

Human Rights Defenders Alert - India

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31st December 2014

Shri A. K. Parashar,
Focal Point - Human Rights Defenders & Joint Registrar,
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 - Uttar Pradesh: Urgent Appeal for Action – 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 attempt on the life of Mr. Ghanshyam Goswami, an RTI Activist who has been attempting to expose the irregularities in developmental work and corruption in local panchayat and civil administration in Uttar Pradesh.

Source of Information on the Incident:

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

About the Human Rights Defender under attack:

Mr. Ghanshyam Goswami is a farmer and a resident of Village Manikapur Kalan under the jurisdiction of Payagpur police station in the district Bahraich, Uttar Pradesh. Mr. Ghanshyam Goswami has been active in local village development

affairs and raising voice against irregularities and corrupt practices in developmental activities in the area.

Mr. Ghanshyam Goswami has been using the RTI Act for the last 3 years i.e., 2011 onwards. His brother Mr. Radhe Shyam was attacked and beaten 3 years back in a neighbouring village. When Goswami approached the police station for this, he was asked to pay a bribe to get a police FIR (First Information Report) filed. This incident encouraged him to use RTI Act to fight against corruption in society. He has filed more than 50 RTI applications in the last 3 years against the local panchayat administration, cooperatives and even against the Collector of the district.

The Perpetrators:

Mr. Ajay Kumar Pandey, Panchayat Head (Village Council President)

Mr. Shyam Lal Pandey (Brother of Mr. Ajay Kumar Pandey, current panchayat head)

Mr. Dharmender Kumar, Village Panchayat Secretary

Mr. Rinku

Mr. Daddan

Mr. Mangal

Mr. Nand Kishore

Mr. Pankaj

Mr. Nanbabu

Mr. Rajesh

Mr. Tinku

Date and time of Incident:

18 December, 2014, at around 4.30 PM.

Place of Incident:

Village Manikapur Kalan, under Payagpur police station, district Bahraich, Uttar Pradesh.

Incident

According to sources, Mr. Ghanshyam Goswami filed an RTI application in the office of District Panchayat Raj Officer, Baharaich seeking information on the financial status of the construction work of a bridge in his native village Manikapur Kalan. He got the details of money spent in the said construction and found that amount

earmarked for the construction was already withdrawn but the construction had not been completed. Mr. Goswami then filed an application in the District Collector's office for the physical verification of the constructed bridge. The District Collector formed a four member investigation team to carry out the physical verification under the chairmanship of the District Panchayat Raj Officer (DPRO) along with a District Engineer, Block Development Officer (BDO) and Panchayat secretary as its members. The team came for inspection at the site of the bridge in the village and verified the facts on 18 December, 2014 at around 4.00 PM. During the verification process the team spoke to various village residents including Mr. Ghanshyam Goswami. During the process a group of around 70 people closely associated to the current village panchayat head (Pradhan) Mr. Ajay Kumar Pandey attacked Mr. Ghanshyam Goswami with lathis and spears in the presence of the inspection team. During the attack Mr. Goswami's colleagues Mr. Bindeswari Dubey, Mr. Ram Pal and Roshan who came to rescue him also got targeted. Mr. Goswami suffered fractures in his right hand in four places and Mr. Bindeswari was also brutally beaten with lathis. All four were admitted to the hospital. Mr. Bindeswari was later admitted in the Lucknow Trauma centre in a critical condition.

Case has been registered against 11 accused named by Mr. Ghanshyam Goswami under sections 147, 148, 149, 323, 307 of the IPC (Indian Penal Code). Only the current village head (Pradhan) Mr. Ajay Kumar Pandey has been arrested so far and other accused are still absconding. Mr. Ghanshyam Goswami is concerned about his and his family's safety. He has a son and two daughters along with his wife in the family. He feels that on earlier occasions he ignored the threats but now since he has been attacked, he fears he will have to either give up his work of filing RTIs or face death.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police for Bahraich

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events and arrest the remaining accused who are absconding and pulls up the local police for their inaction;

- Along with local district officials guarantees in all circumstances the physical and psychological integrity of Mr. Ghanshyam Goswami 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 the state of Uttar Pradesh.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary