doonga"). So he sat in that room and started writing captions to the day's photographs. After a while he quietly came out and stood near the mess which is also on the first floor. From there he overheard ASI Brijmohan saying "kucch dena to tujhe parega." In reply he heard Vikas saying that he doesn't have money as he has a very new job ("ye to naya kaam hai"). Hearing this Brijmohan got angry and said "tu aise nahin maanega". He came out and snatched a green sheet that was covering some boxes lying outside. Then he went inside the room saying "tujhe latka dena chahiye" and "tu kya kar lega".

At this point constable Sandeep saw Vimal standing and asked him to go and sit. From the room where he was made to sit, Vimal could not hear any sound from the room where Vikas was kept, for next 15/20 minutes. Then again he started hearing voices from downstairs accusing each other saying "taine marya hai". As nobody was there upstairs at this time, Vimal came out of his room and took snaps of the body of Vikas. He was hung with the green chhaddar from the window latch which was at a height of 3 ½ - 4 feet. As Vikas was about 5'4"-5'5" tall, his legs were in half folded position. But while taking these snaps once mistakenly the flash of his camera went on and Sandeep who was on the staircases saw him taking pictures. Then ASI Brijmohan and others came and snatched the camera from him. Also two other constables came and hit him by hand blows and kicks, and was asked to open the knot on the dead man's neck. It was a green cloth. At this point the time was about 1 a.m. One thing that Vimal found very surprising was that there were other policemen sleeping in the first floor rooms of the thana while Vikas was being tortured, but nobody came out to see what is happening even at the screams of Vikas.

After making him untie Vikas's body, Vimal was kept in the room where he was initially kept with one homeguard and another person whose identity he couldn't make out. The homeguard was telling Vimal, "Kyu panga le rahe ho? Tune to dekha hain kya ho raha hain tere saamne."

By this time the SHO Hari Singh was called up. He came in 15/20 minutes (about 1:30/1:45 a.m.). When he arrived he scolded others in the Police Station saying 'Saale tumlog 1 ghanta theek se sone nahi dete, kuchh na kuchh gadbad kar hi dete ho'. Now the police treated Vimal nicely and offered him tea also. The SHO asked him to give a statement. The SHO also asked other policemen to get a vest/banyan and tie it to Vikas's neck with which police claimed Vikas committed suicide. According to Vimal this vest was a cloth used for cleaning/dusting. After this Vikas's body was brought to the ground floor. It was about 2 a.m. by then. ASI Brijmohan took the original green coloured cloth with which Vikas was strangulated, to the backyard of the thana.

After the body was taken downstairs, another policeman Kailash came to Vimal along with ASI Brijmohan. They now gave Vimal his camera and asked him to take photographs of the body. He was instructed to cover only the body and not the surroundings. Vimal asked for the chip of the camera but was denied. They asked him to use another chip, (as a professional photographer he carries several chips). Brijmohan also said Vimal that he should do as they ask and then they would settle his case also (tera bhi mamla nipta dunga). By the fact that he was asked to take pictures covering only the body, Vimal got frightened thinking that they might use such photos later to frame a murder charge against him. So he secretly took a few snaps covering a wider range showing that the body was lying at the verandah of the P.S. and zoomed in to show only the body when the policemen asked to see if he had obliged their order of covering only the body. Following this, Vimal claims that he tactfully took the chip that was there in his camera out. He later showed these photographs to the PUDR team. It was evident from the photographs that the body was lying in the verandah of Vijay Vihar Police Station. In one of these photos it is seen that a dog is sleeping near Vikas's body.

According to Vimal the policemen went nervous as they realized that Vikas has died. He saw Sandeep crying and Kailash was going to the toilet continuously. Even ASI Brijmohan was also sad. The SHO kept consoling them saying "daro mat, main hoon na". Another constable Kailash who was unwilling to sign in the duty register was forced to do it. The SHO was telling them all, "chinta na kar, apna doctor hain". Many policemen were escaping from the thana quietly. Even the Additional SHO, who was in civilian clothes also fled. By 2.30 a.m, the body was sent in a big vehicle. Nobody from crime branch etc came prior to this. After the body was sent Vimal was asked to sign in a blank sheet. Vimal tried to act tactfully and he did not sign in the way that he generally signs. He generally signs in Hindi, but here he signed in English capital letters, thinking that it would not be counted as his real signature. During this period he was kept in a ground floor room. The SHO was telling others, "Dr. Dhingra se meri baat ho gai hain". Another interesting fact that Vimal brought to our notice was, though the SHO was making calls, he was neither using the thana's phone nor his own mobile phone but was using others' mobile phones. About this time the SHO had a meeting with all policemen. The PCR personnel who respond to calls at 100 number

also came. According to Vimal, before all higher up officials came, the SHO was ready with the suicide story.

