

DEATH IN TIHAR JAIL

- A Report

PEOPLE'S UNION FOR DEMOCRATIC RIGHTS

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On the 10th of October 1989, Delhi Police arrested two men -- Uttam Singh and Manmohan Singh -- during a routine check at Baba Kharag Singh Marg on the charge that 2 kgs. of heroin were found in the car they were driving. Nine months later, on 6 July 1988, Uttam Singh died in judicial custody at Tihar Jail, officially due to natural causes. The only witness was Manmohan Singh. A year later he too was dead. Cause : a heart attack.

Our interviews with Manmohan's family brought up a completely different story of his arrest. Manmohan had been living in Canada for 17 years, his wife, Sushma Rani, and his children being citizens of that country. He, however, had retained Indian citizenship out of a deep and passionate love for his own country. The family owned a guest house, "Six Seasons" which was their only source of income.

Manmohan came to Delhi on holiday in October 1987 and was staying at the house of his cousin, Uttam Singh, in Janakpuri. On the evening of 10 October 1987, Manmohan was sitting with Uttam and his family at Janakpuri when they received a phone call from Saab Singh, allegedly Uttam's drug carrier, asking Uttam to reach Baba Kharag Singh Marg immediately.

Uttam Singh left with his wife, and on arrival found Saab Singh waiting with a car, two kgs of heroin and the police. Uttam had fallen neatly into the trap that had been set for him. Later the same evening, police arrived at Uttam's house and picked up his son Dalip Singh and Manmohan. At the police station, Dalip was let off on a bribe of Rs.50,000 and Manmohan, unable to provide the same was arrested. The FIR filed by the police states that Manmohan was driving the car in which heroin was found, Uttam occupying the passenger seat.

What points most conclusively to the web of deceit that the police have woven around the case is the chief witness, Sanjiv alias Sandip Kumar Sinha, who has testified as a witness (of the

police) to the arrest. Sandip Sinha is a professional witness and has provided clinching evidence in a number of cases that were eventually decided in favour of the police.

The only counter witness was a neighbour of Uttam, Sukesh Behl who was to testify that he had seen Manmohan and Dalip being picked up by the police from Janakpuri. On the day of recording of his evidence, Mr. Behl did not show up. When Sushma inquired about his absence, she was told that three men, ostensibly from the CBI, came and threatened him. He was not ready to take the risk.

Following this, Sushma met all possible authorities the Lt. Governor, Police Commissioner, various people in the administration and also sent letters to the Prime Minister, Home Minister and the President explaining the case, but to no avail.

Meanwhile, Uttam died in the judicial custody at Tihar Jail. The cause provided by the jail authorities was a disease which according to the Assistant Commissioner at Tihar Jail could not be treated there. But Uttam had applied for bail earlier on health grounds which was rejected since the jail doctor had testified that Uttam did not suffer from any serious disease and was only looking for excuses to obtain bail. The only witness to this death, Manmohan, was not asked to give his statement in the inquiry into Uttam's death.

A year later, on 7 July, 1989, Manmohan died in his cell in the jail. The same day he had come for a hearing to the Patiala house courts. His lawyer, Pandit Hari Krishen "Naseem" was confident that Manmohan would be released in a few weeks. After the hearing, Manmohan had lunch with his wife and two-year-old daughter and seemed in perfect health. At 7.30 p.m. he was dead. The cause according to jail authorities was a heart attack. Manmohan was 37 years old.

His body was taken to Civil (Police!) Hospital, Subzi Mandi for post mortem. His wife was informed only 13 hours late though she resides not far from the jail and even the phone number was known to the police. Sushma first saw her husbands body in the morgue. Blood seemed to have come out of his eyes which was then clotted there. After the post mortem, Sushma was given no conclusive reason for Manmohan's death but the doctor told her that he "suspects something". After this the viscera was sent for examination to the Central Forensic Science Laboratory (CFSL).

Under Sec.176 Cr.P.C. an enquiry was ordered which was to be conducted by Vipul Mitra, SDM Punjabi Bagh. The Police Commissioner, Vijay Karan, personally promised Sushma an enquiry into the entire case. The SDM enquiry has started recording evidence. When we met the SDM we were told that the cause of death was still awaited since the CFSL report had not come. He added that in most cases these reports are delayed to an extent that the enquiry has to be virtually abandoned. In fact the CFSL report on the death of Uttam Singh who died on 6 July 1988 is still awaited. The CFSL is under the CBI and hence under the Home Ministry directly. The Delhi Administration has no way to hasten the process. The SDM further suspected some connivance of the CFSL with the police which could be the reason for the delay. Many times the SDMs change before the CFSL report comes through. There are 12 files on deaths in Tihar jail in the last two years which are virtually abandoned since the investigating magistrate has been transferred. Some of them have even been stolen and enquiries into the thefts are going on.

For the present Sushma is trying to obtain the death certificate of her husband. Her attempts both at Tihar jail and at the Civil Hospital have failed. Since no cause of death is known, the death certificate cannot be issued.

For both Sushma and Manmohan, India was the country they loved. Against all odds they had protested against the defilement of the Indian flag in Canada after Operation Bluestar. But today, after five years Manmohan is dead and Sushma, after running from one government department to another and after paying innumerable bribes to the jail staff in order to meet her husband, plans to return to Canada, never to return. The case relating to charges of drug trafficking filed 21 months ago is virtually abandoned with both the accused dying in Tihar jail before the court could pronounce any judgement.