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PUDR Reports

THE PRISON PROJECT

Testimony of Mohmmad Aamir Khan

Mohmmad Aamir Khan

Popularly known as Aamir (43) was born in 1981. As an undertrial prisoner he spent altogether 14 years in three jails – Tihar Jail in Delhi, Dasna in Ghaziabad (UP) and Rohtak in Hayana.
He was arrested on 20th February 1998, and got acquitted in December 2012.

He is currently a part time employee of Aman Biradari Trust as a Social Worker.

FIRs: 790/1996 (Sonepat, Haryana), 70/1997; 71/1997 (Rohtak, Haryana); 117/97; 249/97; 262;/97; 191/97; 751/97; 379/97; 260/97; 951/97; 752/97; 405/97; 746/97; 631/97 (all Delhi);260/1997 (Ghaziabad, Uttar Pradesh).

PS: Delhi, Ghaziabad, Sonepat and Rohtak.

State wise FIRS, Sections and date of Judgment

I. Haryana

1. FIR No.: 790/1996; Police Station: City, Sonepat; Under Sections: 307, 120B IPC; Sections 3 & 5 of Explosive Substances Act
Sessions Case No.: 51 of 1998/2004; Date of Judgement: 16 March 2006
2. FIR No.: 70/1997; Police Station: City, Rohtak; Under Sections: 4,5 and 7 of Explosives Act; 307 IPC
Sessions Case No.: 25 of 2006/2009; Date of Judgement: 14 March 2011
3. FIR No.: 71; Police Station: City, Rohtak; Under Sections: 4,5,7 of Explosive Substances Act; 307 IPC;
Sessions Case No.: 18/2010; Date of Judgement: 9 January 2012

II. Delhi

4. FIR No.: 117/97; State versus Md. Amir Khan & Md. Shakil; Police Station: Roop Nagar, Delhi; Under Sections: 307/435 IPC; Section 3 of Explosive Substances Act
Sessions Case No.: 111/98; Date of Judgement: 30 March 2001
5. FIR No.: 137/97; State Versus Md.Amir Khan & Md. Shakil; Sessions Case No.: 116/98; Police Station: Subzi Mandi, Delhi.; Under Sections: 307/435 IPC; Section 3 of the Explosive 40 Substances Act.; Date of Judgement: 15 December 2000
6. FIR No.: 249/97; State Versus Md. Amir Khan; Police Station: Sadar Bazar, Delhi; Under Sections: 3 of Explosive Substances Act; 435/307 IPC
Sessions Case No.: 95/98; Date of Judgement: 15 February 2001
7. FIR No.: 262/97; State Versus Md. Amir Khan & Anr; Police Station: Chandni Chowk, Delhi; Under Sections: 3 of Explosive Substances Act; 120B IPC
Sessions Case No.: 11/98; Date of Judgement: 18 January 2001

8. FIR No.: 191/97; State Versus Md.Amir Khan; Police Station: Lahori Gate, Delhi; Under Sections: 435/436 IPC
Sessions Case No.: 100/98; Date of Judgement: 30 November 2000
9. FIR No.: 751/97; State Versus Md. Amir Khan; Police Station: Kotwali, Delhi; Under Sections: 307/435 IPC; Section 3 of Explosive Substances Act
Sessions Case No.: 108/98; Date of Judgement: 10 May2001
10. FIR No.: 752/97; State Versus Md.Amir Khan; Police Station: Kotwali, Delhi; Under Sections: 307/435 IPC; Section 3 of Explosive Substances Act
Sessions Case No.: 109/98; Date of Judgement: 27 April 2001
11. FIR No.: 379/97; State Versus Md.Amir Khan; Police Station: Sadar Bazar, Delhi; Under Sections: 307/435 IPC; Sections 3/4 of Explosive Substances Act
Sessions Case No.: 128/98; Date of Judgement: 26 April 2001
12. FIR No.: 951/97State Versus Md.Amir Khan & Md. Shakil; Police Station: Kotwali, Delhi.; Under Sections: 307 IPC; Section 3 of Explosive Substances Act
Sessions Case No.: 115/98; Date of Judgement: 23 March 2001
13. FIR No.: 752/97; State Versus Md. Amir Khan; Police Station: Darya Ganj, Delhi; Under Sections: 307/120B/34 IPC; Sections 3 & 4(B) of Explosive Substances Act
Sessions Case No.: 137/98; Date of Judgement: 27 July 2001
14. FIR No.: 405/97; State Versus Md. Amir Khan; Police Station: Mukherjee Nagar, Delhi; Under Sections: 302/307/34 IPC; Sections 3 & 4 (B) of Explosive Substances Act
Sessions Case No.: 113/98; Date of Judgement: 26 July 2001
15. FIR No.: 746/97; State Versus Md.Amir Khan&Md. Shaki Police Station: SaraswatiVihar, Delhi; Under Sections: 302/307 IPC; Section 3 of Explosive SubstancesAct
Sessions Case No.: 120/98; Date of Judgement: 17 August 2001
16. FIR No.: 631/1997; State Versus Amir Khan; Police Station: Karol Bagh, Delhi; Under Sections: 302/307/436 IPC; Section 3 of the Explosive Substances Act
Sessions Case No.: 104/98; Date of Judgement: 4 August 2006

