

Custodial Death of Rohtas Singh of Haryana

- A Fact-Finding Report -

13 June 2007



ASIAN CENTRE FOR HUMAN RIGHTS

I. Executive Summary

In the evening of 17 April 2007, Mr Rohtas Singh (21 years), son of Mr Pratap Singh, resident of Banchari village of Hodal subdivision under Faridabad district of Haryana died in the custody of the Hodal police station within few hours after his arrest. The police claimed that the victim had committed suicide by hanging himself from the top most cross bar of the ceiling of the lock up.

Following the death of Mr Rohtas Singh, an owner of ready made garments shop situated near the Syndicate Bank at Hodal, the residents of Banchari village staged a protest demonstration and blocked the traffic on the National Highway No. 2 on 18 April 2007. The police resorted to cane charge to end the blockade. The State government of Haryana ordered a magisterial inquiry into the custodial death of Rohtas Singh.

A two member team of Asian Centre for Human Rights (ACHR) consisting of Advocate Nitesh Kumar Singh and Advocate Rajesh Pandey visited Banchari village on 24 April 2007 and met the relatives of the victims, eye-witnesses and concerned police officials. The ACHR's representatives visited Hodal once again 10 May 2007 to conclude its investigation.

This report has been prepared by Advocate Nitesh Kumar Singh.

II. Extracts of interviews with eyewitnesses, relatives of the deceased and the concerned police officials

1. Mr Pratap Singh, father of the victim

Mr Pratap Singh is the father of the deceased and resident of village Banchari, Hodal, Haryana. He is ex-sarpanch, former Village Headman.

He told the fact-finding team with a heavy heart that Rohtas was the eldest child among four boys and one girl.

He narrated the sequence of events on the date of incident. He stated that few months back he bought a second hand white colour Maruti car no. DL-2C-N-0469, which was sent to one car mechanic, namely Khargosh, for servicing. On 17 April 2007 he sent his son, the deceased to the said mechanic to inquire whether servicing was completed or not. Rohtas called him up from the shop of the car mechanic that it was ready and he was going to bring it to home.

While Rohtas was trying to bring his car on the side lane from the main GT road at the Hassanpur Chowk, Hodal, somehow his car brushed slightly a girl, who was standing nearby a bike. The girl's brother, who was also standing nearby, saw to it and came to the place and tried to forcibly take out the deceased from the car. Thereafter, a minor scuffle took place between the girl's brother and the deceased. While the deceased and the girl's brother were busy in the same, a traffic police Head Constable Vir Singh intervened. The Head Constable slapped Rohtas Singh at the crossing and produced him before Mr. Virendra Vij, Deputy Superintendent of Police (DSP).

Pratap Singh stated that he was in the field when he came to know about the arrest and immediately rushed to the office of the DSP. Before he reached the DSP office, a moderate crowd already gathered there.

Many of them were from his village and they were present there to receive compensation from nearby office of the Block Development Officer for the damage caused on their crops due to the hail storm.

There he saw the DSP beating his son with baton and boots in front of his office. Pratap Singh asked the DSP as to why he was beating him. The DSP abused him and told to get lost from the scene. He left the scene and requested the people present there from his village to update him. Thereafter he came to know through some people that the DSP had sent Rohtas Singh to the Hodal Police Station.

Thereafter, he made a call to the Hodal Police Station and talked to one constable Duli Chand. He was informed that his son was arrested under sections 107/151 of the CrPC. Pratap Singh thought as it was already late, nothing could be done at that time until the morning. He went home.

However, at about 11 pm on 17 April 2007, Pratap Singh received a call from Mr Krishan Kumar, the Station House Officer (SHO), Hodal Police Station. The SHO asked him to come down to the police station and meet him on the pretext of discussing something very urgent. When he reached the Hodal Police Station, there were already some people present including the Sarpanch of the village Banchari. He saw many police vehicles and senior police officers already present in the Police Station. In the police station he was introduced to the DSP and it was appraised to him that Rohtas had committed suicide in the police lock up by hanging himself from the top most cross bar.

