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The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Human Rights Council and has the honour to refer to the latter's Communication Nos. UA IND 10/2019 dated 8 April 2019, UA IND 30/2018 dated 21 December 2018 and UA IND 15/2018 dated 27 June 2018 concerning the detention and conditions of detention of [REDACTED] and alleged lack of access to healthcare. The following information may be brought to the attention of the concerned Special Procedures.

2. This is to inform that an enquiry team of the National Human Rights Commission (NHRC) was appointed to conduct spot enquiry on the health condition and the medical care provided by the prison authorities to [REDACTED] as well as on the grievances relating to his welfare. This enquiry team conducted on the spot inquiry from 26th February 2018 to 1st March 2018 which included examination of Jail authorities, jail doctors, other doctors who are treating [REDACTED] himself, his co-inmates and other witnesses. The inquiry team reported the following to the National Human Rights Commission.

- a) [REDACTED] is confined in the high security cell of Nagpur Central prison. Due to his disability, two other convicted prisoners, namely [REDACTED] and [REDACTED] have been lodged with [REDACTED] in the same cell to assist him in discharging his daily chores. These two persons have also been convicted in the same case in which [REDACTED] has been convicted.
- b) The allegations of solitary confinement in the jail, torture by the jail administration could not be substantiated during the enquiry.
- c) [REDACTED] does not want to be treated at Nagpur Hospital and is more inclined for his transfer to a prison in Delhi or Hyderabad.
- d) The jail administration has initiated construction of ramps at specific places for enhancing accessibility for prisoners with disabilities.
- e) [REDACTED] deposed that he does not have any problem regarding access of his family and lawyers to him.

3. After considering the spot enquiry report of the NHRC team, the National Human Rights Commission directed the Chief Secretary, the Government of Maharashtra to constitute a Committee of specialist doctors of the Government Medical College and Super Specialty Hospital, Nagpur to review the case of [REDACTED] for further investigation and treatment. In accordance to the direction, a Committee of expert Doctors of various faculties was constituted by the Government of Maharashtra and [REDACTED] was, subsequently, referred to the Super Specialty Hospital, Nagpur on 09 July 2018. On 10 July 2018, Dean of Government Medical College and Hospital, Nagpur reported that [REDACTED] has been examined by experts of various faculties including general surgery on 9 July 2018 and that he is fit for surgery for the disease of Gall Stone and suggested 16 July 2018 for the surgery. [REDACTED]'s written consent was necessary for the surgery and he was intimated about the same in writing by the Jail authorities. The Jail authorities also intimated his lawyer and his lawyer took his interview. The Jail authorities also intimated his wife through a wireless message. [REDACTED] did not give the written consent for the surgery and refused to go to the hospital on 16 July 2018, the day of appointment for the surgery owing to his inability to take decision regarding the surgery without discussing his family members. The Jail authorities intimated his lawyer on 6 August 2018 that [REDACTED]'s wife has not come to meet him. The Jail authorities also intimated [REDACTED] vide letters dated 15 July 2018 and 9 August 2018 to call his wife for the interview. It was also suggested that he should send a message and a letter to his wife through his advocate to enable taking decision about his surgery immediately. [REDACTED], however, did not respond on these suggestions and hence the surgery of Gall stone (Laparoscopic Cholecystectomy) could not be carried out. On 16 August 2018, [REDACTED] was again referred to the Super Specialty Hospital, Neurology and Cardiology Departments for follow-up examination and treatment. He was advised for CT-Scan of brain (Plain and Contrast) by Neurologist and CT-Scan Coronary Angio by Cardiologist. His appointment for these examinations was made for 31 August 2018. [REDACTED] however, was not willing to undergo these investigations without the presence of his wife or family members. His appointment was again fixed for 21 September 2018. He again refused to undergo these investigations unless there is discussion with his family doctor. Appointment was re-fixed for 12 October 2018 for these investigations. In the meantime, [REDACTED] requested to provide medical documents and all records to his family members so that they can seek the medical opinion of his family doctor. As per the Nagpur High Court's Order, all medical records were provided to him. Similarly, X-ray, CT-Scan and MRI films were provided to his lawyer on 3 November 2018. On 26 December 2018, as per the order of

the Nagpur High Court, [REDACTED] was referred to the Super Specialty Hospital, Nagpur for medical examination by doctors of his choice in the presence of government doctors.

