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REPORT I

INVESTIGATION REPORT INTO CUSTODIAL DEATH AND TORTURE IN HASSANPUR VILLAGE, DISTRICT ROPAR

**CHANDIGARH
SEPTEMBER 22,1999**

The Police high handedness and killing of innocent people in the name of "interrogation" and containing the re-eruption of militancy in Punjab has reached its peak with cases of Custodial torture and "police excesses" appearing in the media everyday. The Custodial death of Devinder Singh, son of Sh. Gurmukh Singh, in Village Hassanpur, Distt.Ropar is the latest case of Police turning into Judge, Jury and Executioner.

On 20th September,1999 almost all newspapers of region including "The Tribune," published from Chandigarh published a news report, titled " Youth dies in Police Custody", the true copy of which is appended herewith. Next day, on 21st September,1999 a team of Lawyers representing Lawyers For Human Rights, comprising of Mr .Navkiran Singh, Mr.Arunjeev Singh Walia ,Advocates of Chandigarh and Mr.Anil Kaushik ,Advocate, Kharar, went to Village Hassanpur on a fact finding visit and conducted a detailed investigation into the whole incident.

Village Hasanpur, a small peaceful village of about 2500 people is situated on Kharar - Morinda road in District Ropar, about 30 kilometres from Chandigarh. Most of the people including the victims belong to Sikh peasantry class and lead a peaceful life. Akali background of the elders still leaves an impression on the inhabitants. Interestingly, the village has remained Crime-free even during the days of terrorism in the State.

NAME AND ADDRESSES OF VICTIMS:-

1. Devinder Singh, alias Bhola, son of Sh.Gurmukh Singh, aged 21 years, Occupation- Driver, Education- 8th Class passed Marital Status- Un-married. (Deceased)
2. Sapinder Singh, son of Sh.Gurmukh Singh, aged 24 years Occupation- Farming, Education- 7th passed.(Tortured)
3. Inderjit Singh, son of Labh Singh, aged 21 years, Occupation-Painter in private firm, Education- 8th class Passed, Marital Status- Un-married.(Tortured)
4. Karnail Singh, son of Sarwan Singh, aged 22 years, Occupation- Scooter mechanic, Education- 7th passed, Marital Status-Married.(Tortured)

FACTS:-

Devinder Singh, alias Bhola, son of Sh. Gurmukh Singh,aged 21 years un-married was a Jat Sikh with no criminal background. He was working as Driver and looking after his old parents alongwith his brother Sapinder Singh . In the wee hours ie. 4.A.M, of illfated day of 18th September,1999 a Police party led by Inspector Didar Singh, S.H.O. Police Station Anandpur Sahib and Sub-Inspector Malvinder Singh Malhi, and Sub-Inspector Manvir Singh Bajwa, both posted at C.I.A. Staff, Ropar and other policemen raided the house of one Karnail Singh, son of Sh. Sarwan Singh of the same village and asked him to lead to the house of Devinder Singh. When the Police party raided the house of Devinder Singh at about 4.05 a.m. his parents were sleeping and Devinder Singh had gone outside. The Police party asked the whereabouts of Devinder Singh and when he could not be found there, they took Sapinder Singh, the elder son of Sh. Gurmukh Singh and told the parents that if they want Sapinder Singh back, they should produce Devinder Singh in C.I.A. Staff Ropar. While going outside, Devinder Singh was seen near the tubewell in the Village and he was also taken alongwith his

brother Sapinder Singh and the other person Karnail Singh. They were taken to C.I.A. Staff Ropar, which is situated at a distance of around 35 kilometres from Hasanpur at about 6 a.m. on 18.9.1999. In the C.I.A. staff Ropar, in the presence of Inspector Didar Singh, S.H.O. Police Station Anandpur Sahib, a retired A.S.I. Sant Singh, who is not working on the rolls of Punjab Police, but entrusted the work of torturing people in most inhuman manner, along with S.I. Malvinder Singh Malhi and S.I. Manvir Singh Bajwa and other policemen brought Sapinder Singh, Karnail Singh to the Courtyard at about 8 a.m. and beat the three youth badly. Their legs were torn apart at 180 Degrees, petrol was applied on their private parts and Lathi blows were given on their legs and back. They were subjected to third degree treatment for more than one hour, separately. Then they were shifted in the lock-up and Devinder Singh was brought outside. He was tied upside down from his hair and badly beaten with Lathis, and his legs torn apart at 180 Degrees and petrol was applied on his private parts. Although Devinder Singh was a healthy boy of more than 6 ft height and seventy kilogram weight, he could not bear the third degree treatment given to him by the above named police officers. He was repeatedly asked about One Assault rifle which the police alleged that he had concealed somewhere. At about 2 p.m. S.I. Malvinder Singh Malhi, S.I. Manvir Singh Bajwa and Inspector Didar Singh again brought Devinder Singh to the Village and went to a nearby land and by employing some labourers dug a substantial piece of land. When Devinder Singh was brought to the village his condition was very serious and all the villagers had gathered there and people saw the serious condition of Devinder Singh. After some time one big JCV machine for digging land was brought and almost one Bigha of land was dug with the help of the machine but nothing was recovered. This digging continued till 5 p.m. during which period, Devinder Singh could not stand or sit and was lying on the ground.

He was forced to give the name of one Inderjit Singh, son of Sh. Labh Singh, a young painter of the same village. At about 7 p.m. when Inderjit Singh was present in his house and without disclosing him about the cause of his detention, he was taken away in a White Maruti Gypsy. Both the boys were taken outside the Village on the Sahoran road, about two kilometres from their Village and on the road, they were brutally beaten in full public view in order to extort confession of having kept one assault rifle in their village. Then they were taken to C.I.A. Staff, Ropar and again subjected to inhuman third degree torture. Then they were locked in separate lock-ups.

In the meantime, at about 11 a.m. few respectable citizens of the Village including Mr. Kaka Singh, Nambardar, Mr. Bachittar Singh, son of the Sarpanch, Mr. Harbhajan Singh Shergil and Harnek Singh went to C.I.A. Staff Ropar to inquire about the well being of the boys. There they were allowed to see Devinder Singh, at about 1 p.m. and were informed by the Sub-Inspector Malvinder Singh Malhi that he has agreed to give the Assault rifle. At that time, his condition was very serious and he could not stand and walk properly due to third degree torture. The police officers present there promised to release other boys in the evening and also assured that Devinder Singh would be released after three-four days. In the evening when the Village Panchayat passed an authority Letter to Mr. Gurmukh Singh father of Sapinder Singh and Devinder Singh and Mr. Harbant Singh to get back the custody of their children from Police custody, they went to the C.I.A. staff Ropar at about 5 p.m. but even after sitting there for more than three hours, when they were not given the custody of their children, they returned back empty handed on 18th September, 1999.

As a matter of fact, Devinder Singh was so badly tortured that he died the same day at about 6.30 p.m. and his dead body was brought to the Civil Hospital, Ropar by S.I. Malvinder Singh Malhi of C.I.A. staff Ropar and an entry in the hospital record proves this fact. It is mentioned in the hospital register that a dead body was brought by S.I. Malvinder Singh Malhi at about 8.35 p.m.

On 19th September, 1999 at about 4 a.m. Sapinder Singh, Inderjit Singh and Karnail Singh were taken out and after roaming in the forest area for more than two hours, they were brought to Kharar Police Station and were locked there till 4 pm. Till this time they were not aware about the whereabouts of Devinder Singh. At about 4 p.m. the three were brought outside and taken to Civil Hospital, Kharar for medical examination. Before taking there they were threatened of dire consequences if they told anything to the Doctors about their custodial torture. No proper medical examination was conducted and the Doctors without asking anything from the boys issued the false medico-legal report, depicting that no marks

of external injuries found, although their condition was very serious. They could not even walk or stand properly, but even this could not be noticed by the doctors and they were declared "OK".

At about 5 p.m. they were taken to the Judicial Courts, Kharar and told that now they would be let-off. The Judicial Magistrate, Kharar, Mrs. Neelam Arora, allowed the application of prosecution seeking discharge of the three boys as no recovery of any arms could be made from them. The Magistrate even though witnessing the tortured condition of the these three accused, in a most mechanical manner accepted the medical reports and without caring to provide the accused with any counsel at the State expense. From there, the three were taken by A.S.I. Balkar Singh of Police post Gharuan, Tehsil Kharar to Village Hasanpur in his private Maruti Car. There the people had gathered and their parents told them that Devinder Singh had been killed.

On the other side back in the Village Hasanpur, on 19th September,1999 A.S.I. Balkar Singh of Police Post Gharuan, Tehsil Kharar came to Village Hasanpur and contacted Harbant Singh ,Kaka Singh Nambardar and told them that he has received a telephonic message from Ropar that Devinder Singh has suffered attack and has been admitted to Civil Hospital, Ropar and he asked the respectables of the village to accompany him to Ropar. Few villagers including Kaka Singh, Bachittar Singh, Gurmukh Singh and Avtar Kaur, parents of Devinder Singh, Surjit Kaur sister of Gurmukh Singh went alongwith the police officer to Ropar. On reaching near the Civil Hospital, Ropar, A.S.I. Balkar Singh told them that he has just now received wireless message that Devinder Singh had died of heart attack and his dead body is lying in Civil Hospital Ropar. On reaching the hospital, all the villagers immediately went to see the Emergency Medical Officer, who informed them that Devinder Singh was brought dead in the hospital. At that time DSP Avtar Singh of Commando Centre, Ropar was present over there. Shocked over this tragedy, the parents and villagers started crying and as the news of the death of Devinder Singh reached Hasanpur and adjoining villages, hundreds of people thronged the Civil Hospital, Ropar and expressing their anguish over the heinous crime, the Civil Hospital, Ropar was Gheraoed (Protest Rally) by the villagers for more than three hours. Sensing trouble heavy police force was deployed around the Civil Hospital Ropar. In the meantime, few respectable citizens of the Village went to the office of Senior Superintendent of Police, Ropar where Deputy Commissioner, Ropar was also present and the villagers were told that a case of murder has been registered against one Sub-Inspector Malvinder Singh Malhi and a magisterial inquiry has been ordered to be conducted by Sub-Divisional Magistrate, Ropar, Mr.Amarjit Shahi and nobody guilty of the heinous crime would be spared. But the villagers told them that they will not accept the dead body of the deceased Devinder Singh unless the three other boys namely Sapinder Singh, brother of Devinder Singh, Karnail Singh and Inderjit Singh were released immediately. On the intervention of S.S.P. Ropar, the three boys were later got discharged and released on 19.9.1999 at about 6.30 p.m.

The Post-mortem of the dead body of Devinder Singh was conducted on 19.9.1999 at about 3p.m. and ended at about 5 p.m. when the dead body was got identified by the parents of Devinder Singh, blue marks of torture on the back and blood was flowing out of the cut marks present on his thighs. His other parts of the body bore showing many marks of custodial torture even with a naked eye. The dead body of the deceased was handed over to the villagers at about 6 p.m. and he was cremated in the Village Cremation ground at about 7 p.m. on 19.9.1999.

The Sub-Divisional Magistrate, Ropar Mr.Amarjit Singh Shahi remained in the room where the post-mortem was conducted and Video-graphy of the post-mortem was also done as per the directions of the National Human Rights Commission. The statements of Bachittar Singh, Kaka Singh, Gurmukh singh, Avtar Kaur and few others were taken by the S.D.M. in the hospital itself and the statements of the three victims/ eye witnesses, namely Inderjit Singh, Sapinder Singh and Karnail Singh were taken on 20th September, 1999 when the three were taken on cots to the office of S.D.M.Ropar. As their condition deteriorated an application was moved in the Court seeking their immediate medical examination to be conducted by a board of doctors and on the orders of the Court, the three were got medically examined by a board of doctors in Civil Hospital, Ropar on 22nd September,1999.Though no marks of external injuries have been reported in the medico-legal examination reports but the three being in severe bodily pain and unable to move,were immediately admitted as In-door patients in the Civil Hospital

and they were under strict observation of Senior Doctors till the filing of this report.

Although the entire village and even surrounding villages have shown exemplary solidarity with the victims and their families, yet the police influence has succeeded in threatening and intimidating the witnesses and their family members with further implication or harassment and distorted versions of the incidents are being told in order to shield certain police officers involved in the crime. Even then, there is great resentment and anguish in the people and they have still not able to come out of the tragedy the situation in the village was tense but peaceful. The people have lost complete faith in the State machinery and demand an independent probe into the whole incident and that the guilty may be brought to books.

POLICE VERSION:-

According to Senior Superintendent of Police, Ropar Mr.Gurpreet Singh Bhullar, on receiving information about the victims' death at 9 p.m. on 18th September,1999 he immediately ordered that an First Information Report be registered against the officials concerned. The F.I.R. was registered at about 9.40 p.m. on 18th September,1999. The SSP further told the media persons that Devinder Singh alias Bhola, (deceased) was arrested following the registration of a case against him under Section 25 of Arms Act at Police Station Kharar on 18.9.1999. The police had arrested all the four persons after receiving a specific information that they possessed an assault rifle. He however, admitted that no assault rifle was recovered from either the victims or from the fields, but maintained that the boys had test-fired the weapon few days ago. He also admitted that these persons had no previous criminal record. At another point of time, the SSP said that the four persons were arrested on suspicion that in 1995 when an assault rifle had been buried in the fields of Mewa Singh of this village, Devinder Singh had allegedly taken out the said weapon and test fired it. But Inspector Didar Singh, who led the police party which illegally picked up Devinder Singh and three others and committed the most heinous crime against humanity, told the media that Devinder Singh(deceased) had died due to heart attack, as he was already suffering from some disorder.The Chief Medical Officer, Civil Hospital, Ropar after conducting the Post-mortem of the deceased told the media that no external injury marks were found on the body of the deceased and the cause of death could not be established from the post-mortem conducted by the board of doctors. The final opinion on the cause of death has been deferred till the report of Viscera of the deceased is received from the concerned laboratory.

ACTION TAKEN BY POLICE:-

The First information report no.172 dated 18.9.1999 under Section 302 I.P.C. P.S. Ropar is patently a bogus document and has been registered at the bare statement of the accused Sub-Inspector Malvinder Singh Malhi contrary to the procedure of Criminal Law that the FIR has to be registered on the statement of the Complainant. The F.I.R. simply mentions that Devinder Singh alias Bhola was in the lawful custody of Sub-Inspector Malvinder Singh Malhi and during investigation he suffered an "attack" and was taken to Civil Hospital, Ropar where he died of the "attack". No other police officer has been named or found involved in the conspiracy and the theory of a death due to " heart attack" has been put forward in the F.I.R by the Police authorities. Even after a week of the Custodial death of Devinder Singh alias Bhola, not even a single police officer has been arrested or suspended and the Chief Minister of Punjab has not found "time" to console the parents of the deceased or take strict action against the erring cops.

EYE-WITNESS ACCOUNT:-

Sapinder Singh, son of Sh.Gurmukh Singh, aged 24 years, married only six months before, is the elder brother of deceased Devinder Singh alias Bhola and himself a victim of the police excesses. According to his statement given to our team while lying on the cot, they were brutally tortured in the CIA staff Ropar in the presence of Inspector Didar Singh, by S.I. Malvinder Singh Malhi, S.I. Manvir Singh Bajwa, Inspector Sant Singh(Retd.) and other policemen. While the three even weak were able to bear the third degree treatment, Devinder Singh who was healthier than the others but being given severe beating by the above named

police officers, suffered serious injuries. He was tied up-side down from his hair and heavy weight was put on his hair and then his legs were torn apart at 180 degrees and after stripping him petrol was applied on his private parts and lathi blows were given on his back and on his feet soles.

Inderjit Singh, son of Labh Singh, another victim told that in the C.I.A. staff Ropar, all of them were kept in separate rooms and he heard the screams of Devinder Singh till evening and thereafter he did not hear any thing about Devinder Singh. While narrating the torture inflicted on Devinder Singh which led to his death, he told that after they were mercilessly beaten, some while powder was mixed in water and forced to consume it and thereafter again beat them badly. Devinder Singh who was already nude, was caught from both of his legs stretched apart and full one litre of petrol was administered on his private parts. At this he cried out of pain loudly and was screaming "Save me". Then the policemen locked them in separate cells and again started beating separately. At last, One loud cry of Devinder Singh was heard, " Mother, I am dying." Thereafter no voice was heard from his side. Describing his own torture, Inderjit said that he was stripped, laid on the ground and mercilessly beaten. His head was hit on the wall leading to a serious injury on his forehead. His legs were stretched apart at 180 degrees and petrol was put on his private parts when it started bleeding due to stretching of the legs. He is unable to excrete or urinate and his lower limbs are not in his control.

This statement was corroborated by all other witnesses who themselves have not been able to come out of the trauma of the third degree treatment given to them. Their condition is so serious that they could not even change their side while in the cot without the help of somebody. Their limbs have become motionless and voice trembling out of fear and being dumb struck they hardly converse with their parents. They are unable to hide the expression of fear from their faces.

FINDINGS:-

The investigation team of the Lawyers For Social Reforms, visited Village Hasanpur, on 21st September,1999 and during the course of investigations met about hundred villagers and recorded the statements of material witnesses and also talked to the three victims, namely Sapinder Singh, Karnail Singh and Inderjit Singh separately. Facts disclosed by the parents of the deceased were also recorded. Joining all the facts and circumstances in a chain, it hardly leaves any doubt that

1. Devinder Singh, deceased was hale and hearty when he was picked up by the Police party and he was subjected to inhuman third degree torture in order to extort confession of possessing an assault rifle and was killed in Police Custody in the C.I.A.Staff, Ropar. The cause of his death is evidently "Police torture" whatever the post-mortem or viscera report of the deceased may conclude.
2. The four were kept in illegal detention for 48 hours beginning 4 a.m. on 18.9.1999 till 5 p.m. on 19.9.1999 and the F.I.R. No.146 dated 18.9.1999 was subsequently recorded when Devinder Singh died due to inhuman third degree torture. No other victim was named in the said F.I.R. and the Police having failed to justify the illegal detention of the three sought their discharge before the Magistrate and admitted in its application filed before Mrs.Neelam Arora, Judicial Magistrate, Kharar that no recovery of any arm could be made from the three persons.
3. Devinder Singh, deceased was brought dead in Civil Hospital, Ropar by S.I.Malvinder Singh Malhi at about 8 p.m. on 18th September,1999. While all the Senior Police officials and the District Administration were aware of the Custodial Death, even on the night of 18 th September, the parents of the deceased were intentionally not informed of the death till 6 a.m. of 19.9.1999. Police tried to destroy vital piece of evidence by concealing the actual time of the death of the deceased. The genuinity of the Post-mortem report is also questionable as the villagers saw many blue marks of torture on the back of the deceased even with their naked eyes. Big cut marks on the thighs of the deceased with blood flowing from it were also noticed which does not find any mention in the Post-mortem report. The cause of death has intentionally been concealed in the Post-mortem report, so as to save the Police officials and giving them ample opportunity to save them from any action in accordance with law.

4. The medical examination report of the three victims conducted on 19th September,1999 at 4 p.m. in Civil Hospital, Kharar was patently false and smacks of a deep rooted nexus between the Local Police and the Medical officers of the Civil Hospital. When the three victims could not even change their sides in the cot even till today, how could it be imagined that their condition was "OK" on 19th September,1999 at 4 p.m. when they were in Police Custody and without any medical treatment they were sent back ?
5. No action whatsoever has been taken by the Police or the District administration against the erring Police officers. Inspector Didar Singh, SHO,P.S.Anandpur Sahib, Sub-Inspector Malvinder Singh Malhi, Sub-Inspector Manvir Singh Bajwa and Inspector Sant Singh(Retd.) are primarily responsible for torturing to death Devinder Singh and subjecting inhuman third degree torture on all the above named three victims, in C.I.A.Staff, Ropar.Inspector Didar Singh even admitted his involvement to a member of the Investigation team on phone when he pleaded "sorry" for the crime and asked them to keep low.
6. The role of Sub-Divisional Judicial Magistrate, Kharar, Ms.Neelam Arora was also most improper and shady in the light of the fact that she even did not take care in securing the presence of a counsel at State expense to the three victims when they were produced before her by the Police on 19.9.1999 at 5 p.m. She acted in a most mechanical manner by accepting the medical reports of the victims, even after witnessing the serious condition of the three persons, when they could not even stand on their feet.
7. The parents of Devinder Singh, deceased are in a very pitiable condition. Their economic condition is so bad that since 18th September,1999 only a day's meal is served to the other family members, because their elder son Sapinder Singh who is seriously injured due to Police torture, has to be served with Milk every three hours as per doctors advice. The condition of the family members of other three victims is no good. However, the villagers and their relatives have been providing each and every help these people want. Most of the people want that the police officers responsible for killing Devinder Singh and torturing three others, be handed over to them so that they may "take the revenge" from them. Few others want the law to take its own course and demand immediate arrest of all the police officials responsible for the heinous crime against humanity.
8. The Police party had acted illegally and against the instructions of District Administration in picking up the deceased Devinder Singh and three others. A notification issued by the State of Punjab makes it mandatory for the Police to go to the Village Panchayat first if they want to arrest any villager from the Village.In the present case, neither the Sarpanch nor any member of Village Panchayat was informed before taking the deceased or three persons to C.I.A. Staff, Ropar. As the deceased or other victims had no previous criminal record, the Police were not at all justified in adopting such inhuman method and subjected them with third degree treatment. Investigations into the earlier service record of the policemen involved in the crime, it has been confirmed from official record that Sub-Inspector Malvinder Singh Malhi is among those policemen of Punjab Police who were awarded out-of-turn promotions for combating terrorism under the Own Rank and Pay Scheme. He would have been reverted to the post of a head constable, as per the policy of the State Police decided recently. Strangely, Inspector Sant Singh according to the investigation, is a retired Inspector known for his inhuman techniques in extorting confessions from the accused persons. Although he is not on the pay rolls of the Police department, he has been made the incharge of the C.I.A. Staff, Ropar and he is drawing the salary of two Special Police officers who are nowhere in existence. His only job is to beat every person brought to the C.I.A. staff and under the influence of liquor he sometimes forgets that his prey is also a human being and can not withstand such inhuman third degree torture. He was also reportedly seen in the Police party by the villagers in Hassanpur on 18.9.1999 at about 2 p.m. when Devinder Singh was brought again to the village for recovery of the assault rifle. Thus his role in the entire set of events raises a question mark over the functioning of the Punjab Police. Even though he figures as a main co-accused as per the true statement of account by the three victims, his name nowhere finds mention on the rolls of State Police.
9. The First Information Report registered against Sub-Inspector Malvinder Singh Malhi on 18.9.1999 is a bogus document and it could certainly cause the acquittal of the

accused. While all other F.I.R.'s are registered on the Statement of the complainant, this F.I.R. has been registered at the instance of the accused and incorporating his explanation on the death of the deceased. Shamefully, even the single policeman named in the F.I.R. has neither been suspended nor arrested by the Punjab Police. However, One police constable said to be involved in the crime has surrendered before the police, but others including the main accused are still at large and no appropriate efforts are made to arrest them. The investigation team doubts if at all any action would be taken against the erring Policemen by the State of Punjab.

