



# Human Rights Defenders Alert – India

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To

Shri A. K. Parashar

National 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](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action– Uttarakhand: Brutal physical assault, illegal arrest and detention of a pro bono lawyer, human rights defender and president of Uttarakhand Parivartan Party, Mr. P C Tewari and his colleagues, by the goons of Jindal Group in Nainisar village, district Almora of northern Himalayan state of Uttarakhand – Regarding**

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern regarding the brutal physical assault on pro bono lawyer and human rights defender, Mr. P C Tewari and his colleagues by the goons of Jindal Group in Nainisar village, district Almora of northern Himalayan state of Uttarakhand. Mr. P. C Tewari, currently heading regional Uttarakhand Parivartan Party, along with woman human rights defender Ms. Rekha Dhasmana and 11 other social activists were badly beaten on 23<sup>rd</sup> January, 2016 at Nainisar in Almora and later arrested by the Uttarakhand police and sent on police remand till 29<sup>th</sup> January, 2016. According to the local villagers of Nainisar, the residential school is being constructed on community or panchayat land meant for grazing of cattle and fetching water. The villagers of the region are protesting under the banner of the "*Nainisar Bachao Sangharsh Samiti*" (Protect Nainisar Struggle Committee), against the government decision to allot panchayat land to the private Jindal group.

**Source of Information on the Incident:**

- Media reports

**Status of the Human Rights Defenders:**

Mr. Puran Chandra Tewari popularly known as P C Tewari is a well known human rights activist and pro bono lawyer of Uttarakhand. He has been a student leader during his college days in Kumaun University of Uttarakhand. Mr. Tewari has been in legal profession since 1984. He has also been editor of Hindi magazine called "Jangle ke Davedar" and been a representative of Hindi news agency. In the past he has been associated with International Cell on Human Rights of the Indian Federation of Working Journalists. Mr. Tewari is currently affiliated with the regional political party "the Uttarakhand Parivartan Party" as its President. Mr. Tewari is spearheading the agitation against handing over of agriculture land by the Uttarakhand government to the private Jindal group for constructing an international residential school at Nainisar in Almora district, Uttarakhand. Nainisar is a small Village/hamlet in Hawalbag Tehsil in Almora District of Uttarakhand, India. The villagers have organised themselves under the banner of "*Nainisar Bachao Sangharsh Samiti*". The villagers say the land belongs to the community and it is meant for grazing of cattle and fetching water. The state government has allotted around 7.061 hectares of land, which belonged to the gram panchayat, to Himanshu Educational Society for building an international school of the Jindal group without taking the consent of the villagers. The land has been given even before the lease papers were processed completely. It was alleged that some 150 trees were felled for the said construction.

**The Perpetrators:**

The defender has identified the following persons involved in the assault:

Mr. Prateek Jindal

Mr. Prempal Singh

Mr. Bhim Singh, Village head of Uruli village

Mr. Gokul Singh, Village head of Deeda village

Two other unknown persons

**Date of Incident:**

23 January, 2015 at 4 PM

**Place of Incident:**

At the construction site of school at Nainisar village, district Almora, northern Himalayan state of Uttarakhand.

### **Details of the Incident:**

According to the sources, on 23<sup>rd</sup> January 2016 at 4.00 PM, Mr. P C Tewari, a pro bono lawyer and president, Uttarakhand Parivartan Party, had gone to the Jindal group construction site at Nainisar village of district Almora in Uttarakhand with an informer of the court, Mr. Dev Dutt Pandey and an activist Ms. Rekha Dashmana to implement an order issued by a civil bench of Uttarakhand High Court. The order was against the illegal occupation of village land for the construction of a private residential school under the Himanshu Educational Society owned by the Jindal group known as JSW Group - one of India's largest business conglomerates. When Mr. Tewari along with his colleagues reached the spot. Mr. Prateek Jindal ordered his relatives, associates and other security guards mostly retired personnel of BSF and Air Force to physically attack Mr. P C Tewari. Mr. Tewari was dragged from the entrance to the main construction area covering a distance of about 150 meters and was brutally beaten up by the guards leaving him with bruises all over his body, open wounds and internal injuries. He was kept there at the construction site by the guards for hours, not letting him go. When Ms. Rekha Dhasmana tried to protect him and protest the beating, she was also assaulted physically and the guards even tried to rip up her clothes but they were unsuccessful. Before being beaten up, Ms. Rekha was recording the video of the incident on her tablet and the tablet was also snatched from her by the security guards.

Mr. Tewari had gone to Nainisar to demand the implementation of the court order to halt illegal construction work over an illegally acquired land. Mr. Tewari is appearing in this case of illegal land acquisition by Jindal group in Nainisar village, Almora on behalf of the villagers. The villagers under the banner of the "*Nainisar Bachao Sangharsh Samiti*" are protesting against the government decision to allot panchayat land to the Jindal group for constructing a private residential school in their village. Mr. Tewari had filed a case in the High Court of Uttarakhand, Nainital on behalf of the villagers on 22<sup>nd</sup> January 2016. The civil bench of the high court gave an order in favour of the villagers asking the Jindal group to halt construction immediately.