About 20 minutes after Vikas's body was sent in the vehicle, Vimala was brought to the police station. Both SHO and Additional SHO were present in the P.S. at that time. The ACP reached just 2-3 minutes before Vimala. Vimal saw from the room where he was kept, that a woman along with two men were brought to the P.S. Vimal could tell us that the woman he saw coming to the P.S. was Vimala. He however does not recognize the two men, though he thinks one of them to be Kewal (Vimala's legal husband). Vimala was kept in a ground floor room and the policemen were hurling abuses at her. No police women were present at that time.

Sometime during this period, an investigation team from crime branch also arrived – the team comprised an old man and a photographer. Vimal saw them going upstairs but does not know what did they do there as he was on the ground floor all this while.

At around 6 a.m. the DCP came. She is a woman and she came in uniform. She was scolding everybody. Vimal thought that she appeared to be genuine. He tried to meet and talk to her, but Sub Inspector Mahaveer and others grabbed his hands and ensured that he could not talk to her.

The police let Vimal go at around 8 o'clock in the morning but did not return his camera. Following this the media people came to meet Vimal and kept him engaged for almost half of the day. The media got the news of Vikas's death through a message that Vimal sent to one Mr. Ashok Thakur, who is a local BJP member, a Sangh Pracharak, and a retired armed forces man. Vimal had sent this message to Mr. Ashok Thakur at 2:08 a.m. This message read, "Vivek namak koi thana me mara gaya". Till this time Vimal knew Vikas's name to be Vivek.

What Followed:

When PUDR's team talked to Mr Ashok Thakur, he told that Vikas's family seems to belong to Asrapur gaon, thana Dhanarwa, in Bihar. His father's name is Dinesh Prasad. In his native place Vikas is known as Vinay. After his death, Vikas's younger brother Ranjit came to take the body. Though a very young boy, who may not even be an adult, he came alone. However, he was threatened by police with revolver asking not to come to Delhi again.

Vimala now lives in the trauma of the death of a friend/partner as well as the social stigma of being seen as a 'fallen' woman. She was anguished by the fact that everyone around have been scandalizing her relation with Vikas, and all this had been showed in the television, and that even her children are asked and told all kinds of things by people. Meanwhile, she also has to live an unhappy life with Kewal, who according her is insane, and was never a good husband, and that he would never be.

The life of the sole witness to this murder, Vimal, has also become very vulnerable. He is a photographer and ekes out his living only through the camera. He has no other means. Now that his camera (Nikon D 40 with D 80 lens), on which he spent a fortune (Rs. 57,000), and which was his only source of livelihood, is still with the police, it has become difficult for him to manage even daily expenses. He also had to cancel several of his bookings.

To make things worse, Vimal is also getting threatening calls from various people. Many of these calls are from leaders of BJP, and some from police. He has recorded some of these calls on his phone. He was threatened by indicating his young children. Consequently, he sent his wife and children out of town. And is himself moving around in Delhi with fear.

Ironically, Vimal himself works in close affiliation with a BJP leader and Sangh pracharak Ashok Thakur. Ashok Thakur also commented that though he is from BJP, many inside the BJP do not tolerate him. And perhaps the police are using BJP leaders to threaten him, so that he gives in.

The Postmortem:

PUDR attempted to meet the doctors conducting the postmortem at Sanjay Gandhi Hospital, but failed after several attempts. However, the basic facts about the postmortem could be collected from another doctor of the forensic department, although he was not a part of the team who conducted the postmortem. A team of three doctors had been instituted by the Metropolitan Magistrate who was inquiring into the case, to conduct the postmortem. All the members of the team were from Sanjay Gandhi Hospital. It was confirmed that Dr. Dhingra led the team, with his junior doctors, namely Dr. Deepak and Dr. Shalini. Interestingly, we also came to know that Dr. Dhingra is in charge of all medico-legal cases of Delhi, and he is most of the time busy attending courts.