10. The role of media in the entire incident was most appreciable and it stood to the test of courage and kept the high traditions of free and fair media.

RECOMMENDATIONS:-

1. Judicial Inquiry must be done in the case to be conducted by a judicial officer not below the rank of Sessions Judge in order to fix responsibility on the police officers who gave the fatal third degree treatment which caused the death of the deceased Devinder Singh.
2. The medical treatment of the three victims must be done at State expense and an interim compensation of Rs. 3 lacs should be paid to the next of kin of the deceased Devinder Singh alias Bhola.
3. Departmental action against the doctors of Civil Hospital, Kharar and Civil Hospital, Ropar must be taken for giving false medical reports of the victims and Post-mortem report of the deceased Devinder Singh.
4. The State Chief Minister, Mr. Parkash Singh Badal must accept moral responsibility for the irreparable loss caused to the bereaved family.
5. The guilty police officials namely Inspector Didar Singh, S.H.O. Police Station Anandpur Sahib, Sub-Inspector Malvinder Singh Malhi, Sub-Inspector Manvir Singh Bajwa and Sant Singh, retired Inspector should be immediately booked for Custodial death of Devinder Singh and punished in accordance with the procedure established by law.
6. Similarly these set of police officers should also be booked for illegal detention and for subjecting the injured victims, Sapinder Singh, Inderjit Singh and Karnail Singh to third degree torture.

No political party, whether ruling or opposition in the State has shown courage to share the grief of the villagers and except severe condemnation from the various human rights organisations, including Lawyers For Human Rights and Punjab Human Rights Organisation and highlighted by the media. No political leader or party has joined the people's movement against this heinous crime. In plain words, it is an insult to the injury and the inaction of the Punjab Police in dealing with this case has once again brought it into the dock. The apprehensions of human rights activists that the Punjab Police is trying to jack-boot innocent people and kill them by branding them as "terrorists" and it would not be surprising if the militancy may once again strike the State at the cost of the hard won peace in this part of the country. The corrupt and indifferent policy of the State Government and the atrocities committed by the Punjab Police on innocent people are only to be blamed if such a situation comes.

To sum up, no words could express the grief and sorrow of the villagers of Hasanpur and nothing short of life imprisonment to all the above named policemen and suitable compensation to the next of the kin of the deceased Devinder Singh and other three victims could meet the ends of justice. It is high time that the State Government and the Punjab Police must realise that if such incidents of Police highhandedness go unchecked, it will certainly bring resentment and annoyance among the common citizenry at the cost of public peace.

We conclude this report with heavy heart, reminding the disconcerting note sounded by Abraham Lincoln,

" If you once forfeit the confidence of our fellow citizens you can never regain their respect and esteem. It is true that you can fool all the people some of the time

and some of the people all the time,
but you cannot fool all the people all the time.”

ACTION TAKEN BY LHRI

The copies of the above report were sent to the Punjab State Human Rights Commission and Punjab & Haryana High Court, besides concerned police authorities. Our organisation provided free legal aid to the victims before the Punjab & Haryana High Court and Punjab State Human Rights Commission in opposing the bail applications of the accused police officials. While the Punjab State Human Rights Commission awarded an interim compensation to the tune of Rs.2.5 lacs to the father of the victim Devinder Singh(deceased) and Rs.30,000/- each to the injured victims, the Sessions Judge, Ropar after trying four police officials for causing the death of Devinder Singh in police custody, sentenced three policemen to life imprisonment and a fine of Rs.5000/- each, but acquitted Inspector Didar Singh, the then Station House Officer of Police Station, Anandpur Sahib.

REPORT II

INVESTIGATION REPORT INTO CUSTODIAL DEATH OF AMANJEET BY CHANDIGARH POLICE

**CHANDIGARH
19TH AUGUST, 2000**

The image of Chandigarh Police again came under cloud, when almost all the local newspapers of 12th August, 2000 reported about the custodial death of a young RMP doctor Amanjeet in Chandigarh on the night intervening 10-11th August, 2000. A team of Chandigarh District Unit of the Lawyers For Human Rights International comprising of Tejinder Singh Sudan, Manpreet Singh Chahal, Preet Kanwal Singh Gill, Hridaypal Singh, Ravinder Jolly, Yogesh Vinayak and Arunjeev Singh Walia held detailed investigation on 13th August,2000, into the circumstances under which the victim died in Police Custody. The investigation continued till 18th August,2000. During the investigation, the team talked to the wife of the deceased, her parents and neighbours of Amanjeet (deceased), residents of Village Badala, Teh. Kharar, Distt. Ropar (where the victim was running a Clinic), Incharge Police Post Sector 24,Sub-Inspector Ved Parkash, Police Station Sector 39, Chandigarh, Dr.Tirath Goyal, head of panel of doctors who conducted autopsy on the deceased, besides connecting the medical evidence and circumstances of the case.

PARTICULARS OF THE VICTIM:

The victim, Amanjeet was a 29 years old RMP doctor with B.E.M.S. and B.A.M.S. degrees. He was running a small clinic in Village Badala, Teh. Kharar, Distt. Ropar. He was a Christian and cleanshaven man. A teetotaler, soft spoken and a man with sober qualities, he is survived by his 7 months pregnant wife Varsha, who is a staff nurse in Govt. Medical College and Hospital, Sec.32, Chandigarh and his parents who live at Batala, Distt. Gurdaspur(Punjab).

WITNESSES EXAMINED BY THE TEAM :-

1. Varsha, widow of deceased
2. Mulla Singh, father of deceased
3. Ashok Kumar, immediate neighbour of deceased
4. Kusum, wife of Ashok Kumar, neighbour
5. Karnail Singh, Panch, Village Badala, Teh. Kharar, Distt. Ropar. and about twenty other witnesses.

FACTS:

Amanjeet, son of Mulla Singh was married to Varsha, a staff nurse in Govt. Hospital, Sec.32, Chandigarh, some two and half years ago and had purchased a small house in Chandigarh in the end of April, 2000 and were leading a happy life in Chandigarh. His father is a retired govt. servant and lives at Batala, Punjab. Amanjeet, a B.A.M.S. doctor, was running a Clinic in a remote village in Distt. Ropar since January, 2000. He used to go to his clinic on his grey colored scooter no.PB-18-C-1734 at about 9 a.m. and return at about 5-6.P.M. According to the neighbours and the family members, he was a teetotaler person with no bad habits. His father and mother had come to see his pregnant wife from Batala on 30th July, 2000. His mother was with him on 10th August. His father had gone to Batala to collect his pension and as per the programme reached Chandigarh on 10th August, 2000.

On the ill-fated day of 10th August, 2000 the victim Amanjeet as usual went to his clinic at about 8.30-8.45 a.m. on his scooter, but never returned back home. On 11th August, 2000 at about 4.A.M. a phone call came to his immediate neighbour, Ashok Kumar, from someone who informed them that their neighbour Amanjeet has met with an accident and is lying in a serious condition in General Hospital, Sector 16, Chandigarh and that his parents should reach General Hospital. As the father of the victim was attending the phone call, two policemen (One Sub-Inspector and the other, Constable) in uniform came to their house from P.S. Sector 39, Chandigarh and asked them to accompany them to General Hospital, Sec. 16, Chandigarh. However, the father, wife Varsha and immediate neighbour Ashok Kumar went of their own in the car to the hospital at about 4.25 A.M. On reaching the hospital, the name of the victim was not found entered in the register of patients and on locating the whereabouts of the victim, the trio met one policeman. He took them to Inspector Dhanraj Sharma, S.H.O. of P.S. Sector 39, Chandigarh who was standing with Sub-Inspector Neeraj Sarna of P.P. Sector 24, Chandigarh and few other policemen in plainclothes. On being asked about the welfare of Amanjeet, Neeraj Sarna asked Ashok Kumar and Varsha to wait and took Mulla Singh inside the hospital mortuary. After five minutes, Mulla Singh came back in a fit of shock with heavy heart and declared that "our Aman has gone." On listening this, Varsha who was in acute labor pain fell unconscious and she was put in the car. In the meantime, all the efforts of father Mulla Singh and neighbour Ashok Kumar to know as to how and when the victim Amanjeet died, failed as the policemen remained tight lipped. On their persistent queries, Inspector Dhanraj Sharma told Mulla Singh that Amanjeet was arrested for making nuisance under the influence of liquor in Sector 39/40, Chandigarh and booked under Section 34/5/61 of Police Act, and when he was being taken back in the truck from hospital after a medical examination, he had a scuffle with the policemen and in an attempt to jump from the moving truck fell down on the road dividing Sector 23/24 and consequently, he received head injuries which caused his death. On being taken back to the General Hospital, Sector 16, Chandigarh he was declared "brought dead". The further queries from the police by the father of victim and Ashok Kumar failed to get satisfactory reply. After getting the identification memo signed from Mulla Singh, father of the deceased, S.D.M.(South) Gayenendra Bharti, IAS, came to do the inquest report. The Post mortem was delayed by more than 12 hours on 11th August, 2000 and it was only after a board of doctors of General Hospital, Sector 16, Chandigarh comprising Dr. Tirath Goyal, Dr. K.S. Rana, Dr. Sonia, was constituted at about 5.30 P.M. that the Post mortem was done which gave the cause of death as head injury in the back

of skull which could have proved fatal. Apart from this, it noted few injuries on the body which could be of some beating. Interestingly, the Postmortem includes the particulars of an earlier medical examination of the deceased carried by the emergency medical officer at about 12 a.m. on 11.8.2000(which is not ordinarily mentioned in the Postmortem report). It says that the deceased was not under the influence of liquor, but smells of alcohol. At about 5.30 P.M. the S.D.M. who was conducting the inquest proceedings called Inspector Dhanraj Sharma, from General Hospital, Sec.16,to some place and the Inspector went away at about 5.40 P.M. The dead body of the deceased without the clothes, was handed over to his father at about 7 P.M. on 11.8.2000 and was taken to Batala the same night and cremated there on 12.8.2000.

RELATIVES VIEW:

The father and in-laws of the deceased as his wife were of firm belief that Amanjeet was killed in Police Custody. They strongly refuted the Police version that he was arrested while making nuisance, under the influence of liquor. According to them, the deceased had never consumed liquor, nor was in the company of any bad persons. He was never seen raising voice at anybody. His sister-in-law told that he was very sensitive person. He always used to come back directly to his house in the evening after attending to his clinic in Village Badala. Mulla Singh, father of the deceased questioned that if the deceased was arrested while making Public nuisance, where were the members of the general public with whom he was quarrelling? He also expressed his doubts about the whereabouts of the scooter and his helmet which the deceased was driving when he had gone to his clinic in the morning of the ill-fated day. Inquiries from the residents in Village Badala, where he was running the Clinic, confirmed that he was a very nice fellow and never consumed liquor nor created any nuisance. The landlord of the shop where the victim was running his clinic said that although his immediate neighbour in the shop named Dhindsa alongwith few other mischevious persons used to consume liquor and play cards daily in their shop, Amanjeet always kept himself busy with books. The villagers also refuted the story that he was totally out of senses on the ill-fated day due to overtaking of alcohol. Mulla Singh, father of the deceased, also said that when the deceased had gone in the morning from his house, he was quite well and was wearing one gold chain, one watch and one silver ring on his right hand, but when he was shown the dead body for the first time in the mortuary, these things were missing from his person. On being asked about these things from the Police, he was told that the gold chain and Rs.900 cash were recovered from his possession is in the Police Custody. He also told that heavy police force was present in the General Hospital, Sec.16,Chandigarh when he reached there. Secondly, the Police has not been able to explain as to why it had not informed the relatives of the deceased on phone at the time of his arrest when the telephone number of his immediate neighbour was available with the deceased and that telephone call was made only at about 4.15 a.m. the next day after the deceased was dead.

POLICE VERSION:-

As per the version of S.I.Ved Parkash in P.S. Sector 39,Chandigarh, a Police Control Room Gypsy brought Amanjeet to the Police Station at about 6.15. P.M. and an F.I.R. No.57 dated 10.8.2000 under Sections 34/5/61 of Police Act was registered against the victim at about 6.25 P.M. on the complaint of HC Balbir Singh of PCR. At that time, he was out of his senses and there was great dust on his face and clothes, as if he had been lying on the loose earth. His search was made in the presence of HC Balbir Singh and a gold chain and Rs.900/- in cash were recovered from his person which were deposited with the Police. Thereafter he was made to sit in the Police Station till 10.45 P.M. when he was allegedly taken to General Hospital, Sector 16,Chandigarh for medical examination in TATA 407 No.CH-01-G-9789(Mini-truck)which was covered from top and had many handles to take support. There were allegedly two Police personnel with him, one Constable Naresh Kumar and another driver, Constable Charanjit Singh. After getting him medically examined, when he was being brought back to the Police Station, he had a scuffle with Constable Naresh Kumar and in an attempt to escape, jumped from the moving vehicle on the road dividing Sector 23/24, Chandigarh and suffered head injury. He was taken back to General Hospital,Sector 16,Chandigarh where he was declared brought dead. Constable Naresh Kumar also received minor injuries on his knees and arms in the scuffle and his uniform was also torn. As per the statement of Mr.Neeraj Sarna, Incharge P.P. Sector 24,Chandigarh, his Station received wireless message

from the Police Post, General Hospital, Sector 16, Chandigarh that a person has been brought dead in the hospital who allegedly jumped from the moving Police vehicle on the road dividing Sector 23/24, Chandigarh and that they should come to General Hospital. In the meantime, the TATA 407 which was involved in the incident also came to the P.P. Sector 24, Chandigarh and informed about the incident. Neeraj Sarna, immediately went to General Hospital, Sector 16, Chandigarh and remained there till 11.8.2000 when the parents of the deceased were informed. Thereafter an F.I.R. No. 221, dated 11.8.2000, under Sections 224, 332, 353, 309 IPC was registered against the deceased in P.S. Sector 11, Chandigarh. According to him, the deceased was allegedly under the influence of liquor and had misbehaved with two women on the road dividing Sector 39/40, Chandigarh under the influence of liquor and he was taken to P.S. Sec. 39, Chandigarh. He said that DSP (South) B.D. Bector is conducting a departmental inquiry and he has recorded the statements of those two women who became complainants in the F.I.R. No. 57 dated 10.8.2000. But the Police officials in P.S. Sector 39, Chandigarh denied this statement.

POLICE ACTION:-

Taking a serious view of the Custodial death, the Inspector General of Police, U.T. B.S. Bassi, immediately suspended two Sub-Inspectors and One Constable and sent the S.H.O. of the Police Station, Sector 39, Chandigarh to Police Lines, for allegedly acting with negligence in the case. Two cases have been registered against the deceased by the Police. First one was allegedly registered on the Complaint of HC Balbir Singh of PCR at 6.25 P.M. on 10.8.2000 under Sections 34/5/61 of Police Act (for creating nuisance in Public Place under the influence of liquor) and another was registered at Police Station, Sector 11, Chandigarh on 11.8.2000 under Sections 224, 332, 353, 309 IPC after the deceased had died. No case of negligence or any other offence has been registered against the Police in the present case.

FINDINGS:-

After examining at least twenty witnesses and collecting all the necessary information from different sources, the team is of the firm belief that Amanjeet had undoubtedly died in Police Custody and that the Police version of accidental death and scuffle while under the influence of liquor is nothing but a figment of imagination and in order to save their skin and make the concocted story look like factual, they built their own castle in the air with the help of fabricated evidence and tutored witnesses. Even obtaining false medical certificate cannot be ruled out. The detailed findings of the team are as follows:-

1. The deceased had gone to his clinic on 10.8.2000 at about 8.45 a.m. and had attended the clinic till evening, but exact time could not be ascertained. He was a very nice person and had never taken liquor in public or private. On 10.8.2000 also, he had not consumed liquor and certainly something untoward happened in his clinic on 19.8.2000, because his scooter was recovered from inside his locked clinic along with his helmet. Strangely, the immediate neighbour of the deceased's shop, namely Dhindsa, who was quite friendly with the deceased is an Ex- Policeman of Chandigarh Police and was lastly posted in Police Station, Sec. 39, Chandigarh and his connection in the unfortunate incident cannot be ruled out. He used to drink and play cards with his friends, in front of their shop almost everyday. But the deceased never participated in their activities. Surprisingly, Dhindsa, who is a star witness supporting the police theory, has left the village Badala and closed his shop permanently after 10th August, 2000 and now his whereabouts are not known to the villagers or his family members.
2. The Police theory that the deceased had also consumed large quantity of liquor on 10.8.2000 in the company of Dhindsa and lost senses, does not seem to be plausible as nobody among the villagers, except those tutored by the Police, said that they saw the deceased going out of his senses on the ill-fated day. Inquiries from the villagers revealed that a team of Chandigarh Police led by S.I. Ved Parkash had been visiting the village Badala on 12th and 13th August, 2000 and had taken away Gurdeep Singh, Dhindsa and two more persons from the village in their separate vehicle to the Police Station, Sec. 39, Chandigarh and also produced the said persons before the

S.D.M.(South) and got their statements recorded. One villager of Village Badala also disclosed that the Police had threatened him to tell the story to the people as they say, otherwise they would cause harm to him. It proves that the Police had unsuccessfully tried to circulate concocted story and planted tutored witnesses.

3. There has been gross violation of fundamental right to Life and Liberty as guaranteed under Article 19 and 21 of the Constitution of India and human rights of the deceased by the Chandigarh Police. When he was allegedly arrested at 6.15 P.M. by the PCR, it was their first duty to inform his nearest relative or friend and obtain the signatures of such person on the arrest memo, but nobody was informed of his detention till his death and even many hours after his death. The act of Chandigarh Police is also in violation of the Supreme Court guidelines in D.K.Basu Vs. State of West Bengal (A.I.R.1997 SC 610) wherein it has been made mandatory for the police to immediately inform the relative or next friend of the detenu about his arrest and also to inform him about the offence under which he has been detained. He must be given an opportunity to consult his lawyer while in custody.
4. The malafide intention of Police officials in P.S.Sector 39,Chandigarh while dealing with the deceased is writ large. It is a first case of its kind where the Police officials seem to be extra-vigilant while making out the case of accidental death and have left no loose string in their narration, but have brought it under strong suspicion. If the deceased was allegedly under the influence of liquor and was not in his senses when he was brought to the Police Station, it was necessary to get his immediate medical examination in order to get evidence in the case registered against him. But as per the police record, he was not taken for the purpose for inordinately longer period and was allegedly taken for medical examination only at 10.45 P.M. i.e. after four hours and twenty minutes. Neither the Police authorities, nor we have been able to answer the reason for this unexplained delay. Secondly, if he was allegedly taken for medical examination to General Hospital, Sec.16,Chandigarh at about 10.45 P.M. which is hardly ten minutes run from P.S. Sector 39,Chandigarh, why the doctor recorded the time of medical examination at 12 a.m. of 11.8.2000. Where was the deceased kept in between one hour and fifteen minutes? What happened during this period? Why he did not take a fight with the constable and try to escape or jump from the vehicle while being brought for medical examination? When he was not in senses how he took a scuffle with the Police Constable and even if he had actually done so, why he was not handcuffed in order to prevent any further attack?
5. The negligence of the Police is beyond one's comprehension. No body could believe that a detenu when brought to the Police Station was not in his senses and still he was not taken for medical examination for more than four hours and when taken to hospital which is only a run of fifteen minutes took one hour and fifteen minutes to reach there. Thirdly, as per the hospital sources, the deceased was allegedly sent back with the Police Constable of P.S. Sector 39, Chandigarh (probably Naresh Kumar) at 12.15 A.M. But they brought him dead only at 1.30 a.m. If the deceased had suffered serious head injury due to fall from the moving vehicle on the road dividing Sector 23/24,Chandigarh, he could have been rushed back to General Hospital, Sec.16,Chandigarh which is hardly two kilometers from that spot and it would not have taken more than ten minutes to rush back to hospital. It means as per the police, the deceased was allegedly made to lie on the road for more than an hour and then taken to General Hospital, Sector 16, Chandigarh where he was declared brought dead. Fourthly, if he was declared dead at 1.30 a.m. why his family members were not informed till 4.15 a.m. of 11.8.2000? Why it took three hours for the police to inform his neighbours on phone when Sector 32, Chandigarh where the deceased lived was not too far off ? Fifthly, if the victim had actually fallen down on the road, he must have suffered some injuries on other parts of his body like bruises or fracture etc, and his clothes must have been torn and had become dirty as according to the witnesses it was drizzling in the night and also in the morning of 11th August,2000. But when his father saw his dead body,

his clothes were clean and did not show any sign of dirt or falling on the road.

