



# 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: hrdaindia@gmail.com Web: www.hrdaindia.org

March 01, 2022

To,  
Mr. Srinivas Kamath  
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 - Urgent Appeal for Action – Uttarakhand: Misuse of law, abusive behaviour and fabricated charges against journalist Mr. Ajay Prakash and his associates by Uttarakhand police.**

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 writing to express our grave concern regarding the misuse of law by the Uttarakhand police in illegal arrest, abuse and fabricated charges against journalist Mr. Ajay Prakash, cameraperson Mr. Ankit Goyal and taxi driver Mr. Vinod Kumar Gangwar by police personnel of Pulbhatta Thana Udham Singh Nagar, Uttarakhand on an FIR filed by Assistant Regional Transport Officer Mr. Vipin Kumar Singh.

**Source of Information:**

- Communication with the HRDA North Regional Coordinator
- Communication with the HRD
- Media Reports

**Date of Incident:**

February 07, 2022

**Place of Incident:**

Pulbhatta Police Station, Udham Singh Nagar, Uttarakhand

**The Perpetrators:**

- Mr. Vipin Kumar Singh, Assistant Regional Transport Officer, Udham Singh Nagar, Uttarakhand

- Mr. Rajesh Kumar Singh, Station Officer, Pulbhatta Thana, Udham Singh Nagar, Uttarakhand
- Ms. Babita, police official, Pulbhatta Thana, Udham Singh Nagar, Uttarakhand

#### **About the Human Rights Defender:**

Mr. Ajay Prakash (39) is a journalist and the founder of news portal, Janjwar.com. He was associated with Dainik Bhaskar as a News Editor till 2018. Mr. Ankit Goyal is the camera person of Mr. Ajay Prakash and Mr. Vinod Kumar was the cab driver of Mr. Ajay Prakash.

#### **Details of the incident:**

On February 07, 2021, Mr. Ajay Prakash with a camera person were going for election coverage in Uttarakhand by a taxi. Around 12:30 pm Mr. Ajay Prakash's taxi was stopped by Mr. Vipin Kumar, Asst. Regional Transport Officer (ARTO), Udham Singh Nagar at Kichcha area, Udham Singh Nagar. After stopping the taxi, the ARTO told the journalists that their car was being requisitioned for election duty, and that they had to find some other transport.

Mr. Ajay Prakash protested that they are going to cover the election, but ARTO didn't listen to him. Mr. Ajay Prakash then started asking questions to ARTO and streaming them live. At that Mr. Vipin Kumar, made a phone call to the police department and called the police. Video link: <https://fb.watch/br3UYtUnqu/>

A magistrate and a lady police officer with other policemen arrived in response to Mr. Vipin Kumar's call and the mobile phones of all three were forcibly snatched by the policemen. Then they were forcibly put in the jeep and taken to the police station, Pulbhatta Thana. On the way they were also verbally abused by the police.

Around 01:00 pm they reached the Udham Singh Nagar police station and were locked in the lockup till 10 pm. There too they were verbally abused. Mr. Vipin Kumar, the ARTO also sat in the station officer's office in the police station till 06:00pm. After he left, their mobiles were given back to them.

Around 10:00 pm policemen gave them a notice under section 41 of the criminal code procedure which said that an FIR had been lodged against them and they will be asked to come for investigation or face arrest.

On February 07, 2022, at 03:21 pm an FIR 0024 was registered by Mr. Vipin Kumar Singh, Assistant Regional Transport Officer, Udham Singh Nagar against Mr. Ajay Prakash, Mr. Vinod Kumar Gangwar and Mr. Ankit Goyal at Pulbhatta Thana, Udham Singh Nagar. The FIR was registered under **sections of IPC 186 Obstructing public servants in discharge of public functions, 188 Disobedience to order duly promulgated by public servant, 269 Negligent act likely to spread infection of disease dangerous to life, 270 Malignant act likely to spread infection of disease dangerous to life, 353 Assault or criminal force to deter public servant from discharge of his duty and Section 56 of the Disaster Management Act, 2005 Failure of officer in duty or his connivance at the contravention of the provisions of this Act.**

We believe that Uttarakhand RTO officer, Mr. Vipin Kumar and the police officials of Udham Singh Nagar specially Mr. Rajesh Kumar Singh, Station Officer, Pulbhatta

Thana, Udham Singh Nagar, abused their power by abusing, arresting without due process and filing fabricated charges against Mr. Ajay Prakash and his associates who were out for reportage of elections.

The Uttarakhand police violated multiple sections of the **DK Basu guidelines** which say an arrest can't be called valid in absence of proper arrest procedures. The guidelines categorically state that an arrest memo must be prepared at the time of arrest and counter signed by the arrestee and shall contain the time and date of arrest. The guidelines also state that a person of the arrestee's family must be informed along with a lawyer or the arrested offered legal aid. No arrest memo was created at time of the arrest, nor was a member of the families informed or legal aid given. Furthermore they were abused by the police officials and were detained for 9 hours in the lockup facing further abuse. The charges against them in the FIR were also fabricated.

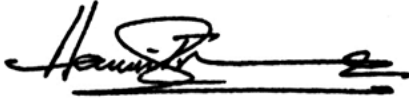
A free media is an extremely important fourth pillar of the Indian democracy. Our Constitution gives journalists the right to exercise freedom of speech. Globally, journalists face major risks as a result of their work both from the state and out of state actors. The protection of journalists is a global priority for safeguarding freedom of expression. States are under an obligation to prevent, protect against, and prosecute attacks against journalists and human rights defenders. A free press and active civil society are essential to ensure the public's right to know, so that governments and institutions can be held accountable. The illegal arrest of the journalists to satisfy the personal ego of RTO and police officers of Uttarakhand shows severe abuse of its powers by the Uttarakhand police and transport officials.

**Appeal:**

We would like to express our grave concern about the abuse of power by the Police Personnel Udham Singh Nagar, Uttarakhand. The Hon'ble Commission should urgently:

- Direct the DG of Uttarakhand to initiate an inquiry regarding the fabricated FIR, illegal arrest and abuse of the journalist Mr. Ajay Prakash and his associates by the Mr. Rajesh Kumar Singh, Station Officer, Pulbhatta Thana, Udham Singh Nagar, Uttarakhand and submit a report to the NHRC within two weeks.
- Direct the DG of Uttarakhand to initiate stringent action and suspend with immediate effect Mr. Rajesh Kumar Singh, Station Officer, Pulbhatta Thana, Udham Singh Nagar, Uttarakhand and all the policemen who abused and misbehaved the journalists.
- Direct the Transport Commissioner of Uttarakhand to suspend Mr. Vipin Kumar Singh, Assistant Regional Transport Officer who filed a fake FIR against the journalists.
- Direct the Director General of Police of Uttarakhand to quash the false charges against the HRDs.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a long horizontal flourish extending to the right.

**Henri Tiphagne**  
National Working Secretary