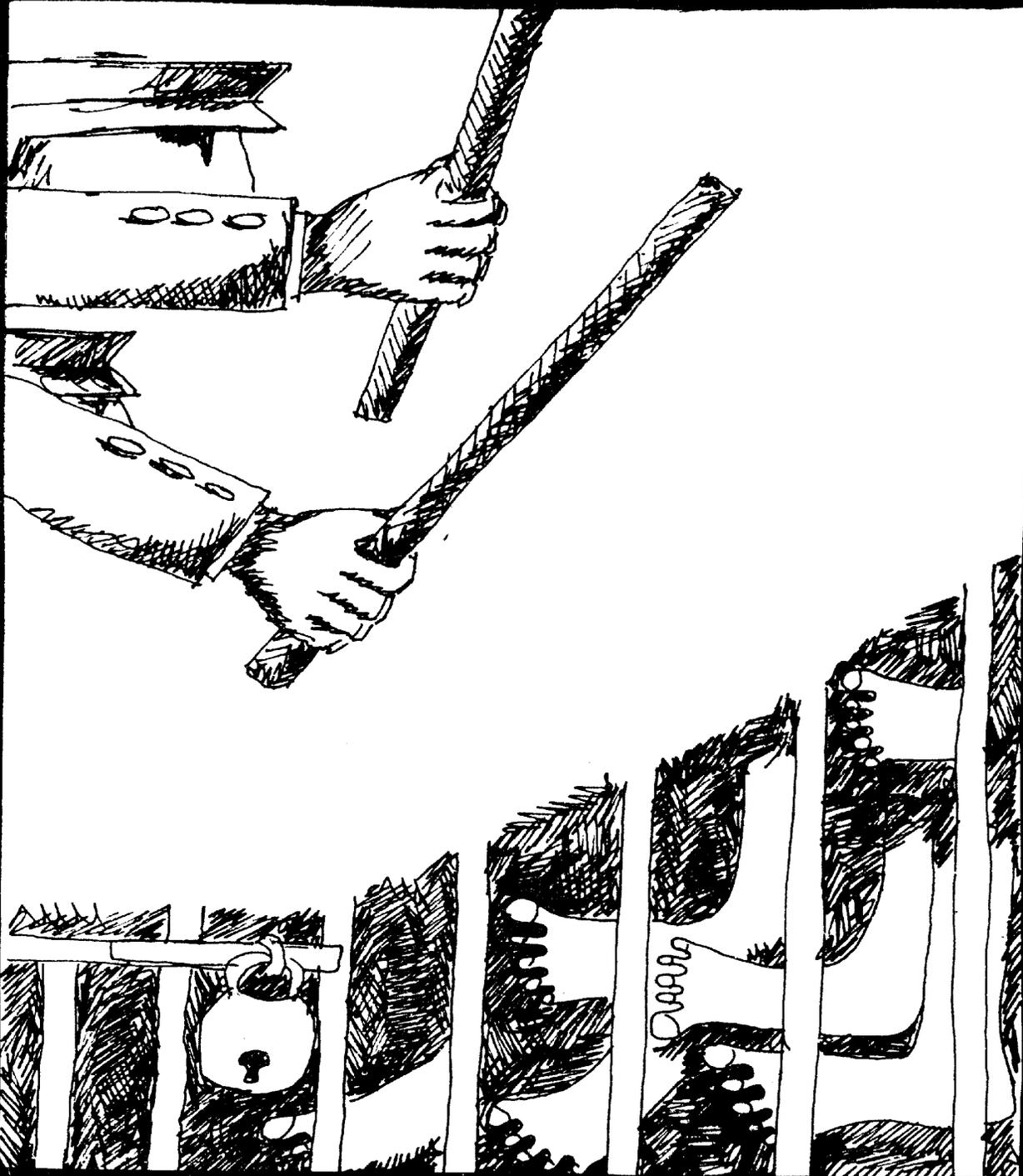


WAITING AND WAGING

A Tale of Life, Death and Justice



PEOPLE'S UNION FOR DEMOCRATIC RIGHTS
DELHI
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Everyday, 1900 new people come to Delhi to become its citizens, most of them on a permanent basis. Many of them are migrants from Eastern Uttar Pradesh (purabias), from distant Bihar and from the deserts of Rajasthan. They offer themselves as unskilled labour, especially in construction work. There are about twelve major centres in the capital where any day in the early morning hours, any one can pick them up as cheap wage labourers. They live on the streets, for long years. But since about 1982 their situation has improved slightly. For, the majestic flyovers built in the wake of Asiad now provide them a roof over their heads. This curious tale of Supreme Court intervention in the case of a custodial death is that of about ten migrant labourers from Rajasthan who offer themselves at the labour market near Naraina flyover and sleep under it.

On 19th September 1988, police from Inder-puri police station came looking for labourers at Naraina. The police chowki at Inderpuri was upgraded as a full fledged police station only ten months before. It was part of an ongoing process unleashed by the report of the R.C. Srivastav Committee appointed after the riots in 1984, which recommended strengthening of police mechanism in the capital city. The policemen were looking for labourers to do some construction work in their police station. Since the new born station had picked up labourers in the recent past and had paid their wages, they readily went along with them. All other than Ram Swaroop, who had come to the Naraina flyover only to arrange the marriage of his daughter and was anyway not a labourer. By around four in the evening Patasi Devi was brought to the police station. Despite our best efforts we could not figure out how and why she was picked up from the Naraina flyover? Patasi was also from Rajasthan and was an acquaintance of these detained labourers. After a full days work the labourers asked for wages. Initially they were asked to wait till the saheb (presumably the Station House Officer - SHO) comes. In a sense- their long wait for wages began at that hour in Inderpuri police station, till the Supreme Court, five months later, ended it, in vain.