Mr Pratap Singh also stated that about a month prior to his death, Rohtas Singh

went to watch a magic show at Upkar Cinema hall, Hodal on 14 March 2007. There he entered into an altercation with some plain cloth police personnel over the issue of seating arrangement. On that day the deceased had ticket for the show and occupied an allotted seat in the front row. The plainclothes police personnel who entered without tickets directed the deceased to another seat on the backside. However, Rohtas Singh refused to do so. Therefore, an altercation took place and the police personnel not only abused the deceased but also brutally beaten him up. Thereafter, police were called. Instead of taking any action against the guilty police personnel, the police took Rohtas to the police station. In order to teach him a lesson they shaved his head and released him from the police station after threatening him not to ever mess with the police in any manner whatsoever. Rohtas was further threatened that in case he ever dared to do the same, he would have to face dire consequences.

He alleged that the police officials were carrying grudge against Rohtas Singh and therefore, when he was arrested under sections 107 and 151 of the CrPC, they vented their ire by torturing him brutally, which resulted in his death. Thereafter, in order to hide their guilt hanged the dead body of Rohtas Singh from the top most cross bar of the ceiling of the police lock up to show that he had committed suicide.

2. Mr Bachhu Singh, relative of the victim

He is real uncle of the deceased and stated that he has served many years in the Border Security Force (BSF). He also corroborated the facts told by Pratap Singh. He expressed his grievance that he spent all his life and was posted at difficult places in order to save the lives of the fellow countrymen. However, in return

his own kith and kin are being killed by the police.

3. Kishan Singh, Ex-Village Headman, Beena Patti Village and an eye-witness

Mr Kishan Singh, son of Charanjeet, Ex-Sarpanch of Beena Patti Village was an eye witness to the scuffle, which took place at Hassanpur Chowk, Hodal. He stated that the girl was standing by her brother's bike. The car being driven by the deceased brushed the girl and out of fear the girl screamed. After hearing her scream the girl's brother came to the victim/deceased and tried to take him out of the car forcibly. That was the basic reason of the scuffle.

4. Mukesh Kumar, an eye-witness and owner of PCO, Sri Ji Communication

Mr Mukesh Kumar is owner of a Public Communication Office (PCO) and an eyewitness to the said scuffle, which took place on 17 April 2007 between the deceased and the girl's brother. He also asserted that it was not at all the case of molestation. He further told that the constable Veer Singh slapped the deceased at the Chowk. He further added that the death took place much prior to the time shown by the police. He stressed that between 7:00 to 7:30 the deceased had already expired and this fact was not disclosed purposefully till late in the evening. He supported his version by stating that by evening, large contingent of security forces were already brought to deal with the situation in case the villagers protested against the custodial death of Rohtas Singh. He also apprised the ACHR fact-finding team about the scuffle that took place between plainclothes police officers and the victim on 14.03.07. He further asserted that it was a simple case of killing of the victim by using force and

torture as the police was already carrying the grudge against him. He further stressed that in such case the guilty police officers must be charged and punished.

5. Mr Krishan Kumar, SHO, Hodal Police Station

ACHR representatives met the SHO of the police station on 24 April 2007. The SHO stated that the victim was arrested because of the scuffle between the girl's brother and father and the deceased.

Mr Krishan Kumar initially denied that any altercation took place between police and the victim on 14 April 2007 at the magic show. However, later on he accepted that there was an incident in which another boy was also involved. He also told that Rohtas Singh was simply given a warning not to get into these kinds of activities. However, he denied that police had shaved his head forcibly. When asked what may be reason behind committing suicide by the victim/deceased that too in the police station, he could not give any answer.

During the course of informal chat, he accepted that police do apply third degree torture and justified it by saying that "you (fact finding team) are safe and roaming free, it is only because of these methods. It would be next to impossible to maintain law and order situation in the society without the application of these methods".

On the situation in the police station, he intimidated the team that the present police station is on rent. As for preventing occurrence like suicides, he asserted that the police do not even give water in the glass as broken glass pieces can be consumed/used by the inmates to harm themselves or commit suicide.

The SHO however could not explain why a quilt was provided to the deceased, that too in the summer season!

When asked about the finding in the post mortem report, initially he denied having any knowledge about the same. He further added that it is presently subject matter of judicial inquiry; therefore, he cannot divulge anything. However, later on he stated that he had heard that the death had been caused due to hanging.

6. Mr Virendra Vij, Deputy Superintendent of Police

ACHR team met the Deputy Superintendent of Police (DSP), Hodal Mr Virendra Vij in his office on 10 May 2007 and asked his side of story. He plainly rebuffed all the allegations of ever beating up the deceased. He also stressed that it was a plain case of suicide and therefore, there is no need for any further inquiry. He told that they had already video-graphed the lock-up, post mortem and submitted a copy of it to the National Human Rights Commission (NHRC) on the very next day.