III. Uttar Pradesh

17. FIR No.: 260/97; State Versus Md.Amir Khan&Md. Shakil; Police Station: GRP, District Ghaziabad; Under Sections: 302, 307, 120B, 121, 121A, 122 IPC; Section 3 of Explosive Substances Act; Section 150 of the Railway Act
Sessions Case No.: 357/2007; Date of Judgement: 18 October 2011

Allegations: Hatching conspiracy along with Pakistani terrorist Karim Tunda to cause blast across Delhi and other states.

Recovery: A revolver along with few live cartridges, a briefcase containing Rs 80000, some dollars, diaries with maps and formulae for making bombs

All cases in Delhi were framed and heard in TADA Court.

Prison Timetable –

Years	Prison
(Dec)1998-2007	Tihar
2007-2011	Dasna, Ghaziabad
2011-2012 (Jan)	Rohtak

His permanent address is Mohalla Kishanganj, Azad Market, Delhi – 110006.

Aamir spent 7 days in illegal custody and after that he was presented before the magistrate and remained in police custody for nearly 2 months. As per police record he was arrested on 27 Feb 1998 but in reality, he was picked up on 20 th Feb 1998.

Aamir's jail experience is quite varied because of three main reasons.

1. He spent his time in three jails - Tihar Central jail located in the capital city, which he calls gives you a true reflection of India – multi religion, different classes, literate class, VIP prisoners etc,; Dasna jail of Ghaziabad in Uttar Pradesh, though not very far from the capital city but has very low standard and facilities; and the Rohtak Jail in Haryana, still not very far from the capital city where rules hardly matter and most of the inmates are hardly bothered about their rights and liberty.

2. In Tihar, which he compares to being much better than the other two jails – Dasna and Rohtak– he spent more than 8 years in different jails, wards and barracks. Admitted into the Mundakhana in Jail No. 3, meant to be for the age group of 18-20 years and then shifted to tanha cell (Solitary confinement) meant for the High Risk prisoners and also in the barracks and punishment cell (Kasuri Kothri). Therefore, the facilities in all these cells, wards and barracks are meant to be different under the rule book.

3. He also experienced a great change in behavioral attitude of authorities as well as inmates during his life in jail in pre and post year-2001 which was marked to by two great incidents – 9/11 twin tower attack in USA and Dec 2001 attack on Indian parliament. Earlier high-risk prisoners, most of them having the tag of desh drohi, still had some reputation as fighting for some cause – educated rebellious characters not involved in petty criminal activities. Among inmates they are considered to have helping attitude in suggesting legal assistance to other fellow inmates. But post 9/11 and parliament attack case, attitude of authorities as well as inmates drastically changed especially towards Muslim prisoners.

General facilities:

As far as Tihar jail is concerned, Aamir consider it to be a reflection of India, where you find people of all classes, communities, caste and religion. He didn't find this environment in other jails. This is one of the reasons that facilities in Tihar are much better than the jails of other two states where he spent many months. Without corruption, inmates cannot avail themselves of their daily necessities and facilities in any jails – but the level of corruption level in Tihar is much less as compared to Dasna and Rohtak.

This is because Tihar is situated in the capital city and inmates have higher level of awareness and even access to many institutions such as NHRC, different level of courts and many voluntary organizations inside and outside the jails. The demographic profile of inmates also helps in spreading the education and awareness among other inmates who lack such intellect and awareness. Even the cooperation among inmates is somewhat better in Tihar as compared to Dasna and Rohtak jail, where there was hardly any collective aspirations and wisdom among inmates. Most of the inmates in thesejails remain aloof and dependent either on the mercy deeds of authority and influential inmates.