The Magisterial Inquiry:

A judicial magisterial (Metropolitan Magistrate) inquiry under section 176 of Cr.PC had started on this death at the Rohini Court. We came to know that the doctors conducting postmortem had already given their statements. The statement of Vimala is also understood as to be taken, though from our meeting with Vimala it was clear that she was not aware of giving statement before a magistrate. Already 11 evidences had been collected. However, though it is known to the inquiring authority that there is a witness named Vimal he had not been called to give his witness yet.

PUDR Observations:

- 1) Diwali was celebrated on 5th of November, 2010. The death of Vikas in police custody took place just a couple of days prior to it. Though apparently it seems why would police indulge in torturing and murdering Vikas, once we connect a few things, then the picture becomes clear. Vikas worked in a plastic granule factory. This is a place where plastic is recycled. As commonly known this is kabariwala business. Police thinks that stolen goods come to kabariwalas, and so they regularly keep extorting money from kabariwalas, in the name of protecting them. As this was the time of Diwali police must be expecting to get a good sum from Vikas as he is now doubly pressurized by being involved in this case. What Vimal heard earlier while Vikas was being tortured confirms this. This argument is lent further credence by the fact that Brijmohan was in charge of the case while his beat does not cover the area where Vimala stayed. However, his beat does cover the area where Vikas had established his shop.
- 2) There is a glaring discrepancy between the date of picking up of Vikas as given by Vimla and Vimal as compared to the one given by the police. While according to both Vimla and Vimal Verma, Vikas was at the Vijay Vihar PS on the night of 1st Novemebr, the police claim that he was only picked up on the night of the 2nd. Also in the meeting that was held by the SHO following Vikas's death, the PCR personnel were also present. Their presence seems to have been necessitated by the need to change the dates.
- 3) Vimala / Veena was taken into custody along with Kewal Ram *before dawn* and kept *overnight* in a police station, both in the absence of a police women. She was kept in illegal detention at the PS for about *36 hours* without being produced before a magistrate. The police is guilty of violating the laws regarding taking of women into custody, and of producing detenues before a magistrate within 24 hours.
- 4) The discrepancy in dates discussed in point 2 can perhaps be explained as an attempt on the part of the police to cover up the illegal detention of Vimla since the early hours of 2nd November. Some persons in the Police Station, who do not want to be identified, told us that the daily diary (D.D) entry in the Vijay Vihar police station is manipulated. In this P.S., a parallel D.D. entry register is maintained to write made-up dates, timings and happenings when a situation like the present one comes up where they need to cover up something.
- 5) Acts of omission and commission mark the postmortem inquiry. Contrary to standard procedure the independent doctors conducting the postmortem, in this case all the doctors were from the same hospital. The team of doctors was headed by Dr. Dhingra with whom (Vimal Verma had overheard the SHO saying that) the SHO had arrived at an understanding. This raises serious questions about the transparency of

the postmortem inquiry. The fact that the other two doctors were Dr. Dhingra's juniors in the same hospital and therefore subject to his authority only further deepens the concerns about the independence of the postmortem inquiry.

6) The inquiry by the Metropolitan Magistrate also does not hold out much hope. The fact that even after knowing about the presence of such a crucial witness like Vimal he was not called to give witness in the court even after a month sounds absurd. Moreover, despite our team's informing him of Vimala's having confused him with the police when she was brought before him and therefore kept silent about the police's actions, he insisted that she was fully aware of his identity, and therefore he saw no need to record her statement again. Further when we told him about Vimala being in custody for more than 36 hours when brought to the court, he did not take much note of it. He also informed us that custodial deaths are low in his list of priorities and his other cases are more important as they deal with the living.

PUDR Demands:

1. Criminal proceedings be initiated against those who were responsible for the incident under the law of the land.

2. Criminal proceedings be initiated against the erring officials for illegally detaining Vimala for more than 36 hrs, without the presence of women police, and keeping her overnight at the thana.

3. Proper financial aid be provided to the family of the deceased.