



## National Platform for the Rights of the Disabled

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### **Press Statement**

The National Platform for the Rights of the Disabled (NPRD) expresses its serious concern at the deteriorating health of Prof. G N Saibaba, a person with 90% disability who is in solitary confinement in the infamous *anda cell* at the Nagpur Central Jail. It is deplorable that despite his facing multiple medical problems the jail authorities have refused to shift him to a hospital for treatment.

Apart from polio which has affected both his legs there have been progressive and incurable conditions of his spine and nervous system. Use of one of his arms has also been hampered owing to a shoulder injury that was inflicted by the police during his arrest.

Additionally, in February 2017, Prof Saibaba was diagnosed with acute pancreatitis and impacted gall bladder-stones, and advised immediate surgery in a hospital where special facilities for treatment of people with severe disabilities is available. Despite the passage of ten months, Saibaba continues to suffer unbearable pain as the prison authorities have refused to admit him to a hospital for surgery.

According to his wife, Vasantha, who met him recently, for more than a month now despite suffering from fever he has been denied medical attention. The extremely inhuman approach of the prison authorities is revealed by the fact that the essential medicines that she hands over to the jail authorities for his various ailments including high Blood Pressure are not administered to him nor are alternatives being provided. He has 19 medical conditions for which he was undergoing treatment earlier. Due to this wilful neglect and denial of access to medicines, he has undergone blackouts frequently. Though winter has set in he is denied winter clothing, compounding his suffering.

All these actions on the part of the prison authorities tantamount to blatant torture. They are violative of his right to life, dignity, equality, protection from torture, cruel, inhuman and degrading treatment, non-discrimination and right to health. Over the years, the Supreme Court has

in several cases clearly held that prisoners also have certain fundamental rights which include those stated above, which in this case are being undoubtedly violated by the State.

Furthermore, India is a signatory to the International Covenant on Civil and Political Rights (ICCPR), UN Convention on the Rights of Persons with Disabilities (UNCRPD) and the UN Resolution 70/175 on Standard Minimum Rules for the Treatment of Prisoners (Also known as the Nelson Mandela Rules), all of which reaffirm the right to life with dignity of prisoners. Even the Rights of Persons with Disabilities Act, 2016 (RPD Act), which was enacted to fulfil India's obligation under the aforementioned convention, is wholly applicable to his case.

Under both the RPD Act and the UNCRPD the right to inherent dignity of the person is recognised as a guiding principle. The Rights of Persons with Disabilities Act, 2016 lays down that "persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others" as also "Protection from cruelty and inhuman treatment" and "protection from abuse, violence and exploitation".

The NPRD has been consistently raising the issue of denial of basic rights of Dr. Saibaba. It had petitioned the National Human Rights Commission, thrice on this issue. In response to its April 2017 petition, the NHRC had sent a team to the Nagpur jail. The findings were not made available nor any information provided on the action taken by the NHRC. We had petitioned the NHRC again on June 1, 2017. Unfortunately, the NHRC has not responded to this either.

Given his current medical condition, it is imperative that Prof. Saibaba be shifted to a reputed national institute for a health check-up and requisite treatment. Failure to do so will be a violation of his right to a dignified life and right to healthcare amongst other fundamental rights.

**(Muralidharan)**  
**General Secretary**