In Tihar various religious and charitable organisations were delegated responsibility to develop moral and ethical values of inmates. There were also many other organisations inside the jail premises to develop personality and other skill sets of inmates. All these institutions have a role in creating certainstandards in providing facilities to the inmates. There are regular sports and other rejuvenating activities which enhance the awareness level where inmates get opportunity to interact with the wider circle.

But there are restrictions in place for the prisoners who are categorized as 'High Risk' (HR).

When Aamir first time reached Tihar jail, because of various terrorist and other explosive substance sections imposed against him, he was required to be treated as HR prisoners. But during medicalexamination the age of Aamir did not permit him to be put into tanha (solitary) ward. Though authorities tried to influence the medical doctor to increase his age in the record., which he did not agree to. He was put into a barracks in Mundakhana in Jail No. 5. It had the capacity of 50 prisoners but there were around 120-125 prisoners. It was difficult to sleep during the night because of space constraints and they had to sleep on one side the whole night. Secondly, it was unhygienic, and oneould hardly have fresh air. Sometime the smell emanating from bodies could become intolerable during summer causing a lot of mental tension. Aamir had to stay with many of the professional criminals also

Drinking water was provided in one matka for 5-6 prisoners with a plastic glass. Although prisoners were allowed to keep their personal glass, it was rare because prisoners keeping their personal

glass in a barrack having more than 100 prisoners were seen differently and could invite problems.

WATER- Although the jail had adequate water arrangements, shortages were common during the summer. Unwritten restrictions limited daily bathing; at times, prisoners went three or four days without a bath. Access to water and bathing facilities often depended on influence, bias, and the discretion of inmates and officials. HR prisoners were especially dependent on officials because they had little contact with other inmates who might share resources or help advocate for them.

Cleanliness in the Mundakhana and other barracks was average as they were cleaned using phenyl twice a day – morning and evening.

There were good sports facilities available for prisoners in Tihar such as football, cricket and volleyball in the playground and carrom and ludo, chess as indoor games. However, the decision to allow to play these games rests on the whims and fancies of the authority. Any prisoner could be denied this, if one is not in the good books of the people in position of authority – whether jail official or even inmates. People who are in a position of power often flex their muscles. Aamir says that "sab kuchh unke rahmon karam par hai." (everything depends on their mercy".)

Weekly Cinema facility was available for the prisoners in Tihar for which prisoners had to buy ticket, costing Rs 10-15.

Each barrack had two toilets which were used when barrack was closed. This barrack was part of a ward. Each ward had 5-6 barracks and there were around 10 common toilets outside barracks. There were enough fans available in the barrack. There was one TV set available in each barrack.. Prisoners were also allowed to keep their personal transistor set.

Electricity: The power situation in Tihar was much better. 95% of the time we were getting power. Only occasionally that there was no power.

There was provision for soap and oil but hardly any prisoners used them. Most of the prisoners chose to buy these from canteen or used to share with other prisoners.

During summers inmates are provided one Dari and one sheet. In winter one blanket for each of the prisoners are provided. Apart from these facilities prisoners can also get sheets and blankets from their home. At times it becomes a headache to maintain these extra sheets and blanket and these are sent back when not required.

Prisoners are free to keep their own bucket as these can be purchased from Jail canteen. Prisoners are allowed to buy or get their own mosquito net. Although overcrowding in the barracks posed difficulty in using the net.

Reading and writing material: there is no restriction on the number of books one can keep. There is library and prisoners are also allowed to get books from outside. Only printed books are

allowed. There is no restriction on writing material also.

In Mundakhana and other general barracks there were very few restrictions and Aamir was allowed most of the facilities. But all this changed when he was transferred to tanha cell, having an area of 8/10 feel including the toilet area, much before he turned 20 years of age. How this happened is still amystery for Aamir. Prisoners in Tanha cell or being tried under terrorist activities are not suposed to be provided many of the above-mentioned facilities such as sports, cinemas, radio or other entertainment activities.

However, sometime HR prisoners were restricted from getting books from outside and for that they had to get permission from the court.

IGNOU ward: In Tihar there is special ward for prisoners to continue their study popularly known as IGNOU ward, very neat and clean, as compared to other wards. With the help of some officials, Aamir got admission to IGNOU, in a special course called BPP which is equivalent to 12 th grade and after completing this course one can get direct admission to B.A. Aamir got the access to the library which was well maintained with a long table surrounded by many chairs for the use of inmates. Since the time of his arrest this was the first time that Aamir sat on a chair which boosted his morale and confidence. Aamir started using the facility and also interacted with many of the educated prisoners who were enrolled in various courses. The library was a place where many of the prisoners used to share their concerns with other inmates and provide help to each other. This also contributed to his mental development and understanding of his rights and his cases.

