



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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May 12, 2021

To,
Mr. Bimbadhar Pradhan, IAS,
Secretary General,
National Human Rights Commission,
Manav Adhikar Bhawan, Block-C, GPO Complex, INA,
New Delhi – 110 023.
Email: sgnhrc@nic.in

Dear Sir,

Sub: HRD Alert – India: Urgent Appeal for Action – Urgent medical treatment needed for HRD Prof. Hany Babu, in Taloja Jail in Navi Mumbai, Maharashtra.

Greetings from Human Rights Defenders Alert - India!

We are writing to express our shock regarding the unavailability of medical treatment to Prof. Hany Babu, an undertrial in Taloja jail, who is suffering from a severe eye infection and acute pain, without any access to clean water, medicines or a specialized doctor. Lack of medical care has resulted in extensive spread of the infection which threatens his other organs and life as well. Prof. Babu is in excruciating pain without medical treatment and access to clean water.

The denial of basic medical facilities to an undertrial, which threatens his life, despite repeated pleas of his family and lawyers, is a serious violation of human rights under the national and international laws. We request Hon'ble Commission's immediate intervention, like it did in the case of Dr. Varavara Rao, and direct jail authorities to ensure that Prof. Babu is provided immediately specialized medical care in a hospital of family's choice at State cost.

Source of Information:

- Communication with the HRDs family
- Media reports

Date of Incident:

May 03, 2021 till present.

Place of Incident:

Taloja Jail, Navi Mumbai, Maharashtra

The Perpetrators:

Taloja Jail Authorities

About the Human Rights Defender:

Prof. Hany Babu teaches English in the Delhi University (DU), is a strong advocate of Dalit and Bahujan rights and has been actively helping the underprivileged Dalit and OBC students get their scholarships and the reserved seats. He was arrested on July

28, 2020, in connection with the Bhima-Koregaon Elgar Parishad case and has been in the prison for almost 10 months – awaiting trial.

Details of the Incident:

According to Prof. Babu's wife, Prof. Babu has developed an acute eye infection in Talaja Jail which has spread to his ear, cheek, forehead, leaving him with swelling and little or no vision in his left eye and compromising other vital organs as well. Prof. Babu is in great pain and unable to sleep. Due to an acute water shortage in the prison, he does not have access to clean water to even wash his eye and is forced to dress his eye with soiled towels. The infection and its spread pose significant risks to his life – including the risk of it spreading to brain.

On May 3, 2021, Prof. Babu started experiencing pain and swelling in his left eye which soon developed into double vision and severe pain. Since the prison did not have the facilities to treat his eye infection, Prof. Babu requested for consultation and treatment with a specialized doctor. However, he was not taken for consultation, because an escort officer was not available in the prison.

On May 6, 2021, his lawyers sent an email to the jail superintendent and, thereafter, he was taken to a Government Hospital in Vashi, New Mumbai on the following day, i.e. May 7, 2021. There, Prof. Babu was examined by an Ophthalmologist, who prescribed anti-bacterial medication, and advised to return for follow-up treatment in two days. Whilst his condition deteriorated alarmingly, he was still not taken back to the hospital after two days.

On May 10, 2021, Prof. Babu's lawyer made over eight unsuccessful telephone calls to speak with the jail superintendent. He refused to come on the line. At 8:30 pm, the jailor informed Prof. Babu's lawyer that he was aware of Prof. Babu's condition and was making arrangements to take him to the hospital the next day, i.e. May 11, 2021. As a follow-up to this communication, Prof. Babu's lawyers also sent an email to the jail superintendent requesting that there be no further delay in taking him to the hospital and that it could be a life-threatening condition to him if it affected the brain. However, till the time of submitting this petition, Prof. Babu has not been taken to the hospital.

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 27, which states that –

- 1. All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care.*
- 2. Clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff.*

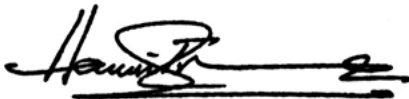
Appeal:

We urge the Hon'ble Commission to immediately intervene in this matter relating to severe health concerns of a well-respected HRD – a professor at Delhi University –

languishing in prison without trial. It is the responsibility of the State to provide the best of health services and a healthy environment. We therefore urge you to immediately take necessary steps and:

- Direct the Inspector General of Prisons and Correctional Services, Maharashtra, to take URGENT and appropriate measures to shift Prof. Hany Babu to a hospital with specialized medical facilities which is of his family's choice.
- Direct the Inspector General of Prisons and Correctional Services, Maharashtra, to permit Prof. Hany Babu's family access to him and provide care during his treatment.
- Direct the Inspector General of Prisons and Correctional Services, Maharashtra, to share daily updates with the family of Prof. Hany Babu on his health and well-being during the period of his treatment and recovery.
- Initiate an independent inquiry on why adequate medical care was not provided to Prof. Babu by the jail authorities of the Taloja jail, despite repeated pleas of his family.
- Initiate an independent inquiry, exercising Section 12 (c) of the Protection of Human Rights Act, into the existing conditions in Taloja Jail.
- We urge the NHRC to take urgent notice of the medical condition of the HRDs in prisons across India, especially in Bhima Koregaon case, and in light of the catastrophic pandemic wave sweeping across the country, ensure that all HRDs are released on bail.

Yours sincerely,

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

Henri Tiphagne
National Working Secretary