6. The role of hospital authorities is also doubtful. If the deceased was in his senses at the time of his first medical examination at about 12 a.m. why the doctor on duty did not inform his relatives or friends on phone about his detention? Secondly, While he was declared dead at about 1.30 a.m. on 11.8.2000 the Post mortem on the dead body was conducted by a three doctor board only at 5.30 P.M. on 11.8.2000 i.e. after about sixteen hours from the alleged death. Thirdly, no viscera of the deceased has been sent for Laboratory tests although it had been removed out of the body for the purpose. As per the head doctor on the panel, it's not necessary. By not sending the viscera of the deceased for Laboratory tests, the board of doctors has not only helped the Police in getting benefit of doubt, but also acted contrary to the guidelines laid down by the National Human Rights Commission. Thirdly, the alleged first examination report conducted by the other doctor earlier to victim's death has been made part of the Postmortem report(wheras it is not ordinarily done.) Last but not the least, the Post mortem report shows some other injuries on the body of the deceased, which also gives rise to the suspicion that the police story is false. The cause of death have been opined as serious head injury.

PROBABLE REASON BEHIND THE DEATH:-

Although it's a blind case with no useful help received from any corner, our team has been able to construct three theories which are only probabilities.

1. First theory is that one of the Police witnesses as framed by them at Village Badala, had played important role in the elimination of the deceased for reasons known to him alone. He might have taken the deceased to Police Station Sector 39, Chandigarh himself on his vehicle on 10.8.2000, (may be after giving some intoxicant to the deceased) and there cooked up the story to eliminate him and show it a case of accidental death. With the help of police officials in P.S. Sector 39, Chandigarh he manipulated the record, but kept himself off the record and while taking the deceased for medical examination, he was alone with the deceased at the back side of the vehicle and threw him on the road or first hit him with some weapon and then threw him on the road and showed it to be a case of accidental fall and involved Constable Naresh Kumar in the incident.
2. Second theory is that the deceased had died in the Police Station itself due to excessive beating, and then the Police cooked up the story that the deceased had consumed excessive alcohol with Dhindsa in his clinic and was arrested from Sec.39/40 while he was making nuisance under the influence of liquor and while coming back from hospital, fell down from the moving truck and died of the injuries.
3. According to third theory, even if it is not a murder and the deceased had died due to fall from the moving vehicle, it is quite possible that under the influence of liquor, the deceased had a scuffle with Constable Naresh Kumar in the moving vehicle, who alone was present in the back side of the vehicle and he was pushed by the Constable Naresh Kumar out of the moving vehicle, as a result of which he fell down on the road and suffered serious head injuries which caused his death.

RECOMMENDATION:-

Since it is a case where the story of Police is suffering from many flaws and there are many circumstances and allegations of gross negligence pointing a finger of suspicion and acting with malafide intention against the Police of P.S. Sector 39, Chandigarh, besides role of hospital sources in helping the police authorities and that fabricated evidence and tutored witnesses have been produced before the S.D.M.(South) by the Police, it is a fit case where an independent probe by some independent agency should be held, preferably by the C.B.I. and in the meantime, a criminal case under Section 342,330,304-A of IPC should be registered

against the suspended policemen. To sum up, it's a clear case of Custodial death with deep police involvement and doctor-police nexus and un-successful attempt to paint a different picture to show it a death by accident. Lawyers For Human Rights International strongly condemn this act of Chandigarh Police in killing a young man and then trying to scuttle every effort to unearth the truth by cooking up false story, fabricating false evidence and planting tutored witnesses.

ACTION TAKEN BY LHRI

Our organisation sent the copies of the above report to the National Human Rights Commission, Home Secretary, U.T. Chandiarh, besides concerned police authorities of Chandigarh Police. Free legal aid was provided to the father of the deceased Amanjeet, Mr.Mulla Singh in filing a Civil Writ Petition in the Punjab & Haryana High Court seeking CBI inquiry into the custodial death of his son and for interim compensation to the tune of Rs.5 lacs. The said petition is pending at the final argument stage in the High Court. No response was received from National Human Rights Commission by our organsiation or the father of the deceased.

REPORT III

INVESTIGATION REPORT INTO THE KILLING OF A YOUTH OF LUDHIANA BY INSPECTOR GURMEET SINGH "PINKY" OF PUNJAB POLICE AND HIS ACCOMPLICES ON 7TH JANUARY, 2001

**CHANDIGARH.
JANUARY 10,2001**

The Criminal activities of Punjab Police personnel has been the concern of every law abiding citizen. There are numerous incidents where Punjab police have been found acting beyond the pale of law in settling personal scores, land grab and other heinous crimes in different parts of the State, but the State government has remained silent at this increasing tendency of their forces. The case of grisly murder of Avtar Singh, a youth of Ludhiana on 7th January, 2001 by an Inspector of Punjab Police and his gunmen and other criminal elements has once again brought to light the deep-rooted criminal-police nexus in Punjab police, where the common man is feeling insecure and prone to police brutality.

On 9th January, 2001 almost all the newspapers of the region including "The Times of India", Chandigarh edition, published news report titled " Cop absconding after shootout:victim dies", the true copy of which is appended herewith. The same day, a team of Lawyers For Human Rights International, comprising of Mr. Arunjeev Singh Walia, Mr. Ravinder Singh, Mr. Mohinder Kumar and Mr. Yogesh Vinayak, went to Ludhiana on a fact finding visit and conducted detailed investigation into the whole incident.Mr. Anil Sharma, a local social activist of Ludhiana, assisted the team.

Krishna Nagar, in Ludhiana where the victim lived is just near the Punjab Agriculture University, Ludhiana. It is a thickly populated area with small houses on both sides of internal streets. Most of the people living in this area are middle standard traders alike the victim's father. The area is a very peaceful residential area and has remained crime-free since long.

NAME AND ADDRESS OF VICTIM:-

Avtar Singh alias Gola, son of S. Amrik Singh, aged 21 years, resident of H.No.1651, Krishna Nagar, Ludhiana. Occupation: After completing graduation just opened a grocery shop near his house. Education- Graduate, Marital Status- had been engaged just two months ago. (Deceased)

WITNESSES EXAMINED:

1. Amrik Singh, father of the deceased
2. Sushil Kumar, a friend of the deceased
3. Amandeep Singh alias Lovely, another friend of the deceased
4. Vajinder Singh, brother-in-law of the deceased
5. Daljit Singh, neighbour of the deceased
6. Surjit Singh, a friend of Amrik Singh(deceased's father)

PLACES VISITED:

1. Residence of the deceased
2. Place of incident
3. Civil Hospital, Ludhiana-mortuary
4. Arti Cinema Chowk, Ludhiana(Place of Public Dharna)

NAMES AND PARTICULARS OF ACCUSED PERSONS;

1. Inspector Gurmeet Singh "Pinky", Police Lines Moga.
2. Bittu Gill, gunman of Inspector Gurmeet Singh Pinky.
3. Paramjit Singh Pammi, the owner of Verma Gun House, resident of Maharaja Nagar, Ludhiana
4. Panna, the owner of Sardar Tent House, Ludhiana
5. Pawan Kumar, gunman of Inspector Gurmeet Singh Pinky

FACTS:

Avtar Singh, son of Amrik Singh, aged 21 years was an unmarried clean shaven youth with no criminal background. He was the only son of his parents with four sisters. His family consists of his grandfather, parents and four sisters. He was quite social and had good number of friends. On Sunday, the 7th January, 2001 his elder sister and her husband Vajinder Singh had come to meet them from Ambala Cantt. in Haryana. There was a religious prayer function in Ludhiana on the same day in the evening and some of his friends had decided to attend that function. At about 7.30 P.M. on 7th January, 2001 about five of his friends had come to his house and took him to the function. The six friends seated themselves on two vehicles, one scooter and one motor cycle. Avtar Singh was sitting on the pillion of the scooter. While they were passing from a street nearby, at around 8 P.M., about 10-12 persons wearing civil clothes, were standing in the middle of the street consuming liquor. All of them were carrying arms with them. They had put the liquor bottles and glasses on the three cars parked outside the house of Inspector Gurmeet Singh Pinky in Maya Nagar, Ludhiana. Suddenly the motor cycle driven by Amandeep Singh stopped, Avtar Singh requested the persons standing on the road to give them way. But someone among those persons rudely asked them to change their route and go from the other street. Avtar Singh again requested that the other street is damaged and so it is the only street from where they could reach their destination. At this, Gurmeet Singh "Pinky" and his gunmen got infuriated and caught hold of Avtar Singh and dragged him from the pillion of the scooter and started thrashing him with fists and kicks. Soon others also joined in. His friends ran for their safety leaving behind their motor cycle and scooter. One friend Sushil Kumar, rang Avtar's father from a nearby STD that his son is being beaten by somebody and he should come immediately. Amrik Singh, father of Avtar Singh, took his neighbour Daljit Singh, his friend Surjit Singh and his son-in-law Vajinder Singh and rushed to the spot on two different two-wheelers. Within few minutes they had reached the spot. In the meantime, Avtar Singh had been badly thrashed by those persons. After good thrashing, Avtar Singh was let-off. When Amrik Singh and others saw Avtar Singh, they went forward to save him. Suddenly, they saw that those persons had started firing indiscriminately on them. There persons were carrying A.K. 47 rifles, one was carrying 9 mm Carbine, and others were carrying pistols or revolvers. People heard sounds of AK-47 rounds as also of revolver shots. When one bullet fired by Inspector Gurmeet Singh "Pinky" from his service revolver touched the head of Amrik Singh, and injured him, Avtar Singh who had fallen on the road got up to save his father and came into the close range of Inspector Gurmeet Singh Pinky's second bullet. The bullet fired from the service revolver of Gurmeet Singh Pinky hit the forehead just below the left eye-brow of Avtar Singh and pierced through his head making a hole in the skull and going outside from the back of the head. Avtar Singh immediately fell on the road. After viewing the whole shooting for more than five minutes, Daljit Singh and Surjit Singh, friends of Amrik Singh came forward and Surjit Singh, caught hold of the AK-47 rifle of one gunman and changed its direction from vertical towards the Sky. By that time, Daljit Singh and Amrik Singh started shouting that Avtar Singh has been killed. For ten minutes, the assailants remained on the spot and continued hurling abuses at them. When they saw that the situation has worsened, they slipped away in the parked cars whose numbers were noted by eye-witness Surjit Singh as PB-08-0153 , PB-10B-1164 and one scooter no.PB-08-L-812T. The assailants were identified as Inspector Gurmeet Singh "Pinky", Panna- the owner of Verma Gun House, Ludhiana, Pammi- the owner of Sardar Tent House, Ludhiana, Bittu Gill- the official gunman of Gurmeet Singh "Pinky" and his eight other accomplices. Daljit Singh, Amrik Singh and Vajinder Singh jointly picked up Avtar Singh who was in a pool of blood and firstly took him to a nearby nursing home, and then immediately took him on a scooter to Dayanand Medical College, Ludhiana. Avtar Singh was unconscious by that time. He was immediately put on an incubator in the D.M.C. at about 9.21 P.M. on 7th January, 2001. He ultimately succumbed to his injuries at the D.M.C. on 8th January, 2001 at 5.45 P.M. His post-mortem was conducted on 9th January, 2001 at the Civil Hospital, Ludhiana by a board of doctors consisting of Dr.S.K.Sharma and Dr. I.S. Bagga of Civil Hospital, Ludhiana and the dead body was handed over to the relatives at about 2.15 P.M. The cremation of the body could not take place till 10th January, 2001 because of public outcry against the inaction of the police in nabbing the culprits.

The local police could not reach at the place of occurrence for many hours and delayed the recording of First Information report. The F.I.R. No.10 dated 8.1.2001 under Sections 307/323,336,148,149 IPC, 25/27,54/59, Arms Act was recorded in Police Station Division No.5, Ludhiana at about 4.a.m. on the statement of Amrik Singh, father of the deceased. The father of the deceased being an illiterate person failed to read the contents of the F.I.R. and apart from getting his signatures on his alleged statement, the local police allegedly got his

thumb impression on few blank papers. All the accused are absconding and there has been no visible effort of the police to raid possible hideouts of the culprits and arrest them, even when four of the 12 persons involved in the shootout are police personnel.

Showing solidarity and to express their sympathies with the bereaved family, thousands of people reached the house of the deceased. All the markets in Ludhiana city remained closed on 9th and 10th January, 2001. A day long dharna was put by thousands of residents of Ludhiana on the Ludhiana-Ferozepur road near Arti Cinema Chowk on 9th January, 2001 which culminated with a harsh Lathi-Charge by the police on the unarmed and peaceful protestors including old men and women in the evening. A big protest rally was also organised at the spot of dharna during the day, where residents and leaders of the area expressed their sympathies with the family of the deceased and demanded strict action against Gurmeet Singh Pinky and his criminal accomplices.

POLICE VERSION:-

According to the First Information Report recorded by the Police in P.S. Division No.5, Ludhiana, When Avtar Singh was passing from the street alongwith his friends, Gurmeet Singh Pinky, who is working in Police department alongwith his gunmen and some private persons stopped them from going through that street. But when Avtar Singh pleaded for the way through the street, Gurmeet Singh and other started beating him. His friend Sushil Kumar informed Amrik Singh that some persons are beating Avtar Singh near Sireesh Nursing Home, and when Amrik Singh alongwith some persons reached there, Gurmeet Singh Pinky and his accomplices started firing on them. One bullet passed from just near the forehead of Amrik Singh and another shot hit the forehead of Avtar Singh, who collapsed then and there. He was taken to Dayanand Medical College, Ludhiana. He succumbed to his injuries on 8th January, 2001. The culprits slipped away from the scene and are still absconding. Search is on to nab them.

ACTION TAKEN BY POLICE:-

The Police had registered F.I.R. No.10 dated 8.1.2001 under sections 307/323,336/148,149 IPC, 25,27, 54/59 Arms Act in P.S. Division No.5, Ludhiana against Gurmeet Singh "Pinky", Pammi, Panna and Bittu Gill, gunman and other accomplices. No visible efforts have been made by the police to trace the culprits. Gurmeet Singh Pinky was ordered to be suspended and reverted to his original rank of Havaladar by the Director-General of Police, Punjab on 9th January, 2001. The three gunmen given to him are still in service, but absconding alongwith him. The Senior Superintendent of Police, Ludhiana created a flutter of his authority when he called upon the people to trace the assailants and assured that he would certainly arrest them, knowing fully well that the Police is duty bound to search the culprits and leave no stone unturned to arrest them. From the conduct of Senior Police authorities, it has become clear that the Police is not interested at all in arresting Gurmeet Singh Pinky or his accomplices and may try to hush up the case by using the blank papers obtained from the father of the deceased. The inaction of the police in this case has irked many concerned citizens of the State.

EYE-WITNESS ACCOUNT:-

Sushil Kumar, son of Chint Ram, resident of Ludhiana is a close friend of deceased Avtar Singh. He disclosed to the team that when they were passing through the street, Gurmeet Singh Pinky and 10-11 persons were standing in the middle of the road and consuming liquor by putting the bottles and glasses on the bonnet of the cars parked outside the house of Gurmeet Singh Pinky in Maya Nagar, Ludhiana. "Avtar Singh had not raised any protest or objected to their standing on the road, but had simply requested them to give way. But Gurmeet Singh Pinky and his accomplices started beating him." Sushil Kumar further told that when he saw Avtar Singh being thrashed by the accused persons, he ran away and made a phone to Amrik Singh from a nearby STD and informed him about the beating of Avtar Singh. Thereafter he ran towards different street to save himself. But later on one of his friend, Chandan told that Avtar Singh has been injured in the shootout and he has been taken to Dayanand Medical College, Ludhiana. He also rushed to the hospital to know the welfare of

Avtar Singh. He alongwith another friend, Amandeep Singh alias lovely who were with Avtar Singh at the time of beating, identified Gurmeet Singh Pinky from amongst the assailants.

Vajinder Singh, brother-in-law of deceased Avtar Singh who accompanied Amrik Singh to the spot also deposed that he heard many gunshots fired directly upon them by the assailants for more than ten minutes. He saw one bullet hitting Avtar Singh and Avtar Singh falling down on the road. He was the first person to pick up Avtar Singh alongwith Daljit Singh and Amrik Singh, father of the deceased. Daljit Singh, also a vital eye-witness said that some thing also hit him due to which he has also suffered few abrasions on his face, but he expressed his inability to identify anybody from amongst the assailants. Contrary to this, Surjit Singh, another friend of Amrik Singh who had also gone to save Avtar Singh, deposed that he identified Gurmeet Singh Pinky who had fired from his service revolver on Avtar Singh. He also said that he caught the AK-47 rifle of the gunman of Pinky and changed its direction towards the sky. He also started shouting when he saw Avtar Singh hit by the bullet of Gurmeet Singh Pinky. He was the vital witness who had noted the numbers of the cars in which the culprits escaped. He, however, did not remember the registration number of the third car which was also parked outside the house of the accused policeman. Amrik Singh, father of the deceased also stated that he had identified Gurmeet Singh Pinky and saw him firing bullet from his service revolver on his son Avtar Singh. He said that he also suffered bullet injury, but the police is not taking any interest in the case and his thumb-impressions were forcibly obtained on blank papers. He apprehends hushing up of the case by the police and shielding of the culprits by the local police.

ACTION BY STATE GOVERNMENT :-

Inspite of cold blooded killing of an innocent Sikh youth by an Inspector and his gunmen in Ludhiana, the State government has not officially minced any word to condemn or express sympathy with the bereaved family. Although, the Chief Minister, Parkash Singh Badal was present in Ludhiana on 9th January, 2001, he could not find any courtsey to spend few minutes to console the bereaved family, nor he spoke any word of sympathy for the victim's family. There has been studied silence from the State government on the ill-fated incident till date except that the guilty cop has been suspended and reverted to his original rank of Head Constable. Little courtsey was shown by the Chief Minister on his visit to Ludhiana by talking to the media people on the incident on 9th January,2001.

BACKGROUND OF GURMEET SINGH PINKY :-

A notorious criminal, Gurmeet Singh, popularly known as "Pinky" in police circles has a dubious lifestyle. He was a small time criminal during the peak of terrorism in Punjab. He was hired by few Senior Police officials to infiltrate into militants ranks and give information about their activities and hideouts. He was instrumental in the elimination of many innocent persons in police encounters during 1988-1994. He also killed many persons in the name of terrorists during the peak of militancy. He was a known "police cat", a name given by Mr. K.P.S. Gill, the then D.G.P. of Punjab. He was later absorbed as a Special Police officer and was promoted to the rank of Head Constable in Punjab Police. After some time, he got unlimited out of turn promotions and soon became Inspector and remained posted in C.I.A. Staff, Jalandhar for more than two years. During this time, he amassed huge wealth from all legal and illegal means. At present, he owns one grand bungalow No.124-A, in Maya Nagar, another house where the present incident occurred also belongs to him and it is under construction. Besides this, he owns another bungalow in Ghumar Mandi, and another one in Civil Lines in Ludhiana. He also owns one Kothi in Sector 33, Chandigarh, and one big farm house on Chandigarh-Ludhiana road near Samrala. He has two living wives. He has been chargesheeted by the C.B.I. in a case of abduction of a youth of Jagraon, under Sections 364,344,347,384,120-B, IPC which is pending trial in the C.B.I. Court at Patiala since 2000. He is also accused of illegally detaining and torturing many people and interfering in property disputes. More than 10 complaints are pending against him in the Punjab State Human Rights Commission, besides four petitions in Punjab & Haryana High Court filed by different persons. In one such petition, he has been charged with obstructing in the working of the warrant officer, when four of the detainees were recovered from his illegal custody in C.I.A. Staff, Jalandhar. Interestingly, the then D.G.P. Mr. P.C. Dogra had ordered that Gurmeet Singh Pinky be provided with four gunmen with AK-47 rifles and since then he has been provided police

security alongwith an escort Gypsy at State expense which is still with him. In an inquiry held by the Additional Director-General of Police, Punjab on the orders of the Punjab Human Rights Commission, the then Senior Superintendent of Police, Mr. Gaurav Yadav had defended him by giving false statement that Gurmeet Singh Pinky was posted in Jalandhar district on 5.4.1990, whereas as per one F.I.R. registered in P.S. Division No.5, Jalandhar on 6.1.1990 in some other case, Gurmeet Singh Pinky was shown posted in Jalandhar in January, 1990. He has been accused of intimidating, threatening and beating of many people of Ludhiana, Jalandhar and Moga. He is a known drug addict and keeps a small silver box with him, containing opium which he is addict of. Interestingly, he has obtained the visas of few countries and it is apprehended that he may abscond from India to another country and will never return home, unless his passport is not seized.

FINDINGS:-

The investigation team of Lawyers For Human Rights International, visited Ludhiana on 9th January, 2001 and during the course of investigation met about six material witnesses and hundreds of other residents of the area and also saw the spot of incident. Facts disclosed by the eye-witnesses and the relatives of the deceased were also recorded. The still and video film of the entire visit was prepared and retained un-edited. Joining all the facts and circumstances of the case, the team has arrived at the following findings:-

1. The present case has exposed the Police-Criminal nexus prevailing in Punjab Police. It has established beyond doubt that there are good number of Criminals turned "police cats" in the Punjab police who considers law unto themselves. He has no fear of law. Senior Police officials always try to protect people like him. Especially in the present case, there has been every effort by the Punjab police to help Gurmeet Singh Pinky from escaping the rule of Law.
2. The direct involvement of Gurmeet Singh Pinky and his three gunmen and other criminal elements has also been established beyond reasonable doubt. It has also come that it was the bullet fired from the service revolver of Gurmeet Singh Pinky which had caused the fatal wound on the person of the deceased Avtar Singh.
3. Public outcry against the dastardly killing by Gurmeet Singh Pinky has undoubtedly proved that many people were also affected due to the unlawful and terrorist activities of Gurmeet Singh Pinky. There was a hidden fear in the minds of every citizen of Ludhiana which has come out in the form of outburst against Gurmeet Singh Pinky in the present case.
4. The board of doctors conducting the Post mortem examination tried to manipulate the record by firstly ignoring the fact as to which wound was of a firearm on the body. But later on due to public pressure, the records were corrected on the orders of the Deputy Commissioner, Ludhiana. The Ludhiana police is openly shielding the accused Police personnel and other culprits. The Senior Superintendent of Police, Ludhiana has never assured any person or even in the media that they will arrest the culprits within a specific time period, which shows that they know where Gurmeet Singh Pinky and his accomplices are hiding and every effort is being made to allow them to escape from the law. The people as also the family members of the deceased have lost faith in the Punjab police and no alternative except handing over the investigation to an independent agency like the C.B.I. is left to the State Government, if it really cares for the lives of their citizens.
5. The family of the deceased Avtar Singh is in a very pitiable condition. Avtar Singh, being the only son with four sisters was most loved one. With his demise, his old grandfather and parents and two younger sisters are the worst affected persons. He was also the breadearner of the family, so the economical aspect of the family is also to be kept in mind.
6. The role of press media in the entire incident is highly appreciable and they aptly reported the true account of the incident. However, much needs to be done by the media in highlighting the criminal- police nexus in the State police which has by now gone un-addressed to some extent.

RECOMMENDATIONS:-

1. The investigation into the present case must be handed over to an independent agency like C.B.I. on account of inaction of Punjab police and shady conduct of Senior Police authorities in protecting the culprits including Gurmeet Singh "Pinky" the main accused in the murder of Avtar Singh, deceased.
2. The family of the victim must be compensated by paying an ex-gratia compensation of Rs.10 lacs from the State exchequer, besides offering a government job in district administration, because the deceased had been killed by an officer of the Punjab Police.
3. Departmental action must be taken against those policemen of Police Station Div. No.5, Ludhiana who failed to arrest the culprits after the incident and who forcefully obtained thumb impressions of the father of the deceased on blank papers. Since the father of the deceased is feeling that his statement has not been truly recorded in the First Information Report, a supplementary statement of the father should be recorded and proper and transparent investigation must be undertaken.
4. The property of the culprits like the six houses owned by Gurmeet Singh Pinky must be sealed forthwith and efforts should be made to auction it and give the money received from the auction to the next of the kin of the deceased. Similarly, the licence granted to Verma Gun House, whose owner is a co-accused in the present case must be withdrawn and his property should be ordered to be seized.

No political party, whether ruling or opposition in the State has shown courage to share the grief of the villagers except mincing few words of anger against Punjab Police or Gurmeet Singh Pinky. Human Rights organisations and activists have condemned the gruesome incident in strong words. To sum up, no words could express the grief and sorrow of the family of Avtar Singh, who have lost their only son in the prime of his youth, for no fault of his. It is urgently required that the State government in order to restore faith of the people in the Administration of justice should order an independent inquiry into the present case preferably by the C.B.I. and should immediately arrest Gurmeet Singh Pinky and his accomplices and bring them to trial for the murder of Avtar Singh of Ludhiana. Only such action can really heal the wounds of the people, if at all the State government cares for its citizens.

ACTION TAKEN BY LHRI

Our organisation sent the copies of the report to Punjab State Human Rights Commission, Director-General Police, Punjab and other concerned police and administrative authorities. Our organisation provided free legal aid to the father of the victim, Avtar Singh by assisting the prosecution in the trial court at Chandigarh where nine accused including Gurmeet Singh "Pinky" are facing trial. Our organisation also provided free legal aid to the father of the deceased in the Punjab & Haryana High Court for opposing the bail pleas of the accused and for seeking other reliefs. The trial of the murder of Avtar Singh, deceased is pending in the Court of Sessions Judge, Chandigarh and four out of nine accused are in judicial custody.

REPORT IV

INVESTIGATION REPORT INTO THE CUSTODIAL DEATH OF JASPAL SINGH, A DALIT YOUTH OF VILLAGE SAHERI, DISTRICT ROPAR ON FEBRUARY 7, 2001

**CHANDIGARH
FEBRUARY 10, 2001**

The brutal torture methods and inhuman third degree torture given by Punjab Police to the common man has been a subject of great concern for every law abiding citizen in the State.

There is a long list of incidents where Punjab police had beaten to death many innocent persons during interrogation in the torture chambers of the police stations. But neither the State government nor the Police authorities have responded aptly at this increasing tendency of using inhuman third degree methods by their forces and have awfully failed to take any action against the erring cops. The case of gruesome custodial death of Jaspal Singh, a youth of village Saheri, P.S. Morinda, Distt.Ropar in Punjab on the intervening night of 6th-7th February, 2001 by Policemen of P.S. Morinda, Distt.Ropar has once again established the fact that Police force in Punjab has gone berserk and is using third degree methods upon every person legally or illegally picked up by them and the situation in the State has become so worse that the common man is feeling highly insecure and prone to police brutality. State of Punjab appears to have become a Police Raj. There is a total lack of Control by State administration over Police machinery and every organ of the State is mocking at the extra-judicial and barbaric torture techniques of Punjab police, at the cost of the common man, who is the ultimate victim.

On 7th February, 2001 there was a road blockade on the Morinda-Ludhiana main road since Morning. Thousands of people had gathered outside the Police Station Morinda in protest against the custodial death of a dalit/ scheduled Caste boy of village Saheri, Distt.Ropar. The news spread like a wild fire across the region and a telephonic information was received in the headquarters of our body in the evening. The same day, a team of Lawyers For Human Rights International, comprising of Mr. Arunjeev Singh Walia, Mr. Ravinder Singh Bassi, Mr. O.P.Dabla, Mr. Arvind Sandhu, Mr.Kulbir Singh Bains, Mr. Anil Kaushik, Mr. Bhupinder Singh, Mr. Tejinder Singh Sudan and a social activist Mr.Shashi Sharma of Jalandhar went to Morinda on a fact finding visit and conducted detailed investigation into the whole incident.

Village Saheri, a small village of Kharar tehsil in Distt.Ropar, where the victim lived is just few kilometers away from Morinda. It is a thinly populated area with small houses. Most of the people living in this area are poor alike the victim's father. The area is a very peaceful rural area and has remained crime-free since long.

NAME AND ADDRESS OF VICTIM

Jaspal Singh alias Kala, son of Surmukh Singh, aged 17 years, resident of Village Saheri,P.S.Morinda, Distt.Ropar. Occupation: He was working as a worker in a tent house in Morinda and was the breadearner of the family. Family-He has one sister and one brother, besides his parents in the house. Sister is un-married and brother is deaf and dumb minor. Education- 9th Pass Marital Status- Un-married (Deceased)

WITNESSES EXAMINED

1. Surmukh Singh, father of the deceased
2. Surinder Kaur, mother of the deceased
3. Dallen Singh, maternal grand father of the deceased
4. Bibi Harbhajan Kaur, Head of Village Gurdwara in Vill. Saheri, Distt. Ropar.

PLACES VISITED

1. Place of incident (Police Station Morinda)
2. Civil Hospital, Ropar – mortuary

NAMES AND PARTICULARS OF ACCUSED PERSONS

1. Sub-Inspector Tarlochan Singh, S.H.O. Police Station, Morinda.
2. Constable Manoj Kumar, P.S. Morinda
3. Head Constable Shingara Singh, P.S. Morinda
4. Gurmeet Singh, father of Charanjit Singh, Jat Sikh of village. Saheri.
5. Jagtar Singh, Sarpanch of Village Saheri.
6. Surjit Singh, of village Saheri
7. Nirmal Singh of village Saheri

8. Billu, husband of sister-in-law of Sub-Inspector Tarlochan Singh, S.H.O. P.S. Morinda, resident of Village Saheri

FACTS

Jaspal Singh, son of Surmukh Singh, aged 17 years is the elder son of Surmukh Singh. He belongs to Harijan caste (schedule Caste) and worked as a helper in a tent house in Morinda. He had no criminal record or tendency to become violent. On 6th February, 2001 there was an alleged fight between Jaspal and another young boy of the same village, named Charanjit Singh, son of Gurmeet Singh who belongs to Jat Sikh caste in which Charanjit received few minor injuries. Feeling agitated, Gurmeet Singh, whose friend Billu of the same village had a close relation with the Station House Officer of P.S. Morinda, namely Tarlochan Singh demanded that Jaspal be taught a lesson for beating the son of a Jat Sikh landlord of the village Saheri. The S.H.O. firstly sent his two policemen to the house of Jaspal on 6th February, 2001 in the evening to bring Jaspal, but he was not at home. Later on, two other policemen in uniform in a two-wheeler scooter accompanied by Gurmeet Singh and Billu on another scooter again came to the house of Jaspal Singh at about 9.30 P.M. and forcibly picked him up in the presence of his father Surmukh Singh and grandfather Dallan Singh. When Surmukh Singh tried to resist the forcible act of the policemen, he was also injured on his right eye-brow by the policemen. While taking away Jaspal Singh, the policemen told his parents that he is being taken to Police Station Morinda. When Jaspal Singh had been forcibly made to sit in the middle of the two policemen on the scooter, he was being beaten up and he was crying loud and high. Surprisingly, in utter violation of Supreme Court guidelines in case of arrest, no arrest memo was prepared by the police party nor any signatures of the parents of the detenu were obtained by the police men.

The father of the victim was so traumatised and shocked that he could not think of acting immediately till 4 a.m. on 7th February, 2001, when he alongwith his father-in-law Dallan Singh went out of his house in search of his son. When they had reached near the turning of Bangian village, a Police gypsy came near him and stopped. He saw the S.H.O. of Police Station Morinda on the driving seat, Sarpanch Jagtar Singh and Billu in the vehicle. The S.H.O. Tarlochan Singh, asked Surmukh Singh to sit in the gypsy so that they may go to the house of Paramjit Singh of the same village. On reaching the house of Paramjit Singh another Jat Sikh resident of the same village, Surmukh Singh was told that his son Jaspal Singh has died and is in Police Station Morinda. The S.H.O. tried to forcibly take him to some place on the pretext of preparing papers with regard to the delivery of dead body of Jaspal Singh, but Surmukh Singh raised the alarm and compelled the S.H.O. and his accomplices to leave the place. It was at 6 a.m. The whole village was informed about this tragedy and one head of the village Gurdwara Bibi Harbhajan Kaur organised the villagers and a large gathering of residents of Saheri and adjoining villages as also of Morinda thronged the Police Station Morinda at about 10 a.m. on 7th February, 2001. When the villagers were not shown or told about the state of health of Jaspal Singh, victim or his well being by the Police authorities they got furious and raised anti-police and anti-administration slogans. Someone from inside the police station raised a lalkara (threatening) and provoked at this unlawful act, the mob turned violent and started pelting stones at the policemen inside the Police Station, Morinda, but nobody was hurt. The villagers laid a 15 hour seize to the Police Station, Morinda and also blocked the Morinda-Ludhiana highway beginning 10 a.m. till 11.30 P.M. in the night.

POLICE VERSION

According to Police, Jaspal Singh was booked for apprehension of breach of peace under Section 107/151 Cr.P.C. When he was brought to the Police Station and was being questioned, his health deteriorated and he became unconscious. When he was taken to Civil Hospital, Morinda he was declared dead. An F.I.R. No.13 dated 7th February, 2001 was registered at P.S. Morinda under Section 302 I.P.C. (murder) and one Constable Manoj Kumar, Gurmeet Singh, Sarpanch Jagtar Singh, Surjit Singh, Nirmal Singh, all residents of Village Saheri were booked for the custodial death of the deceased Jaspal Singh. Ironically, the police has failed to explain as how the outsiders had succeeded in beating the deceased in Police Custody which ultimately claimed his death. Interestingly, the last sentence of the statement of the mother of deceased mentions that all the police officials present in Police

Station Morinda on the intervening night of 6th-7th February,2001 are responsible for the death of the deceased.

ACTION TAKEN BY POLICE

The Ropar police has miserably failed to discharge its duty of handling the case with the required urgency and seriousness. For the whole of the day of 7th February,2001 neither S.S.P. nor any Sub-Divisional Magistrate was available in the Police Station Morinda to inform about the tragedy to the people. The situation was not properly handled due to which the people had lost their cool and resorted to stone pelting upon the Police Station. None of the persons named in the F.I.R. have so far been arrested by the Police, nor the constable Manoj Kumar has been suspended or arrested. The Police had not suspended or taken any action against the S.H.O. Tarlochan Singh till 8th February, 2001. Under public pressure, the SSP, Ropar in order to cover up his wrongs, only ordered the suspension of the S.H.O. and sent him to Police Lines, Ropar only on 8th February,2001. Till 10th February, 2001 the S.D.M. Ropar had not started any inquest proceedings and have failed to record the statement of the parents of the deceased or any other material witnesses. He has also not questioned the erring policemen about the chain of events which led them to pick the victim and subject him to so severe third degree torture.

ACTION TAKEN BY THE STATE GOVERNMENT

The District Administration also deserves dis-credit for not responding to the incident appropriately. The Deputy Commissioner, Ropar never took pains to console the parents of the deceased nor even a word of condemnation or sympathy for the bereaved family has come from the District Administration. Every organ of the District Administration including the Sub-Divisional Magistrate is shielding the erring police officials for the reasons best known to them. The Sub-Divisional Magistrate of Ropar who had the jurisdiction over the area was on out-station leave, so the District Magistrate sitting in his office at Ropar entrusted the inquiry and inquest proceedings to Sh.Devinder Singh, S.D.M. Kharar. Sh.Devinder Singh, reached Police Station Morinda at about 4 P.M. on 7th February,2001 and behaved in a very hostile manner with the general public. He refused to speak or tell anything to the parents of the deceased or any human right activist. When our team reached the Police Station, Morinda at 8 P.M. the S.D.M. was busy in tampering with the records by fabricating evidence and was hand in glove with the Police officials in the Police Station Morinda. When our team members took his photographs, he tried to hide himself and behaved in a very arrogant fashion. He simply proved to be a tool in the hands of the Local police. On the persistent inquiries by our team members, he agreed to take the parents of the deceased to Civil Hospital, Ropar to show the dead body of the deceased Jaspal Singh. When our team reached Civil Hospital, Ropar alongwith the parents of the deceased at 9 P.M. the S.D.M. inspite of sitting with the parents for more than an hour did not utter even a word of sympathy or consoled the bereaved parents. He also refused to disclose anything about his information gathered in the Police Station during his stay there for more than four hours. He categorically said that he was not told anything about the cause and time of the death of the deceased by the police. When he failed to show the dead body of the deceased to his parents till 10.15 P.M. the team members and the parents of the deceased insisted that the post-mortem and inquest proceedings should be conducted in their presence. At this, the S.D. M. Mr.Devinder Singh told them that they should make an application to him if they want the post-mortem of the dead body. Next day, on the request of the father of the deceased, the inquiry officer was changed from Devinder Singh, S.D.M. Kharar to S.D.M. Ropar as the parents had lost faith in the conduct of Sh.Devinder Singh.

EYE-WITNESS ACCOUNT

Eye-witness Surmukh Singh, father of the deceased told that his son was picked up by two policemen in uniform alongwith Gurmeet Singh, Sarpanch Jagtar Singh, Surjit Singh and Nirmal Singh at about 9.30 P.M. on 6th February,2001.No arrest memo was prepared nor his or his wife's signatures were obtained on any memo by the police party. They were also not told about the offence for which the victim Jaspal Singh was being taken away. The victim Jaspal Singh was being beaten even in their presence and he was crying loud and high due to

the beating. When he resisted the illegal action of the police and tried to prevent the forcible picking up of the victim, he was also beaten and he suffered an injury on his right eye-brow. Later on at about 4 a.m. when he tried to search his son, the S.H.O. and the above named persons in a Police Gypsy threatened him that being a Scheduled Caste person, they have no right to live in the village and they will set him right. Other eye-witnesses, namely Surinder Kaur and her father Dallan Singh and a head of Village Gurdwara, Bibi Harbhajan Kaur, also narrated the similar account.

MEDICAL EVIDENCE

The Post mortem examination on the body of the deceased was conducted by a board of doctors constituted by the District Magistrate. Dr. Surjit, MS, Dr. H. N. Sharma, M.S. and Dr. Tarlochan Singh, EMO, Civil Hospital, Ropar were appointed the members of the board. Besides, the father of the deceased, three of his representatives including our two team members, alongwith a Video camera man of the District Administration viewed the post-mortem examination. The whole post-mortem examination was video graphed on the orders of the National Human Rights Commission. The bare examination of the dead body from naked eyes proved beyond doubt that the victim had died due to extensive third degree torture subjected to him in the illegal Police Custody. It clearly showed marks of beating by Patta (leather belt), tying of upside down with rope, and tightening of chest by tying with chains, and beating by wooden sticks, applying of electric shock on legs and other sensitive parts of the body etc. The Post mortem examination described few external injuries which gives ample proof of the death by beating. The viscera of the deceased was sent to Chemical analysis laboratory at Patiala for proper analysis and its report. The opinion of the board of doctors regarding the cause of death is kept deferred till the receipt of report of visera to be sent by Chemical analyst.

FINDINGS

The investigation team of Lawyers For Human Rights International, visited Morinda and Civil Hospital, Ropar on 7th and 8th February, 2001 and during the course of investigation met about three material witnesses and hundreds of other residents of the area and also saw the dead body of the deceased minutely. Facts disclosed by the eye-witnesses and the relatives of the deceased were also recorded. The still photographs of the entire investigation was prepared and retained with negatives. Joining all the facts and circumstances of the case, the team is of the considered view that : -

1. The present case has exposed the lawlessness prevailing in the police stations in Punjab. It has established beyond doubt that there are a large number of dreaded and barbaric policemen in the Punjab police who considers law unto themselves. They have no fear of law. Senior Police officials tried to protect their erring officials. Especially in the present case, there has been every effort by the Punjab police and District Administration to conceal the facts and help the accused by all means. Even the responsible officers of the District Administration like the Sub-Divisional Magistrate, Kharar appears to have been purchased for the fulfilment of this nefarious objective.
2. The direct involvement of Sub-Inspector Tarlochan Singh, S.H.O. of Police Station Morinda and his policemen and other criminal elements in the commission of murder of the victim, has also been established beyond reasonable doubt. It has also been established by medical evidence that the deceased was brutally beaten and subjected to third degree torture and he could not bear the torture and died of serious external and internal injuries inflicted on his person due to beating by police.
3. Public outcry against the dastardly custodial killing by S.I. Tarlochan Singh and his policemen has undoubtedly proved that many people had also suffered the wrath of the rowdy police force of the District Ropar. Their is a visible annoyance in the eyes of every citizen of Morinda and Saheri which came out in the form of outburst against the custodial killing of deceased Jaspal Singh in the present case. Thousands of people of village Saheri and adjoining areas including Morinda gheraoed the Police Station, Morinda and

blocked the Chandigarh-Ludhiana National highway to express their anguish at the dastardly killing. The entire Morinda sub-Division and adjoining areas witnessed complete Bandh in protest against the killing on 7th and 8th February, 2001.

