

JHARKHAND

## Continuing Custodial Death

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Since inception of the Jharkhand government has been carrying on anti-naxal operations and building up the people friendly police in the state simultaneously. In the recent development, Neyaz Ahmed, the director general of police and the executive officer of the 'operation green hunt', who is also the first top cop in the history of Jharkhand to get promotion after retirement, has promised to make his policemen the 'people friendly'. In fact, he knows about how the policemen are inhuman in nature, which results in inhuman treatment, torture and brutal killing of the innocent people time to time. The recent brutal killing of one Dharendra Kumar in Barwada police station clearly indicates of how the police stations have become the safest place of inhuman treatment, torture and brutal killings.

On November 16, 2010, the Dhanbad police under the leadership of Nirsa DSP Shailendra Prasad Barnwal picked up 26 year-old Dharendra Kumar (resident of Birni village that falls under Nawadih police station of Dhanbad district in Jharkhand) near Memco More (Dhanbad) during a routine vehicle inspection drive alleging him of being a Maoist. Perhaps, Dharendra was returning to his home from elsewhere by his motorbike. The police claimed of finding Maoists' posters in the dickey of his motorbike.

The police took him to Dhanbad Sadar police station and detained him. He was also taken to Bhuli police station and later on shifted to Barwada police station but nobody knows the reason for detaining Dharendra in three police stations, where he was humiliated, tortured and severely beaten. Perhaps, Barwada police station is the safest destination of police torture in Dhanbad district; therefore he was finally detained in Barwada police station after filing a case under Section 414 of IPC and Section 17 Criminal Law Amendment Act (CLA) alleging him for carrying Maoist posters and possessing a stolen motorcycle. However, after intervention of the local people, the senior police officers investigated on the matter and found him innocent. Subsequently, they had ordered for his release but the Barwada police kept him under their custody.

In the night on November 17, 2010, the Barwada police applied third degree torture and severely beaten Dharendra Kumar till he became unconscious. Meanwhile, when his health was deteriorated, the police took him to a private nursing home for treatment but after observing his bad condition, the doctors denied to admit him. In the second attempt, the police took him to another private nursing home but by the time, perhaps he was already dead, therefore the doctors again denied him admitting in the nursing home. Finally, the police took him to PMCH, a government hospital, where he was declared dead. In fact, the police didn't take him to the government hospital directly with the intention of burying the truth of ill-treatment. Indeed, the people friendly police had beaten Dharendra Kumar to death for merely to score points. Of course, there are competitions going on among the police forces for hunting a good Maoist, which would ensure them the cash prize, medal and promotion.

However, the inhuman treatment of the people friendly police did not end here with Dharendra Kumar. On November 18, 2010, the police started a new operation for destroying the evidence of inhuman treatment, torture and beating. The district administration constituted a post-mortem team comprising four doctors, who were either pressurized or bribed by the police for burying the truth. The post-mortem was conducted and the police were given a clean chit. The report describes neither internal nor external injury in the body

and merely indicates the reason of death as some stomach problem. Amidst, when the news of custody death spread in the state, the politicians started their dirty politics in the case of custodial killing. 6 members of the Jharkhand Legislative Assembly joined hands for the cause. They sat in protest demanding for re-post-mortem of the dead body in RIMS, Ranchi. They even declared for organizing a protest in the Assembly on November 22.

When the police came to know about the political move, they intensified their operation for destroying the evidence immediately. On November 21, 2010, it was about 8'O clock in the night. The police loaded the dead body in a vehicle and reached to Birni village secretly. But when the villagers saw the police with the dead body of Dharendra Kumar, they started chasing the police. Suddenly, there was hue and cry in the village. Meanwhile, the BJP and JMM leaders put pressure on the family members and the villagers for cremation of the dead body and they could able to convince Sunder Singh, the father of Dharendra Kumar for it. Finally, the tricks of the police worked. The dead body was burnt in the night in presence of the police, BJP and JMM leaders. The police were relieved after the evidence of their inhuman treatment was burnt to ashes. The BJP and JMM played a dubious role in burying the issue of custodial killing, which might have become the state issue and could have put their government in trouble.

After the incident, the Chief Minister of Jharkhand, Arjun Munda asked the Home Secretary, Rajbala Verma and the DGP, Neyaz Ahmed to submit a report on the case. Subsequently, he declared for the suspension of Sahdev Prasad, the officer-in charge of Barwada police station and also announced Rs 2 lakh as compensation to the family of the deceased, which was a complete political move to bury the truth of custodial killing. For one thing, the killing and compensating has almost become a tradition in India and perhaps, the justice delivery ends with it. Ironically, a case of unnatural death was filed in Barwada police station instead of filing a murder case against the police officers. Meanwhile, the Deputy Commissioner (Dhanbad) Sunil Kumar Barnwal has ordered for a magisterial inquiry into the matter. However nothing will come out of it since the evidences have already been destroyed. Perhaps, the investigation is just a ritual, which most of the governments do for fusing the public outcry.

Obviously, the killing puts one behind the bars in India but it does not seem to be applicable to the police officers in the same manner. Their punishment for such a heinous crime is either transfer or suspension. Thus, they always enjoy impunity and carry on the inhuman treatment till they get retirement. This is what exactly happened in the case of Dharendra Kumar. The officer-in-charge of Barwada police station Sahdev Prasad, the prime accused of the case was merely suspended and the SP of Dhanbad Suman Gupta was transferred and another two officers—DSP Shailendra Burnwal and Officer-in-Charge of Bhuli police station Harish Pathak were not even touched though they were also deeply involved in the case.

Indeed, Dharendra Kumar was humiliated, tortured and beaten to death by the policemen, who were deployed for the protection of the people including him. However, instead of punishing the guilty cops, the BJP led NDA government has been attempting to shield them. □□□