



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: [hrda.india@gmail.com](mailto:hrda.india@gmail.com) Web: [www.hrdaindia.org](http://www.hrdaindia.org)

Ref No: HRDA/West/MH/02/09/2020

September 3, 2020

To,  
Mr Debindra Kundra,  
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: Urgent Appeal to independently re-evaluate the health of WHRD and lawyer Sudha Bharadwaj and to release her from jail given her poor health condition.**

Greetings from Human Rights Defenders Alert!

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.

We are writing with great anguish and to express grave concern regarding the health of noted Woman Human Rights Defender (WHRD) and lawyer Ms. Sudha Bharadwaj. There have been conflicting medical reports about her health submitted to her family and the Bombay High Court. We feel that contrary reports about her medical condition within a month are a worrisome sign of the prison authorities pandering to the wishes of the state instead of the medical well-being of the WHRD. We believe that the growing numbers of infected in the COVID-19 pandemic in prisons, Ms. Bhardwaj's co-morbidities and the Supreme Court order on decongesting prisons must be considered, and she should be released immediately.

**Source of Information:**

- Information from HRDA West Regional Coordinator
- Communication with family members of the HRD
- Media reports

**About the Human Rights Defender:**

Sudha Bharadwaj (59) is a senior lawyer and activist who has worked in Chhattisgarh for over 30 years and has fought for the rights of contract workers to improve their wage and working conditions and for the right of land of Adivasis. She is also a visiting professor at the National Law University, Delhi. She has been incarcerated in jails of Pune and Mumbai since August 2018 as an accused in the Bhima-Koregaon case.

**Details of the Incident:**

On July 21, 2020, family members of the HRD received a medical report by jail authorities which stated that Ms. Sudha Bharadwaj is suffering from Ischemic Heart Disease, a heart problem caused by narrowing of arteries that causes reduced blood flow to the heart muscle and can lead to heart attack. At the time of her arrest Ms Bharadwaj was already suffering from diabetes, hypertension and arthritis. She also has a history of pulmonary tuberculosis.

A report dated August 3, 2020, submitted to the Bombay High Court also states that the WHRD had diabetes, moderate depression, osteo arthritis, Ischemic disease and Tinea Corporis (skin fungal infection). The only divergence between the July 21, 2020, and the August 3, 2020, report is that the former states that the HRD had diabetes mellitus (RBS 194), while the latter states diabetes (RBS 153).

However, barely a month after the first report, a report dated August 21, 2020, was submitted to the Bombay High Court's divisional bench of Justices R D Dhanuka and V G Bisht which did not mention the Ischemic Heart Disease. All three reports were made by the Medical Officer, Mumbai District Women Prison, Byculla, Mumbai.

While both reports (July 21 and August 3) confirm that the WHRD suffers from moderate depression; osteo-arthritis, Ischemic disease and Tina Corporis, the August 21, 2020, report restricts to only diabetes and moderate depression and has no mention of Ischemic Heart Disease.

The family of the HRD has been concerned over the rising cases of COVID-19 in the jail and had applied for an interim bail citing her medical history and vulnerability to infection under the current circumstances. However, it was rejected on the grounds of the medical report dated August 21, 2020.

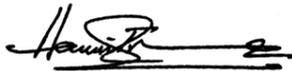
It should also be noted that she has been lodged in the prison for nearly two years without any trial and must be released on bail in accordance to the Supreme Court's orders for the decongestion of prisons.

**Appeal:**

The two reports submitted a month apart, giving inconsistent evaluations of the WHRD's health are worrisome. The COVID-19 still prevalent in the country and rapidly growing numbers of infected, it is important that a proper diagnosis is conducted. Her conditions have been listed as co-morbidities, making her extremely vulnerable in case of an COVID infection.

We urge the Hon'ble Commission to urgently direct the prison authorities to conduct a thorough medical examination by a hospital of the choice of the WHRD and her family, or by an independent team of doctors from the All India Institute of Medical Sciences (AIIMS) to ascertain her current medical conditions and to provide full access of Ms. Bharadwaj's medical history in jail and all the diagnostic notes, tests and medication to her family. The Prison Monitor of the Hon'ble Commission may be directed to independently analyse and ascertain the condition of the WHRD in the prison where she is lodged.

Yours sincerely



(Henri Tiphagne)  
National Working Secretary