

A Fact-Finding report
on
the murder of Ankita Bhandari

February 2023

Dedicated to all young women of this country striving to follow their dreams assured to their right to life and liberty. And to make their mark as productive beings and not just as women whose sexual labour matters

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21 January 2023

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Preface

Ankita Bhandari, a young girl of just 19 years, who had begun her first job less than 20 days in the Vanantra Resort near Rishikesh, Uttarkhand was killed by her employers and her colleagues as she refused to agree to be solicited for paid sex by the VIP guests at the resort where she was an employee. Her refusal to prostitute herself led to her murder by being thrown into a nearby canal on the night of the 18th September, 2023. The ordeal that leads up to her murder is followed by that of her father's, who was denied the right to lodge an FIR for the next four days. It was only on the sixth day, the 24th of September, that the body of Ankit was recovered from the barrage. After the brazen denial by the revenue and the regular police for initiating the investigation process for over 84 hours, there was a further criminal act of destruction of crucial evidence by a sitting MLA, purportedly in the name of teaching a lesson to the murderers.

It was a widespread rage and people's protest that finally got the Government to respond. This public initiative and it's sustained in public discussion in social media and on the streets that the investigation came under the monitoring of the Nainital High Court. Lawyers argued probono, political parties too could not hold their silence as the people demanded accountability.

Forty days after the murder of Ankita, a national Fact-finding Team reached Uttarkhand. It was constituted on the initiative of Uttarakhand Mahila Manch and involved 30 representatives from women's' groups, mass organizations and women's fronts, human rights organizations, lawyers and tourism experts from Uttarakhand, Uttar Pradesh, Delhi, Himachal Pradesh, Rajasthan and Karnataka. From the 27th to the 29th of October, the team visited crime sites, interviewed representatives at public protest site, civil society groups as well as government officials in Uttarakhand. The team raised several concerns and questions, which we had hoped would be answered by the Investigating agencies and the state.

By the time the report is going in for Print and released to the Metro and national Media at large, the judgement of the Nainital High Court demanding fair investigation has been delivered and the chargesheet in the case has been filed by the Uttarakhand Special Investigation Team (SIT) of the police. We are disappointed that key questions remain unanswered in the charge sheet as to who the VIP was, because of whom Ankita lost her life. The High Court judgement goes along with the explanation of the Uttarakhand SIT report, that the term VIP is used for the person living in the VIP suite. The High Court did not think there was anything malicious or conspiratorial in the act of the sitting MLA Renu Bisht wilfully destroying evidence and went along with the Uttarakhand police who had not attributed criminality to her act. The Chargesheet therefore does not make her a co-accused. This report may be considered as an interim commentary of the case. A more detailed report would be out incorporating the chargesheet and the legal case in court at another time.

The report is ours to keep alive the memory of a young girl aspiring to be a worker but lost her life as she demanded dignity and refused to be coerced into sex work. This report is dedicated to all young women striving to follow their dreams and to make their mark in a world that considers them as persons, as productive beings and not just as women whose sexual labour matters.

Introduction:

The murder of Ankita Bhandari is no “murder mystery” at all to the family of Ankita, the public at large and the investigative agencies. It seems an open and shut case as far as the fact-finding team constituted by the women’s movement was concerned. The team, comprising 29 members, managed to connect the dots by listening to testimonies of Ankita’s father and other members of the family, meeting people from the movements initiated for the justice for Ankita Bhandari and other civil society groups of Rishikesh, Shrinagar and Dehradun, visiting the canal site where her body was found, the resort where she worked and meeting several senior police officers, the higher bureaucracy and the state women’s commission chair, a section of the media along with going through several interviews and chats on social media of the key witnesses to the murder, examining the documents and orders of the Criminal writ petition filed in the Uttarakhand High Court.

The most difficult part of the investigation for the team was to accept that in the last 24 hours before she was murdered, Ankita was forced to spend all her time with her alleged killers. Clearly, she was very insecure with them and kept expressing this to her friend through social media chats. The sense of deep fear that she went through runs across her story, like an animal trapped. Her friend shared that she had clearly said, “ab toh mein phas chuki hoon” (I am now badly stuck”). It is not difficult to understand why she did not approach police -- her alleged killers told her that if she did not sleep with the VIP guest, she would be reported to the police as a “prostitute” and she would be arrested.

Her friend lived in a different city, and as is the case even today, most girls find it very difficult to share sexual threats with their family and the public at large. The burden of a woman’s ‘honour’ weighs heavy on her, and any so-called violation becomes a crime of ‘dishonour’ for which she is deemed guilty. Maybe that is why she could not call her father, who being closer to where she was, could have perhaps reached on time.

The story of Ankita is a clarion call for society to encourage honest and trusting interactions with daughters, who must be educated that their lives are more precious than any societal notion of ‘honour’. Life is Supreme, and the right to life non-negotiable.

A National Fact-finding Team was constituted on the initiative of Uttarakhand Mahila Manch and involved 30 representatives from women’s’ groups, mass organizations and women’s fronts, human rights organizations, lawyers and tourism experts from Uttarakhand, Uttar Pradesh, Delhi, Himachal Pradesh, Rajasthan and Karnataka. From the 27th to the 29th of October, the team visited various crime sites, interviewed representatives at public protest site, civil society groups as well as government officials in Uttarakhand.

This fact-finding team worked to:

- ***Investigate and bring to light the facts about a young woman, aspiring to be an independent working woman. There was little to offer this vulnerable young woman protection after she moved away from her family in pursuit of work***
- ***To understand how the State's administrative and law enforcement system, at the preliminary level itself, failed this young woman; it fails her family too, in their pursuit of justice***
- ***To suggest changes in policy and implementation mechanisms for better monitoring and more expeditious redressal.***

Members of this team were Chandrakala, Nirmala Bisht, Usha Bhatt, Padma Gupta (Uttarakhand Mahila Manch, Dehradun), Maya Chilwal, Uma Bhatt, Sheela Rajbar (UMM, Nainital), Malika Viridi (UMM, Munsiri), Pushpa Chauhan (Uttarakashi), Shiwani Pandey (AISA, Shrinagar), Heera Jangpangi (Mahila Kisan Adhikar Manch, Udhamasinghnagar), Shruti Jain (Independent researcher, Haldwani), Vineeta Yashaswi (Journalist, Nainital), Uma Bhatt (BGVS, Dehradun), Kavita Srivastava and Divyanshi Sharma (PUCL, Rajasthan), Richa Singh (NAPM, Sitapur UP) Aditi Chanchani (Tourism Researcher, Kullu, Himachal Pradesh), Mehvish Khan (Lawyer, Jagori, Himachal Pradesh), Maimoona, Damyanti Negi, Indu Naudiyal (All India Democratic Women's Committee, Delhi and Dehradun), Deepti Bharti (Indian Women's Federation, Delhi), June and Yogesh (Karnataka with Bilkis Bano, Bengaluru, Karnataka), Vijaya Naithani, Shakuntala Mundepi (UMM, Dehradun), Malti Haldar (AIPWA), Reshma Pawar (AIDSO).

Chapter 1

An overview of the case and the key issues

1. A quick chronology of the criminal case (ANNEXURE 1 for the detailed chronology)

Ankita Bhandari, a resident of Dobh Srikot, Pauri Garhwal was a 19-year-old young woman, full of hopes, dreams, and aspirations of being a career woman, like many young women her age. She was trying her best to pursue a degree with employability but due to the lack of financial support from home (her father lost his job during COVID) she knew she had to get a job and earn for herself and her family. Her first and only employment was as a receptionist at the Vanantra resort in village Ganga Bhogpur Talla, Pauri Garhwal district, in the larger Rishikesh area, in Uttarakhand. This resort was only six months old. It was owned and being run by Pulkit Arya, son of Vinod Arya, Ex State minister and member of the Minorities Commission. She lasted in her employment only 18 days. From the 1st to the 18th evening of September 2022 although she stayed for twenty days in the resort as she had come on the 28th of August, 2022. She was allegedly killed by the Resort owner Pulkit Arya and the managers Saurabh and Ankit on the 18th evening, after 8.30 pm near Kunnau bridge between Pashulok bridge and the resort since she refused to sleep with a VIP guest at the resort. She was harassed by her killers for more than 24 hours and finally eliminated so there would be no evidence of their failed attempts to coerce her into prostitution.

Pulkit Arya, the main accused, tried to mislead the investigators by informing the revenue police (Patwari Chowki, Tehsil Yamkeshwar, District Pauri Garhwal) that Ankita had gone missing. The revenue police official Vaibhav Pratap did not inform any higher authority, nor did he act on his own on being informed that Ankita Bhandari was missing. Instead, he proceeded on leave. It was only on the afternoon of the 19th September, 2022 that her parents got to know about the young woman missing from the resort. Her father, Mr. Birendra Singh, was informed by Ankita's friend Pushp at around 4 pm. Pushp, who resides in Jammu, had been very worried the last twenty-four hours about her whereabouts as the trio of Pulkit, Saurabh and Ankit, kept denying that they knew anything about where she was. He feared the worst. He knew her life was in danger.

The father's ordeal of lodging a missing report and expediting action to locate her began soon afterwards. Birendra Singh went to three regular police stations in the next 12 hours, at Pauri Garhwal town, at Muni Ki Reti and Kotwali thana at Rishikesh where he was denied the right of lodging a report on grounds of jurisdiction. He was finally told to go Patwari Chila Chowki, but due to the absence of the Revenue official there, he was asked to go to Kandakhil chowki, where he met Vivek Kumar, the revenue police official who was at that point entertaining the alleged killers, Pulkit and the others.

After waiting several hours, he was told that Pulkit Arya had given a detailed missing report (see Annexure 2) which would be the main report for examination and they did not need a report from him. On the insistence of the father, it was only at 2pm on the 20th September that his report was taken by Vivek Kumar, (see Annexure 3). The revenue official visited the scene of crime on the persistence of the father but he did not inform his superiors; had he done so, the case might have been handed over to regular police at this stage. Both the Revenue police officials (Patwaris) were in

complete collusion with the owners of the resort, and did nothing to attempt to trace the “missing” woman.

Ankita’s father Birendra Singh ran from pillar to post to get investigation expedited. He got in touch with senior authorities in Dehradun, including the chairperson of the State Women’s Commission and the Speaker of the Vidhan Sabha, Ms Ritu Khanduri. Only after that did the district collector, on the 22nd evening, take cognisance of the missing person report. The case was transferred to the regular police of Thana Lakshman Jhula (Pauri Garhwal) and investigation began.

