



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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May 16, 2022

To,  
Mr. Indrajeet Kumar,  
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 - India - Urgent Appeal for Action – Maharashtra: Grave concern over disabled activist GN Saibaba's inhumane treatment by the prison authorities of Nagpur Central jail and his indefinite hunger strike against it**

Greetings from Human Rights Defenders Alert - India!

**HRDA has previous submitted urgent appeals on the inhumane prison conditions of the disabled activist Dr. GN Saibaba (Case No. 2198/13/17/2015 and Case no. 158/13/17/2016) to the NHRC, both of which have been closed by the Hon'ble Commission without any action.**

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.

Dr. G.N. Saibaba (C 9556) a convicted HRD, is a physically disabled and wheelchair bound person who is incarcerated in Nagpur Central Prison, Nagpur, Maharashtra since 2014.

On May 09, 2022, his advocate on record Mr. Akash Sorde went for a jail mulakat to meet him and given a few items along with a water bottle. The prison administration refused to take the water bottle but accepted the rest of the items and provided to him.

By evening 6 pm on the same day, the superintendent, along with a huge number of prison forces raided his cell. They collected used and thrown old Bisleri bottles, glasses, and other inmates' old bottles. They placed his steel thermos beside his cot and took photographs. He is only one in the entire Anda cell who doesn't have a water bottle to drink water frequently due to extreme heat. His hands are not working due to shoulder muscle damage; hence he cannot lift the thermos (steel). He by himself cannot go and get water since he is a physically challenged person.

On May 10, 2022, the jail authorities fixed a wide-angle CCTV camera in front of his and a cell that can capture video of the entire cell including of the toilet seat, bathing place, and everything. This means that the HRD cannot even bathe, or go to urinal or toilet without being watched on CCTV camera by prison authorities which is degrading and humiliating.

Under these conditions, he has decided to go on a hunger strike indefinitely till death or the camera is removed, and the responsible prison administrators apologize for knowingly and brutally violating natural body rights and the rights provided by the constitution. Dr. G.N. Saibaba is planning to start his hunger strike within two days in the Nagpur central Jail.

We contend that this CCTV surveillance of a prisoner is a deprivation of his dignity as a human and depriving him of his Constitutional right to privacy and are shocked that such conditions are being created by the prison authorities violating the NHRC advisory for rights of prisoners. It also poses a risk to the life of the HRD since in the heatwave he cannot survive long undertaking a hunger strike.

We would also like to recall for NHRC's reference here provisions of the **United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)**, in particular Rule 1 which states that – All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification.

Rule 2: “In order for the principle of non-discrimination to be put into practice, prison administrations shall take account of the individual needs of prisoners, in particular the most vulnerable categories in prison settings.”

Rule 5: “Prison administrations shall make all reasonable accommodation and adjustments to ensure that prisoners with physical, mental or other disabilities have full and effective access to prison life on an equitable basis.”

Rule 22: “2. Drinking water shall be available to every prisoner whenever he or she needs it.”

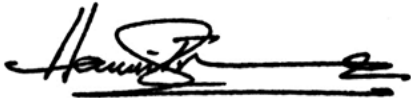
### **Appeal:**

We urge the Hon'ble Commission to immediately intervene in this matter relating to humiliation and indignity of a well-respected HRD and its direct effects on exercising Article 21 of the Indian Constitution – Right to Life and Personal Liberty. It is the responsibility of the state to provide dignity, best of health services and a healthy environment to all the prisoners. We therefore urge you to immediately take necessary steps and:

- Direct the Director General of Prisons, Maharashtra to take URGENT and appropriate measures to remove the CCTV camera at Professor Saibaba's cell, provide him with an adequate water bottle and to save his life due to a hunger strike.

- Initiate an independent inquiry, exercising Section 12 (c) of the Protection of Human Rights Act, into the existing conditions for Professor Saibaba in Nagpur Central Jail.
- Direct the governments of Maharashtra and India to immediately grant parole and enable him to get proper medication required medical support with his family.

Yours sincerely,

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

Henri Tiphagne  
National Working Secretary