He alleged that the deceased had a very bad reputation and had some criminal cases pending against him. He further stressed that the deceased was involved in some cases of molestation of village girls too. On being questioned whether any complaint with regard to the said allegation of molestation of any girl was pending against the deceased, he accepted that there was no complaint pending.

He, however, asserted that the fact of the deceased having a bad character has no connection with his death in police custody.

On being asked whether the deceased entered into any altercation with some

plain clothed police personnel prior to his death, he accepted that there was an incident. However, he denied that there was any link of the said incident with the the cause of his death.

On the allegation of him beating up the deceased in front of many people that too right before his office, he denied the said allegation. He further asserted that he really cannot stop people from levelling such allegations. He also alleged that the village Banchari has a bad reputation and in fact is a village of 'dus numbaris' (ruffians).

He could not explain the reasons behind committing suicide by the deceased that too inside the police lock up.

On being asked what action has been taken by the department, he stated that the sentry, who was on duty, had been suspended as it was primarily his duty to ensure that no such incident take place in the premises. It was a clear cut case of negligence on his part and hence he was suspended.

When confronted with a report published in media about the posting of the said sentry at some other place during the relevant time and that only after the death of the deceased the sentry was posted at the lock up, he denied the same. He asserted that every entry in the concerned register has been made. Since the incident is subject matter of an inquiry by a judicial magistrate, the register has been submitted to the judge for his perusal.

8. Mr Shankar Lal, the Sentry

Mr Shankar Lal was the sentry, who has been suspended on the charges of being negligent in his duty as the deceased committed suicide while he was on duty to guard the lock up. When contacted over

phone he stated that basically his job profile is of a Pairokar at the Session Courts, Palwal. Usually on a regular day he leaves for the court at about 7 o'clock in the morning and comes back at about 7 o'clock in the evening.

On the fateful day i.e. 17 April 2007 he was posted at the PCR van with Assistant Sub-Inspector (ASI) Jage Ram as one of his colleague was not well. His duty hour was from 8:00 PM to 8:00 AM. A phone call was received at the PCR van. Thereafter the driver took him to the Thanedar's (SHO) residence and picked up the SHO. After picking him up they went to the Hodal Police Station at about 10:15 PM. The driver and SHO went inside the police station after telling him to wait outside. After some time they came outside and told him to do the duty of guarding the lock up. He was also forced to sign on the duty register where it was stated that the duty hour for the same day was 9:00 P.M. to 9:00 A.M. although it was already 10:15 P.M.

He further stated that before he joined the duty at the police lock up, the deceased was already dead. He sought to assert that it was a simple case of committing suicide.

However, when asked how he came to the conclusion that it was a sheer case of suicide since he was not present, he could not answer. He also alleged that all the records of his prior duty in the PCR van has already been destroyed by his colleagues and he is in a fix.

III. Findings of the ACHR's Fact-Finding Team

The findings of the team of Asian Centre for Human Rights are given below:

1. On 17 April 2007, the deceased Rohtas Singh was trying to bring his car no. DL-2CN- 0469, a white colour Maruti, on the side lane from the main Grand Trunk road at the Hassanpur Chowk, Hodal. While attempting to do so, his car brushed slightly a girl, who was standing nearby a bike at the roadside at about 10 A.M. Her brother, who was also standing nearby, intervened and tried to forcibly take the deceased out of the car. Thereafter, a minor scuffle took place between the girl's brother and the deceased. A traffic police Head Constable Vir Singh intervened in the matter. After apprehending the deceased, Head Constable Vir Singh produced him before Mr. Virendra Vij, Deputy Superintendent of Police (DSP).

No complaint was either filed by the girl or her brother against Rohtas Singh. He was detained under section 107 of the Criminal Procedure Code (CrPC) relating to security for keeping peace read with section 151 of the CrPC relating to arrest to prevent the commission of cognizable offences. It appeared that the police had a grudge against the victim and it might be related to the altercation that took place between the police of the Hodal Police Station and the victim at a magic show held at Upkar Cinema hall on 14 March 2007.