All the three accused Pulkit Arya (35 years), Saurabh Bhaskar (40 years) and Ankit Gupta (19 years) were arrested on 23rd September itself and the body was recovered on 24th September. The post-mortem examination happened on the same day at the AIIMS, Rishikesh. According to the post-mortem report (see [Annexure 4A&B](#)) all injuries had occurred before death (ante mortem injuries) and there was clear evidence of death due to ante mortem drowning. The post mortem report noted injuries around the private parts of Ankita, to show penetrative sexual assault. It notes that medically, sexual assault cannot be ruled out.

The tragedy for the family did not end with the realisation that Ankita had been killed and thrown into the canal. The last rites were made into a high political drama by the police and administrative officials, who pressured the family – Ankita’s father, mother and brother – to cremate the body on the evening of September 25, 2022 in Srinagar, Pauri Garhwal. Her mother was not allowed to see the face of her daughter one last time.

As the issue of the disappearance of Ankita Bhandari was highlighted in the electronic and print media and social media from the 20th of September, activists started mobilizing in Rishikesh, Dehradun and Shrinagar, Pauri Garhwal, Nainital and other towns of the state. An SIT was constituted on the 24th September led by a senior IPS officer and DIG Ms. P Renuka Devi and three other senior policemen.

Shockingly, the scene of the crime, the resort, which was under the control of the police, was demolished partially on the night of the 23rd September using a bulldozer brought in by the local BJP MLA Renu Bisht. The room in which Ankita had been staying was reduced to rubble. Even before Ankita’s body was cremated, it appeared like there were attempts to erase any evidence. The demolition, using a bulldozer brought by the BJP MLA, augmented the suspicion of collusion between the powers that be and the resort owners.

The police, however, insisted that they had gathered all the required evidence and that the demolition would not affect the inquiry. The parents of the victim, various movements and civil society groups got together to protest the demolition; a round the clock dharna started in Rishikesh with a demand that the investigation be transferred to the CBI as local police could not be trusted. Pulkit was powerful, and could influence any local investigators.

A criminal writ petition was filed in the Uttarakhand High Court, Nainital which came up for hearing on the 20th of October, 2022. It sought that the investigation be transferred to the CBI as the local police, including the state level SIT, was prejudiced and would fail to be fair and unbiased.

It was at this time that the national fact-finding team visited the various sites in Uttarakhand between the 27th and the 29th of October 2022. During this time, the Fact-Finding team met the parents and

family of Ankita, several civil society groups in Shrinagar, Rishikesh and Dehradun, concerned State authorities from the police and the bureaucracy, media persons and also visited Vanantra resort and other resorts in the neighbourhood to understand the safeguards for women workers. This report is a compilation of our collective observations.

2. Complete breakdown of the criminal justice system; failure of revenue police and the regular police system, destruction of evidence

The story of the murder of Ankita shows a complete breakdown of the criminal justice system at the most primary level. Several irregularities were committed with malicious intent from the 19th, when Pulkit falsely reported that Ankita had gone missing, after in fact having allegedly killed her. In collusion with the killers, the revenue police delayed the registering of the report, which was done 48 hours after her death, on the 20th. And then for another 48 hours nothing happened and only on the 4th day the case was transferred to the regular police in Lakshman Jhula on the 22nd. The arrests only happened on the 5th day, which was on the 23rd, and the body of Ankita was recovered from the canal where it was stuck near the barrage gate only on the 24th of September, the 6th day after she was killed. In today's time such inordinate delays in cases of such an urgent nature shows a despicable dereliction of duty on the part of authorities in the state

Precious evidence, including the scene of crime, was allowed to be destroyed on the 23th September night led by a sitting BJP MLA Renu Bisht, showing criminal negligence and mala fide on the part of the police. It must also be noted that Renu Bisht also owns a resort in the same vicinity. (<https://www.newsreaders.in/uttarakhand/bjp-mla-renu-bisht-resort-video-gone-viral>)

Continuous agitation by women's groups and civil society members, however, kept the issue alive in people's minds and social media. Close monitoring of the case in the Uttarakhand High Court was instrumental in bringing some semblance of accountability from the police.

Conversations with police officials and the affidavit filed in the High Court establish guilt of the accused.

3. The outstanding issues in the criminal case that remain are as follows:

3.i) The police conclusion through medical evidence opinion of no rape

The conclusion arrived upon by the Police, based on just the medical opinion that Ankita was not raped, and that the violence was of the category of sexual assault (section 354) raises the question *whether rape can be ruled out merely on the basis of medical evidence, when testimonial, circumstantial and electronic evidence speak differently.*

According to the post mortem report the medical team has opined that, "there was no evidence of injuries suggestive of forceful penetrative sexual assault. However, the possibility of sexual assault cannot be ruled out". In fact, it was surprising that using this as evidence the police issued a statement that rape was ruled out. In matters of sexual violence, it is well established that medical evidence is not the only substantive evidence to conclude whether forceful penetrative sexual assault has

happened. In this case it is important to see all the other evidence including eyewitness accounts, social media chats and the circumstantial evidence.

It is a fact that Ankita was made to move into a room downstairs away from the safety of the residence of the other staff at the resort (see page 40 Annexure 5 of the screen shot of the chat with Pushp) on the 17th September, a day before she was killed. She says that she has moved out of her room as the “resort will be filled with guests and all the rooms are needed”. On the surface it could be a pragmatic decision but, in this case, it speaks of the male fide that Pulkit had in mind. She was brought away from the security of living next to other staff members, to be alone so Pulkit and others, including the VIP, could more easily have access to her. Her anxiety and the feeling of being under a threat to her life were real. These, she shared with her friend Pushp through the various chats (see annexure 5).

The electronic evidence of WhatsApp chats and audio messages between Pushp and Ankita provide the most important link of the murder. They disclose the reasons as to why she was murdered and should be treated as her dying declaration.

According to the testimonial evidence of Abhinav, the housekeeping staff, an eye witness, he said “at 6 pm on the 18th I saw Pulkit physically shut Ankita’s mouth and prevent her from speaking over the phone to someone when she was crying for help” (Annexure 6). After which he was in Ankita’s room for an hour, behind closed doors. Ankit also came dancing into her room, the windows too were closed by Pulkit, as the boys sitting at the reception could otherwise see inside. He added that it was later, after 7 pm, that the three, Pulkit, Saurabh and Ankit left the resort, forcibly taking Ankita with them on two-wheelers. It was only next morning that it was discovered that Ankita was not in her room; that she was “missing”.

The body of Ankita was lying in the water for six days, so with putrefaction, how can any evidence on the body be intact?

That is why medical evidence in this case cannot be the last word. Even if FSL reports of the various samples don’t show semen or male DNA near in the lower and upper vaginal cavity, the fact that the body was in water for six days should be understood to mean that evidence was destroyed.

The evidence of rape must be built from the circumstantial evidence, the events that happened in the evening of the 17th, the testimonies of the staff who were eyewitnesses and the cyber evidence through WhatsApp chats and conversations with Pushp.

- What was Pulkit doing inside the room for one hour behind closed doors?
- Have the police been able to answer it with evidence?
- Abhinav, the housekeeping staff, was confident that the driver was also a witness to Ankita being coerced and Pulkit taking her inside the room and shutting the door.

We would like the police to know that repeated judgments of the SC have stated that the charge of rape will sustain even if there are no injuries on the body of the victim. See Krishnan Vs State of Haryana, CrI Appeal no. 1342/2012. **That the Uttarakhand police concluded that rape did not happen merely on the basis of external injuries, is undermining the jurisprudence and wisdom on rape that has happened in the last decade since Nirbhaya.**

The NCRB data shows a large number of rapes happening in the state of Uttarakhand, higher than the national average and a high closure rate which is also very high. If rape is looked at only

through medical evidence, then most cases will be closed since substantial evidence of rape does not often exist.

- **What is important is that Uttarakhand police develop a comprehensive approach to investigating rape, where, testimonial, circumstantial and electronic evidence are given enough weightage. This seems to be unaddressed as yet in the case of Ankita Bhandari's matter.**

3.ii). Who was the VIP in this case:

The police version, according to testimonies and examining the online and offline booking and visitors register, is that the VIP classification was for the person staying in the Presidential suite.

The question remains whether the VIP referred to is merely a nomenclature used by the hotel staff or a powerful person, a politician, or some other influential person.

- **The Uttarakhand SIT must probe the murder objectively in order to clear the suspicion of the general public that a powerful political person is being shielded.**

This murder case and the way it has been investigated so far gives credence to the perception that there exists a nexus between the political players in the state and a certain section of the hospitality and tourism industry.

3.iii). Police silence on destruction of evidence by yet another VIP in the murder case:

Destruction of evidence is a serious crime in the eyes of the law.

- Why was the scene of crime not sealed for the purpose of investigation?
- Why has the MLA Renu Bisht, who took the bulldozer and partially demolished the resort, not yet been arrested?
- Who granted her permission to use government property and staff to use the bulldozers? Was the Collector involved in granting permission?

Even in the counter affidavit filed by the Police, they have been silent on this aspect and have tried to state that all evidence was taken from the scene of crime, although they themselves state that no biological evidence was collected by their Forensic team.

The protection given by the Uttarakhand state to the MLA Renu Bisht is so obvious of the culture of the two-class system that is all pervasive within the system of governance, that her act of destruction of valuable material evidence. It not only does not come under any police scrutiny but there is appears a pervading sense of confidence and impunity of getting away after committing a heinous crime. The culture of special treatment and impunity for VIPs is self evident in this case.

3.iv) No Protection of witnesses:

The staffers of the resort Abhinav, Kush and others and Pushp, the friend of Ankita are the main witnesses in the case. They are the ones who have provided the link to the intent of the murder.

- **Ankita's WhatsApp messages and conversation with the staffers are like a dying declaration.**

Despite Sec. 164, statements of the key witnesses, the police's argument that none of the witnesses had informed about any threats or intimidation, is not enough. Life and liberty matters need regular vigilance.

The witnesses should be provided with 24 hours police protection, till they depose in court. The Uttarakhand state will have to coordinate with the police of Jammu and Kashmir and UP to ensure that personnel are provided to Pushp and Abhinav and Kush respectively.