(But this IGNOU facility had not reached the other two jails where he spent nearly two years – Dasna and Rohtak.)

There is no provision for Table and chair in the barrack. In tanha cells, these are provided through court orders only. But some of the influential prisoners in (B class – educated prisoners) had these facilities without court orders also as they had formed favorable association with jail officials either through money, muscle, or political power.

Only vegetarian food is served in the Tihar Jail. Aamir was told that Tihar is an Ashram. But from the canteen one could buy boiled eggs or omelet and also other savories – bread pakoras, tea, chhole bhature, lassi, samosas and jalebies. Canteen also used to sell other things which comes under daily requirements such as toiletries, undergarments, postcards, butter and buns, biscuits, pickles etc.

There were many Kashmiris in Tihar Jail and they used to hate food and miss their non-vegetarian food. It was difficult for them to adjust with food provided in Tihar.

Dasna: In April 2007 Aamir was shifted to Dasna Jail in Ghaziabad. It was a different kind of jail altogether, where prisoners are treated in a very sub-human condition. For example, they are not

allowed to walk in the center of the road but on the side. The center of the road is only reserved for jail officials.

When the official asked him the charges he was facing, Amir, to avoid Tanha ward told the officials that he was facing trial in murder and criminal attack. He was put in Mulahiza ward reserved for the new prisoners.

By this time Aamir had somewhat become aware of his rights and how to deal with higher and lower officials. For example, the numbardar, who was delegated responsibility, as in charge to look after him, had spent five years in jail whereas Aamir had already spent ten years. So, he considered himself senior to him and earned some respect.

Food in Dasna was worse than in Tihar Jail. There was a small canteen from where prisoners could buy a few snacks such as samosa, bread pakora, and other pakoras.

Prisoners from Dasna jail are not aware of their rights when they come here for the first time. However, over the years some of them learn through their experience and start asking questions. While staying in Tihar, Aamir read a few books on human rights and legal rights of prisoners. When Aamir was asked to sweep the barracks and the open area in Dasna Jail, he refused it because he knew that undertrial prisoners are not supposed to do this work. But many of the authorities themselves are not aware of the prisoners' rights.

Later Aamir, because of the cases he was facing, was put in cell where rules were more coercive. Prisoners in the cells were allowed only two hours to go out in the open area – an hour in the morning and an hour in the evening. And this open area was too small as compared to the Tihar jail.

Religious freedom: In Tihar as well as in other jail people were allowed to practice their religious prayers. Special arrangements were in place for rozas during the month of Ramzan. In Tihar fresh food was given during rozas as cooking used to take place at 2 AM daily. *But this was not in the other two jails. Food used to be provided during normal time and Muslim prisoners had to eat this cold food when breaking their fast.*

But after 9/11 and parliament attack things started changing and there was some encroachment in religious practices.

There was no outdoor sports facility in Dasna Jail. A few prisoners had arranged their indoor games such as Ludo or chess and that was the only way of entertaining themselves. Few others used to spend time reading books and magazines or writing letters.

Finance: Prisoners were allowed to get Rs 150-200 on each Mulakaat in the form of coupon (family meeting). They were also allowed Rs 200 in the jail.

Rohtak Jail – the condition of Rohtak jail was more or less like the Dasnsa Jail. Aamir spent most

of his time in barracks. There was no sports facility and, therefore he could only read and reflect upon his life. He was acquitted in most cases and expected to be acquitted in the remaining cases. And finally, after spending six months in this jail he got acquitted in the last case on 12 January 2012.

Hospital Facility

In Tihar Health facilities are in good condition for general prisoners who can walk to the clinic located inside all jails. There are OPD wards, and 5-6 doctors are available during the day. There is a General Physician who is easily accessible. During night time too one doctor is always available. There are also beds where one can be admitted, if need be, on the recommendation of doctors. The clinic/ hospital located in Jail No. 3 is the biggest as compared to other jails. Here medical facilities are relatively better than other jails in Tihar.

In Dasna and Rohtak jail, the health facility is not good. There was only one doctor during the day, not highly qualified. During the night hours there was no doctor and only one attendant used to treat patients. Prisoners had to wait till the morning for any meaningful medical help. Treatment in these jails was never taken seriously.