4. The Sub-Divisional Magistrate, Kharar who was entrusted the inquiry and inquest proceedings into the custodial death of Jaspal Singh tried his level best to help the erring police officials. He left no stone unturned to manipulate the record. He firstly ignored the fact as to whether the police had complied with the Supreme Court guidelines before bringing the deceased to the Police Station. He also failed to see as to whether or not any arrest memo was prepared and whether or not the cause of arrest was been communicated to the victim at the time of picking him up and Whether or not the signatures of the relative or next friend of the deceased was obtained on the arrest memo by the police. He also refused to show the dead body of the deceased to the parents of the deceased on 7th February, 2001. But later on due to public pressure, the District Magistrate, transferred the inquiry and inquest proceedings from this S.D.M. to S.D. M. Ropar, because the parents of the deceased had lost faith in the S.D.M. Kharar. The Ropar police is openly shielding the accused Police personnel and other culprits. The Senior Superintendent of Police, Ropar is giving unwarranted statements to save the erring S.H.O. He never claimed that the Police will arrest the culprits within a specific time period, which shows that they know where the accused persons are and every effort is being made to allow them to escape from the law. The people as also the family members of the deceased have lost faith in the Punjab police and no alternative except handing over the investigation to an independent agency like the C.B.I. is left to the State Government, if it is interested in restoring people's faith in the rule of Law.
5. The family of the deceased Jaspal Singh is in a very pitiable condition. Jaspal Singh, who was the elder son with one un-married sister and a handicapped brother, was the sole bread earner of the family and the plight of the family after his death could be well imagined. He was earning Rs.200/- daily while working as helper with a tent store. With his demise, his poor father and younger brother-sister are the worst affected persons. The family has been economically ruined due to the death of the deceased.
6. The role of press media in the entire incident is highly appreciable and they aptly reported the true account of the incident. However, much needs to be done by the media in highlighting the extra-judicial methods adopted by the police in the State which has by now gone un-addressed to some extent.
7. There is a blatant case of gross and deliberate non-compliance of the Supreme Court guidelines in case of arrest as described in the landmark judgment titled " D.K.Basu Vs. State of West Bengal and ors."(AIR 1997 SC 610). No arrest memo was prepared before picking up the victim. Nor any reason for such action was disclosed to him. The Police also did not obtain any signatures of any relative or next friend of the victim on any memo. The Police has also violated the Judgment of Punjab & Haryana High Court, reported in Judicial Reports (Criminal) 1998 Page wherein Mr.Justice R.L.Anand had ordered the removal of all instruments of torture such as Leather belts(Patta), Iron Roller (Ghotana), Shikanja(iron chain), Lathi (Wooden Stick), Electric Battery(electric shock treatment) and other instruments from every Police Station, CIA staff or any other place of detention in Punjab, Haryana and U.T. Chandigarh.

RECOMMENDATIONS

1. The investigation into the present case must be handed over to an independent agency like C.B.I. on account of inaction of Punjab police and shady conduct of Senior Police authorities in protecting the culprits including S.H.O. Tarlochan Singh, the main accused in the murder of Jaspal Singh, deceased.
2. The family of the victim must be compensated by paying an ex-gratia compensation of Rs.10 lacs from the State exchequer, besides offering a

- government job in district administration, because the deceased had been killed in Police Custody.
3. Departmental action must be taken against those policemen of Police Station Morinda who failed to save the victim from further torture and also failed to arrest the culprits after the incident.
 4. The property of the culprits must be sealed forthwith and efforts should be made to arrest the culprits.

No political party, whether ruling or opposition in the State has shown courage to share the grief of the villagers except mincing few words of anger against Punjab Police or the State Government. Human Rights organisations and activists have rightly condemned the gruesome incident in strong words. To sum up, no words could express the grief and sorrow of the family of Jaspal Singh, who have lost their elder son in the prime of his youth, for no fault of his. It is urgently required that the State government in order to restore faith of the people in the Administration of justice should order an independent inquiry into the present case preferably by the C.B.I. and should immediately arrest S.H.O. Tarlochan Singh and every person involved in the custodial death and bring them to trial for the murder of Jaspal Singh. Only such action can really heal the wounds of the people, if at all the State government cares for its citizens.

ACTION TAKEN BY LHRI

Our organisation sent the copies of the above report to the Punjab State Human Rights Commission, Punjab & Haryana High Court, besides concerned civil and police authorities. Our organisation provided free legal aid to the parents of the deceased and filed a Civil Writ Petition in the matter seeking interim compensation to the tune of Rs. 5 lacs for the kin of the deceased. The said petition is pending in the High Court at the argument stage. The trial of the case is yet to begin and it is still under investigation.

REPORT V

INVESTIGATION REPORT INTO THE POLICE IN-ACTION IN THE CASE OF MURDER OF A YOUTH OF PANCHKULA.

**CHANDIGARH
15.6.2001**

With heavy heart, the Lawyers For Human Rights International, expresses concern at the murder of Sandeep Kumar(21), son of Karam Chand, a city resident on May 21, 2001.

The investigation into the murder of Sandeep Kumar, a 21 years old youth of Chandigarh in Panchkula on May 21, 2001 was conducted by a team of Lawyers For Human Rights International, consisting of Tejinder Singh Sudan, District President of the Chandigarh Unit, Arunjeev Singh Walia and Yogesh Kumar Vinayak.

The deceased Sandeep Kumar, aged around 21 years, was living with his parents and younger brother at House No.695-B, Sector 46-A, Chandigarh. He was the elder son of Karam Chand and Kaushalya Devi. He was supervising the construction work of his aunt's house at H.No.537, Sector 19, Panchkula. On May 20, 2001 he went to H.No.537, Sector 19, Panchkula at about 7.30 a.m. But did not return back. On May 21, 2001, his mother was informed through telephone by the Panchkula police that the dead body of her son Sandeep Kumar was found lying on the railway track near Sector 19, Panchkula. Her younger son Rakesh Kumar went to the spot alongwith one of their neighbour. They found that the dead body of the deceased bore injuries on the head, face, knees and heels of his feet and from every angle it was looking like a cold blooded murder. The broken buttons of his trousers and blood oozing out from his mouth and other parts were indicative of forcible act with him. But the police did not take any action on the ground that it was a suicide. The parents of the deceased suspected the involvement of one of their relative Chanchal (her sister's son) into

his murder. It was learnt that the deceased had taken drinks alongwith Chanchal and one person called Pardhan in House NO.537, Sector 19, Panchkula till 11 p.m. on the ill-fated night, but how and who killed him is yet to be investigated. But the Panchkula police closed this case as a suicide and have even failed to register the F.I.R. of murder. The mother of the deceased is a distressed lady as her husband had become mentally retarded few years ago in a road accident and their is no male member to look after the entire family. She has made many representations to Senior Police authorities including the Director-General of Police, Haryana seeking their indulgence in getting the truth behind the cold blooded murder of her son, Sandeep Kumar. The body strongly recommend that the Panckula police should register an F.I.R. under Section 302 IPC against the guilty accused after thorough investigation into the offence.

ACTION TAKEN BY LHRI

Our organisation sent the copies of the report to the Senior Superintendent of Police, Panchkula, besides other concerned authorities and proper action was taken by the authorities concerned in the matter.

REPORT VI

INVESTIGATION REPORT OF BEATING OF INNOCENT VILLAGERS OF NAYAGAON, DISTRICT ROPAR BY PERSONNEL OF CENTRAL RESERVE POLICE FORCE ON OCTOBER 17,2001

**CHANDIGARH.
OCTOBER 20, 2001**

BACKGROUND

It is indeed a sad fact that incidents of Police highhandedness in Punjab have become very common. The life and property of the people has always remained under threat. The incidents of Police lawlessness have contributed much to the increasing crime graph in the State during the last four years. Newspaper stories narrating incidents of policemen beating innocent citizens are too heartrending, like the one which appeared in The Tribune, Chandigarh dated October 18, 2001 titled " CRPF men storm village, assault 3". On reading this news report, a team of Lawyers For Human Rights International was formed to conduct an on the spot investigation and report about the factual chain of events. The team comprised of Arunjeev Singh Walia, General Secretary, Tejinder Singh Sudan, President Chandigarh District Unit, P.K.S.Gill, Manpreet Singh Chahal, Mohinder Singh and Mohinder Kumar.

Places visited

1. Village Nayagaon, District Ropar (Place of Incident)
2. Police Post, Nayagaon, District Ropar
3. Post Graduate Institute of Medical Education and Research, Chandigarh
4. 37 Battallion, CRPF Headquarters, Chandigarh
5. Office of Deputy Superintendent of Police, Mohali, Distt.Ropar

NAMES AND ADDRESSES OF VICTIMS:

1. Mr. Gaje Singh, son of Mr.Gulu Singh, Scheduled Caste, aged around 39 years, Occupation-Tailor, Education-8th Class passed, Marital Status-married (main victim,injured in the beating).
2. Mr. Darshan Singh, son of Mr.Maru Singh, aged around 39 years, handicapped, Occupation- shopkeeper, Education-illeterate, Marital Status-married (passer-by,injured in the beating).

3. Mrs. Satpal Kaur, widow of Mr. Maru Singh, aged 78 years, Occupation-Old widow, Education-illiterate, Martial Status-Widow (passer-by, injured in the beating)

FACTS:-

Gaje Singh, son of Gulu Singh, is a Scheduled Caste lower class tailor having a small shop in village Nayagaon, District Ropar. One Constable Ramesh Chand of 37 Battalion, Central Reserve Police Force attached with the Security of Chief Minister, Punjab, was his customer. He had visited his shop few days ago for getting some alteration in the dress. On October 17, 2001 when the said Constable in civil clothes again came to his shop in the evening at about 5 p.m. some heated arguments ensued between the two over the expenses for the job work which was diffused by the neighbouring shopkeepers. The Constable was allegedly beaten up by the tailor and his neighbours. Agitated over the misbehavior, Constable Ramesh Chand came back to his camp and informed his colleagues. Few minutes thereafter, five-six more personnel of the CRPF in civil clothes came to teach lesson to the tailor. The villagers resisted the attack and these persons went back to their camp and came back again with a heavy contingent of the CRPF men in uniform armed with service weapons at around 8.15 p.m. and attacked the shop of Gaje Singh the tailor, after cordoning off the entire market. They went berserk and ransacked the shop of Gaje Singh as well as other shops in the market and assaulted every person coming in their way. Gaje Singh was mercilessly beaten with iron rods, wooden part of the assault rifle and wooden sticks. He was also given a blow with the knife attached with the .303 self loading rifle by the police men. He suffered serious injuries on his head, chest and feet. He fell unconscious then and there. One handicapped shopkeeper Darshan Singh, son of Maru Singh and his old mother Satpal Kaur, who came for his rescue were also attacked with iron rods. Darshan Singh suffered fracture on his right arm and Satpal Kaur suffered internal injuries on her back due to the indiscriminate beating by the CRPF personnel. Even the Police post which was manned by Punjab Police was quite few yards away from the spot, had only three policemen present and they also remained mute spectator to the whole incident which lasted for about 15 minutes. The violent police personnel of the CRPF then fled from the scene after creating a havoc in the entire village. Later on, the injured were taken to PGI, Chandigarh for treatment where two persons namely Gaje Singh and Darshan Singh remained admitted till October 18, 2001.

POLICE VERSION:-

According to Punjab Police Sub-Inspector Gurmeet Singh, Incharge, Police Post, Nayagaon, District Ropar a case under Section 452, 323, 506, 148, 149 of the Indian Penal Code has been registered on the complaint of the victim Gaje Singh against Constable Ramesh Chand and other unknown persons of the 37 battalion CRPF. No arrests have been made till the filing of this report. The Deputy Superintendent of Police, Mohali under whose jurisdiction the area falls stated to the team on phone that more sections could be added against the accused after receipt of Medico-Legal Report from the PGI, Chandigarh. He also admitted that efforts are made to compromise the matter and Punjab police would have no objection if the matter is compromised. He stated that since the accused belongs to Central force so prior sanction is necessary from the Central Government for their formal arrest, but they have not applied for getting such sanction till date.

The Commandant of 37 Battalion CRPF, Mr. S.C.Saini admitted that not only his men had committed illegal acts, but have also disobeyed the order of the Deputy Commandant, Joginder Singh who had restrained them from going outside the camp to fight with the tailor. Mr. S.C.Saini said that it was the most unfortunate incident which has brought bad name to his force. He assured of strict action against the erring personnel. He immediately ordered the suspension of Constable Ramesh Chand, one Head Constable and two other Constables involved in the incident. He even agreed to compensate the victims by bearing their medical expenses, but refused to tell whether the said expenses would be born by the CRPF or deducted from the salaries of the guilty policemen. He agreed that it was a blatant case of Police highhandedness and that his men had no business to go to the village Nayagaon, as the village fell in Punjab and they had no jurisdiction over the said village. He denied that his men were armed and in uniform when they attacked the village. His frank admission of the guilt of his men is indeed praiseworthy.

ACTION TAKEN BY POLICE:-

The Punjab police has only booked One Constable Ramesh Chand alongwith other unknown persons of CRPF under Sections 452,323,506,148,149 of the Indian Penal Code. No body has been arrested so far. The victims were also not properly looked after by the Police in the hospital. The statement of the victim Gaje Singh was recorded in Punjabi and his signatures were obtained even though he cannot read or write Punjabi. He says that he had not read his statement before putting his signatures on it.

FINDINGS:-

The investigation team of the Lawyers For Human Rights International, visited village Nayagaon on October 18, 2001 and during the course of investigation met many persons and recorded the statements of the victims and injured persons and also talked to the Police officials as well as residents of the village. Facts disclosed by the victims and the admission by the Punjab Police and the Commandant 37 Battalion,CRPF, Mr.S.C.Saini, there hardly leaves any doubt that:-

1. The act of trespassing into the shop, beating, assault and causing grievous injuries by Constable Ramesh Chand and his accomplices of 37 Battalion, CRPF attached with the Security of Chief Minister,Punjab, with their service weapons, to the victims, Gaje Singh, Darshan Singh and other persons of Nayagaon, District Ropar on October 17, 2001 was wholly unjustified and without any provocation. It is a clear case of Police highhandedness and amounts to commission of offence under Sections 330(voluntarily causing injuries to a person with a view to compel the restoration of some property), 307(attempt to commit murder), 326 (causing grievous hurt with deadly weapon) and 120-B of the Indian Penal Code.
2. The in-action of the Punjab Police in preventing the CRPF personnel from going berserk and indiscriminately beating the victims and then booking the guilty policemen of CRPF for minor and bailable offences and then by not arresting them is shameful. It has given wrong signals to the common man that if the offender is a Police man, the Punjab police will keep a soft heart towards such criminal. The comments of the Deputy Superintendent of Police of the area having the jurisdiction that 'they would have no objection if the matter is compromised amicably', smacks of partisan.
3. The casual action taken by the Senior officers of the CRPF by ordering the suspension of only four personnel including One Head Constable is too short of desired action and would not act as a deterrent for the men in the force,considering the nature of offence committed by the persons who are posted on a most sensitive job of protecting the Chief Minister of Punjab.

RECOMMENDATIONS:-

1. The personnel of CRPF involved in the incident should be booked and arrested under Sections 330,307 and 326 of the Indian Penal Code, besides the sections already noted. The sanction for their prosecution should be granted by the Central Government, but their arrest in the above case is most urgent.
2. The Punjab Police must perform the duty of checking the crime and punish the criminal instead of keeping a soft heart towards the guilty CRPF personnel who have committed two serious offences. The Police must act harsh, if such incidents are to be checked in the future.
3. The CRPF authorities should immediately dismiss such rowdy and indisciplined men of their force who are so short tempered that they go berserk without even a slightest of provocation. At the same time, the victims who are poor shopkeepers must be suitably compensated and full expenses for their medical treatment should be born by the CRPF which should be later on deducted from the salaries of the guilty personnel.

4. The Security Incharge of the Chief Minister, Punjab must do a complete screening of the personnel of Central forces attached with the Security of the Chief Minister, and should do away with such personnel who do not behave gently with the common man and have a tendency to take the law into their own hands.
5. The action taken against the guilty CRPF personnel should be exemplary and made to act as deterrent for other officers of the force, otherwise such law breakers may cause more harm than they have done in this incident.

ACTION TAKEN BY LHRI

Our organisation sent copies of the above report to the concerned authorities in Punjab police as well as in the battallion headquarters of the CRPF at Chandigarh. Later on with the intervention of senior officers of CRPF, the victims were suitably compensated by the erring cops and the matter was closed as compromised. The guilty cops were given mild punishment by the CRPF authorities.

REPORT VII

INVESTIGATION REPORT INTO ILLEGAL DETENTION OF MEWA SINGH OF DISTRICT ROPAR BY PUNJAB POLICE

**CHANDIGARH.
NOVEMBER 28,2001**

On reading a news report in The Tribune, Chandigarh in its issue dated Noember 27,2001, a team of members of Lawyers For Human Rights International was formed to investigate into the incident of illegal detention of Mewa Singh of District Ropar by Punjab Police. The team was headed by Mr.Tejinder Singh Sudan,President, Chandigarh District Unit and assisted by Mr.K.P.S.Gill, Mr.O.P.Dabla, Mr.Yogesh Vinayak and Mr.Ravinder Singh, Mohinder Singh.

FACTS:

Mewa Singh, son of Ajaib Singh, resident of village Majri Jattan, Tehsil and District Ropar aged about 31 years is an employee of a contractor engaged in the work of selling sand from the river bed in District Ropar. The said contractor had some dispute with some competitor organisation which had contacts with Punjab police officials. On November 24, 2001 when Mewa Singh was supervising the work of his employer in the river bed of village Panjola, District Ropar, a police party in uniform headed by the ASI Jagan Nath, Incharge of Police Post Parkhali, District Ropar came there in a private Maruti Car no.PB-16-0196 and in the presence of Jaswinder Singh, son of Bachan Singh and Beant Singh, son of Gurdas Singh and forcibly took Mewa Singh away in the said car. The parents of Mewa Singh approached every authority including Senior Superintendent of Police, Ropar and other senior officers, but was unable to know the whereabouts of his son till November 26, 2001. On November 26, 2001, Ajaib Singh, father of the victim, filed a Habeas Corpus Writ Petition in the Punjab & Haryana High Court for seeking the production of his son, Mewa Singh. Justice M.L.Singhal of the Punjab & Haryana High Court appointed a Warrant Officer to visit the Police Post Parkhali and get the detainee released. But when the Warrant Officer went to the Police Post, the detainee was not found there and the Warrant Officer went back without tracing the whereabouts of the detainee. Suddenly the victim, Mewa Singh was found in the dense forests behind the Panjab University Campus in Sector 14, Chandigarh in the afternoon of November 27, 2001.

VICTIMS' STATEMENT

The investigating team met the victim Mewa Singh and interviewed him at length. As per his first interview, he was forcibly abducted by ASI Jagan Nath, Incharge of Police Post Parkhali in District Ropar on November 24, 2001 and taken to Police Post Parkhali till 4 p.m. of November 24. In the evening, he was shifted to Police Station Sadar, Ropar and detained

there the whole night without registering any case. He was taken to an undisclosed place the next early morning and detained in a small room with attached toilet surrounded by a big agricultural farm. He was kept there till November 27, 2001 afternoon. He was given food and comfort during this time. In the morning of November 26, 2001, the Station House Officer of Police Station Sadar, Ropar, Mr.Manvir Singh had come to him at this place and warned him of serious consequences, if he or his firm ever tried to remove the sand from the river bed of village Panjola. The detainee was brought from that place in the afternoon of November 27, 2001 in the same Maruti Car by the ASI Jagan Nath and dropped in the forests behind Sector 14, Chandigarh at about 2.30 p.m. He did not complain of any torture, but said that threats of liquidation were given by the Policemen.

POLICE VERSION

The investigation team contacted the Station House Officer of Police Station Ropar on telephone, but he was not available, nor was the Incharge of Police Post Parkhali Distt.Ropar was available. All the efforts of the team to know the version of the police failed.

FINDINGS

After going through the allegations and verifying it from the eye-witnesses, the organisation holds that the Police officers ASI Jagan Nath and SHO Manvir Singh are responsible for the forcible abduction and illegal confinement of Mewa Singh from November 24 till November 27, 2001. They have also committed the offence of criminal intimidation and abuse of their official position to cause wrongful loss to the detainee.

RECOMMENDATIONS

1. The organisation recommends to the Director-General of Punjab Police and the Home Department of the State of Punjab to book ASI Jagan Nath of Police Post Parkhali and Manvir Singh, SHO of Police Station Sadar, Ropar under Section 342, 506/34, 120-B of the Indian Penal Code, besides paying a compensation to the tune of Rs.50,000/- to the victim, Mewa Singh which may be recovered from the pocket of the delinquent officers.
2. The organisation further recommends the arrest of the two officers and to place them on suspension and their posting may be made at a place outside District Ropar so that they may not temper with the evidence or influence the investigation.

CRITICAL OBSERVATION

The incident of forced abduction and illegal detention in Punjab has become an order of the day. It was the 202nd reported incident of illegal detention in Punjab Since 1997. The fundamental right to life and liberty of the people is being trampled upon with impunity. Many a time, the victims or their relatives are unable to approach the courts for various reasons and the basic human rights are blown to the winds by the brutalised police force in the State. The Protector has turned violator. The definition of "Police" has changed. Under these impending circumstances, human life appears insecure in Punjab. Are we heading for another battle with the foe of peace?

ACTION TAKEN BY LHRI

Our organisation sent the copies of the above report to the concerned authorities for necessary action, but no action was taken by the authorities concerned as per the knowledge of the organisation.