3.v). No concept of Zero number FIRs and no action taken against police personnel who refused to lodge FIRs

The state of Uttarakhand needs to put into place a regular system of lodging zero number FIRs, particularly concerning life and liberty matters. (Annexure 7: Supreme Court ruling) The ordeal of Birendra Singh, the father, exposes the deep cracks in the system of reporting and registering crimes.

- Disciplinary action must be taken against the three police stations located in Pauri Garhwal district and Rishikesh who delayed action in a matter of life and liberty. This should be done at the earliest.
- Action also needs to be taken against the Collector, Pauri Garhwal, as it is a failure of due diligence that the missing report filed with the Patwari police went unattended for three days, from the 20th to the 22nd September.

4. Failure to implement the law on Protection, Prevention, Redressal against Sexual Harassment of Women in the Workplace, 2013

This law seems to be unimplemented in the private sector at least. Virtually none of the resorts seemed to know of this safeguard for working women and therefore had no internal complaints committees (ICC). The Chief Secretary (CS), Additional Secretary Tourism had no response for the current lack of compliance with this law by the hotel industry.

The law is clear that if it is not implemented, penalty of Rs. 50000 and also cancellation of registration in case of repeated noncompliance could occur. There seemed to be no monitoring or regulatory bodies against non-compliance. When the team told the CS and State Women's Commission (SWC) that had such a body existed for the hotel and Ankita known about it, she could have spoken to them and maybe her murder would never have occurred

- As the events that led up to the murder of Ankita Bhandari took place within a tourist resort, it is clear that despite it being mandatory for all tourism related units to be registered so that there is

scope for monitoring and oversight, this resort, like many others in the state, was unregistered and continued to operate with impunity.

The Tourism Department is not only responsible to promote tourism for revenue generation in the state, but to generate work that is dignified and ensures the safety of women. While there is talk about putting in place safety and redressal measures to ensure the safety of women, it is clear that this has just not been a priority, to say the very least.

An announcement was made by the Minister of Tourism, Shri Satpal Maharaj after the Ankita murder case got media coverage, that women will be provided a safe working environment. But this will only have any meaning when the State makes sure that it does not fail in setting up the essential framework for the implementation and monitoring of the law.

5. The role of State Women's Commission:

It was clear that the State Women's Commission did not play a proactive role in this case, other than making a call when the father approached the Commission saying no action had been taken on his report regarding Ankita being missing for several days. **The Commission has ceased to be a support structure for ordinary people.** Despite the backlash in the hospitality industry that young women shall not be employed, the Women's Commission had taken no immediate remedial action. After the incident of Ankita Bhandari's gruesome murder, the Chairperson did not immediately call a meeting of the women's groups for a conversation on what should be done by the Commission so that it can reach out to such women in distress; the chairperson also seemed not to know of any role for herself in the Ankita Bhandari murder case. No discourse was initiated with the state government on steps to be taken to make the state safe for young women professionals. Only after this fact-finding team visited was a dialogue initiated on women's safety. The Women's Commission must proactively monitor implementation of laws meant to protect women. The chairperson of the State Women's Commission seemed, to this fact-finding team, rather clueless.

6. The paradox of Uttarakhand police's expressed alacrity to deny lawful action, but turn a blind eye towards the lawless lot

The fact that the Uttarakhand police showed great alacrity in the name of subscribing to the letter of the law when it came to denying the father to lodge the FIR, as it did not come under their jurisdiction and prevented our fact-finding team from undertaking a simple visit to the resort, yet shuts its eyes when the sitting MLA went with a bull dozer to destroy evidence and later a section of the factory in the same premises was burnt down, reveals the paradox of the state of affairs where there is no rule of law for the lawless but harking to all rules to the lawful.

7. Diminishing public financing of vocational courses: Death of dreams and lives of young women:

Ankita's fate took a tragic turn as she could not access a government financed vocational education course. And a private institute was unaffordable. If she would have been studying in the public institution, she would have completed her education in hospitality and hotel management and not left it midway due to lack of fees. Her fate would have taken her elsewhere. But many young girls in Uttarakhand who, like Ankita may have similar aspirations of being in some job and helping their families financially, may have had their dream shattered like that of Ankita.

All this was happening in the backdrop of the announcement by CM Pushkar Singh Dhami regarding establishing Uttarakhand as a model state in the field of higher education by focussing on skill development and entrepreneurship through startups in the state and promoting an education system which makes the youth "job providers" and not just "job seekers."

<https://www.aninews.in/news/national/general-news/govt-working-towards-establishing-uttarakhand-as-model-state-in-field-of-higher-education-cm-dhami20221208054434/>

Despite these tall claims, the state government has failed its youth, and especially young women to actualise their aspirations as it is only through the financing by the State that young women will get a chance to access higher education, even if it be the vocationalised variety. Left to families, the priority of expenses in higher education will be reserved for the boys of the family. As was the case here too.

8. Formulation of a state policy for women on an urgent basis:

It is time that the State of Uttarkhand with the State women's commission and women's group representatives in the state, formulate a policy for women of the state of Uttarkahand. Despite two decades having passed of the state having come into existence, there was just no political will to address the needs of the women in the State. In contrast, other states were updating their policy and working with their respective Government's to implement it.

Chapter 2

This Chapter addresses in detail the criminal case, the irregularities committed by the police and the response of the criminal justice system; medical, testimonial, circumstantial and electronic evidence is analysed. The chapter comprises seven parts.

Part I:

A father's tale of distress: First person account of Birendra Singh Bhandari, (53 years), Ankita Bhandari's father

We met Mr. Birendra Singh at his house **Dobh Shreekot, Pauri Garhwal, Uttarakhand** on 27th October 2022. At his house the team met with the following persons:

- Soni Devi, Ankita's Mother
- Satti Devi, Ankita's Grandmother:
- Leelavati, Ankita's Aunt
- Rajendra Singh Bhandari, Ankita's Uncle

Ankita's brief life sketch.

Ankita was 19 years old and born on 11 November 2003, in village Dobh Shreekot, Pauri Garhwal district. She studied in Bhagat Ram Modern School in Pauri. She passed out from school in 2020 and was a good student with a result of 88% in her Intermediate.

During COVID, according to the father, Ankita had sought admission at the Shri Ram Institute of Hotel Management, Dehradun for a one-year certificate course. She studied online for three months from June 2021, and then went to study for six months, when colleges reopened. She returned in March, 2022 as the college had asked for Rs. 40,000 which the father was unable to pay. He had already paid Rs. 45,000 and she had to pay more to continue with the course. He too had lost his job during COVID. The Hotel Management Institute had also called him up for payment of fees which was the condition for Ankita to complete the course and get the certificate

Ankita cleared the ANM entrance exam in 2021 June but did not get admission in a public nursing training Institute, and private colleges were unaffordable, so she left that too. She then tried to learn how to type, which she did online on her mobile. There was no computer /laptop at home, as her brother who is pursuing CA had kept the laptop so she was waiting for the day when he would give her one for herself, so that she too could learn computers. She instead learnt stenography online.]

It was only through Pushp, her Instagram friend who lived in Jammu, that she found this job at Vanantra resort. Initially, he had spoken to the owner of the resort, Pulkit Arya, who wished to interact directly with the applicant, Ankita. So Ankita spoke to them and got the job. It was clearly stated in the advertisement that only those girls should apply who will agree to stay at the resort. She agreed to stay, as required. As she had to join from the 1st of September 2022, Mr. Birendra Singh himself

went to drop her on the 28th of August 2022 so that she could settle down and begin work properly from the 1st of September 2022. The resort was located 12 kms from Rishikesh. He did not stay the night but spent a lot of time at the resort that day on the 28th. In his conversation with Pulkit Arya, the owner, he clearly asked about the presence of other women as he was worried for the safety of Ankita. Pulkit said that there was a couple from Meerut, whom he removed as they had stolen articles from the Resort. He said that his father, Vinod Arya had an Ayurvedic Candy factory which employed several women, so he assured him that his daughter would be safe. Birendra Singh said that he told Pulkit that he had to take responsibility for his daughter's safety and security. Birendra Singh said that on the 30th of August he again made a call to Pulkit and said the same.

Ankita's mother Soni Bhandari, talked to Ankita over the phone with her every day, sometimes twice, checking whether she had eaten food and was looking after herself and her health. On the evening of the 17th September 2022, Ankita, her mother and her brother Ajay, who lived in Delhi, were in a conference call for 34 minutes. In this call Ankita did not share anything that was happening to her. On the 18th September, afternoon at about 4.30 pm the mother messaged Ankita and there was no reply. Later at about 8.30 pm too she messaged her, whether she had had dinner, but there was no reply. She messaged her once again late into the night, whether she had slept, but there was no reply. She presumed her daughter had gone to sleep.

On the 19th September 2022, at about 4 pm Birendra Singh got a call from Pushp that Ankita was not in the Resort. Pulkit had called up Pushp and said that she was missing since 9 am that day. But Pushp who had done his own enquiries told the father that he felt she has been missing since the 18th evening. Pulkit Arya's call to Birendra Singh came after he had learnt that his daughter was missing from the Resort.

Exposing a heartless state: The tale of a commoner, Birendra Singh Bhandari's ordeal of getting a missing persons report / FIR lodged and initiating investigations.

The father Birendra Bhandari told us that at 6.30pm he left in a jeep which he took from the village. First, he went to Pauri Thana, to lodge a missing person's report. But the Police did not lodge the complaint and asked him to go to Muni ki Reti Thana, which is near the Resort. He then went to the Muni ki Reti Thana, where they told him to go to Kotwali Thana in Rishikesh. It was already midnight by then. He left for Rishikesh and went to the Kotwali Thana, and was told that his complaint most probably fell under the jurisdiction of the patwari circle. The next morning on the 20th, after spending the night in Rishikesh, he went to Lakshman Jhula Thana and was told to go to the Patwari Chowki Chila (the Revenue Police), from where he was again sent to Kandakhaal Chowki. He was given the number of Vibhav Pratap, the Patwari who was handling the case, so that he could meet him.