At around 7.00 PM, the Joint Magistrate, Ranikhet and S.O. and C.O. of Ranikhet Police Station arrived at the site. By this time, many reporters, villagers and activists reached there, started protesting and shouting slogans outside the entrance condemning the incident. The guards finally let Mr. Tewari to go after the arrival of the administration and Mr. Tewari then decided to sit on hunger strike unless the administration arrests the perpetrators.

According to the sources, the administration is in nexus with the Jindal Group and instead of arresting the perpetrators, they escorted the Jindal family and other assailants out safely from the site and refused to identify the guards, while the magistrate watched in silence. The police then started putting the villagers and others protesting in their vehicles accusing them of creating nuisance.

At 9.00 PM, Mr. Tewari was taken to Ranikhet Hospital for medical aide but he demanded to be taken to Almora Hospital because his other medicines and vehicle were at Almora. Mr. Tewari decided to travel to Almora from Ranikhet in a reporter friend's vehicle with Ms. Rekha and Ms. Anandi Verma, aged 62 who had come to visit him from Almora. On their way to Almora they were stopped by the police. Mr. Tewari, Ms. Rekha and Ms. Anandi were arrested from the middle of the road around midnight and taken to Almora Police Station. The two women, one of them a senior citizen were mishandled and were arrested without the presence of lady police official. Mr. Tewari suffers from high blood pressure and his pressure was critically high during the events of the day. Eleven other people were also detained at the police station and then transferred to Almora Jail. Mr. Tewari was denied any medical attention or facilities even though he was critically injured. He was taken to the hospital by the Jail Administration much later at around 2.00 PM on 24 January 2016. Mr. Tewari was referred to a physician for further medical examination by Dr. N S Bisht from Base hospital, Almora. Mr. Tewari was admitted in the intensive care unit (ICU) owing to his injuries by the police. He is still in police custody in the hospital.

The police have filed cases against Mr. P C Tewari and 11 others under sections 107, 116 and 151 of CrPc. The main charges are obstructing public work and disturbing peace. They have taken the defenders under police remand till 29<sup>th</sup> January 2016.

### Appeal :

We, therefore urge you to immediately take necessary steps to ensure that the Hon'ble Commission orders:

- Orders an immediate, thorough, transparent, effective and impartial investigation by the NHRC investigative wing into the above-mentioned events of brutal physical assault, illegal arrest and detention of the human rights defenders Mr. P C Tewari and others;
- Ensures complete medical check up of Mr. P C Tewari totally at state cost in the best medical facility available in the state to ensure that he is not suffering from any internal medical ailments;
- Takes necessary steps to ensure that the defenders are released unconditionally, the cases filed against them are withdrawn and the complaint is entrusted to a Special Rapporteur to handle as an investigator on behalf of the Hon'ble Commission;
- The immediate appointment of a competent senior lawyer practicing on the criminal side in Almora District of Uttarakhand to defend the HRDs in all the criminal cases registered against

them at State cost, with the counsel so appointed reporting to this Hon'ble Commission in periodic intervals as determined by the Hon'ble Commission on the development in these cases;

- Initiates contempt action against the Station House Office (SHO) and Circle Office (CO) of the concerned Ranikhet Police Station for having remanded all accused contrary to the judgment of the Supreme Court in Arnesh Kumar Vs State of Bihar and another [2nd July 2014] for producing the accused for remand without specifying the special reasons to do so as mandated in the aforesaid judgment;
- Take immediate action on the perpetrators for the assault made on the human rights defenders by arresting all of them including the mastermind of the attack Mr. Prateek Jindal and other accused and using all provisions of law to ensure that the defenders are not harassed or attacked or falsely implicated in future;
- Guarantee in all circumstances the physical and psychological integrity of Mr. P C Tewari and others who are still under risk of further attacks from the perpetrators;
- Ensure provision of reparation, compensation, apology to the defenders for the physical and psychological sufferings they underwent because of this assault and detention and provide a re-assurance of not engaging in such acts against HRDs such as Mr. P C Tewari;
- Put an end to all acts of attack and harassment against all human rights defenders like Mr. P C Tewari in the state of Uttarakhand to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;
- Takes steps to conform to 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";
- Recommends urgently and speedily during the pendency of this complaint, the SHRC in Uttarakhand to also take necessary steps to establish a state focal point for HRDs in order to

ensure that HRDs have a new protection mechanism in their own state;

- Recommends urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs..etc] to ensure that a coordinated strategy is developed within the State of Uttarakhand for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Uttarakhand in collaboration with the NHRC Focal Point on HRDs and the SHRC Uttarakhand to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Uttarakhand in collaboration with the SHRC Uttarakhand to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, "individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels" (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms 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 Uttarakhand.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)  
Honorary National Working Secretary