REPORT VIII

INVESTIGATION REPORT INTO HUMAN RIGHTS VIOLATION OF 300 POOR JHUGGI DWELLERS IN CHANDIGARH ON DECEMBER 22, 2001

**CHANDIGARH.
JANUARY 14, 2002**

The Organisation received an information from some Jhuggi dwellers of Gur Sagar Colony, village Kaimbwala, U.T. Chandigarh on December 22, 2001 that the Chandigarh Administration at the instance of some politicians have forcibly demolished 300 jhuggis from the village land in Gursagar Colony, village Kaimbwala, Union Territory of Chandigarh leaving a trail of destruction and making more than One thousand poor people shelterless in chilling cold of December. A team was constituted headed by the President, Mr.Amar Singh Chahal accompanied by Mr.Arunjeev Singh Walia, General Secretary, Mr.Tejinder Singh Sudan, Chandigarh District President, Mr.Sukhdip Singh Sandhu, Mr.Arvind Sandhu, Mr.Yogesh Goel, Mr.Mohinder Singh, Mr.Manpreet Singh Chahal, Mr.P.K.S.Gill to investigate into the incident. The team visited the spot in village Kaimbwala, Administrators residence in Sector 2, Chandigarh, village Maloya, Union Territory, Chandigarh and met many affected persons and also senior police and administrative officers involved in the incident.

FACTS:

A huge piece of land of village Kaimbwala under the ownership of village Panchayat was unauthorisedly occupied by two politicians namely, Mr.Gurnam Singh Sidhu and Mrs. Rajinder Kaur Bhattal, former Chief Minister of Punjab for the last many years. The administration had not taken any action against them, inspite of the fact that these two politicians had unauthorisedly rented out the said land to migrant labourers from U.P. and Bihar where they had also constructed permanent structures and living in a colony under the nose of the Chandigarh Administration. During investigation, it also came to the notice of the team that many tenants were also paying monthly rent to the above named two persons against receipts which they were not authorised to accept. Earlier also, a dispute arose between one of them and the jhuggi dwellers and a criminal case is pending against the said politician in a court at Chandigarh.

Inspite of having full information and knowledge of the illegal practises being carried on by the two politicians on a prime village land in the periphery of Chandigarh, the Chandigarh Administration turned a blind eye to the violations for the reasons best known to it. Suddenly on December 22, 2001 when the Punjab & Haryana High Court was closed for winter holidays, the Chandigarh Administration under the supervision of Sub-Divisional Magistrate (South), Gyaneshwar Bharti razed to ground more than 300 Jhuggis with bulldozers and enforcement staff at the instance of the above named persons because some of the jhuggi dwellers had stopped paying rent to them. The two politicians named above reportedly deposited a sum of Rs.45,000/- with the administration for removing the Jhuggi dwellers. The jhuggi dwellers were not served any notice of demolition by the administration, nor given any time to remove their belongings. More than one thousand persons including ladies, old persons and small children have been rendered homeless with no place of shelter in chilling winter days only to please the politicians. Two small children died due to severe cold the same night.

More than five hundred affected persons including women and children tried to meet the Administrator of Chandigarh to plead for justice on December 22, 2001, but were prevented by the Chandigarh Police from meeting him. On December 23, 2001 a representation was given in representative capacity by the affected persons to the Hon'ble Mr.Justice R.L.Anand, who ordered status quo on the site in dispute till 2, January 2002 and issued notice to Chandigarh Administration in the meantime. Later on the petition was treated as Public Interest Litigation and heard by a division bench of High Court of Punjab & Haryana comprising Mr.Justice G.S.Singhvi and Mrs.Bakhshish Kaur. On the orders of the Court, a team of doctors visited the place of demolition to provide free medical treatment to the ailing persons on January 7, 2002. On the orders of the High Court, the Chandigarh Administration agreed on January 8, 2002 to provide temporary place in village Maloya, Union Territory, Chandigarh, where the affected persons can save themselves from the extreme cold. But the investigation team which inspected this site in village Maloya found four tents with badly

damaged roofs where air and rainy water could easily pass through it. The ground of the site was filled with malba of waste material like bricks, cement and sand. Half of the place was stinking with garbage.

It was not fit for even animal existence, what to say of living by human beings. There was no provision of toilets and water taps, but one temporary water tanker was placed by the administration on the site. As per the investigation team, the affected persons refused to take possession of the alternative temporary site and choose to live at the old place where they were rendered homeless. It was because they could try to save themselves from cold and rain in the remains of the demolished jhuggis better than the alternative site.

In the considered view of the investigating team, it is a clear case of gross violation of human rights of the displaced poor people including small children and old men and women. The Chandigarh Administration has committed illegality and blunder by acting at the instance of two politicians and razing three hundred jhuggis to the ground without giving any notice of removal, rendering about thousand people homeless in the chilling winter. The administration should give a better alternative and permanent site for rehabilitation of the affected persons keeping in view the human rights of the displaced poor persons. The organisation also recommends the holding of a high level enquiry by an independent agency like CBI to find out how and under what circumstances the two politicians unauthorisedly occupied the prime government land and thereafter rented out the said place to hundreds of jhuggi dwellers and started collecting rent from them without paying even a penny to the Chandigarh Administration which is the owner of the village land. The financial loss so caused in the illegal action must be recovered from the delinquent officers of the administration and penal action should be taken against the two politicians and the officials responsible for the demolition of the jhuggis without notice at the instance of the two politicians.

ACTION TAKEN BY LHRI

Our organisation provided free legal aid to the victims to file a Public Interest Litigation in the Punjab & Haryana High Court. The High Court ordered the U.T. administration to make interim arrangement for the rehabilitation of the victims which have been complied by the administration. The Petition is pending at the argument stage in the High Court.

REPORT IX

INVESTIGATION REPORT INTO THE ALLEGED "RAPE" OF A SHIMLA GIRL IN CHANDIGARH ON AUGUST 14TH, 2002

**CHANDIGARH
AUGUST 24, 2002**

INTRODUCTION

After reading newspaper reports on August 15, 2002 and onwards about an alleged incident of Rape of a young girl in Chandigarh, the Lawyers For Human Rights International constituted an investigation team to investigate the whole incident and find out the truth and make suitable recommendations. The team comprised of

1. Ms.Veena Sharma,Lady Vice-President
2. Mr.Arunjeev Singh Walia, Press Secretary
3. Mr.O.P.Dabla, Office Secretary
4. Mr.Tejinder Singh Sudan,President District President, LHRI, Chandigarh.
5. Mr.Manpreet Singh Chahal, Member.

The investigation started on August 17, 2002 and continued till 24th August, 2002.

PERSONS WHOM WE MET

1. Mr.Alamjit Mann, a social worker of Chandigarh
2. Ms. ABC wife of XYZ, resident of Some village in Shimla(identity concealed for legal reasons) who is the sister of the alleged victim.
3. Mr.PURA son of ETDS, resident of some village in Shimla(identity concealed for legal reasons) who is the uncle of the alleged victim.
4. Ms."Q", daughter of "R", resident of some place in Chandigarh(identity concealed for legal reasons) who is the alleged rape victim.
5. Dr.Vinay Vyas, M.O. Female Medical Ward, General Hospital, Sector 16, Chandigarh.
6. C Jarnail Singh, No.2790 CP
7. Mr.Surinder Sharma, son of Late Mr.Som Nath Sharma, resident of H.No. 1340, Village Burail, U.T. Chandigarh.
8. Mr.Baldev Kumar, son of unknown, resident of Dadu Majra Colony, U.T. Chandigarh.
9. Official of IBP Petrol Pump, Sector 33, Chandigarh

PLACES VISITED DURING INVESTIGATION

1. RKM Marketing, SCO 487-488, Sector 35-C, Chandigarh.
2. General Hospital, Sector 16, Chandigarh.
3. CDAC, Sector 20-C, Chandigarh (Alleged place from where the alleged victim was taken away)
4. Place in Sector 33, Chandigarh where the alleged victim was allegedly found in unconscious state.
5. IBP Petrol Pump, Sector 33, Chandigarh.

PERSONS TO WHOM WE TALKED

1. DSP S.C. Sagar, Police Station South, Chandigarh on phone.
2. Mr. and Mrs.M.K.Jain,was tried to be contacted but was not available.
3. Officials, IBP Petrol Pump, Sector 33, Chandigarh.
4. Few Press Reporters.

FACTS

Our organization was approached by Mr.Alamjit Singh Mann, social worker of Chandigarh over phone on August 19, 2002, and was informed that the sister of the alleged rape victim has come to him and wants the help of the organization in meeting her and getting her custody. The team of our organization visited the office of Mr.Alamjit S.Mann in Sector 35-C, Chandigarh in the first part of our investigation. There we questioned Mr.Alamjit S.Mann, Ms.ABC, (identity concealed for legal reasons), who is the sister of the alleged rape victim, and her uncle. Ms.ABC told us that she was informed by the landlady of her sister living in H.No.166, Sector 44-A, Chandigarh over phone at Shimla that her sister is admitted in hospital and that she should come to Chandigarh immediately. One Billu informed her through phone at Shimla that on coming to Chandigarh she should contact Mr.Alamjit S.Mann who will help her to meet her sister. On reaching Chandigarh on August 19, 2002 at about 10 P.M. she rang Mr.Alamjit S.Mann and he helped her meet her sister. When Ms.ABC expressed her desire to meet her sister and get her custody with her, our team accompanied her to General Hospital, Sector 16, Chandigarh on August 20,2002 at about 4 P.M. and saw the alleged rape victim locked from inside in a room surrounded by atleast four lady constables and one male Constable. When asked by our team, they said they had not detained her and are following doctors order who have directed them to guard the girl. We asked Dr.Vinay Vyas, the Medical Officer of the ward if they had detained the girl and the reason for such action, but he said that they had not detained her and the police had been called to ensure her safety and convenience. The girl asked the doctor to discharge her to which he refused and she left the hospital and accompanied us alongwith her sister as per her wishes. She had told us that she is medically fit and she was not given any medicine by the doctors, except Vitamin capsule everyday.

After reaching in our office, our team questioned the alleged rape victim and recorded her statement. In her statement, while alleging that she had been raped, she told that she saw a sign board of CDCC in Sector 20-C, Chandigarh and with a view to learn computer course from the said Institute, she went to the CDCC on August 14, 2002 at about 4.30 P.M. – 4.45.P.M. and met Mr.M.K.Jain, its Proprietor for the first time. She also expressed her desire to do some part time job while learning computer course. At this, Mr.M.K.Jain said that she should not search any other job and assured that he will give her job in his Panchkula office and asked her to accompany him to Panchkula to show the office. She agreed to this and both of them went towards Panchkula in the Lancer Car No.CH-03-E-0125 which was being driven by Mr.M.K.Jain.(Interestingly, she could not tell the colour of the car on being quizzed by the team.) After a run of about 5 minutes on the road going towards The Tribune, Sector 29, Chandigarh, Mr.Jain stopped the car and brought two Coca Cola glass bottles from some shop which was not a petrol pump, The said bottles were open and both of them drank while traveling. After about a run of 15 minutes, she completely drank the coke and after that she lost consciousness. When she gained consciousness, she was in the Emergency ward of General Hospital, Sector 16, Chandigarh on August 15, 2002. Her clothes were torn and she was raped. She made a written complaint to the police and the police recorded her statement and on that basis a formal F.I.R. was registered against Mr.M.K.Jain. She demanded strict action as per law against the alleged accused.

On August 21, 2002, Mr.Surinder Sharma, the alleged witness who allegedly informed the police about the girl on August 14, 2002 approached our organization and sought protection from mal-treatment and harassment at the hands of Chandigarh Police. He was also questioned by our team in which he claimed that he is working as a private building material supplier and has been subjected to beating and mental harassment by the local police. He also alleged that on August 14, 2002 when he alongwith his friend, Mr.Baldev Kumar, was going to his house at about 10.30-10.45 P.M. after getting his vehicle No.CH-03-E-9375 filled with petrol from IBP Petrol Pump, Sector 33, Chandigarh he took a turn towards the road entering Sector 33, and as the head lights of his vehicle were thrown on that road, they saw a Lancer Car standing on its wrong side and its rear right door opened. They allegedly saw a girl being pushed out of the car and falling down on the foot path and the car speeding away within few seconds. His car was at a distance of about 150 yards at that time. He alleged that he immediately asked Mr.Baldev Kumar to take care of the girl and he himself chased the speeding car and reached near it at the small round about of Sector 33-34, Chandigarh and noted the number of the car as CH-03-F 0125. Then the speeding car fled towards Sector 20, Chandigarh and he came back and before going back, he went to the market of Sector 33, Chandigarh and made a phone call at no.100 to inform the local police about the incident. He allegedly made the phone call from an STD PCO as his mobile phone had no out going facility at that time. He alleged that he helped the police to pick up the girl in the ambulance from the spot and saw that there was a visiting card in one hand of the girl which was taken away by the local police. He then alleged that he gave his particulars to the police men present there but neither his nor of Mr.Baldev Kumar's statement was recorded by the police till date. He further alleged that he was joined into investigation on August 17, 2002 by the SHO and DSP South and they assisted the local police. He further alleged that inspite of this, he was summoned to the CIA Staff, Sector 11, Chandigarh on August 19, 2002 at about 8.30-8.45 P.M. and after questioning him about the incident, he was allegedly beaten, intimidated and harassed by Inspector Satbir, Incharge, CIA Staff and Inspector Jagbir, Incharge CBO Cell, Sector 26, Chandigarh. He alleged that he was being asked by them to disclose the name of his accomplices in the case as also to take the name of Mr.N.K.Jain, whom he did not know. He further alleged that he apprehend threat to his life and liberty at the hands of Chandigarh Police who wants to implicate him in false case.

A similar statement was made by Mr.Baldev Kumar, who was accompanying Mr.Surinder Sharma.

The investigation team tried to talk to the alleged accused, Mr.M.K.Jain or his family member and rang his residential phone, but nobody came on the telephone to give their comments and all efforts of our organization to get their comments did not yield any result.

POLICE VERSION

The main version of the police has been incorporated in the First Information Report registered at P.S. Sector 34, Chandigarh on August 15, 2002 under Sections 328,376 IPC. According to the F.I.R. the copy of which is available with our organisation, the police received a message from control room over wireless that a girl has been found lying in an unconscious state near the T-point of Sector 33, Chandigarh and she was taken to General Hospital, Sector 16, Chandigarh and after getting the opinion of the doctor regarding the fitness of the girl for making statement, her statement was recorded and offences under Section 328/376 have been found to be prima facie made out, so the F.I.R. is registered against Mr.M.K.Jain. ASI Shadi Lal, a probationer police officer was made its Investigation Officer. Later on the investigation was handed over to Mr.S.C.Sagar, DSP South on August 22,2002. On being asked, the authorized officer of the police said that they are investigating the case impartially and with the sole objective of finding the truth. He said that the police would ensure that no injustice is caused to anybody and everybody will be done justice. According to the police, they were investigating particularly on the statement mentioned in the F.I.R. and till August 23, 2002, no body could be interrogated. On being asked that whether the alleged victim was again joined into investigation after her return from the hospital, it was told that when she was contacted at her present address, she was not found there. Then a notice was issued to her attorney, Mr.Amar Singh Chahal, to either make the girl present at her given address or provide information about her whereabouts because she has to be taken to the spot for identification and other purposes. On August 21, 2002 she made her present in her present house, i.e. H.No.166, Sector 44-A, Chandigarh where she allegedly told the police that she will join investigation only in the evening of August 25, 2002. Thereafter, the local police has not asked her any question and they are not aware of her whereabouts. Assurance of a fair and impartial investigation was reiterated. According to the police sources, Surinder Sharma and Mr.Baldev Kumar were casually taken to the spot and they were required in a latest criminal case registered against Surinder Sharma in P.S.Sector 36, Chandigarh under Section 406/420 IPC in respect of an offence reportedly committed on July 19, 2002. According to the police, Surinder Sharma is on run and his whereabouts are not known.

IMPORTANT QUESTIONS ARISING OUT OF THE INVESTIGATION:

1. Whether the alleged incident of taking the girl from the office in Sector 20-C, Chandigarh and her throwing on the road of Sector 33, and the witnesses allegation regarding informing the police about the incident actually took place ?
2. Whether there is any possibility of Rape as alleged by the alleged victim ?
3. What was the conduct of the victim ? Whether she is believable
4. What does the attending circumstances show ? Is their any involvement of some unknown persons ?
5. Whether the witnesses Surinder Sharma and Baldev Kumar should be believed ?
6. Role of other witnesses and persons ?
7. Role of Police as an investigation agency?
8. Role of doctors of General Hospital, Sec.16, Chandigarh ?

FINDINGS

After going through the statements of all the witnesses examined by the team and cross-checking it and examining the attending circumstances during a week long investigation, our team has reached at the following findings:-

1. It is doubtful to say that the alleged incident of the alleged victim going to the computer institute of Mr.M.K.Jain and travel with him in his car No.CH-03-E 0125 and finding of the girl in an unconscious state lying in Sector 33, Chandigarh, actually occurred.
2. There is a doubt on the possibility of any rape having being committed on the alleged victim.
3. The conduct of the alleged rape victim is not above board. Her statement is not believable.

4. Every person to whom our team talked during this investigation appears to be doubtful.
5. The witnesses Surinder Sharma and Baldev Kumar are also not believable.
6. Chandigarh Police as an investigating agency in this particular case has undoubtedly remained inefficient, negligent and mis-leading and have done a total faulty, shady and improper investigation. The investigation done by Chandigarh Police is not in conformity with the procedure established by the law and have made least efforts to collect true evidence.
7. The doctors in the female medical ward of General Hospital, Sector 16, Chandigarh appear to have played a tool in the hands of Chandigarh Police. For three days, from August 16, 2002 till August 20, 2002 when she was got released from the hospital, the patient was given only vitamin capsule which proves that she was perfectly fit and still she was not allowed to go, in spite of her desire to go back to her home. Dr. Vinay Vyas, M.O. on duty in the female medical ward on August 20, 2002 flatly refused to discharge the patient till the next morning as according to him, no patient can be discharged in the evening. While Dr. S.K. Bhandari of Unit-I of Female Medical Ward of the General Hospital, Sector 16, Chandigarh assured that the patient would be discharged in the morning, Dr. Vinay Vyas of Unit-I of the same ward denied this. In this way, they are accused of detaining the patient without her consent and valid reasons for three days probably on the orders of the police authorities, which is highly condemnable.

REASONS

The reason why we say that it is doubtful about the actual occurrence of the alleged incident is that the alleged victim has told that she went to the office of Mr. M.K. Jain whose sign board reads as C D C C. (actually the sign board shows " C D A C". She said that she straight away walked into the office of Mr. Jain although a receptionist was sitting there, but she did not ask her anything. On paying a visit to the said office, we found that there are many cabins and on the entrance of the office in the first floor of the show room, there is one security guard who guides a visitor to go to the receptionist and there are many cabins and no person can find the cabin of Mr. Jain on a first visit without the assistance of the receptionist. She then alleged that she was taken by Mr. M.K. Jain in his Lancer Car No. CH-03-E 0125, but she failed to give the color of that car. She also alleged that Mr. Jain brought two cold drinks after a run of about 5-10 minutes by stopping the car on the road. The road she described is towards The Tribune Chowk and there is no shop of confectionary or cold drinks in between. She denied that the car was stopped near a petrol pump. She has alleged in the F.I.R. that she was thrown out of the car on the road side in Sector 33, Chandigarh, in an un-conscious state. The personal verification of the spot described by her proved that it was just opposite to the office of Mr. M.K. Jain from where she was allegedly taken towards Panchkula. It is highly improbable that a prudent man will throw the victim after raping her just near his office, inviting probable trouble for him. The place where the victim was allegedly thrown by the car occupant is not an isolated place. Just on the turn of T road, there is a make shift store house of Cable wires and many labourers are present every time, particularly at night they sit and chat till late at night before sleeping at the same place. What baffles us most, is that she is not suffering from any mental stress or trauma or emotional feelings while giving an account of what had happened with her. Her behavior did not show that she is a victim of a heinous crime such as rape. She talked over phone to someone, quite frequently and for long time, for example 10 minutes or so.

The statement of Mr. Surinder Sharma and Mr. Baldev Kumar suffers from serious contradictions. They said that they had taken a turn towards the T road of Sector 33, Chandigarh after getting their vehicle filled with petrol from the IBP Petrol Pump, Sector 33, Chandigarh. A perusal of the entry register maintained at the IBP Petrol Pump, Sector 33, Chandigarh did not support their statement. The number of the vehicle given by Surinder Sharma does not figure in the vehicles entering the petrol pump on the night of August 14, 2002. A Xerox copy of the register's relevant entries are in possession of our organization. Further, Surinder Sharma says that he chased the speeding car and then he came back to Sector 33, Chandigarh. Before that he said that he went to the market in Sector 33, Chandigarh and made a phone call from an STD Pay phone to inform the police control room

at no.100 about the incident. This despite of the fact that he had a mobile phone in his possession, but allegedly without an outgoing call facility. Our investigation took us to the said shop from where he made the phone call and after asking many persons, we confirmed that Surinder Sharma and Baldev Kumar alongwith his two other friends are regular visitors to the said market and on August 14, 2002, Surinder Sharma and Baldev Kumar alongwith two girls had allegedly visited the market on their car no.CH-03-E 9375 and asked some chemist to give him some drug which if mixed with some food or liquid can make the person consuming it un-conscious. But the chemist refused to give him any such drug. Then the girl sitting in the car came out and made a phone call from the PCO shop for sometime and then both Mr.Surinder Sharma and that girl went away. It shows that the character of Mr.Surinder Sharma and Mr.Baldev Kumar is not beyond doubt.

The investigation of the Chandigarh Police in the case is suspicious from the very beginning. Firstly, every aspect of the case is connected with Police Station South, Chandigarh. For instance, the alleged victim as well as the alleged witness also lives within the jurisdiction of P.S. South, the alleged incident of throwing the alleged victim on the road also happened in Sector 33, which falls under the jurisdiction of P.S.South. Thirdly, the alleged witness had made the phone call to police control room at 100 on August 14, 2002 from the STD PCO which is in Sector 33, Chandigarh whose jurisdiction also falls in P.S.South. Actually, there was no probable reason for the alleged witness Surinder Sharma to go to the STD Pay Phone in Sector 33, which does not come in his way of returning back to the alleged spot where the girl was shown to have been thrown. Then the police appears to have intentionally not made Surinder Sharma as the complainant and instead made the alleged victim as Complainant in the F.I.R. The handing over of the investigation of this highly complicated case to a probationer Assistant Sub-Inspector of P.S.South also cannot be appreciated from any angle. The alleged victim and the alleged witnesses and other persons who figured in the investigation should have been jointly and separately interrogated so as to cross-check their contradictory statements. In this case every person has concealed vital information and told a lie for obvious reasons, a good investigation team is all the more necessary to dig out the truth by proper investigation.

RECOMMENDATION

Having explained the reasons and circumstances giving rise to our above findings, our organization is of the firm view that in order to bring out the truth in the present case, the investigation should be handed over to an independent agency like the Central Bureau of Investigation and truth must be brought out and no guilty person should be spared and no innocent person should be punished.

ACTION TAKEN BY LHRI

Our organisation sent the copies of the above report to the Inspector General of Police, U.T.Chandigarh and released it to the media. Our organisation at the first instance, provided free legal aid to the alleged "victim" by filing a Criminal Miscellaneous Petition on her behalf in the Punjab & Haryana High Court. Then Mr.Surinder Sharma and Mr.Baldev Kumar, alleged "informers" were also provided legal aid to approach High Court for protection against torture. But ultimately when it was found that the integrity of the alleged 'victim' and alleged "informer" was doubtful, our organisation withdrew from the prosecution and ultimately, all the conspirators except the alleged 'victim' were arrested by the police on the lead provided by our organisation in the investigation report.

REPORT X

INVESTIGATION REPORT INTO THE ACCIDENTAL DEATH OF A POOR SCHOOL BOY DUE TO ELECTROCUTION IN CHANDIGARH

**CHANDIGARH
SEPTEMBER 3, 2002**

INTRODUCTION

On receiving an information from some resident of village Makhan Majra, U.T. Chandigarh on September 2, 2002 that a boy has been electrocuted on touching a water cooler in a primary school on September 1, 2002, an investigation team of Lawyers For Human Rights International was constituted which comprised of Ms. Veena Sharma, Lady Vice-President, Mr. Arunjeev Singh Walia, Press Secretary and Mr. Ravinder Singh Bassi, Office Secretary, to visit the place of occurrence and prepare an investigation report about the incident. The team visited village Makhan Majra, U.T. Chandigarh on September 2, 2002 and met the Head teacher of the Government Primary School, Makhan Majra, U.T. Chandigarh and inspected the spot where the child had suffered death. The team also met the parents of the victim and assured all possible help and free legal aid to them.

PERSONS TO WHOM WE MET

1. Mr. R.D. Garg, Head Teacher, Govt. Primary School, village Makhan Majra, U.T.
2. Mr. Bikram, father of the deceased child, resident of Jhuggi No.4, vill. Makhan Majra, U.T. Chandigarh
3. Constable present at Govt. Primary School, Makhan Majra, U.T. Chandigarh

FACTS

Village Makhan Majra is on the Chandigarh-Ambala Road, Opposite Airport turning in the Union Territory of Chandigarh with a population of around 10,000 people. There is only one Primary School where children from families living below poverty line study. The Government Primary School in the village is having a strength of 135 students in six classes, five teachers besides the Head teacher. The school building is surrounded by a low height boundary wall which is easily accessible by the school students. There is one water cooler fenced with iron grill in the school and another water tank in the school premises. Most of the students drink water from the water cooler. There are two toilets, but no sweeper or chowkidar to guard the school. This school is being run under the Director Public Instructions (Primary Schools), U.T. Chandigarh. The students belonging to Scheduled Caste or Scheduled Tribes are given scholarship worth Rs.300 per month and 3 kg wheat per month. Since the water cooler gives cold water during summer season, most of the school students and residents of the area come and fetch cold water from the school water cooler. There being no Chowkidar, the school gate is never locked from outside.

On September 1, 2002 at about 10.30 a.m. Dharminder, 8 years old, student of 2nd class in the school, living nearby came to the school and went towards the water cooler to fill his water bottle. As soon as he touched the iron fencing around the water cooler, he got severe electric shock and fell down unconscious. A lady passing nearby saw him and informed his parents immediately. Since it was a rainy day, the parents thought that due to rain, the child had suffered electric shock. They immediately took him to Govt. Medical College and Hospital, Sector 32, Chandigarh, but he was declared "brought dead" by the doctor.

BACKGROUND OF THE VICTIM AND HIS FAMILY

Dharminder, son of Bikram, aged 8 years is the eldest son of his parents. He left behind his two young sisters and two brothers, besides his mother and father. He belongs to Scheduled Caste. His father, Bikram is permanently disabled person. His left foot was cut in his childhood. He hails from Bihar and is living below poverty line. He runs a kabari shop in village Daria, U.T. Chandigarh. Due to the tragedy in his family, he has suffered irreparable loss due to untimely and sudden death of his elder son.

POLICE VERSION

On receipt of information about the incident, a police party came from the Police Post Daria and a formal Daily Diary Report No.10, dated 1.9.2002 was registered and after recording proceedings under Section 174 Cr.P.C. the case has been closed.

FINDINGS

After inspecting the place of occurrence and meeting with different persons related with the investigation, our organization has come to the following findings:-

1. The incident in which an innocent life of a 8 year old child has been lost is not an accident, but due to criminal negligence of the school authorities and the education department of the Chandigarh Administration.
2. There is no Chowkidar in the school and the school gate remains open even after school hours. As per the head teacher of the school, inspite of repeated written requests made by him, to the District Education Officer, U.T. Chandigarh for filing the vacancy of sweeper and chowkidar in the school, nothing has been done so far.
3. There is no "DANGER" declaration on the water cooler or its iron fencing. The electric switch of the water cooler is installed at a place which can be accessed by even the children. The electric switch of the water cooler is neither earthed nor regularly switched off or checked to prevent the electric current to come on the body of the cooler.
4. The victim got electrocuted and died in the school premises where he was a student, therefore, he was used to fetch cold water from the water cooler since he was living below poverty line.
5. Since most of the students studying in the school belong to scheduled caste or scheduled tribe, it has resulted in breach of Sections 3 and 4 of the S.C./S.T (Prevention of atrocities) Act,1989;
6. Since the act of the school authorities has resulted in the unnatural death of the deceased, therefore, a criminal case under Section 299 and 304-A of Indian Penal Code should be registered against the school authorities and they should be tried and punished for the said offences.

RECOMMENDATIONS

1. The next of kin of the deceased should be given ex-gratia compensation to the tune of minimum Rs.1 lac by the Education Department of Chandigarh Administration;
2. A high level committee of officials from education department and non-governmental organization connected with education field should be constituted who should periodically visit all the Primary and other schools in the city and ensure that a "DANGER" warning is displayed on all the electric appliances like water cooler or electricity switches or plugs and they are so installed that it may not be easily accessible to the students and all the electric wirings are done with earthing in the electric appliances.

CONSOLATION

Our organization expresses its heart felt condolences to the bereaved family and assure them of every help. Our organization has offered them free legal aid to file a petition in the Hon'ble High Court of Punjab & Haryana at Chandigarh to seek an interim compensation for the irreparable loss as well as for certain directions to prevent the reoccurrence of such accidents.

ACTION TAKEN BY LHRI

Our organisation sent the copies of the above report to the Education Secretary, Chandigarh and other concerned authorities. Free legal aid has also been provided to the parents of the deceased child and a Public Interest Litigation has been filed by our organisation alongwith

the father of the deceased in the Punjab & Haryana High Court and notice of motion has been issued in the case.

HOW WE FOUND THE TRUTH BEHIND THE ALLEGED 'RAPE' OF A SHIMLA GIRL IN CHANDIGARH

ACT I

While the people were preparing for the 52nd Independence day on August 14, 2002, few persons in association with some police officers in Chandigarh were implementing a well designed plan to frame-up a city businessman, Mr.M.K.Jain in a rape case with malafide intention. The sequence of events as studied by our organization to have been planned by the 'mastermind' and put into reality by the 'actors' is horrendous. Their alleged modus operandi was equally shocking.

ACT II

On August 14, 2002 at about 10.30 P.M.- 10.45 P.M. a girl was said to be seen by two passers by while being thrown on the internal road of Sector 33, Chandigarh in an unconscious state. They immediately called the mobile Police Control Room and the girl was taken to General Hospital, Sector 16, Chandigarh and the two car borne informants were let-off after noting their addresses. These two persons are Surinder Sharma, a resident of village Burail, U.T. Chandigarh having a number of criminal cases of fraud, cheating registered against him in Chandigarh. The other person, Mr.Baldev Kumar is a resident of Dadu Majra Colony, U.T. Chandigarh and is said to be a partner of Surinder Sharma. Both are engaged in the business of supplying construction material.

The girl was admitted to the Emergency ward of the General Hospital, Sector 16, Chandigarh where she regained consciousness on August,15, 2002 at about 12 p.m. Her statement was recorded by the police and she alleged that she had been raped by Mr.M.K.Jain, Proprietor of CDAC, a computer institute in Sector 20-D, Chandigarh. According to her she went to the office of Mr.M.K.Jain in Sector 20-D, Chandigarh for joining a Computer Course at about 4.30 P.M.-4.45 P.M. on August 14, 2002. After talking about 10-15 minutes, she alleged that she expressed her desire to work part time while doing computer course and Mr.M.K.Jain said that he has an office in Panchkula where there is a vacancy of a receptionist and he can show him the office and if she wish to join there, she can join any time. She alleged that Mr.M.K.Jain in his mid-fifties took her along in his Lancer Car bearing Registration No. CH-03-E-0125 towards Panchkula. In the meantime, he offered her a cold drink and after consuming the drink, she became unconscious and thereafter, Mr.M.K.Jain raped her and threw her in Sector 33, Chandigarh. According to her, at that time, she was having a visiting card of Mr. M.K.Jain in her hand which the police had recovered.

On her statement, the Chandigarh Police registered an F.I.R. under Sections 328/376 IPC against Mr.M.K.Jain on August 15, 2002 and launched a manhunt against Mr.M.K.Jain. Mr.M.K.Jain apprehending his arrest in the case, fled from his house and is still absconding from the law. His anticipatory bail application has been dismissed by the Punjab & Haryana High Court.

ACT III

Our organization came to know of the incident through newspaper reports appearing on August 16, 2002 that the victim-girl is admitted in General Hospital, Sector 16, Chandigarh and no legal aid is being provided to her. A team of lawyers was constituted by our President which included Ms.Veena Sharma, Mr.Arunjeev Singh Walia, Mr. O.P.Dabla, Mr.Tejinder Singh Sudan and Mr.Manpreet Singh Chahal to investigate the whole case and help the victim in best possible manner. In the meantime, a person claiming himself to be a social worker of Chandigarh contacted one of the team members on August 19, 2002, with the request to help the relatives of the victim girl in meeting her in the hospital. Our team first met the sister of the alleged 'victim' and on her request accompanied her to the General Hospital, Sector 16,

Chandigarh. She was being kept in a closed room where four-five lady constables and one male constable of Chandigarh Police were guarding him all the time. When asked as to who has detained her, neither the police constables admitted that they have detained her nor the doctors on duty acknowledged her detention in the hospital. When asked from the alleged 'victim', she expressed her desire to leave the hospital and go along with her sister. We brought the girl out of the hospital, amid protest from the police constables as well as the doctors in the hospital. She then came to our office in District Courts, Sector 17, Chandigarh in the evening and after recording her detailed statement, she was taken to the residence of our President, Sh.Amar Singh Chahal in Sector 8-A, Chandigarh where she addressed a Press Conference informing that she will file a Petition in the High Court and demand a CBI probe into the whole incident. Our organization offered her free legal aid considering her to be a rape victim. The alleged victim and her sister were left without a shelter because the person said to be a social worker failed to take them to a safer place in the night and our President provided them with a comfortable stay for the night in his house on humanitarian ground. The next day, i.e. August 21, 2002, Mr.Navkiran Singh, General Secretary of our organization filed a Criminal Miscellaneous Petition on behalf of the alleged victim in the Punjab & Haryana High Court and sought CBI probe into the whole incident. The High Court issued notice to the Union Territory for August 24, 2002.

ACT IV

The same day, i.e on August 21, 2002, two persons, namely Mr.Surinder Sharma and Mr. Baldev Kumar claiming themselves to be the 'informers' of the incident of the alleged "victim" being thrown from a car in Sector 33, Chandigarh, came to our office and sought our help. They were questioned by the team and during the questioning, Mr.Surinder Sharma told us that he had been tortured by Inspector Jagbir Singh and Inspector Satbir in CIA Staff, Sector 11, Chandigarh on the night of August 19, 2002 and that he apprehend that he may be again picked up and tortured by them. He told that he had been got released from the CIA staff, at about 12 a.m. on August 20, 2002 on the assurance of one Ram Lal that Surinder Sharma would be produced again to the police station the next day at 10 a.m.

The sequence of events disclosed by Mr.Surinder Sharma and Mr.Baldev Kumar to our team and also to the media persons during a press conference in the District Courts, Sector 17, Chandigarh on August 21, 2002 raised suspicion on their integrity. But since Mr.Surinder Sharma, apprehended his torture at the hands of Chandigarh Police, our organization decided to file a Petition on his behalf in the High Court seeking protection against police torture to Mr.Surinder Sharma and Mr.Baldev Kumar. The High Court issued notice to the U.T. Chandigarh on the said petition for 26.9.2002. In the meantime, the media started exerted pressure on the Chandigarh Police to show results. But due to various reasons, the police could not get the required lead in the case, inspite of the fact that both the alleged "victim" and Mr.Surinder Sharma and Mr.Baldev Kumar were available for investigation.

ACT V

Our team faced with conflicting statements of the alleged "victim" and the alleged witnesses, held detailed deliberations and decided to cross check each and every 'fact' where doubt arises.

In the first instance, we checked the statement of the alleged "victim" in which she had stated that she went to the computer institute of Mr.M.K.Jain whose name was CDCC and she directly went to the cabin of Mr.M.K.Jain although a receptionist was sitting at the entrance of the institute in first floor of the SCO in Sector 20-D, Chandigarh. We visited the computer institute of Mr.M.K.Jain in Sector 20-D, Chandigarh and found that its name was CDAC and not CDCC. We also saw that there is one guard at the entrance of the institute and he refer everybody to the receptionist who guide the person to locate the person to whom one wants to meet. There are many cabins in the said institute and a person coming to the institute for the first time cannot easily find the cabin of Mr.M.K.Jain without being guided by somebody. Thirdly, the place where the alleged "victim" was allegedly thrown from the car by Mr.M.K.Jain on the night of August 14, 2002 is just opposite to the computer institute of Mr.M.K.Jain and the distance between the two places is not more than 200 meters. All these

circumstances coupled with the contradictions in the statements of the alleged "victim" and alleged "witnesses" raised suspicion on the credibility of the alleged "victim". After going through all the material information and seeing the conduct of the alleged "victim" we came to the conclusion that the normal behavior of the alleged "victim" and all the above discussed circumstances brings her conduct doubtful. In order to check the correctness of the statement of Mr.Surinder Sharma, we first went to the IBP Petrol Pump, Sector 33, Chandigarh to check as to whether the claim of Mr.Sharma that he got petrol filled in his car from the IBP petrol pump in Sector 33, Chandigarh on August 14, 2002 at about 10.30 p.m. and then went towards Sector 33, Chandigarh for going towards his house in village Burail, U.T.Chandigarh is correct or not. On verification from the Petrol Pump, we found that the registration number, make and time of all the vehicles entering into the IBP petrol pump in sector 33, Chandigarh after 9 P.M. are entered in a register maintained by the chowkidar of the Petrol Pump. On the relevant date and time, there was no such entry showing that the registration number of the car of Mr. Sharma having entered the Petrol Pump on August 14, 2002 at 10.30 p.m. After finding this statement to be a bare lie, we went to the spot where Mr.Sharma claimed that he saw the alleged victim being thrown on the road by the car of Mr.M.K.Jain. The spot where the alleged victim was allegedly thrown is not an isolated place and just near this spot there is a makeshift store house of telephone cable wires where a number of labourers sleep in the open space nearby and nobody witnessed or heard of any such incident of throwing of a girl in an unconscious state. Thereafter, we went to the chowk of Sector 33-34, Chandigarh where Mr.Sharma claimed that he chased the car of Mr.M.K.Jain. Here we found that on the return journey towards the place where the alleged victim was thrown, there are few shops and if a person is to call the police from a pay phone, the market in Sector 33, Chandigarh could be the nearest place, which was not used by Mr.Sharma. As per Mr.Surinder Sharma, he went to the market of Sector 33, Chandigarh near Fountain park in Sector 33, Chandigarh at about 10.50 p.m. and informed the PCR at 100 through a pay phone in the market at a far off place, although he had a mobile phone with him at that time. We went to the said pay phone shop and enquired about Mr.Sharma and his claim of making a call to PCR at 100. The chemist in whose shop the pay phone is installed admitted that Mr.Sharma did use his phone to call 100. But he also disclosed that Mr.Sharma and Mr.Baldev Kumar are a regular visitor to their market and are seen with suspicion by the police and the shopkeepers. He also disclosed that on August 14, 2002, Mr.Surinder Sharma alongwith Mr.Baldev Kumar and two girls had come to the market in his car at about 2 p.m. and demanded some drug from the chemist which if mixed with some liquid or food makes the consumer, unconscious, but the chemist refused to give any such drug to Mr.Sharma. Thereafter Mr.Sharma left the place in his car. This fact confirmed the doubt of our team members that Mr.Surinder Sharma and Mr.Baldev Kumar are important actors in the whole frame-up. We also noticed that due to the involvement of some Inspectors of Chandigarh Police, this case is being un-necessarily delayed in order to help the mastermind and other actors to save themselves from the bound of law. After the thorough investigation, our team was confronted with the following questions for which we thought to find the answers and the answer to all those questions was an independent investigation by CBI.

ACT VI

After going through the statements of all the witnesses examined by the team and cross-checking it and examining the attending circumstances during a week long investigation, our team released its investigation report on August 25, 2002.

On August 26, 2002 all the leading newspapers of the region carried our investigation report and our findings. In the aftermath, our the General Secretary of our organization, Mr.Navkiran Singh, decided not to represent the alleged "victim" in the High Court when the petition filed by the alleged "victim" was listed. He accordingly informed the High Court that since the investigation of our organization has held the conduct of the alleged "victim" to be doubtful, therefore, he is withdrawing from the case. Till that time, the plea of Chandigarh Police was that Mr.M.K.Jain, who is the main accused will be soon arrested. The High Court then dismissed the Petition of the alleged victim seeking CBI probe into the alleged rape.

Our investigation report was released on August 25, 2002, holding therein that the case may be a frame-up and in order to bring out the truth in the present case, the investigation should be done with diligence and impartiality which is lacking with the Chandigarh Police and it

should be handed over to an independent agency like the Central Bureau of Investigation After reading our investigation report, the Chandigarh Police probably changed its direction of investigation and started investigating in the direction our organization had given the lead. From this point of time, the police also worked on our finding that the alleged 'rape' case could be a frame-up in order to implicate Mr.M.K.Jain. We feel that if our organization with its limited authority and resources have been able to un-earth most of the story behind the frame-up within a week, why the Chandigarh Police couldn't do that even after a month of the incident ?

Now that the case has already given a bad name to the Chandigarh Police as one head constable Nirveer Singh and two of its Inspectors, namely Mr.Mani Ram, SHO P.S.South and Mr.Prem Singh Malik, have been found directly involved in the whole frame-up, the Chandigarh Administration declined to trust the investigation of the Chandigarh Police anymore and ordered that the case be entrusted to the Central Bureau of Investigation. We feel that this decision of the Chandigarh Administration has vindicated our findings that truth cannot be brought out in the case unless the investigation is withdrawn from Chandigarh Police and handed over to the CBI. We appreciate the decision of the Chandigarh Administration and assure that our organization would provide each and every assistance and evidence available with it to the CBI in connection with the investigation of the case.

