



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/NHRC-SM/West/MH/38/03/2024

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To

Justice (retd.) Mr. AK Mishra
Chairperson,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi –110 023
Email: chairnhrc@nic.in

Respected Justice Mishra,

Subject: Requesting to initiate suo moto proceedings for compensation to HRD Prof S.N Sai Baba and 5 others, acquitted of all charges after being unlawfully imprisoned and suffering inhumane conditions in prison

We are writing to you to bring to your kind attention that on March 05, 2024, Delhi University Professor S.N Sai Baba was released from jail after 10 years. The 56 year old professor is 90% disabled and wheelchair bound and is unable to perform any essential function on his own including but not limited to drinking water, using the toilet, bathing etc.

In 2017, a local court in Maharashtra had convicted him and four others – Prashant Rahi, Mahesh Tikri, Hem Keshwdatta Mishra, and Pandu Narote – to life sentences and Vijay Nan Tikri, to 10 years of rigorous punishment.

On October 14, 2022, a division bench, comprising Justice Rohit B. Deo and Anil Pansare, overturned the Gadchiroli session court's judgment. The State immediately moved the Supreme Court, and eventually, the HC verdict was overturned. The case was freshly heard, and once again, the very same court, comprising Justice Vinay G. Joshi and Justice Valimiki S. Menezes, acquitted Saibaba and others. In 2022 Mr. Pandu Narote died in jail.

On March 05, 2024, the Nagpur bench of the Bombay high court gave detailed order acquitting Prof Saibaba and 5 others of “terrorism” charges calling the trial court’s ‘guilty’ verdict as a “failure of justice”.

Professor Saibaba suffered extremely inhumane conditions during his imprisonment for a decade. In May 2022, he was placed in solitary confinement in an “anda cell” (a solitary torture cell) and denied a water bottle to drink water in extreme heat, He was subject to degradation and humiliation with a wide-angle CCTV camera placed in front of his cell that could capture video of his entire cell including of the toilet seat, bathing place, such that HRD could even bathe, go to urinal or toilet without being watched on CCTV camera by prison authorities. The HRD then went on a hunger strike against the violation of his human rights.

After the Bombay High Court ordered his acquittal, the state government again moved the Supreme Court but the court declined to stay the judgement of the Bombay High Court.

After his release on March 07, 2024, Professor Saibaba addressed a press conference and talked about his inhumane treatment in prison. “The inhuman treatment meted out to me during the imprisonment, which amounted to torture, put my life at risk. I was denied medical care on several occasions. It has left me a physical wreck. Today, I am alive before you but my organs are failing me,”

Sharing his “horrific” experience, Saibaba said that his mistreatment started right from the time of his arrest from his Delhi residence. “When I was arrested in 2014, the policemen dragged me by my left hand as a result of which my left arm remains swollen to date. After several delays when I was taken to the hospital, the doctors told me that it was almost impossible to revive the muscular and nervous system,” said Saibaba, adding that he suffered two attacks of COVID-19 and one of swine flu in the prison but was not provided emergency medical treatment. He told the press that a doctor had recommended a sleep study for him seven years ago but it was never conducted, while he was provided medicines sent by his family following his 10-day hunger strike inside the jail.

I was in the same cell for eight and a half years without a wheelchair. It was a daily struggle to use the toilet, take a bath, or even fetch myself a glass of water. The prison doesn't have a single ramp for people like me.”¹

We believe that Prof. Saibaba was incarcerated and treated inhumanely because of his work as a human rights defender and his incarceration is a part of the increasing State repression and criminalisation of human rights defenders in India

India is a signatory to the UN Convention on the Rights of Persons with Disabilities, the International Covenant on Civil and Political Rights and has accepted the UN Convention against Torture. The UN Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules, state that healthcare of the prisoners is a state responsibility.

We urgently appeal to you to exercise Section 12 (a) of the Protection of Human Rights (Amendment) Act, 2019, and take *suo moto* cognizance of this incident and:

- Direct the Chief Secretary of Maharashtra to give a compensation of Rupees Ten Lakhs to Professor Saibaba for his unlawful incarceration and the inhumane treatment he was given during his imprisonment.
- Direct the Chief Secretary of Maharashtra to order a suitable compensation to all the 5 men who have been incarcerated along with Mr. Pandu Narote who died while in prison.
- Direct the State government of Maharashtra to extend a public apology to the HRD for denial of his Constitutional rights and his illegal incarceration.

We hope and expect that the NHRC will intervene in this case impartially and urgently.

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary

¹ <https://frontline.thehindu.com/the-nation/human-rights/former-delhi-university-professor-gn-saibaba-acquitted-10-years-in-prison-unlawful-activities-prevention-act-uapa/article67932158.ece>