Birendra Singh later learnt that Pulkit Arya had informed the Patwari Vibhav Pratap and said that they should wait for 24 hours to see if she returned, but he proceeded on leave without handing over the case. Birendra Singh was told that Vivek Kumar was officiating in place of Vibhav Pratap, so by 11.30am they reached Kandkhal Chowki. Birendra Singh, the father, walked into the office and was promptly told by the Patwari to wait outside as he was talking to Pulkit, his father Vinod Arya (60 years), Pulkit's wife Swati, Saurabh and Ankit. He waited for three hours and then went into the Patwari's room, and was told to wait again. He waited for an hour or more. He still was not called in by the

Patwari. So, this time he walked in and insisted that his report of his daughter being missing be filed. The Patwari said that he already had the missing report from Pulkit and others, so he would investigate on the basis of that report. **When Ankita's father insisted that his detailed report be put on record, the Patwari refused to give a receipt. The Patwari then got the father to write one sentence that his daughter was missing and that was it.**

Birendra Singh said that they were allowed to read the report lodged by Pulkit, which stated that Ankita was depressed and that they had taken her out to treat her to the things she enjoyed eating. And then they came back to the resort later in the evening. As per his report, she went missing in the morning.

Birendra Singh insisted that the Patwari Vivek Kumar visit the Resort. He said that, "we went to the Resort and we were shocked to see that all the wires of the entire CCTV camera were cut off. Since I had the recording sent by Pushp, I showed it to the patwari. I also played the recording that was of the staff who are from Bijnore. The Patwari called each of them one by one. Pulkit got very irritated and got up to hit us. He said that the Patwari had listened to each recording and despite that he did not report about this serious case to the higher authorities."

Birendra Singh, further stated that, "I called the Child Welfare Committee member, Shri Sohan Singh of Pauri Garhwal and asked him to speak to the Patwari Police. Shri Sohan Singh called the Patwari and asked him to speedily lodge the FIR and investigate the whereabouts of Ankita. Even as of the 20th of September, my report did not get lodged, nor did the investigation take off. On the 21st, I called up someone who knew Ritu Khanduri, the Vidhan Sabha Speaker, who probably called the DM. I also went to meet the Chairperson of the State Women's Commission, Ms. Kusum Kandwal, who then called up the DM of Pauri Garhwal in front of me. I also went to meet the DGP, who then called the DM and SP Pauri Garhwal and it was only after that, that the matter was transferred by the DM and was taken up by the District Police of Pauri Grhwal on 22nd September 2022.

The missing report for Ankita Bhandari filed by Pulkit was then converted into an FIR. The case was registered in Lakshman Jhula Thana, Rishikesh. The investigation was given to ASP Shekhar Suyal. He went and immediately raided the Vanantra Resort. They arrested Saurabh Bhaskar while the others fled. On the night of the 22nd or 23rd early hours, Vinod Arya brought Pulkit and Ankit to surrender and later that day they were arrested. Birendra Singh said that, "I was very angry when Vinod Arya asked me whether the girl (Ankita) had been found. I told him to ask his son. One woman, Pramila Rawat along with others in Rishikesh, protested and demanded that Ankita be produced in 24 hours after the arrest of those men of the Resort, and their having confessed that ***"when we were arguing, there was a scuffle and she fell into the canal"***.

Birendra Singh stated that "on the 22nd September, the Police had done videography and some forensic team too had come. What kind of evidence they managed to collect; I have no idea. But surely the police need to go back to secure the scene of crime? How did they allow the destruction of evidence with the bulldozing? What was Renu Bisht's plan? The CCTV footage would explain, but I do not know whether the police had managed to retrieve some of the footage. The police, however, did get CCTV footage which showed that on the 18th evening four persons went on two motorbikes. Ankita was seen sitting behind Pulkit."

On the night of the 23rd, the local MLA of that area, Renu Bisht, took a bulldozer and went and bulldozed the scene of crime. She got the bulldozer to demolish the room where Ankita stayed and also broke some of the façade. The factory was also set afire. Why did the police allow that Renu Bisht to destroy evidence, that too selectively? It is still not known whether the police gave the permission or Collector, or she came on her own. **But this definitely shows that the demolition was a part of making Ankita's case weak and protecting the accused. There appears to be a concerted effort by the police and administration to protect the accused.**

On the night of the 24th of September, the factory was also set afire. Is there no rule of law in Uttarakhand? How do people get into places which are in the control of the police and commit crimes right beneath their nose?

Birendra Singh shared that, "on the 24th morning the body was recovered from the barrage 6 km away. It was stuck at the barrage. I was shocked to see her in that state. Her body was intact, and fish had not attacked it. **It was not swollen, although it had been in the water for six days. This remains a mystery to me even today. She had five injuries on her. Her teeth were broken, there were deep scratches on her fore arms, her back and the palms were black.**"

He continued, "the post-mortem happened on the 24th itself at AIIMS, Rishikesh at about 2pm. The police was insisting that the cremation be done at Haridwar. But the traditional cremation grounds for residents of Dobh Sreekot is in Shrinagar. It was on our insistence that the body was brought to Shrinagar that night and placed at the Base Hospital Mortuary. We wanted to take the body home, but they stopped us and said that we should do the cremation tomorrow morning, here itself. My wife was also called from the village. The police and the magistrate had us all under their control. **My wife was put in the PWD guest house. My son and I were also separated by the police and the administration, as they did not wish that we communicate directly and were taking our messages back and forth.** They were putting pressure on us that we just dispose of the body at the earliest."

"But there was a agitation outside the mortuary by concerned citizens demanding a second Post Mortem of Ankita, as well as 1 crore rupees in compensation and a job for my son. There were also demands for punishing those policemen and the Patwaris who delayed taking any action. We insist on punishment even today, including suspension of the concerned officials. The CM too called me at about 6 pm to dispose the body immediately. The DM and the SPP of Pauri too were insistent on doing the cremation immediately and under pressure, I agreed."

"Finally, without even showing the face of Ankita to her mother, we were taken to the cremation ground at around 6/7 pm in Srinagar town where we cremated Ankita. **They told us that her mother was admitted to the ICU. We thought that since she could not take the trauma of losing her daughter, she had fallen sick. But it was all lies, as she was neither critical nor medically sick.**"

"We have a digital copy of the final Post mortem report which does not show that Ankita's teeth were broken."

A Tiranga yatra was organized by student groups from Rishikesh and Dehradun with the demand for a CBI enquiry that started from our home and went to Vanantra Resort on the 16th of October. They

were turned away from the Resort. The yatra culminated at the dharna site in Rishikesh on the 17th of October. This dharna is still ongoing, demanding justice for Ankita.

Birendra Singh shared that Ashutosh Negi, a journalist from his village had moved the High Court with the plea for the investigation to be handed over to CBI. **As Ashutosh had persistently raised this issue from the beginning, he had started getting threats from a section of the RSS** and that is why it became imperative to ensure a fair investigation. When the Fact-Finding team asked Birendra Singh as to why he had not become a co-petitioner with Ashutosh at that initial stage, he said he could not go to Nainital as his wife was very unwell and she had made it clear that he should leave the village.

“We are not happy with the SIT investigation. We feel that the SIT is also coming under political pressure. The former CM Harish Rawat, came and met us. We were given Rs 25 lakh rupees by the current Chief Minister, which we have submitted to the bank, though the public demand from the people’s movement was for Rs1 crore. We were also visited by Ms. Rekha Arya, Minister for Women and Child Welfare. **Ms. Usha Chauhan, a BJP party member, had raised her voice in our support and we saw that she has been removed from the BJP.**”

Part II

Analysing the Medical Evidence: The Post-mortem Report (Annexure 4A- Provisional Report and 4B- Final Report)

The public at large and civil society groups have not been privy to the final PM report as the provisional report was released to the public. The PM was conducted by four doctors of AIIMS, of which two were residents and two Associate professors. They were Dr Raviprakash Meshram, Associate professor, Dr. Ashish Ramesh Bhute, Associate professor, Dr Vikas Vaibhav, Senior Resident and Dr Yashpal, Junior Resident.

The Fact-Finding team managed to get the full PM report which states that all injuries on the body of Ankita occurred before her death (ante mortem). Also, the injuries were caused by a blunt weapon (blunt force trauma). But were they fatal injuries, we cannot tell till the description of the injuries is revealed.

According to the report the cause of death was due to asphyxia consequent upon ante-mortem drowning. Which clearly means that she was either pushed into the water in an unconscious state or given some chemical substance and then thrown into the water. She would have been alive when she fell in. This too can be confirmed only via a chemical analysis of the viscera.

According to the father, there were five injuries on her body when the inquest was done. However, the post mortem report seemed to not write about the injury on her back. The father also wanted to know what the significance was regarding the body not having bloated at all, despite being in the water for six days. Was it to do with death due to ante-mortem drowning?

According to the PM report, “there was no evidence of injuries suggestive of forceful penetrative sexual assault; however, possibility of sexual assault cannot be ruled out. And relevant samples are preserved.” The report in column X of the PM form gives us the various

types of samples preserved from the body, including “swabs vestibular, low vaginal, high vaginal and rectal, dried”. These samples were taken for the purpose of semen detection and DNA identification and matching.

We do not have the forensic and the serological reports for these samples including the one mentioned above. Therefore, we cannot conclude what these results have to say.

However, we would like to state that injuries are not conclusive evidence for forceful penetrative sexual assault. Even if the medical evidence does not show this, it cannot be said that forceful penetrative sexual assault did not happen. Today, the occurrence of rape in women who are alive does not require injuries or DNA samples from the vagina and serological reports. It is built on circumstantial evidence and the testimony of the prosecutrix and other witnesses. In this case, a major part of the coercion and harassment happened in the room of Ankita, which is part of the scene of crime which culminated with her death in the Canal. It is the room where the door and windows were locked, while Pulkit was with her. This constitutes a very important part of the evidence of sexual coercion.

Repeated judgements of the SC have stated that the charge of rape will sustain even if there are no injuries on the body of the victim. See Krishnan Vs State of Haryana, CrI Appeal no. 1342/2012.

That the Uttarakhand police concluded that rape did not happen merely on the basis of external injuries, is undermining the jurisprudence and wisdom on rape that has happened in the last decade since Nirbhaya.

Part III

Rishikesh: Visit to the scene of crime and interviews with the public representatives

On 27 October 2022 members of the fact-finding team visited the place where the body of Ankita was retrieved, Vanantra Resort (where Ankita used to work), and also a resort adjacent to the Vanantra resort. The fact-finding team also spoke with local residents of Bhogpur Malla.