In the meantime, the policemen on duty began taking alcoholic drinks. Next time round when they asked for wages, they were threatened. As the evening passed, the labourers became more restive and the³ policemen became more unruly. They accused the labourers of theft. They stripped Patasi, tied her up, and molested her. They beat up the labourers. Dandwa's arm was broken, others were injured. And Ram Swaroop died. Ram Swaroop aged around fifty, earned his living by selling vegetables at Azadpur mandi. So did Reshmi, his wife. Now she is burdened with having

to repay debts and to provide for the family single-handedly. She has five children, the youngest about four years old.

Early next morning, the police forced Patasi to go back to her village. She took the train to Jaipur and travelled, ticketless. Later, Ram Swaroop's body was disposed off secretly. The police returned with water, purported to be from the holy Ganga (gangajal) and made all the labourers swear on it that they would not reveal the incident to anyone. But the news did reach the world outside, due to Dandwa's courage who informed the "sau number police" ('Dial 100' -Central Police Control Room). Local Metropolitan Councillor, a member of Bharatiya Janata Party (BJP), and print media took up the issue. Simultaneously PUDR also took up the issue and conducted its own investigation.

In November, PUDR filed a writ petition in the Supreme Court (People's Union for Democratic Rights and another versus Commissioner Police, Delhi, and another, Criminal Writ Petition nos. 401 & 402 of 1988). The petition, among other things, prayed, the court to direct the state to suspend the SHO, Inderpuri and pay adequate compensation to the victims.

Initially when we approached the labourers with the idea of filing the petition, they were very reluctant. In particular Pratap, aged about 45, was completely cynical of the courts. But the others persuaded him. One of them also became a co-petitioner. In their counter affidavit, filed by Shri A.S. Khan, Deputy Commissioner of Police, the state readily acknowledged the death in police custody. The acknowledgement was unusual enough for the judges of the Supreme Court to state on record 'their appreciation for the police.....who frankly accepted the atrocity committed by the policemen'. The SHO, Rajbir Singh, was suspended along with five others and criminal proceedings were launched against them. After two months of arguments, the court ordered that the family of Ram Swaroop 'shall be paid Rs. 50,000' which 'shall be invested in some scheme under the Life Insurance Corporation'. Patasi, who was stripped and molested 'shall be paid Rs. 500' and the other eight labourers 'shall be paid Rs. 25 each for the work they have done in the police station'. The state began tracing them to pay what is due to them. After two months of fruitless search, Satbir Bedi, Officer-in-charge of the District Magistrate (Judicial Branch) reported that he could not trace them since the full address of the labourers was not provided. Then Delhi police began their search and they too failed. Eventually on 9 May, this year,

they request-ed PUDR, since we have been 'pleading the case on behalf of the aggrieved party' to trace the labourers

Then we began our own search. Within a week we were able to trace Reshmi, Patasi and Dandwa. Dandwa is unable to work because of his injuries. The main victims were located, but then started the task of fulfilling the requirements of the Life Insurance Corporation (LIC). The LIC has to be involved since the Supreme Court has specified in its order that Reshmi's Rs. 50,000 should be given to her as part of an LIC scheme. But the corporation insists that the recipient should have a full and permanent postal address.

The requirement of the 'full and permanent address', it appears, is a procedural requirement in all stages of the legal and administrative functions. The Judicial branch, Delhi Police and LIC insist that they need such an address. But the idea of a permanent address in the case of migrant labour is patently absurd. They live on the streets or under flyovers (c/o Naraina flyover, for instance, was the initial address of our labourers) and subject to the work they get, they also shift frequently from place to place. The law obviously is not designed to help these kind of people. And in Delhi, according to official estimates, there are 1.6 million migrant labour who live a life of unrecorded existence.

For the present, to circumvent the problem, we have given our address as their permanent address, to the LIC. The police also obliged us to give an undertaking that we would repay them Rs. 50,000 in case 'Ram swaroop turns up alive'. His body 'mysteriously' disappeared. Not even the police driver who drove the vehicle with corpse and for which he is charged now, is liable to tell the whereabouts of the body. Corpses are not known to turn up, dead or alive, especially when six policemen are charged with murder. And so we have given our undertaking. In the meantime the policemen are on bail and the trial is yet to start.

We shall have seven other labourers to trace. But as a matter of fact, only six. Pratap, who was opposed to the idea of approaching the court right from the beginning, just five days before Delhi police requested us to trace him. People's Union for Democratic Rights is committed to trace the remaining six labourers and reach them the 'Rupees twenty five each' that this sovereign, democratic, socialist, secular republic owes them. In the meantime, we hope this interim report will tell its own story about the way the republic functions.

कौन था वो
कहां का था वो
क्या हुआ था उसको
सुना है इस शहर में
आज कोई शक्स
मर गया यारो