



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: [hrda.india@gmail.com](mailto:hrda.india@gmail.com) Web: [www.hrdaindia.org](http://www.hrdaindia.org)

October 29, 2021

To,  
Mr CS Mawri,  
Focal Point - Human Rights Defenders & Assistant Registrar,  
National Human Rights Commission,  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA,  
New Delhi – 110 023  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert – Urgent Appeal for Action – Maharashtra: Denial of phone calls with family members to undertrials in the Bhima Koregaon-Elgar Parishad case.**

Greetings from Human Rights Defenders Alert!

HRD Alert -India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our concern regarding the denial of telephonic communication to HRDs accused in the Bhima Koregaon-Elgar Parishad case, incarcerated in the Taloja and Byculla jails in Maharashtra.

This is further to our petition to the Hon'ble Commission in May 2021 (**Case No.1033/13/0/2021**) which expressed concerns on the appalling conditions that the HRDs are being subjected to in the Maharashtra prisons. In our petition we had noted the health of the HRDs in prison was deteriorating due to poor conditions of prisons that violated the human rights of the prisoners. We had also noted that prisoners were allowed audio calls that lasted barely five minutes and no video calls were allowed, even though video calls lasting 10 minutes had been permitted to each inmate every week. In this case, the Hon'ble Commission has issued conditional summons to the authorities for non-response.

## **About the Human Rights Defenders:**

The HRDs arrested in the case who are currently incarcerated include:

1. Prof. Anand Teltumbde
2. Prof. Shoma Sen
3. Prof. Hany Babu
4. Mr. Mahesh Raut
5. Mr. Rona Wilson
6. Mr. Arun Ferreira
7. Mr. Vernon Gonsalves

8. Adv. Surendra Gadling
9. Adv. Sudha Bharadwaj
10. Mr. Sudhir Dhawale
11. Mr. Gautam Navlakha
12. Mr. Sagar Gorkhe
13. Mr. Ramesh Ghaichor
14. Ms. Jyoti Jagtap

#### **Details of the incident:**

On the basis of media reports based on information shared directly by the HRDs to their families, we have learnt that the HRDs have been denied phone access to speak to their families. This has been a decision for all inmates across prisons in Maharashtra.

Family contact of prisoners is maintained through writing letters to family members, visits of family to prison to have face-to-face meetings (called *mulaqats*), telephone calls and meetings through video conferencing facility.

The denial of access of telephone calls and video conferencing facility puts tremendous pressure and hardship on the family members of the HRDs who do not live in Mumbai and are unable to travel to Mumbai for the physical *mulaqats*. In this case, most of the HRDs' families are located in locations other than Mumbai.

Relatives who are facing economic and financial hardship will also not be able to afford the travel to the prisons, which would include the use and hiring of private vehicles. Similarly older relatives of inmates will also find it extremely difficult to come to Mumbai from distant places, also given that the COVID-19 pandemic continues. The lack of phone calls and inability to communicate with their families also take a psychological toll on the prisoner's mental wellbeing as well as being the best way to find out the condition of the HRD. For example, the deteriorating health of late HRD Father Stan Swamy could come to light only during a phone call to his community member.

**The decision to disallow and discontinue telephone calls goes against the basic tenets of the UN Standard Minimum Rules for Treatment of Prisoners 1955 and the Nelson Mandela Rules 2015, which lay down facilitating contact with the family and the outside world as one of the basic rights of prisoners.** Studies prove that stable relationships of the prisoner with the family is very crucial for their well-being while in prison and it is important that there are frequent, ongoing and successful contact between prisoners and their families.

The Model Prison Manual, 2016, has adopted the rights of prisoners as stated by the All-India Committee on Jail Reforms (1980-83) headed by Justice A.N Mulla, also known as the Mulla Committee, which had explicitly laid down the right to communication as a key right of all prisoners. This included the right to communication with the outside world and the right to periodic interviews. The Manual also states that the Superintendent of Prisons may allow a prisoner to use telephones or electronic modes of communication on payment to contact his or her family and lawyers, in accordance with the state policy.

There are several telephones installed in the Taloja and Byculla jails and a well-maintained system for the purpose of bi-weekly phone interviews. This system was used during the lockdown and we believe this system of bi-weekly phone interviews should be allowed to continue along with physical *mulaqats*. The option should be given to relatives as to which form of communication they wish to use.

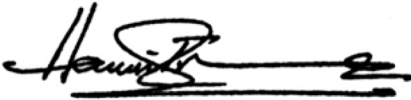
Appeal:

We thus request the Hon'ble Commission to urgently:

- Direct the Inspector General of Prisons and Correctional Services, Maharashtra, to direct the prisons to restart the weekly video and telephone calls for the HRDs to speak with their families.

We wish to also highlight that the ban on communication through telephone is not only applicable to the above mentioned HRDs but also to the hundreds of other inmates lodged in Maharashtra jails, who have the right to communicate with their families and who would benefit from the Hon'ble Commission's intervention. We hope this petition will be given the urgency it deserves to restore the human rights of HRD prisoners.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

**Henri Tiphagne**  
National Working Secretary