

Behind High Walls

Custodial Death in Tihar Jail

All the might of the state is against him and none of the ordinary checks are available. Even the voice of pain is hushed, the cry of agony cannot be heard beyond the high walls."

Jawaharlal Nehru in *Prison Land*
Published in 1934

People's Union for Democratic Rights
Delhi
August 1996

Yasin Ahmed was 20 years old when he died in Tihar jail this year. He had been in jail for slightly under three months.

Newspapers on July 15, 1996 reported that this undertrial had died under 'mysterious circumstances'. According to the Jail press release, Yasin was suffering from a neurological disorder- 'psychosis'. He had been referred from the jail to the Deen Dayal Upadhyay (DDU) hospital and then to the Ram Manohar Lohia (RML) hospital when his 'condition' deteriorated on 13 July. He died at the RML Surgical Emergency unit at 11:30 pm that day.

A PUDR team conducted a fact finding investigation into the death of Yasin, and met the jail officials, Yasin's family and the SDM Punjabi Bagh (who is conducting an inquiry into the death under S. 176). The team also visited the DDU and RML hospitals.

Yasin was a resident of Dakshinpuri Extension, a resettlement colony in south Delhi. He belonged to a lower middle class family which included his parents, a younger brother and a sister. His father used to be a contractor earlier but had stopped working some time ago. Yasin used to drive a rented autorickshaw and was the sole earner in the family. He was arrested by policemen of the Ambedkar Nagar Police Station on charges of theft, robbery and carrying arms (S. 394, 379, 380, 382, 34 IPC, and S. 25, 31 Arms Act) in April '96. He was remanded to judicial custody on 21 April and sent to Jail No. 5 at Tihar.

The Jail Version

On the morning of 8 July during the routine roll call of prisoners Yasin failed to answer. He then slapped the Jail warder (normally, a convict) and attempted to attack him with a chair. He was restrained by the others present, and sent to the Jail hospital. It was thought that his actions were the outcome of some mental illness. He was referred to DDU hospital, but the doctors at the Casualty there were unable to diagnose his problem. He was brought back to Tihar and kept in the mental ward of the Jail hospital under observation. On 13 July he was found lying unconscious in the jail and supposedly had no control over the voluntary actions of his body. In this condition he was again taken to DDU hospital. In the evening when his condition worsened he was referred to the RML hospital where he expired.

The Doctor's Story

Records at the DDU hospital indicate that when Yasin was brought there on 13 July the doctors did not have a clue about his illness. The DDU doctors suspected that he had suffered a head injury or had consumed some unknown poison. They recommended that a CAT scan be done. When his condition deteriorated further they desperately called up the jail doctors to discuss his

case but got no response. Lack of information about Yasin's illness obviously delayed his treatment.

The post mortem report states that the cause of Yasin's death was asphyxia resulting from respiratory failure. This was brought on by the collapse of his left lung. Apart from this his body was riddled with several cuts and abrasions which were 2 to 7 days old at the time of his death.

The Family Account

Yasin was a short-tempered youth and frequently got into 'trouble' with the policemen of the Ambedkar Nagar P.S. The most frequent cause of the altercations used to be his refusal to give the policemen free rides in his rented autorickshaw. After he was arrested by them in mid-April he was tortured in the police station for about 8 days. His family was not informed of his arrest. Later the policemen asked for a bribe of Rs. 20,000 to let him off, a sum which they were not in a position to pay. Once he was shifted to the Jail, Yasin's mother used to visit him regularly. He had never earlier complained of any problems in the Jail.

On 8 July however when she went to meet him she was first told that Yasin was in the Jail hospital, located in Jail No. 3, and would not be able to meet her. After much pleading she was allowed to see him from a distance in Jail No. 5 itself. He was being restrained by two men in police uniform, as he was a well-built youth. His face and forehead had some injury marks. He told her that he had been beaten up and not given any food for some days. He also feared that he would be killed there.

Worried about her son, she visited him again on Thursday, 11 July. This time she found him in the Jail hospital. He was naked and totally dazed. He did not respond upon seeing and hearing her. In the early hours of Sunday 14 July, the family was informed of his death. According to them neither Yasin nor anyone else in the family had any history of mental illness. Yasin did not suffer from any serious physical ailment either.

Certain essential questions now arise out of the version of events forwarded by the Jail authorities.

- For instance, does slapping someone or picking up a chair to beat him, as Yasin did, automatically indicate 'mental' illness?
- After Yasin's so-called ailment could not be diagnosed by doctors at the DDU hospital on 8 July why was he taken to the mental ward of the Jail hospital?
- When his 'condition' deteriorated on 13 July, why were his medical problems and history not communicated to the DDU doctors?

- ❑ When and how did Yasin acquire the 15 bruises and cuts all over his body, 2 to 7 days before his death?
- ❑ How did Yasin finally die of a lung collapse without any previous respiratory or other disease? Jail officials are thus trying to suggest that Yasin's death by respiratory failure was in fact caused by 'psychosis'. There has to have been some physical injury or other cause that led to the fatal asphyxia that killed him. Why were the Jail authorities silent about this?

All the Jail authorities from Superintendent of Jail No. 5 to the Inspector General (Prisons) refused to talk to PUDR. The reason given was that the SDM's inquiry was underway. However the SDM's inquiry is an executive one and does not have judicial status. The excuse, that the matter under inquiry is subjudice, and cannot be discussed, is thus completely invalid. Whatever the findings of the inquiry might be, in our experience the SDM's inquiry report is never made public in cases of custodial death. If it is made public this time, it would indeed be a welcome move.

A few undertrials of Tihar recently got a reprieve under the Supreme Court judgement that called for the unconditional grant of bail to undertrials charged with some minor crimes. But only about 350 of Tihar's total of approximately 9000 inmates got released under this order. Hotheaded young Yasin was unfortunately not a beneficiary of the Judiciary's benevolence towards those in its own custody.

On the basis of its findings, PUDR concludes that Yasin's was a custodial death for which authorities at Tihar were directly or indirectly responsible. Given the norms of secrecy that surround prisons, what actually happened behind the high walls of Tihar jail will always remain hidden. This situation, where the inmates have no control over their own lives, and outsiders virtually have no access to information about happenings inside the jail is frightening, because it renders the system completely devoid of any checks.

PUDR demands:

1. A CBI inquiry into Yasin's death.
2. Immediate payment of compensation to his family that has lost its only earning member.

Published by: Secretary, People's Union for Democratic Rights (PUDR)

For Copies: Sharmila Purkayastha, 332, Tower I, Mount Kailash,
East of Kailash, New Delhi - 110065

Suggested Contribution: Re. 1.00 (Please add postal charges)