Visit to the site where Ankita was pushed into the Canal; also, the site where her body was recovered

The team visited the place where Ankita was pushed into the canal, followed by a police vehicle. The CCTV camera at Birbhadra bridge shows Pulkit, along with the two others, bringing Ankita on a bike from Vanantra along the Chila canal and shows that the accused were familiar with the entire route and they also knew where the CCTV cameras were installed. It was here that Ankita was last seen alive on camera along with the three accused. The railing of the culvert at Kunnau bridge from which the accused said that Ankita was pushed in the scuffle and fell, is more than four and a half feet high. The question arises:

- How can a five-foot person fall from the Kunnau bridge where the height of the barricades was too high?

- Why did the accused take Ankita to a deserted area to the Birbhadra Barrage?

The team visited the place from where the State Disaster Relief Force (SDRF) team recovered Ankita's body accompanied by Yogesh Dimri of Anwala News. The Chila barrage of Chila Power House Plant is about 5 km downstream from Kunnau bridge where Ankita was allegedly pushed over. Again, the question arises:

- If Ankita's body had been in the canal waters for 6 days, why was the body not eaten by the fish in the canal that are said to devour human bodies?

Visit to Vanatra Resort and Ganga Bhogpur Talla village:

Vanatra Resort is located in Ganga Bhogpur Talla village. It is a flat lowland and is adjacent to the Rajaji National Park. There are many hotels, spas and other establishments around this restricted area and the local residents said that most of the resorts are owned by rich people from outside Uttarakhand. There is now a growing fear within them after Ankita's murder at the Resort. The question arises:

- How would they have got the permission for this construction?

Visit to Vanatra Resort:

It can be stated clearly that the police tried to obstruct the fact-finding team and did not allow the team to freely access information. The team was surprised to find a 25-member heavy police force stationed in front of the resort and the women police had made a cordon and the police officer stopped the Fact-Finding team from moving forward. The police were posted at the resort when they got information that this Fact-Finding team would be visiting the site. When asked about the sudden reason for turning the crime site into a fortress with so many policemen, they replied that the local people tried to torch the Resort on the day when Ankita's body was recovered. **On asking the residents of Bhogpur Malla about this police claim, they said that villagers had not torched the factory. According to them the police knew who the miscreants were who actually did it, but were blaming the local residents. It may be added here that on the 30th of October 2022 once again the factory side of the resort was torched. What is interesting is that the police is never able to stop the unlawful forces, however, will always obstruct the those who work lawfully.**

The land on which the Vanatra resort is built is an Ayurvedic factory where Amla candy of indigenous brand is manufactured. The resort itself has been constructed illegally. The owner of the Ayurvedic factory is Vinod Arya, BJP Ex-Minister and Head of the Minorities Commission, father of Pulkit Arya, the main accused. Local people said that they worked in the factory at very low rates. The villagers also told the team that Pulkit used to come to the village for wood.

The team was unable to speak to the local residents and owners of tea shops located close by because of heavy police presence, some in plain clothes. On visiting the hostel of the Divine College of Nursing & Paramedical Science, located just behind the Resort, the team tried talking with the caretaker family, but they remained silent.

The Fact-finding team split into two groups while visiting Ganga Bhogpur Malla, a revenue village. The first team went to the village head and the second started talking to some women of the village. The women conjectured that Ankita must have been killed and kept in the hotel, and that is perhaps

why the team was not allowed inside. They also said that Renu Bisht, a BJP MLA, had a bulldozer demolish Ankita's room in the middle of the night. They felt that she was implicated in trying to destroy evidence to protect the accused. They said that the bulldozer came twice. Once at 12 o'clock in the night and the second time at 3 o'clock. They had several questions, some of which were:

- After all, how did the MLA Renu Bisht know in which room Ankita was staying?
- If the hotel was illegal, then why was it not completely demolished?

The men of the village said that tourists who visited the Resorts roam around scantily dressed. They feared for their women's safety when they went to the forest to fetch wood and grass. Some said that now they would not sell their land to outsiders.

The second team first met a shopkeeper who said that the land of Ganga Bhogpur Talla also belonged to the people of this village. As this village is located close to a river that gets cut off from Rishikesh every monsoon due to flooding there is a problem of connectivity and damage to agriculture because of flooding as well as by wild life predation. Though activities at the resort did not have a direct impact on the village, the shopkeeper had got news from the Headman of the village that the receptionist, Ankita, had disappeared. The team visited the office and home of the village Headman, but were unable to locate him. **Here too the Local Intelligence Unit (LIU) seemed to have made sure that the team did not talk to the local residents.**

The villagers got to know about Ankita's disappearance through social media. They said that the Resort run by Pulkit was earlier run by a Bengali woman who had taken it on lease. The Amla candy factory is looked after by Pulkit's wife and local women also worked there. The factory was also closed after the incident and the women have been laid off. The villagers were upset that they were being accused of setting fire at in the factory and they said that this was the work of people from outside. The villagers had, in fact helped in sealing the Resort. After the incident, the people of the village were worried about the safety of their girls.

On speaking with other residents of the village the team was told that the village has a school for children up to intermediate level, but for further education students have to go to Rishikesh. Girls are also educated, but there is lack of local employment. The boys work at the Hotel & Spa. Village girls do not work in resorts and hotels.

Our team also visited Panambi Resort & Spa and spoke to the manager of the resort, Nripendra Chowdhary (Details in Chapter 3). He did not say much regarding Ankita case other than the fact that there has been a loss of business since her murder.

Visit to Dharna Site at Koelghati, Rishikesh:

On the 27th of October, the team that visited Rishikesh went to the dharna site at Koelghati on Haridwar Road, the site of the daily sit-in protest organized under the banner of 'Yuva Nyay Sangharsh Samiti', since the 13 October. Among the people the team met were:

1. Sanjay Silswal
2. Pramila Rawat, member of Uttarakhand Kranti Dal
3. Shakuntala
4. Yogesh Dimri, journalist Anwala News
5. Taruni Devi
6. Saraswati Devi

All present had one main demand, and that was that the case should be transferred from SIT to CBI. Sanjay Silswal said that there has been negligence in collecting evidence and no DNA sampling was taken from the parents. **There was also a strong concern expressed that young girls from economically depressed families from the village were being trafficked in the name of getting them jobs.** Tribhuvan Chauhan of Lokarpan Channel who had made a video recording of Ankita's room at Vanantra Resort after she was reported missing said that at that time, the bedsheet was there in Ankita's room, but the same was missing during sealing. The CCTV cameras of the resort were not working and the wire was uprooted.

The protestors shared that after the protest on the 23rd of September, a meeting was held with the District Magistrate in which they raised the demand that the missing girl Ankita should be recovered at the earliest-- alive or dead. Ankita's body was recovered from the barrage of the Chila Power House at 5 am the next morning. In the police press conference, ASP Shekhar Suyal was asked where is the boy named Prafulla who made the video of the crime site, as a copy of the same had also been sent to a friend in Ramnagar. ASP said that many names will come like this. This audio recording is with Sanjay Silswal. **They also pointed out that as the area around Greater Rishikesh is divided between three districts (Pauri, Dehradun and Tehri), administrative problems are not resolved quickly.**

Pramila Rawat and Shakuntala ji, who have been vocal on this incident from the very beginning, said that they were constantly with the girl's family members. As soon as it was known that Ankita's body had been found, they immediately reached the site. Ankita's brother and father identified the dead body from the nose ring. Pramila Rawat says that she also saw the dead body. Her face was burnt, her front tooth was broken and her eye was gouged out. The body was slightly swollen, but it did not seem as if it had been in water for six days. There were open wounds. The body itself came up. She said, "we were not told exactly where the body was being taken. The administration sometimes said that it was being taken to Pauri, and then said Rishikesh." **Pramila Rawat said that when the Prime Minister Shri Modi came to Kedarnath, they had written a letter in blood to give him, but that they were not allowed to meet him, though they were told that their letter had reached the Prime Minister.**

Pramila Rawat and other women at the protest site said that MLA Renu Bisht was present at Vanantra Resort on the night of 23 September. The resort was bulldozed twice but only Ankita's room was demolished. Along with Renu Bisht, the name of the District Panchayat member Aarti Gaur came up again and again. And that she too was involved in the use of the bulldozer to demolish part of the resort. Even at the time of Ankita's post mortem at AIIMS, Renu Bisht was inside the premises. The State Women's Commission chairperson Kusum Kandwal and Aarti Gaur also came to AIIMS but had to go back due to heavy protests. The protestors said that they wanted to meet the doctors who were on the post-mortem panel to know what was the cause of death, but were not allowed to meet them; Ankita's family too was unable to meet the doctors. That day the protest continued for about nine hours and was broken up and forced to disperse when the police lathi-charged them. Pramila Rawat said she then went to Shrinagar. She said that Ankita's mother was admitted to the ICU by the administration and Ankita was cremated in her absence by pressurizing her father. There was huge public protest even against the cremation. A large number of women, men and students were there. Police used lathi force. Pramila ji also showed marks of being beaten with sticks on her body.

The people present at the dharna site raised the following concerns and questions:

- Why was Ankita was cremated before her mother could see her and why was the cremation done at night?
- **Why is the name of the VIP not being disclosed?**

- Ankita had been missing for three days, so what action had the Human Trafficking Cell taken?
- Why was the Tiranga Yatra of the youth stopped from going to Vanantra?
- Was Ankita's room bulldozed to erase the evidence? The involvement of Renu Bisht is problematic, equally questionable is the involvement of panchayat member Arti Gaud.
- **Why was no woman doctor present during the post mortem and that the post mortem itself was suspect**

Conversation with Pramila Rawat, the woman who was a witness to the body being recovered and the injuries on the 27th October, Rishikesh

How did you get to know that Ankita Bhandari was missing?

I got to know about it through the local newspapers and social media on the 22nd September.

What was your response after getting to know about it?

I contacted the local residents of Rishikesh and Dehradun. We went to the Laxman Jhula police station. We met Ankita's father and brother there. They told us in detail of their troubles since they became aware of her being missing on the 19th. They told us that their FIR was not lodged despite them visiting three police stations and the patwari chowkis. It was only on 22nd that the case was transferred to Laxman Jhula police station. There were many local people who had gathered at the station and were demanding that Ankita be found out and the persons involved be taken in custody.

When did the police arrest Pulkit, Saurabh and Ankit?

People had gheraoed the station from the 22nd. They informed that on the night of 22nd, Pulkit Arya, and Ankit came to the station with Pulkit's family members and the area's MLA Renu Bisht. Pulkit and Ankit were arrested and Sourabh had been arrested beforehand.

Had Saurabh come to the station himself? From where was he arrested?

On 22nd night I was not in the police station. I heard from others that he had been arrested. I am not certain from where he was arrested.

What did you all do on the 23rd and 24th in relation to the case?

People had gheraoed the station from the 22nd. On the 23rd, I went to Laxman Jhula police station from Dehradun. People were protesting consistently in front of the station with demands that police find Ankita. We were asked to sit inside the station. The local administration and the police were requesting that we go back to our homes. But we were insistent that we will not leave the station unless Ankita gets traced. We protested the entire night.

In the morning the news came that a body was found at the Chila barrage. We were with the family members of Ankita. They were taken to identify the body in 108-vehicle. A few of us also followed, though we got left behind due to its speed. Ankita's brother and father identified her through her nose ring.

Did you also see the body?

Yes, her body was kept in AIIMS mortuary. Post-mortem was not yet performed. After many requests, we were taken to the mortuary. I was in front, after me was Sarojini, then Arti Rana, followed by the hotel's staff Manveer. All of us saw the body. I attempted to make a video, but my phone was snatched away. Her face was burnt, a front tooth was broken and the eyes were protruding. The body was a bit swollen, but it did not appear as if it was under the water for five days. There were open wounds, the bones of her hands appeared to be broken. We were not allowed to stay and were taken out in a hurry.

Outside AIIMS, many had gathered. **It was very surprising that Renu Bisht was present inside AIIMS during this time.** What could she be doing?

We wanted to know from the doctors of AIIMS the reasons for her death after the post-mortem. We had blocked the road outside AIIMS. The police lathi charged us. Many were injured, and they also showed the injuries to the Fact finding team.

Did you go for a medical examination after bearing injuries?

No, I did not. I was mentally very dejected and sad, and did not pay attention towards my own injuries.

Did anyone else go for a medical examination?

I do not know about that.

Conversation with Ashutosh Negi, journalist, Jago Uttarakhand. 27 October, Rishikesh.

The team met Ashutosh Negi and Shyamsundar Bhatt. Negi had been called by the SIT to Rishikesh on that day for questioning. They expressed the following apprehension:

- Was the body that was cremated actually Ankita's? Her face was not in a condition to be recognized. DNA samples of Ankita and her parents were not taken. There was also doubt about the length of the dead body.

The journalists told the team that soon after that Fact-Finding team had left the Resort premises, the heavy deployment of police was removed and the women police were sent away immediately.

The following is the interview the fact-finding team conducted with Ashutosh Negi at Rishikesh:

How did you get to know that Ankita was missing?

Pushp called Vijat Rawat on the 20th September night that Ankita was missing. Vijat Rawat was visiting my home in Pauri, we were sitting together. Pushp had called Vijay after getting his number from Parvat Jan's Facebook page. He said that the missing girl was from the Dhobh Srikot village of Pauri. I was surprised to hear this as it is my village. But I did not know about Ankita or Pushp or Vanantra, as I do not stay in the village. On 21st morning, my relatives from the village also called me regarding this matter.

When did you visit Vanantra resort and what did you witness?

I visited Vanantra on the afternoon of 23rd. The outer glass of Ankita's room was broken. On her bed, her documents were lying scattered. Her bag was lying by the side. Its zip was open. On the chair, there were two bowls and a few rotis. Her room was in disarray. The bed sheet from her bed was missing.

Was the hotel sealed or people were allowed to enter?

On 23rd when I visited the hotel, I do not think it was sealed, as many local people were inside. They were not journalists. They seemed to be arguing amongst themselves. Police were present but the hotel did not seem to be sealed.

What seems to be the intention behind bulldozing Ankita's room?

Ankita's room was deliberately bulldozed as Vinod Arya is related to BJP; he is a leader of BJP. He must have got the room bulldozed using his contacts as Pulkit Arya had visited that room on the 18th and Ankita was heard shouting 'help, help' and the same evening she disappeared. Something untoward occurred there. Evidence could have been found from that room.

You have petitioned in the High Court. Do you not have faith in the SIT?

SIT has not gathered the evidence properly. In any case, to get justice, evidence is important. The way in which the resort was bulldozed is questionable. When the three were arrested on the 23rd they were presented before the Court. But they were not taken in the police remand, and they were not questioned properly. Instead, they were sent to judicial custody. In police remand, they would have divulged everything. SIT had been lax throughout in the case.

There is a mention of a VIP in the case? Do you think there is any truth to it or is it imaginary?

It is not an imaginary thing. The VIP has been mentioned in Ankita's chat. The record of the resort had been bad. **VIP guests used to come there. Many political leaders came there. Many bureaucrats/officials came there.** We have got to know about this. **That day also a VIP was coming there. Ankita came to know his name. She was killed so that she does not reveal the name.** The state government is trying to prevent the name from getting revealed to prevent itself from slander.

The team met with a hotelier in Rishikesh, Shri Vinay Bisht (details in Chapter 3 on Women and Tourism). When asked about Ankita's case, he said that the day the incident took place, he had tried to meet with the Tourism Minister Satpal Maharaj, but was unable to as he was busy. He did meet with the MLA Renu Bisht and when he asked her about this matter, she said that she would call the police and the district officials. At the time, there were a few other people with her and one of them said that the owner of the resort i.e., Pulkit Arya was a good person and from a decent family. Vinay Bisht said that after coming home, he came to know from Facebook that person with Renu Bisht was in fact Pulkit Arya's father. Shri Bisht expressed concern about the negligence of the police and the administration in the non-sealing of the resort and that a part of it was bulldozed, because of which crucial pieces of evidence appear to have been destroyed.

Part IV

Shrinagar: Interviews with the public representatives connected with the case.

Several eminent citizens of Srinagar, Uttarakhand, met the Fact-Finding team on the 27th on our way back from Dobh Srikot. They were media persons, activists, students, lawyers and trade unionists. They welcomed the fact-finding committee and looked upon it as one more platform to raise their voice. They continue to protest every Sunday at a prominent place in Shrinagar so that the issue is kept alive and justice is done to the victim.

Meetings with civil society at Shrinagar. The participants were:

1. Dr. Pratap Singh Bhandari (Congress leader)
2. Bhopal Singh
3. Reshma Pawar
4. Sangeeta Kothari
5. Sanjay Ghildiyal (Gairsan)
6. Dr. Arun Kukshal
7. Anil Swami
8. Yogendra
9. Gajendra Singh
10. Upasana Bhatt; folk Artist
11. Uma Ghildiyal,
12. Ganga Thapliyal
13. Robin, Journalist
14. Upendra Singh,
15. 20. Prithivi Singh Bisht, Ex-President, Garhwal Union
16. Yogesh Bisht; SFI HNVGU
17. Tarun Chauhan,
18. Mahendra Singh Nautiyal
19. Ankit Ucholi, AISA
20. Pradeep Joshi, brother of Mamta Bahuguna, who has been missing for three years
21. Sunil Krishna along with others

They were perturbed and angry by the way

- Pulkit, the main accused in the Ankita murder case and owner of the resort managed to keep out the law-and-order authorities from investigating the whereabouts of Ankita for four days.
- The manipulation of the family by the Pauri Garhwal Police and administration to dispose of the body of Ankita in haste by making the father hostage to them and preventing the family from having a free conversation.
- The mother was denied one last view of her dead daughter's face. They also questioned why was the body of Ankita cremated after sundown, which goes against local tradition.
- Violence and force were used on the protestors in Shrinagar who were demanding fair and just investigation.
- The outrageous act of demolition of the resort partially by the MLA Renu Bisht in the middle of the night of the 23rd of September. And no criminal action had been taken against her by the police. After all it was destruction of the scene of crime and loss of crucial evidence.
- The DM changed his statements on the demolition of the resort partially; he initially took responsibility for the demolition and later changed his stance
- Why was the resort located in the Ayurved factory premises. Did they have the rightful permissions?
- Four male doctors of AIIMS conducted the Medical Examination and why was there no woman doctor.
- Can sexual assault be ruled out when there was there ample circumstantial evidence that Ankita may have been sexually assaulted before the murder?
- Would evidence on the body showing sexual assault or rape survive despite the body being in the water for six days?
- The DNA samples were not done from the body samples of the girl.
- The present Government of Uttarakhand was protecting the son of Vinod Arya, one of their ministerial ranking ex-member of the Minorities Commission. He has also served as a member of the national executive of the BJP's Other Backward Classes Morcha. He was thus, until his expulsion from the party after his son was accused of murder, a favoured one with the ruling dispensations in Uttarakhand and Delhi.
- There was extreme laxity in collection of evidence even though the Special Investigation Team was enquiring into the matter and there was destruction of evidence of the scene of crime which was justified by statements that there was nothing substantive there.

Their fear was that

- Uttarakhand was becoming a den of serious crimes against women, where women are murdered or made to disappear. **Several cases were presented, where women could never be traced. They were related to domestic violence and sexual crimes.**
- The response of the Uttarakhand police was not one of protection and fair enquiry. The aggrieved had to continuously move court and try getting the court to issue orders relating to investigation. The police also ignored orders of the various courts as was stated in the case of Mamta Bahuguna of Srinagar who was missing for the last 3 years from her marital home since 25 November 2019. The court had ordered the reopening of this case and demanded a new investigation from the police. The Pauri Garhwal police has yet to implement the order.

- The Ankita episode in Vanantra Resort exposes how unsafe the working women were in the hotel and tourism sector. **They wanted to know the rules for inspections and regulations for safety. Especially, when all hotels are Spa hotels, they may coerce women to indulge in such acts.**

They observed that:

- The role of the State Women’s Commission showed complete ineffectiveness and failure to prevent, protect and help in the redressal of crimes against women.
- The Vishakha guidelines and the law on Sexual Harassment of Women at Workplace was hardly implemented anywhere in Uttarakhand. There was a complete neglect by the private sector regarding this and of course there seemed to be no attempt by the Government of Uttarakhand to ensure its implementation.
- The Ankita Bhandari case had exposed the vulnerability of young women of Uttarakhand to access higher education, training for employable skills, getting employment, provisioning of safeguards including “implementation of the law on sexual harassment of women at workplace”, the increasing crimes, including sexual crimes against women in the state, a corrupt and inimical police response system, housing, environmental concerns and the right to life and liberty in the state.

Part V

Dehradun: Meeting with Civil Society Groups

On the 29th of October in the premises of **Shaheed Sthal** located in the court, Dehradun, the fact-finding team met the representatives of different organisations. The meeting was attended by members of Uttarakhand Mahila Manch, Janwadi Mahila Samiti, Bharat Gyan Vigyan Samiti, Andolankari Manch, students, lawyers, journalists and activists and included Uma Bhatt, Malti Halder, Satish Dholakhandi, Trilochan Bhatt, Suresh Negi, Advocate Anuradha, Yudhveer Panwar, Vijay Bhatt, Shanta Negi, Mateshwari Rajwar, Yashoda Negi, Deepa, Kuwara, Vijay Naithani, Preeti Thapliyal, Sunita Uniyal, Jagmohan Mendirata, Mohan Khatri, Prem Bahukhandi, Shakuntala Mundepe, Sudesh, Ruchi Uniyal among others. Several shared their concern on how the case has been weakened as the police investigation has been sloppy and that most evidence had been destroyed. They expressed their concern about the increasing insecurity for the girls in the tourism and hotel industry.

The common understanding was that the response of civil society to Ankita’s murder in Uttarakhand has been strong and persistent, unlike what has been happening in states like Uttar Pradesh. A consistent pressure has been built because of which the struggle for justice has gained strength even as the case is being fought in the court with a strong prosecution. The protest for justice for Ankita has been one of deep public concern and anguish. A matter of concern expressed at the meeting was on how to involve Ankita’s mother in the case and ascertain her presence in the

court. Now she is coming to the court hearings. Another point stressed was the need to have LCC and ICC in the informal work spaces.

Part VI

Joining the Dots: Analysing the Electronic Evidence and the build up to the murder of Ankita

The chats between Pushp and Ankita provide the most important link of the murder. They not only disclose the reasons as to why she was murdered but also should be treated like her dying declaration. She fears that she will be coerced into sex work, despite her resistance. She feared bodily harm and lived in fear.

Very clearly the chats indict the key players, Pulkit, Saurabh and Ankit, who tried pressurising her to provide sexual services to the VIP who was visiting the place.

Secondly, the conversation with the staff Abhinav over the phone also shows that she was sexually assaulted by Pulkit and advances were made by Ankit. He also shares the fact that she is grabbed into the room by Pulkit and kept behind locked doors. What Ankita was subjected to is not difficult to imagine, as they also closed the windows when he tries to see what is happening. Ankita was definitely in acute distress as at one stage she was crying for help.

One of the most important witnesses in the case is Pushp who was a close friend of Ankita. He lives and works in Jammu. According to Pushp, they had met each other on Instagram a year ago. According to the father it was Pushp who helped Ankita find this job. According to interviews given by Pushp he had seen the advertisement online and called up the resort. They had wanted the applicant herself to make the call so Ankita had called up the resort and then her job was confirmed.

A set of several chats (see screen shots) on 17th Sept between 9:35 PM to 11:19 PM, and on 18th Sept, 7:39 AM to 11:04 AM. Ankita makes it clear that she cannot speak to Pushp on call as somebody may overhear. And therefore, was only communicating via whats app.

It is important to note that she is hesitant to do an audio conversation with Pushp in the middle of the night as she also says (screen shot of page 70) that she has been shifted out of her room for a few days, in the room of “sir”, meaning Pulkit’s room as several guests are coming.

She talked about feeling extremely insecure in the hotel as Ankit had approached her and told her the VIP guest who was coming on Monday needed extra service for a payment of INR 10,000. Her opening line is “Bahut insecurity feel ho rahi hai”.

When Ankita had bluntly refused to provide sexual services, Ankit tried to insinuate that she, out of her own volition, had enquired about spa services. On Pushp's inquiry, she clarified that she had only asked whether they would also start spa services and nothing beyond that. Ankita said she made it clear to Ankit that, “you think I am poor and will sell myself for INR 10,000”. When she made it clear that she would not do it, **Ankit said that he was not asking about her, but whether she knew**

somebody who would be willing. Ankita emphasised in her conversation with Pushp that Ankit had approached her so that he could convince her for the extra service. She also stated that the three were in a conspiracy to pressurise her so that she does not say no. Pushp also suggested that she should scold Ankit for making this offer. Ankita explains that there is no point in talking to them. However, on Pushp's insistence, she said that if next time he makes a similar offer, she shall stop working as it is an obscene/bad hotel that wants to make her a "raand" (prostitute). This conversation goes on till 9.48 PM. Before saying good night to each other, Pushp tells Ankita that she should receive his call when he calls her. Pushp then wishes her good night at 11:19 PM. (see annexure 5 for the details)

Next morning, Ankita messages good morning at 7:39 AM, and Pushp responds back at 8:31 AM. At 11:03, Ankita writes that she has been approached again to handle the guests. Pushp again insists on calling her. Ankita seems to ignore it and says that Ankit told her that if she does not give the extra service, she will be removed and another girl will be brought in. She was told that the other girl would dominate her. However, Pushp says that they will not remove her. (See annexure 5 page of the chat screenshots and text)

After Ankita Bhandari's murder, Pushp, in a conversation with media person, Vijay Rawat from Parvat Jan, says that he now recalls that even before the 17th Sept, things were happening, but Ankita was hesitant to disclose them. However, she had dropped some hints but did not elaborate. In one whats app chat which we were unable to get the date of, maybe it was the 16th, Ankita tells Pushp that, she is now in Pulkit's room, when he asks why, she says that a large number of guests would be coming and all rooms were needed, so she has been asked to shift her room.

See full interview of Pushp with the media person with Pushp on you tube
<https://youtu.be/Ysv6kZgSSHk>

Pushp goes on to say that at 6 PM on 18th Sept, he had a normal call with her, but she started crying. When he asked, she said that she would tell him in detail at night. This can be confirmed from Abhinav's conversation with media persons (see annexure 3), *where he says that she was speaking to someone around 6pm and crying for help, which is when Pulkit grabs her and covers her mouth and takes her inside the room and locks the door. She only comes out after an hour and was then taken out of the resort.*

According to Pushp, Ankita had told him that Pulkit had called up the police and told them that there was a girl in the resort who was indulging in obscenity and should be taken away. Pushp thinks that they did it to scare her. But she was deeply disturbed and probably in fear of being picked up by the police, that is why she was crying. At 8:30 PM, she called up Pushp. He could hear the movement of vehicles. She told him that she was out of the resort, and Pulkit had brought her out to discuss something. Pushp did not take it seriously as it was nothing new, as even earlier, they used to be stepping out of the resort in the evening and night. However, Pushp had become suspicious as she had not disclosed the proper location and simply said they were on the road when he asked her to share what happened, but she did not. On her own, she kept continuing the conversation by speaking about things that he had not even asked about. They talked for about 18 minutes and 55 seconds. At 8:52 PM the call was disconnected. Clearly, she could not share anything specific, but

the last thing she told him was that she had been trapped. After that, her phone showed being switched off.

Pulkit Arya, the owner of the resort, called him at 9:31 PM to distract and manipulate Pushp.

<https://youtu.be/TREtalpSjvQ>

On the 19th, Pushp talked to all three separately- Pulkit, Ankit, and Saurabh, and waited till about 1 PM, and then spoke to Ankita's father expressing his concern about Ankita's whereabouts.

<https://www.youtube.com/watch?v=FRXXsAPxNOo>

Saurabh had called up Pushp on the 19th morning and told him that Ankita was not in her room and that they had been looking for her but could not locate her. Pushp had enquired about her belongings and Saurabh informed him that her belongings were in her room. **Pushp tells them that she never steps out on her own, so how can she disappear?** Saurabh tells him that he is also wondering the same and thus enquiring about it. Pushp tells Saurabh that the last time he talked to Ankita was before 9 PM when she was with them, so they should know about her whereabouts.

Pulkit had told Pushp the night before that they were looking for an extraordinary candidate and Ankita should find a job elsewhere. Pushp also disclosed that he also talked to Pulkit in the morning. He had managed to get Pulkit's other number as his main number was switched off. Pushp insists that they are hiding something and that they should clearly tell him what the matter is. Saurabh completely denied it and said that everything was normal. Saurabh told Pushp that he had looked for her, and now he would go check on the rear side of the resort to see if she was sitting on the banks of the river Ganga.

Pushp, in the course of the conversation, asks Saurabh as to what were the reasons for Ankita taking Pulkit's phone for the night. Pushp tells him that Pulkit had disclosed this to him the night before. Pulkit had said that she had taken Pulkit's phone as her phone was dead. Saurabh completely denied knowing anything and said that he would ask Pulkit who was not available as his location was outside the premises of the resort on the new property.

Pushp insists that her disappearance is not normal and that by evening if she is not located, it may become a serious issue. Pushp also revealed that it had been three days since he had returned home, and she was not with him. If she was with him, why would she have called him.

In an audio by Chandigarh 24 News,

https://www.facebook.com/watch/?v=613514806901920&extid=WA-UNK-UNK-UNK-AN_GK0T-GK1C&mibextid=2Rb1fB&ref=sharing Ankita is crying and telling the staff to bring her belongings to the floor above. The male staff tells a colleague that they have to go down and reassure Ankita that they are coming.

A news report of ABP news on 25th Sept showed that police found footage on the CCTV near the barrage – it appears that just before the murder, Ankita had ridden pillion on Pulkit's bike.

Abhinav's statement

Taken from the petition filed in the Nainital High Court titled Ashutosh Negi Vs the State of Uttarakhand and others. This is a summary of the Annexure IV of the petition (transcript of the video circulating on social media of the interview of a media person with Abhinav; the video is available to the public)

Abhinav, a hotel staff, was going to the Guest room with his brother Khush. He saw Pulkit in Ankita's room, and Ankita was crying. When he stepped out of his room, he saw the driver. Ankita was talking to someone on the phone. As soon as Pulkit came, she screamed for help. Pulkit then shut her mouth and pulled her close to him, the door was shut behind him and then he stayed in her room till 7 PM.

