

India: Ill-Treatment of Stan Swamy in Jail Should 'Shake Foundation of Democracy': Fellow Prisoner

Sunday 23 January 2022, by [SHANTHA Sukanya](#) (Date first published: 6 January 2022).

Iklakh Rahim Shaikh, who spent time with the Jesuit priest in Talaja jail, says while “VIP prisoners” get access to all kinds of facilities, prisoners like Swamy are denied even the most basic rights.

Mumbai: A pretrial detainee at the Talaja central prison in the outskirts of Mumbai, who spent close to a year with 84-year-old Jharkhand-based tribal rights activist Father Stan Swamy, says the Jesuit priest struggled for a long time before he finally died in July last year.

The prisoner, Iklakh Rahim Shaikh, arrested in March 2019, has written a 14-page scathing letter accusing the prison administration of ignoring Swamy's deteriorating health conditions and denying him treatment even when he was rapidly slipping.

The letter, sent to *The Wire* through a co-prisoner also at Talaja jail, gives a vivid account of the hardship that prisoners are made to suffer. Shaikh's name is mentioned with his consent, as he wants “the world to know what he and many like him have been subjected to inside jail”.

Shaikh writes that when Swamy was first brought to jail in October 2019, he was stable although elderly. “He eventually, however, developed heart and spinal complications soon after. He was in need of urgent medical care. But his plea was denied by the then superintendent Kaustubh Kurlekar and prison doctor Sunil Kale,” Shaikh writes in the letter.

The letter has been dispatched to additional director general of prisons, Maharashtra, Atul Chandra Kulkarni on November 11. *The Wire* contacted Kulkarni and also shared a copy of the letter with him. Kulkarni said since he has not received the letter yet officially, he will not comment. This article will be updated once Kulkarni responds to Shaikh's allegations.

Shaikh, who has spent close to 60 months in jail, says he has been lodged in an “Anda Cell”, an-egg shaped cellar, so called for its oblong shape. The cell lacks ventilation and only those considered “high-risk prisoners” are usually sent here. But several prison testimonies show that anyone defying the prison authorities is also shunted here as a matter of “punishment”.

Swamy was arrested on October 8, 2020. The National Investigation Agency, handling the probe against him and 15 other human rights defenders from different parts of India, had not pressed for his physical custody. He was directly sent to judicial custody and a day later, on October 9, the NIA filed a voluminous chargesheet accusing him and others of operating as “Urban Naxals” and being active members of the banned CPI (Maoist) group.

After Swamy was taken to jail, he had requested for a sipper cup to drink water. He was suffering from Parkinson's disease and the involuntary shaking of his body made it difficult for him to drink

water. His request was overlooked and a month later, on November 26, Swamy had to move the Bombay high court for something as basic as a sipper.

Shaikh says the condition that Swamy was forced to live in should “shake the very foundation of democracy”. “Father Stan Swamy continued to struggle even as the influential and monied were sent to private hospitals and given best available treatment,” he writes.

Swamy, even after repeated requests, was not administered a vaccine against COVID-19 infection. He eventually was infected and moved to a private hospital in Bandra, where he died. Senior advocate Mihir Desai, who represented him in court, accused the NIA and prison authorities of “apathy, negligence and lack of medical facilities”. His petition, along with the one filed by Swamy’s close friend Father Frazer Mascarenhas, former principal of St Xavier’s College and present Parish Priest of St Peter’s Church, [seeking clearance of Swamy’s name](#) from NIA’s charges, is still pending before the Bombay high court. The National Human Rights Commission (NHRC) too is looking into the allegations of human rights violations of Swamy that eventually led to his death.

Shaikh demands an independent inquiry into Swamy’s death to establish the “deep rot” that is ailing the prison system in the state.

During his stay, Shaikh says he came across several “VIP prisoners” who were accused of multi-crore banking scams, builders, drug lords and hardened criminals who without any illness and court order got themselves hospitalised. This, he claims, is done only to ensure constant communication with their family members and the world outside, which is denied to other prisoners.

As the COVID-19 pandemic broke in March 2020, Maharashtra, like most other states, denied access to family members and prisoners were able to stay in touch with their families only through phone calls. These calls, operated entirely on the whims of the prison authorities, were denied arbitrarily to those prisoners they had problems with. Many petitions were filed before both the lower courts and Bombay high court seeking proper functioning of the communication system.

Shaikh alleges that the jail staff has been extorting hefty amounts of money from prisoners even to make the most basic facilities available to them. “Our right to life, as guaranteed in the constitution, should remain intact even in jail. But that is not the case. Most basic facilities are also denied to us,” he alleges.

He says, while most prisoners don’t get taken for their regular court visits on the ground that there are not enough escort facilities available, the rich never face this problem. “They give the same excuse even to ferry seriously ill prisoners to the hospital,” he alleges. He further says when someone pleads with the prison doctor and other authorities, they are told that the government hospital outside is full of COVID-19 patients and going there would mean death. “Prisoners give in to such threats and suffer silently,” he writes.

The National Crime Record Bureau (NCRB) data released every year shows that close to 1,800 prisoners, mostly pretrial detainees, die while in jail. In 2020 alone, 1,887 prisoners died. Of them, 102 deaths were inside 60 prisons in Maharashtra. In the absence of accountability, most of these deaths are termed as “natural deaths”.

Shaikh’s letter sheds light on what really gets termed as “natural”. Deaths of those denied adequate and timely medical care can’t be termed as natural, he says in his letter. The NCRB data gives vague reasons like diarrhoea, schizophrenia, epilepsy, liver-related ailments and heart problems as causes of “natural” deaths. *The Wire*, in January 2020, had in a [detailed report](#) explained how most of these deaths are because of lack of adequate medical care.

Among the unnatural category, deaths by suicide are most common.

Shaikh, in his letter, cites instances where prisoners were allegedly ill-treated by prison staff, pushing them to take their own lives. The letter mentions names of several prisoners who are kept in solitary confinement and one of them (name withheld) tried to allegedly kill himself in 2019, he claims.

Shaikh has also accused the prison staff of molesting and sexually assaulting prisoners on a regular basis. "I am one such victim of their sexual advances," he writes. In his accusation, Shaikh says, under the pretext of frisking prisoners, the policemen molest them and there is no space for redressal.

When a prisoner is moved from a neighbouring prison, he is beaten up and treated badly, Shaikh further writes. One prisoner, who was earlier at Adharwadi district prison in Kalyan and was moved to Talaja jail, was allegedly beaten up and stripped naked in public. When the prison protested and went on a hunger strike for 8-10 days, he was further trashed, Shaikh's letter claims.

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