External Hospital

Sending prisoners outside hospitals was the prerogative of jail doctors. Usually, they don't recommend outside hospital. It is Only in special case, depending on Doctor's assessment of the seriousness, prisoners were recommended to outside hospitals. There was ambulance service for taking patients to the hospitals outside. Only Govt Hospitals were allowed to treat the prisoners.

Medical condition of prisoners becomes known to the family only during the Mulakat.

In the case of High Risk Prisoners, there are many restrictions for getting to a medical facility. They are not allowed to visit the hospital/ clinic situated inside the hospital. If they have any medical complications, they have to inform jail officials and the doctor will visit them in the cell. Sometimes it becomes very difficult during nights as the jail authorities appointed during night duty avoid taking a decision to refer a prisoner to hospital.

No matter how serious their condition is, high-risk prisoners are not permitted to spend their time in the hospital/ clinic ward. Even in the case of serious condition, these prisoners have to put petition in the court to get the medical treatment done in hospital. Outside. It takes a lot of time, sometimes months before their petitions are heard and honoured, depending upon the report produced by the hospital doctors, for the judge to be convinced.

Incidence of Attack on Aamir/ other prisoners

In July 2000, Aamir was attacked by the Delhi Police suspended sub-inspector, Vijay Kumar and a constable, who were undertrial prisoners in some other cases. Without giving any reason, they beat him black and blue. Despite his shouts and screams for help, the warden, didn't come forward for help but encouraged those suspended police officials to teach "him a lesson – abusing "Maro saale Desh Drohi ko" (kill the traitor).

Aamir lost consciousness due to the beating and was admitted to the jail hospital. After regaining consciousness, he demanded to be transferred to Deen Dayal Hospital for proper treatment and to register the Medical Legal Case (MLC). He spent the entire day at DDU Hospital. Upon his return, he was shocked to learn that the jail officials had decided to take action against him based on a complaint filed by the undertrial suspended police officers responsible for his beating.

Aamir was then moved to the Kasuri Kothri, where he remained for many months. This small cell was closed 24 hours a day and covered with a thick blanket that blocked all sunlight. Even during winter, Aamir was denied any sunlight and had to observe his rozas under these harsh conditions. He was also denied visits and remained isolated, leading to depression. His blood pressure increased, and he began to lose his eyesight and memory.

During that period, one day Aamir heard a very sharp siren. All prisoners, upon hearing this siren, were supposed to run to the nearest cells, regardless of whether they stayed there or not. Anyone found outside was badly beaten by the jail officials. In his dark cell, Aamir was extremely worried. Later, he learned from other inmates that a Muslim prisoner had been killed by the jail officials in Jail No. 5, just after the Eid festival.

Aamir had spent the entire month of Ramzaan in the Kasuri Kothri. A Hindu inmate named Devinder used to pass him dates and a milk packet daily, which helped him survive this difficult period.

In April 2002, Aamir was transferred to Jail No. 1, without giving any reason. It was a kind of punishment. Here he was ill-treated and even beaten on his for foot-soles. Beating on foot soles is done with a purpose as this does not leave beating or torture marks. He was put with blade baaz prisoners which were very tough days for Aamir. Later there was a protest against these blade baaz prisoners by 'political prisoners'.

Prisoners are perceived based on charges

Since Aamir was an undertrial prisoner facing terrorist charges, the other prisoners had formed their opinions about him accordingly. While being escorted to court, he was handcuffed along with other TADA undertrial prisoners, starting from his cell. This situation served as a double-edged sword. Most of the other prisoners were there for petty crimes, so they viewed Aamir with fear, considering him a significant figure. However, Aamir displayed respect and a caring attitude, which led these prisoners to show him respect in return and seek his protection. He also assisted them during their moments of crisis. Notably, Aamir saved some prisoners from sexual exploitation,

which was quite rampant, especially by the convicted prisoners.

Jail Manual: Most of the prisoners are not aware of the jail manual. Besidess, it is not accessible to those who know about it. Even if someone asks for the manual or seen having it, it is like inviting trouble. So very few know and possess it or read and discuss it.

Note: *Amir also wrote an article "Zakariya's 17 Year in Prison: A Mother's Anguish and Endless Wait" in Muslim Mirror (18 th August 2026) when he meets BEYUAMMA-JI, an ailing mother of Zakariya, an undertrial prisoner from Kerala, who had spent 17 years in Jail without conviction underUAPA. In this article, he recalls her mother who had similarly waited 14 years for his release.*