

Human Rights Defenders Alert - India

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Shri A. K. Parashar,
National Focal Point - Human Rights Defenders,
National Human Rights Commission,
Manav Adhikar Bhawan, Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – New Delhi: Criminal assault and attempt on life of RTI Activist – Reg

Greetings from Human Rights Defenders Alert - India!

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 now writing to express our grave concern over the criminal assault and attempt on the life of Mr. Parmanand Sharma for using Right to Information Act (RTI) to expose corruption in local civil and police administration in south west Delhi.

Source of Information on the Incident:

- A communication from the Coordinator of HRDA for the North of India.
- Media Sources

About the Human Rights Defender under attack:

Mr. Parmanand, a resident of Qutub Vihar, South West Delhi is a social worker who has been active in the local society's affairs. He has been General Secretary of the Residents Welfare Association of his area Qutab Vihar, New Delhi from 2002 to 2007. He has been socially active protesting against social injustice or any illegal or anti-social activities in the area.

Mr. Parmanand Sharma has been using the RTI Act for the last 4 years and has filed more than 25 RTI applications in the last 4 years in the South West Delhi Police Administration in the DCP's Office, the Sub Division Magistrate's Office and the office of the Delhi Lieutenant Governor. His RTIs are mainly related to the issue of unauthorized land use, urban planning, aimed at exposing the nexus between police, civil administration and land mafias and real estate developers of the area. After 2005, according to New Land Used Policy by the Delhi Development Authority based on a Supreme Court order, new colonies cannot come up in Delhi with the sanction of Master Plan for Delhi (MPD). But despite that new colonies are built without any official permission and when people start constructing residential houses police authorities including Tahsildar, SDM intervene to demand money to settle the matter. Parmanand says in such cases the amount which is paid to various authorities is Rs. 15 Lakh (15 hundred thousands) for Station House Officer (SHO) of local police station and Rs. 15 Lakh (15 hundred thousands) for Sub Divisional Magistrate (SDM). This amount is fixed and has become a common practice. He filed a complaint in LG (Lieutenant Governor) office regarding the land use of 20 acres around his area. Regular complaints also forced the LG Office to order a vigilance enquiry of illegal land use in south west Delhi. Vigilance enquiry resulted in a false report by authorities which claimed the land being used for plantation purposes.

The Perpetrators:

Parmanand Sharma has identified four assailants whose names have been mentioned in the FIR that has been filed.

- Davender Dhaiya (He is a real estate agent and the mastermind behind the attack).
- Dr. Sunil
- Mr. Kamal Singh
- Mr. Abhilakh

The Police (for conniving with the assailants and inaction)

Date and time of Incident:

19 August, 2014, at around 10.00 PM

Place of Incident:

Qutub Vihar, Chhawala, under Chhawala Police Station limits, South West Delhi District, New Delhi.

Incident

According to sources, the 52 years-old Mr. Parmanand Sharma was targeted for his activities related to unravelling illegal land grabbing activities by the land mafias in connivance with local police and civil administration. The first attack on Mr. Sharma took place on the night of June 3, 2014 when local criminals associated with real estate dealers fired shots in the air outside his house. The second time again on 22 June 2014 shots were fired outside his house; one bullet hit his house wall and another hit the ventilator, somehow he survived because he was out of the range. He complained to the police and met Joint Commissioner of Police Mr. Luthara who told him that the matter will be taken up according to the merit of the case. An angered Mr. Parmanand apparently told the police whether they if they would require his death certificate to see merit in his case. On 19 August 2014 he was attacked outside his house by 5 to 6 people. They fired at least 5 to 6 bullets; two bullets hit him, one on his right hand and the other on his right thigh. He fell down, bleeding and he was rushed to Deen Dayal Upadhyay Hospital, Delhi and admitted in the emergency ward.

Mr. Parmanand Sharma is now out of the hospital and has been advised to remain in bed till his wounds are fully healed. The stitches on his hand have been removed. A rod has been place in his right thigh to join the bones. It will take at least six months for him to be able to walk normally. He has spent more than one lakh rupees (one hundred thousand) on his medical treatment.

FIR has been filed in the local police station but so far no charge sheet has been filed against the assailants. No FIR copy was given to the victim and he says police is harassing him when he demands a copy. Police have arrested only three suspects. The master mind has not been arrested so far. Parmanand says he was informed by a police source that a deal has been struck between the police and the main mastermind for Rs. 10 lakh (ten hundred thousand) for refraining from arresting the main culprit.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Commissioner of Police, Delhi

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events and brings the perpetrators to book and pulls up all the local police for their connivance with the assailants and for inaction so far in this case and with a specific direction to report at periodic intervals to the NHRC on the progress in the criminal case registered;
- Order the appointment of a well experienced lawyer practicing on the criminal side in the subordinate criminal courts in Delhi where this case will be pending to ensure that the victim is represented at all stages of the investigation and later at the stage of trial in the court to assist the prosecution and ensure that all legal remedies available to the human rights defender is provided by him with a specific direction to report in periodic intervals to the NHRC on the progress in the case registered;
- Along with local district officials guarantees in all circumstances the physical and psychological integrity of Mr.Parmanand Sharma and his family members as they continue to be under risk of further attacks by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Along with local district officials puts an end to all acts of harassment against all RTI Activists and all human rights defenders in general to ensure that in all circumstances they carry out their activities without any hindrances;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”

- Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in New Delhi.

Looking forward to your immediate action in this regard,

Yours sincerely,

(Henri Tiphagne)

Honorary National Working Secretary