4. The Jail authorities have been keeping his lawyer informed even after August 2018 as well including on 6 September 2018 that [REDACTED]'s wife has not come to meet him. The Jail authorities have been intimating [REDACTED] vide letters dated 15 July 2018, 9 August 2018, 21 August 2018, 6 September 2018, 5 October 2018 and 6 November 2018 to call his wife for the interview. The Jail authorities have informed that [REDACTED] has been regularly referred to the Government Medical College and Hospital and the Super Specialty Hospital, Nagpur for expert opinion, investigation and management by expert doctors. He has also been provided medicines as recommended by the expert doctors. He has been also regularly checked by the Chief Medical Officer and the Medical Officer of Nagpur Central Prison and has been provided with the necessary medical treatment from time to time. The Jail authorities has informed that [REDACTED] has the case of [REDACTED] with [REDACTED] with systemic [REDACTED] and his health condition is satisfactory at present. The Jail authorities has informed that [REDACTED] refused to go to the Government Medical College and the Super Specialty Hospital, Nagpur when he was referred on 29 August 2017, 27 April 2018, 8 June 2018 and 16 July 2018 and got discharged against medical advice.

5. The Jail authorities has also informed that [REDACTED] is lodged in the High Security Cell of Nagpur Central Prison and two convicted prisoners assist him in carrying out his daily routine activities. There are 15-20 prisoners in the same High Security cell where [REDACTED] being held and he, therefore, is not in a solitary confinement. He has been provided with facilities such as a single cot and mattress, western toilet, wheel chair, a table and others such as newspaper, books, magazine as per his request. Facilities such as warm water for bathing and canteen facility are made available to him. A special diet consisting of onion, Tomato, Curd, Khichadi, Milk, Eggs, Banana, Non-spicy Dal etc. as per the advice and recommendation of the Chief Medical Officer, Nagpur Central Prison is being provided to him.

6. [REDACTED] is convicted under Sections 13,18,20,38,39 of Unlawful Activities [Prevention] Act, 1967 read with Section 120-b, IPC. Therefore, he is not entitled to be released on parole as per the State Government's Notification dated 16 April 2018. [REDACTED] has not filed any application for parole and furlough but has filed a Criminal appeal before the Hon'ble High Court, Nagpur against the judgment and order dated 7 March 2017.

The same is pending before the High Court, Nagpur. He has also filed a request for transfer to Cherlalpalli Central Prison in Hyderabad, Telangana State through the Superintendent, Nagpur Central Prison. The same has been submitted to the Additional Director General of Prisons and Inspector General of Prisons and Correctional Services Maharashtra, Pune-1. As no prisoner can be transferred under a reciprocal arrangement till his appeal period is over or till the appeal is decided if he has filed an appeal, his request has not been agreed to.

7. The Nagpur Central Prison has provided interview facilities for him. He is regularly taking interview as per rules with his wife, brother, daughter, nephew, and lawyers. The duration of interview has been extended on a few occasions as per his request whenever he wanted to discuss legal matters with them. The Nagpur Prison authorities have stated that they have taken all necessary steps as per the provisions of law to ensure that [REDACTED] enjoys his human rights. The Prison authorities also have stated that they are taking appropriate action to provide medical care to him to maintain his health.

8. The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Human Rights Council, the assurances of its highest consideration.

**The Secretariat of the Human Rights Council,
(Kind attn: Chief of the Special Procedures Branch)**

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