

Mukhtar Ansari's Death Case is Prima Facie Suspect, High Level Investigation Required: PUCL Uttar Pradesh

On the night of 28 March 2024, the news of death of former jailed MLA Mukhtar Ansari due to heart attack suddenly came. Two days prior to this, on March 26, 2024, there was news of Mukhtar Ansari's health deteriorating after eating food in the jail, and due to this, he was taken from jail to Rani Durgavati Hospital. After treatment he was sent back to jail. That day, Mukhtar Ansari's family had expressed fear of poison being mixed in his food. Earlier, on March 21, 2024, a letter was submitted to the court by Mukhtar Ansari's lawyer, in which it was said that he was given poison in his food on March 19, after which his health deteriorated. In the letter, it was said that after eating food, there was severe pain in his stomach and his hands and legs becoming numb. Along with sending him to a hospital outside the jail for treatment, there was also a demand for investigation into the matter. Mukhtar's lawyer Randhir Singh Suman, while speaking to PUCL, confirmed that after his health deteriorated on March 19, application was submitted on behalf of Mukhtar Ansari in Barabanki Court on March 21.

In the background of these incidents, the news of Mukhtar Ansari's death due to heart attack came last night. A statement issued by Banda Medical College said that Mukhtar Ansari was brought to the hospital at 8:25 pm with a complaint of vomiting and also in an unconscious state. The team of doctors was engaged in his treatment but he could not be saved as he was said to have suffered a heart attack.

After the death of Mukhtar Ansari today, his son Omar Ansari, in a letter written to the Banda Magistrate, instead of considering this death as a natural death, has called it a murder committed in jail and hence demanded that the post mortem of the dead body should be done by the doctors of AIIMS. Mukhtar's lawyer has also requested for investigation in the matter by considering the statement given by Mukhtar Ansari on March 21, 2024 in the Barabanki court as the statement of the deceased, in which it has been said that the food was poisoned.

It is also an important fact that Mukhtar Ansari, fearing danger to his life, had requested the Uttar Pradesh government to allow his stay outside Uttar Pradesh in a jail in Punjab, but after several attempts, the Uttar Pradesh Police, following the order of the Supreme Court, which it brought along with it brought him to Uttar Pradesh in 2021. Even on the morning of March 28, the day of his death, Mukhtar, through his lawyer, had applied to the Supreme Court citing threat to his life and demanding transfer of one of his cases to another state.

Looking at all these facts, it can be said that the death of former MLA Mukhtar Ansari raises suspicion, and should be investigated at a high level.

It is a matter of grave concern that opposition leaders and MLAs of the ruling party in Uttar Pradesh are dying under suspicious circumstances in judicial custody.

Before this, in April 2023, MPs Atiq Ahmed and Ashraf were murdered in front of cameras in judicial custody. Both of them had also expressed their fear of murder, in the court, before their death.

Whatever be the criminal cases Atik Ahmed, Ashraf and Mukhtar Ansari or anyone were accused of, our Constitution says that a citizen's right to life is guaranteed even in custody. It is the job of the court to convict or pronounce him guilty. Custodial death is a serious violation of human rights of a citizen. Therefore, every custodial death should be investigated. In many incidents of death in police custody, the Supreme Court has considered it a case of murder and has ruled to prosecute the concerned policemen. Section 46 of the CrPC says that the police cannot kill anyone during arrest and Section 176(1) of the CrPC says that if a person dies in police custody, he/she goes missing or if a woman is raped in custody, a Judicial Magistrate can order a judicial inquiry into it. And the case of Mukhtar Ansari's death seems to be a case of suspicious death in view of these facts.

The increase in such deaths in Uttar Pradesh is extremely worrying. It is noteworthy that from 2020-2022, 4,400 custodial deaths occurred across the country, out of which 21% deaths occurred in Uttar Pradesh alone, which is the highest in the entire country. This is a shameful figure for any democracy. If such incidents are not taken into consideration and action is not taken, then this trend cannot be stopped. State Human Rights Commission, National Human Rights Commission and Allahabad High Court should take Suo motu cognizance of this and take steps to stop it.

PUCL Uttar Pradesh considers the death of Mukhtar Ansari as another tragic link in the rising custodial deaths in Uttar Pradesh. Expressing serious concern over this incident of death in judicial custody, PUCL Uttar Pradesh demands the following -

1. A high level judicial inquiry should be conducted into the death of Mukhtar Ansari.
2. As demanded by Mukhtar Ansari's son Omar Ansari, the post mortem of the dead body should be done outside the state by a panel of AIIMS doctors and the post mortem should be videographed as per rules.
3. As demanded by the advocates of Mukhtar Ansari, his application of March 21, in which he has said that he was poisoned, should be considered as his last statement and the investigation of the case should be completed as soon as possible by registering an FIR against the concerned people.

4. State Human Rights Commission, National Human Rights Commission should issue appropriate orders to the Uttar Pradesh government to stop the increasing custodial deaths in Uttar Pradesh.

5. Uttar Pradesh government should take stern steps to stop the increasing custodial deaths in the state.

PUCL Uttar Pradesh

Seema Azad, President

Kamal Singh, General Secretary