REPORT XI

INVESTIGATION REPORT INTO THE CUSTODIAL TORTURE OF RAJU, A POOR HELPER BY CHANDIGARH POLICE ON SEPTEMBER 29, 2002

**CHANDIGARH
OCTOBER 13, 2002**

INTRODUCTION:

The Chandigarh Newslines, Indian Express, Chandigarh dated October 8,2002 published a news item titled, "COPS BEAT MY SON TO DEATH" in which gory details of illegal custody and third degree torture of Raju and four other poor workers by Chandigarh Police on September 29, 2002 due to which Raju succumbed to his injuries on October 6, 2002. On reading this news item, Lawyers For Human Rights International took initiative and an investigation team was formed to investigate into the matter. The team comprised of Mr.Tejinder Singh Sudan, President, Chandigarh unit, Mr.Mohinder Singh, Mr.Davinder Singh and Mr.Ravinder Minhas. The team conducted its investigation from October 9,2002 till October 12, 2002.

NAME AND ADDRESSES OF VICTIMS:-

1. Raju, son of Dharam Pal, aged 20 years, bachelor, temporary resident of S.C.F. No.6, 2 Bays, Sector 20-C, Chandigarh.(Deceased)
2. Lal Yadav, son of Ram Adhar Yadav, aged around 20-21 years, temporary resident of S.C.F. No.6, 2 Bays, Sector 20-C, Chandigarh.(torture victim).
3. Naresh, son of Jagir Singh, aged around 23 years, temporary resident of S.C.F. No.6, 2 Bays, Sector 20-C, Chandigarh.(torture victim)
4. Vinod Sharma, son of Dinesh Sharma, aged unknown, resident of H.No.1467, Sector 20-B, Chandigarh.(torture victim).
5. Raju Yadav, son of Ram Pher, aged 16 years, resident of village Attawa, U.T.Chandigarh, permanent resident of village Arjanpura, Distt.Sultanpur, U.P.(torture victim).

PERSONS WHOM WE MET:

1. Naresh, son of Jagir Singh
2. Raju Yadav, son of Ram Pher
3. Lal Yadav, son of Ram Adher Yadav

4. Dharam Pal, father of Raju(deceased)
5. Inspector Jagbir Singh(on telephone)
6. Amrik Singh (name changed to conceal his identity)and other shopkeepers and neighbors of S.C.F. 6, Sector 20-C, Chandigarh

FACTS:

Raju(deceased), son of Dharam Pal, aged 20 years, was working as helper in a private canteen in M.C.M.D.A.V. College, Sector 36, Chandigarh till September 29, 2002. He was temporarily living alongwith his friends, namely Lal Yadav, Naresh, Vinod Sharma and others in S.C.F. No.6, 2 Bays, Sector 20-C, Chandigarh. His father being poor man was also staying in the market of Sector 20-C, Chandigarh and is working in a Dhaba in Sector 20-C, Chandigarh. The deceased belonged to a poor family. On September 26, 2002, Raju Yadav, son of Ram Pher, aged 16 years, of village Attawa, U.T. Chandigarh was picked up by Sub-Inspector Ram Kumar and one turbaned Sub-Inspector alongwith other policemen of Crime Branch Operations(CBO Cell) from a road near Sector 42, Chandigarh and took him to CBO Cell, Sector 26, Chandigarh.. Thereafter on September 29, 2002, Raju(deceased), Naresh, son of Jagir Singh,Lal Yadav, son of Ram Adher Yadav and Vinod Sharma, son of Dinesh Sharma, were picked up by Sub-Inspector Baljit Singh alias Delhiwala, Sub-Inspector Ram Kumar alias Pandit(in civil clothes), one uniformed turbaned Sub-Inspector and other policemen in uniform from CBO Cell, Sector 26, Chandigarh at 4.45 a.m. from SCF No.6, (first floor back side) 2 Bays, Sector 20-C, Chandigarh on the suspicion of theft committed in "YOUR CLOTH HOUSE",SCF No.6, 2 Bays, Sector 20-C, Chandigarh and were taken to CBO Cell, Sector 26, Chandigarh in official Police vehicle. In the police station, Lal Yadav, was kept outside while Vinod, Raju(deceased) and Naresh were put in a room. Lal Yadav was beaten outside the room while Raju(deceased), Naresh and Vinod Sharma were stripped and badly tortured by Sub-Inspector Baljit Singh, Sub-Inspector Ram Kumar, one turbaned Sub-Inspector and other policemen for continuously three hours at about 5 a.m. till 8 a.m. After beating them, all of them were forced to clean the police station. In the evening at about 8 p.m. Lal Yadav and Raju(deceased) were dropped in a scooter by Sub-Inspector Baljit Singh(Delhiwala) in the market of Sector 20-C, Chandigarh. At that time, the condition of Raju(deceased) was serious and he was suffering from acute pain in his stomach and other body parts. His father being a poor man did not care to get his proper medical treatment for five days and on October 6, 2002 when his condition deteriorated, his father took him to GMCH, Sector 32, Chandigarh where he became psychotic out of fear. He later on succumbed to his injuries at about 11.40 p.m. on October 6, 2002. His dead body was handed over to his father without conducting autopsy on the request of his father.

WITNESSES STATEMENTS:

1. Amrik Singh(name changed and address concealed), told us that Raju(deceased), Vinod Sharma, Lal Yadav and Naresh were picked up by police personnel on September 29, 2002 at about 4.45 a.m. from SCF 6(First Floor back side), 2 bays, Sector 20-C, Chandigarh in police vehicle.
2. Lal Yadav(tortured victim) told us that he was picked up by the police personnel mentioned above at about 4.45 a.m. on September 29, 2002 from SCF 6(first floor back side), 2 bays, Sector 20-C, Chandigarh alongwith Naresh, Vinod and Raju (deceased) and bundled into a police vehicle and taken to CBO Cell, Sector 26, Chandigarh. Nobody from his family or next friend was informed about the detention. In the police station, all of them were given fist and kick blows .Thereafter, he was made to sit outside the room and others were taken inside a room. He was badly beaten by giving fist blows and kicks by some policemen of the police station. After some time, he was forced to clean the police station and was dropped alongwith Raju(deceased) on a two wheeler scooter by Sub-Inspector Baljit Singh Delhiwala, near the market of Sector 20-C, Chandigarh the same day at about 8 p.m. He also disclosed that when he and Raju(deceased) was normal when they were picked up but his condition was not well when they were dropped by S.I. Baljit Singh. He also said that Raju had complained of pain in stomach and other body parts, for which his father gave him some pain killer tablets in the night, but his condition did not improve till October 6, 2002.

3. Naresh(torture victim) also gave a similar statement and told us that he alongwith Raju(deceased), Vinod and Lal Yadav were picked up by the police personnel mentioned above at about 4.45 a.m. on September 29, 2002 from SCF 6(first floor back side), 2 bays, Sector 20-C, Chandigarh and bundled into a police vehicle and taken to CBO Cell, Sector 26, Chandigarh. Nobody was informed about his detention or arrest in the case. In the police station, all of them were given fist and kick blows .Thereafter, Lal Yadav was made to sit outside the room and he and others were taken inside a room. He, Raju and Vinod Sharma,were stripped and subjected to third degree torture with wooden sticks and by giving fist blows and kicks by Sub-Inspector Baljit Singh, Sub-Inspector Ram Kumar, an unidentified turbaned Sub-Inspector and some other policemen of the police station for continuously three hours. The policemen were asking about a theft of Rupees twenty seven thousand, a pistol and four live cartridges from SCF 6, Sector 20-C, Chandigarh and he was being extorted to confess that he helped Raju Yadav in the commission of the theft by giving screw driver and hammer to Raju Yadav and others. After 8 a.m. they were forced to clean the police station and he was later on detained in the police station till next day,i.e. Septemebr 30, 2002. At 2 pm. On September 30, 2002, he was produced before the Ilaqqa Magistrate, Chandigarh and he was sent to three day police remand. After the completion of the police remand, he was sent to judicial custody and released on bail by the court.
4. Raju Yadav(torture victim) was interviewed in Model Jail, Burail U.T.Chandigarh during which he disclosed that when he was going from his house in village Attawa,U.T.Chandigarh towards Sector 42,Chandigarh, he was picked up by some policemen including Sub-Inspector Ram Kumar and one turbaned Sub-Inspector and others and was taken to CBO Cell, Sector 26, Chandigarh on September 26, 2002. He was illegally detained there for three days without informing any of his relative or next friend about his detention. He was given extensive third degree torture by Sub-Inspector Baljit Singh Delhiwala, Sub-Inspector Ram Kumar, turbaned Sub-Inspector and other policemen. Big iron pipes were put between his legs and heavy pressure was put on the legs which gave him immense pain. Iron roller(Ghotna) was applied on his thighs. One policemen even brought his service revolver and threatened him of life and extorted him to confess his involvement in the theft cases including one of stealing a Kinetic Honda. Blows of wooden sticks were also given on the delicate part of the feet. At about 5 a.m. on September 29, 2002, Sub-Inspector Baljit Singh, Sub-Inspector Ram Kumar alongwith other policemen brought four boys to the police station. In his presence, the above policemen mercilessly beat the boys amid loud cries. One policeman even gave strong fist blows on the forehead of Raju(deceased) and due to acute pain, Raju cried loudly. During the day, the owner of YOUR CLOTH HOUSE, Sector 20-C, Chandigarh and another shopkeeper, namely Mr.Sawhney had come to the Police Station and all the four boys were again beaten in their presence. At about 8 p.m. the same day, Raju(deceased) and Lal Yadav were taken outside the police station. He thereafter, told that he was produced before the Judicial Magistrate, U.T. Chandigarh and was remanded to police custody for seven days. Later on, he was remanded to judicial custody and is at present lodged in Model Jail, Burail, U.T. Chandigarh. He also said that he was not provided with any Legal Aid counsel by the police.
5. Dharam Pal, father of Raju(deceased) was contacted with great difficulty, because he was being pressurized by the policemen and the influential shopkeepers of the market in Sector 20-C, Chandigarh. During the interview, he refused to talk with the team about the death of his son and said that his son could not be brought back to life now. After much reluctance, he told us that his son had died due to pain in his stomach and did not suspect foul play. He even refused to accept that his son was ever picked up by the police. (His behavior was doubtful as if he was feeling afraid of someone. He is very poor person and works and stays outside the shops in the market of Sector 20, Chandigarh.)

6. Inspector Jagbir Singh, Incharge CBO Cell, Sector 26, Chandigarh, was contacted by the team on telephone. On being asked direct question as to whether Raju(deceased) was actually picked up by Sub-Inspector Baljit Singh Delhiwala, Sub-Inspector Ram Kumar, turbaned Sub-Inspector and other policemen, he flatly denied this allegation. He however, said that Raju(deceased) was called to the CBO Cell to ask about one Ajay Kumar(who is at present absconding) and was let off after sometime. He also said that Ajay Kumar and Raju(deceased) were involved in a stabbing case registered earlier and the police wanted to get the whereabouts of Ajay Kumar from Raju(deceased). Ajay Kumar was reportedly absconding after jumping bail from the court. He denied that Raju(deceased) and other three boys named above were ever picked up by Sub-Inspector Baljit Singh Delhiwala, Sub-Inspector Ram Kumar, turbaned Sub-Inspector and other policemen and tortured in CBO Cell, Sector 26, Chandigarh.

POLICE VERSION:

According to the police, no F.I.R. has been registered in the matter of death of Raju(deceased) because it was a natural death and was not a police case.

FINDINGS:

After examining the above witnesses and viewing the circumstances arising in the present case, the team arrived at the following findings:-

1. It can be easily concluded that Raju (deceased) had actually been picked up and badly tortured during his 15 hour illegal detention at CBO Cell, Sector 26, Chandigarh by Sub-Inspector Baljit Singh Delhiwala, Sub-Inspector Ram Kumar, turbaned Sub-Inspector and other policemen and his death was caused due to the inhuman treatment meted out to him by the Chandigarh Police. There is sufficient evidence to hold that when he was taken to CBO Cell, he was hale and hearty and his condition was not good when he was dropped by Sub-Inspector Baljit Singh Delhiwala, on his two-wheeler scooter alongwith Lal Yadav the same evening near the market of Sector 20, Chandigarh.
2. The policemen of Chandigarh Police have flouted with impunity the guidelines laid down by Hon'ble Supreme Court of India in, D.K. BASU vs. STATE OF WEST BENGAL, reported in AIR 1997 SC 610 by not following the procedure while arresting the above persons and also violated the order of Hon'ble Punjab & Haryana High Court in, VANEETA GUPTA Vs. STATE OF PUNJAB AND OTHERS, in which it was ordered that no instruments of torture should be kept in any police station or place of detention in Punjab, Haryana and Chandigarh.
3. Ironically, the Chandigarh Police has left no stone unturned to cover-up the entire case and shielded its officers, particularly Sub-Inspector Baljit Singh Delhiwala, Sub-Inspector Ram Kumar and other policemen which is highly condemnable It may be pertinent to mention here that Sub-Inspector Baljit Singh Delhiwala, is a tainted police officer and had earlier been dismissed from service by the then Inspector General of Police, U.T. Chandigarh.
4. The father of the deceased has been pressurized by the policemen and influential shopkeepers of market of Sector 20, Chandigarh, not to highlight the incident.
5. Besides, torturing Raju(deceased) and others, Chandigarh Police is guilty of keeping another juvenile, Raju Yadav, son of Ram Pher in illegal custody for three days and subjecting him to third degree treatment and falsely recorded his age as 19 years, instead of his actual reported age as 16 years.
6. No legal aid was provided to the victim Raju Yadav by the police and no legal aid counsel was provided to him during his production in the court.
7. The role of market Pradhans(heads) and other persons having acquaintance with the Chandigarh Police is also condemnable. Some shopkeepers who had proximity with the policemen has been pressurizing the father of the

deceased and other witnesses for keeping silence on the incident. Instead of helping the poor victim, these persons played the role of touts of policemen and pressurized the witnesses to hush up the matter.

RECOMMENDATIONS:

1. In order to prevent the re-occurrence of custodial crime in the police stations in Chandigarh and cover up exercise undertaken by the delinquent police officers, it would be in the fitness of things if Sub-Inspector Baljit Singh Delhiwala, Sub-Inspector Ram Kumar, turbaned Sub-Inspector and other policemen who took the law into their hands and tortured the victims should be punished for offences under Section 342, 330, 511,199 and other sections of Indian Penal Code and Section 29 of The Police Act, 1861. Departmental action should be taken against them. Inspector Jagbir Singh, being the incharge of CBO Cell, Sector 26, Chandigarh where the present incident had occurred, is equally liable for the acts of omission and commission of his subordinates and should be immediately sent to police lines.
2. Since Raju(deceased) was a earning hand to his father, Dharam Pal in his old age, adequate interim compensation should be paid by the Chandigarh police to Sh.Dharam Pal.
3. Raju Yadav who is a juvenile should be sent to juvenile home and tried in accordance with the provision of Juvenile Justice Act.
4. A team comprising of senior officials of Chandigarh Police, human rights activists and representatives of ChandigarhAdministration should be formed to ensure the guidelines laid down by Hon'ble Supreme Court of India and Punjab & Haryana High Court that no instrument of torture is kept in any police station, CIA staff or place of detention in Chandigarh and nobody should be subjected to third degree torture while in police custody.

ACTION TAKEN BY LHRI

Our organisation sent the copies of the above report to the concerned police and civil authorities, besides releasing it to the press. But no action has been taken by any authority.

REPORT XII

INVESTIGATION REPORT INTO THE DEATH OF UNDERTRIAL IN CENTRAL JAIL, LUDHIANA ON 2ND MAY, 2001

**CHANDIGARH
3RD MAY, 2001**

The jail conditions in Punjab have again come to the fore with another case of suicide reported in newspapers on 3rd May, 2001. The Central Jail, Ludhiana has remained in the news since long where more than eight prisoners have died due to various reasons. The latest incident of suicide by an undertrial is another black mole on the conditions prevailing in the jail.

Jeet Singh, son of Lal Singh, resident of Sidhwan Bet in District Ludhiana was arrested under NDPS few days ago and sent to judicial custody only two-three days ago. Alleged to be a drug addict, the undertrial was hale and hearty when brought to the Central Jail, Ludhiana. Suddenly on 2nd May, 2001 at about 2 P.M. he allegedly committed suicide by hanging himself in the toilet of the barrack where he was lodged. The inmates of the barrack accuse the jail administration for not giving him the required medicines which the deceased wanted to get. According to other inmates, he was neither attended to by the jail doctor nor given any medicine, particularly when he had complained of pain in his body. The jail administration while denying this allegation pleaded that the deceased was a habitual drug addict and had demanded drugs from the jail officials and when he could not get the drugs, he committed suicide. They said that since the prisoners are medically examined on Monday and Thursday,

the deceased could not be medically examined as he had not reported in the jail hospital in time.

Another startling fact, which is certainly a matter of great concern, if it has any streak of credence, came to our notice that while few undertrial police officials are provided with every kind of luxuriant items like wine, women and even mobile phones inside the Central Jail, Ludhiana, many poor prisoners are not even provided proper medical treatment. There is no regular check-up of prisoners by the jail doctors. Paucity of funds, non-availability of required medicines and free flow of drugs inside the jail, adds to the plight of the prisoners. Many prisoners told that most of the prisoners suffer from sexually transmitted diseases as sodomy and unnatural acts are quite common among the prisoners. A team of investigators of our body headed by Sh. Shashi Sharma of Jalandhar and Sh. Anil Sharma have opined that the deceased Jeet Singh has died due to the negligence of the jail officials and if his condition was not normal, the jail doctors were required to take special care to avoid any untoward incident. Our body holds the jail officials of Central Jail, Ludhiana responsible for the loss of life of the deceased and demand a high level judicial inquiry into the conditions prevailing in Central Jail, Ludhiana and to fix responsibility on the officials for this lapse and also demand from the State government that an interim compensation should be paid to the next of the kin of the deceased.

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REPORT XIII

INVESTIGATION REPORT INTO POLICE HIGHHANDEDNESS WITH AN ADVOCATE COUPLE

**CHANDIGARH
AUGUST 8, 2000**

The image of Punjab police has suffered yet another blow and have once again proved to be the most rowdy, indisciplined and inhuman force in the country, if the incident of thrashing a Lawyer couple of Chandigarh is any indication.

Victim, Lakhwinder Singh Sidhu and his wife Manpreet Kaur are Chandigarh based, practising lawyers and members of Punjab & Haryana High Court, Chandigarh.

On 5th August, 2000, Lakhwinder Singh and his wife Manpreet Kaur were coming in their car No. PB-23B-2755 from Fatehgarh Sahib towards Chandigarh in the evening. One Contessa Car with Red light atop, belonging to some VIP followed by a Punjab Police escort Gypsy bearing No. PB-12B-_____ were also coming on the same route. When the car of Mr. Singh reached the one way main road near Sector 70 of Mohali in Distt. Ropar, at about 7.55 P.M., the car of the VIP and the escort Gypsy slowed down. Mr. Lakhwinder Singh, who was himself driving the car decided to overtake his car from the right side of the escort Gypsy and sought side from the driver of the Gypsy. On getting the side, he drove a bit fast and his car splashed some drops of muddy water stagnating in a small pit in the road, on the Policemen sitting in the escort Gypsy. Furiated over the spoiling of their uniform, the six Policemen sitting in the escort Gypsy, overtook the car and stopped it near the Light Point of Phase IX, Mohali and without any provocation dragged the Lawyer from his car and manhandled him. They hurled filthy abuses and one Policemen even gave a blow of the Butt of his gun on the back of the lawyer. He even expressed apology for the splashing of the water upon the Policemen by his car and said that it was wholly unintentional as he did not see the pit on the road. But all his pleadings did not convince the rowdy Policemen and they continued beating him for more than fifteen minutes. Many passers by who had by that time come to the rescue of the Lawyer and even his wife were not spared by the Policemen, who appeared to be under the influence of liquor from what the victim understood from their language. All this happened when the VIP in the contessa car remained sitting inside and did not intervene to stop the

Police highhandedness. The Lawyer suffered serious bodily bruises and internal injuries, besides mental agony and frustration for getting beaten without any fault.

Aggrieved at the unprovoked assault by the men in uniform, the victim drove straight to a nearby Police Station, Phase VIII, SAS Nagar, Mohali and made a written complaint to the S.H.O. on 5th August, 2000 at about 8.20 P.M. But instead of registering the First Information Report, the Policemen at the Police Station failed to take any action against the culprits, probably because the accused belonged to their own force. Interestingly, few Policemen at the Police Station offered to bring the culprits before him within few minutes, if he is willing to compromise and not to raise this issue, but when the lawyer refused to compromise with the accused Policemen, he was told to go home and wait for some days enabling the police to hold investigations and thereafter some action would be taken.

Till date, no steps have been taken to even identify the accused Policemen even though the number of the Police Escort Gypsy was given to the Police and the occupants of the Gypsy could be easily traced from the records of Additional Director-General of Police (Security) Punjab under whose orders the security is provided to every VIP in the State. Senior District Police authorities when contacted expressed their ignorance about the incident and said that they will look into it, if brought to their notice.

The victim Lawyer has written to the Chief Justice of Punjab & Haryana, President of Punjab & Haryana High Court Bar Association, Director-General of Punjab Police, Senior Superintendent of Police Ropar seeking their intervention in getting the accused Policemen brought to books.

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