2. The father of the victim, Mr Pratap Singh, who was working in the field, immediately rushed to office of the DSP on being informed about the arrest of his son. Pratap Singh claimed

that the DSP had beaten up his son Rohtas Singh in front of him with fists, boots and lathi (wooden baton) at about 11 A.M. on 17 April 2007. The assault was witnessed by the villagers of Banchari village, who had gathered at the adjacent office of the Block Development Officer to collect compensation after their crops were destroyed by hailstorm. After giving the deceased a severe beating, the DSP handed over him to the SHO of Hodal police station.

3. The Police claimed that the deceased committed suicide between 9 to 10 P.M. with a quilt cover. The family members and other eye-witnesses claimed that the deceased died between 7:00 and 7:30 P.M. Mr Mukesh Kumar, an eyewitness to the scuffle between the deceased and the brother of the girl and owner of the Sri Ji Communication at Hodal stated that by the evening the security forces were already brought to maintain law and order in the event of the villagers turning violent. Only at about 11 P.M on 17 April 2007 that Pratap Singh received a call from Mr Krishan Kumar, the Station House Officer (SHO), Hodal Police Station to come down to the police station on the pretext of discussing something very urgent and on arrival he was told that his son committed suicide.

Constable Shankar Lal, the sentry at the lock up was suspended for dereliction of duty. However, constable Lal told ACHR investigation team that he was posted at the PCR van with Assistant Sub-Inspector (ASI) Jage Ram. A telephone was received at the PCR van and he was taken to the Station House Officer at about 10:15

PM and put on the duty at the lock up, forced to sign on the duty register where it was stated that the duty hour for the same day was 9:00 P.M. to 9:00 A.M. though it was already 10:15 P.M.. Constable Shankar Lal also told ACHR team that the deceased was already dead before he was forced to join duty at the lock up. No explanation could be provided about the compelling reason as to why constable Shankar Lal from the PCR van to the police station to guard the lock up.

4. The Police claimed that the victim committed suicide by hanging with a quilt cover. The Station House Officer, Krishan Kumar who was interviewed by ACHR team could not explain as to why a quilt was provided to the deceased that too in the summer season! Further, eyewitnesses, who had seen the dead body of the deceased, claimed that the noose, by which purportedly the deceased hanged himself, was of white colour new cloth, whereas it was claimed by the police that the deceased hanged himself with a quilt cover.
5. The Post Mortem Report, obtained by ACHR's investigation team, recorded the following injuries: "left eyes were black, abrasion on the left cheek and abrasion on the right forearm". The post mortem report further concluded that "Death is by hanging. Injuries are ante-mortem, fresh and caused by blunt force". The post mortem was inconclusive and did not explain the reason for the hanging in sheer violation of the basics of the medical jurisprudence – whether it was a case of suicide or homicide. Since the "injuries are ante-mortem", it can be

presumed that death by hanging was an afterthought. The investigating team strongly believes that there was an element of foul play especially the hurly burly way the post mortem was conducted. The post mortem report has been prepared in order to hush up the real story.

6. Some eyewitnesses who sought to remain anonymous also claimed that the deceased's feet were hanging at a height of only one or one-and-half inch above the ground. There were signs of injuries on the various parts of body of the deceased, more particularly, on the chest, legs. There was bleeding through ear and nose. In addition, the victim's mouth was closed, which is unusual in cases of death by hanging. All these facts were not brought out in the post mortem report which itself was inconclusive, thereby raising suspicions about the violations of the medical ethics either through collusion or under duress.
7. ACHR representatives visited the lock up room and found that the height of the ceiling was about 12 feet. There was no stair or chair on which the victim could climb up in order to reach to the cross bar and hang himself. As well, it was also

impossible to put a quilt cover through the cross bar as there was no space between the cross bar and the ceiling.

8. The police purposefully did not lodge an FIR into the death of Rohtas Singh on the pretext that a magisterial inquiry is pending. Whereas in cases of occurrence of death in police custody, police has to lodge an FIR regardless of this fact whether any judicial inquiry is pending or not. In other words, the judicial inquiry does not bar the police to lodge an FIR and investigate into the matter.
10. The post mortem report, circumstantial evidence and unanswered questions clearly indicate that the victim, Rohtas Singh, died as a result of torture in the custody of Hodal Police Station. Thereafter, in order to shield the offenders, his dead body was hanged from the top most cross bar of the lock up; and further to save guilty superior officers of the police station, one Head Constable, Sankar Lal was made a scapegoat. Shankar Lal, the Head Constable, whose duty was on the PCR van from 8:00 PM to 8:00 AM on 17 April 2007, was called to guard the lock up.

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