After that, he saw Ankita standing in her room while Ankit (another staff member) was dancing. He kept dancing in front of Ankita for 20-30 seconds. He pulled her towards the bathroom, then Pulkit held her hand and took her away. He then saw later that Saurabh was taking Ankita riding pillion on the two-wheeler and the other two Pulkit and Ankit were on another two-wheeler.

There is also clear evidence from the CCTV footage that was found near the Chila barrage, where she is seen travelling pillion with Pulkit Arya driving, when they are going away from the resort. When they return, the CCTV footage shows only three of them.

Body being found in the barrage. And the CCTV footage.

<https://www.youtube.com/watch?v=6LQCOuxrG7s>

Part VII: Meeting with the Uttarakhand State Authorities

Meeting with the DGP Ashok Kumar and SIT Chief- DIG Renuka Devi

On the 28th afternoon a delegation from the fact-finding team met the deputy inspector general of police P. Renuka Devi who is heading the SIT investigating the murder case of Ankita Bhandari. On the 29th morning we met Mr. Ashok Kumar, the DG police who called the DIG once again.

When the team met the DIG, she was guarded and reluctant in sharing anything about the case. She refused to talk about the full medical report and said that the provisional report was sufficient for the public at this stage. The team's concern was the delay in the lodging of the FIR, why there was no provision of Zero number FIR, the unbelievable ordeal Ankita's father had faced. Why was the scene of crime not protected? Had substantive evidence been destroyed? What protection was contemplated for witnesses? The police officer was extremely reticent and refused to divulge the sections which they may have added, in the course of the investigation, as the initial report was a missing person report. She agreed, though, that the life of a working woman who had just begun her career was rudely cut short.

The meeting with the Director General Police, Mr. Ashok Kumar was cordial and interactive. The team's concern was to ensure that strict action is taken against the officials who erred in the Ankita

Bhandari murder case. Police personnel who refused to act on complaints from Mr Bhandari and attempted to cover up the crime in the first week must face the law. Fair and just investigation must now be undertaken, so that a strong charge sheet is filed and all culprits punished.

The DGP heard the concerns raised by the team carefully:

- The role of the Revenue Police and the criminal act of denial of lodging an FIR and delay in beginning investigation in the Ankita Bhandari murder case: Demanding the dismissal of both the revenue police officials and strict action against the Pauri Garhwal DM for failure of due diligence and not acting swiftly on the report lodged on 19th September
- Jurisdiction no ground for denial of lodging an FIR and whether the system of filing of zero number FIRs existed in Uttarakhand State. And if it did not exist it should be put in place at the earliest. We also wanted to know whether action was taken by the authorities against the SHO of these the three police stations, who refused to lodge the FIR on 19th and 20th.
- Partial demolition of the resort and destruction of substantive evidence and the impunity granted to Renu Bisht MLA along with the SIT police examining thread bare the role of Renu Bisht in destroying critical evidence. After all only videography and photography was undertaken, no biological evidence was taken from the room which Ankita lived in, which was destroyed by the bulldozers.
- Who was the VIP that Ankita was to provide sexual services to? According to the DGP and the SIT, the VIP was the person who had taken or was the guest in the VIP room. Police were confident that there was no person identified as a VIP who was being talked about.
- The key issue of Protection of Witnesses had still not been put in place by the Uttarakhand government. The two staff members Abhinav and Kush who are residents of UP, and Pushp, the friend with whom Ankita shared everything via chat and phone, the primary witness of the case, should be given protection, wherever they are. Since Abhinav and Kush are in UP, the state police should request the UP police to help. And to offer Pushp protection, help should be sought from Jammu police. Uttarakhand police and home department should coordinate this.
- Appointing special PPs and Legal Aid

The team also raised some general issues regarding the preparedness and plans for sensitizing and modernizing the police system **and finishing the revenue police system, a colonial remnant that was retained only in Uttarakhand until this murder case spurred the government to act upon it. It is important to note that in the backdrop of the movement following the Ankita Bhandari Murder case, the Uttarakhand cabinet sat and took a decision to abolish the Revenue police system and accepted the High court order. With this decision in place the SC dismissed the Special leave petition.** <https://www.livelaw.in/top-stories/supreme-court-uttarakhand-revenue-police-system-appeal-closed-212499?infinitemscroll=1>

The Team's concern was that in the process of replacing the revenue police system with the regular police system, there could once again be a situation of chaos and issues of jurisdiction would be raised. They cautioned against this emphasised the need to have plans in place for the transitioning phase to prevent such a situation.

The team also strongly stated that apart from the above, the long-standing demand of activating Community Liasoning Groups (CLG), the Internal Complaints Committee under the Protection, Prevention and Redressal of Sexual Harassment of Women at the Workplace should be in place in public and private work spaces.

The DGP told the team that the investigation was on track with the Postmortem report and the CDR details etc. coming under its purview. **He said that the state had no advisory that a woman doctor be available during the post mortem and, in any case, the AIIMS, Rishikesh had their own rules for conducting the PM.**

However, he made a note of the issue of the Zero number FIR. Regarding the demand that action be taken against the SHOs of the three police stations who did not register the FIR, he said he would get it investigated. **Regarding Witness protection, he stated that none of them have asked for protection.** Whether all the three witnesses had their section 164 statements taken, he was not sure. Regarding investigating the MLA Renu Bisht's role in the demolition, he said that since the matter was in the High Court, he would not make any statement on it. **He also said that the CLGs were very much there, but even the women's groups representatives did not know about it, so it was clearly on paper, which he again said they would try activating them.** He kept assuring us that there would be justice for Ankita. He also assured that all erring officials would be taken to task under the due process of law. He said that the police were fully complying with the law on sexual harassment of women at the workplace. He said that the charge sheet would be filed at the earliest, well within three months.

A memorandum was submitted to the DG Uttarakhand (Annexure 8)

Meeting with the Chief Secretary

On the 28th of October the team met the Chief Secretary of Uttarakhand in the backdrop of the Ankita Bhandari case. The team raised several issues relating to the civilian side of the case, concerning reparation and rehabilitation policy, setting up special public prosecutors and legal aid, no safeguards for working women in the private sector and the non-existent Internal Complaints Committee and Local Complaints Committee in the hotel industry. **The team critiqued the ad hoc nature of the provisioning of relief money. It was very arbitrary, some survivors or their kin got it while others did not and the rehabilitation on a selective basis of survivors and their kin in their state.** The team talked about making a policy on rehabilitation and reparation in the state for survivors of violence and for their kin. The team told him that rebuilding of lives was not a personal issue, and the struggle for justice was very expensive and tedious. The team also talked of the travesty of the system of revenue police which had no due diligence and monitoring. It was outrageous that the District Collector had no system of keeping track of the cases people were filing with the Revenue police, the Patwari and he could choose to ignore it or do nothing. In this case, the team urged him to take action against the full chain of command, as it was a complete failure of due diligence and supervision. He said that they were following the due process of law and apart from suspending the patwaris, he would also examine our recommendation. The CS agreed to get the ICC implemented in the private sector. The team further requested him to examine whether the ICC even exist anywhere within the private sector and the role of the DMs in constituting the LCC and its

functioning. The team insisted that since the Government is promoting ***Tourism in Uttarakhand and employment of women in this sector therefore it becomes*** important that there be a gendered comprehensive policy on tourism in Uttarakhand addressing issues of sexual harassment at workplace, employment, wages and other attendant issues.

Consequently, a comprehensive policy for women and girls for the State of Uttarakhand be brought out urgently.

A memorandum was submitted to the Chief Secretary, Uttarakhand (Annexure 9)

Meeting with the State Women's Commission

Members of the team met with Ms. Kusum Kandwal, the Chairperson of the State Women's Commission, Uttarakhand at her office on the 27th October at 4 pm. After a round of introductions, the team asked what steps were taken by her on being informed of Ankita having gone missing in her capacity as the Chairperson of the Commission. She initially said that as she resides in Rishikesh, she had personally gone on the 18th of September to the Lakshman Jhula Police Station and had instructed them to find Ankita. When asked why was Ankita's father was forced to go from one Police Station to the next to have his case registered, she again explained herself and gave 3 different versions of the same event, but said that she had been active right from contacting the District Magistrate of Pauri to take prompt action, right till the Post Mortem report. However even while she agreed with the need for an unbiased investigation, she had no comment on the need to interrogate the MLA Ms. Renu Bish on the destruction of crucial evidence

When asked about where all were the Vishakha Committee Guidelines being implemented in the State and what measures were being taken by her office to monitor the same, she again was evasive and said that she would now write to the District Collectors of each of the districts.

The team also enquired if the Commission had taken cognisance of and had any record of the growing incidence of Massage Parlours being used as dens for sex trade. Ms. Kandwal evaded this question too.

Ms. Kandwal, however voiced her opinions saying the everyone should be ethical and that the problem lay in the excessive use of the mobile phone. She said that she had participated in a meeting called by the Chief Minister on the issue of safety of women in the workplace, but she did not have any specific and well considered suggestion on how the Commission should be tackling such cases of violence against women. **The Fact-Finding team came away with a strong sense that the Women's Commission had no preparation or the vision to further the safety and interest of women of the State and appeared to work as a handmaiden of the political party currently in power.**

A memorandum was submitted to the Chair, State Women's Commission, Uttarakhand (Annexure 10)

Meeting with the Additional Secretary Tourism and the Additional Director, Uttarakhand Tourism Development Board

On the afternoon of 28th October, a delegation of the fact-finding team met with the Additional Secretary Tourism, Shri C. Ravishankar and later with the Additional Director Tourism Ms. Poonam Chand, on issue of women within the tourism and hospitality industry, the safety of women in the workplace and the impact of the Ankita Bhandari case of on tourism in Uttarakhand.

During the interviews it was shared by the Additional Secretary Tourism that as per the Travel Trade Registration Act, 2014 it is mandatory for all establishments to register under this Act. It is clear that this has not been the case with tourism related units in the State of Uttarakhand with few hotels that have due registration, just as it has not been done with the workers who need to be registered with the Labour Department.

The team was informed that after the Ankita incident, the Hotel Owners Association made a representation saying that all tourism establishments should not be viewed through the same lens and there are several hotels where women safety is given due importance and there are others that do not.

The UTDB has set up committees at the district level under the District Tourism Development Officer to survey all establishments that are unregistered and functioning illegally. A report of the same has been submitted to the tourism minister. Accommodation units have been fined, penalties levied and notices issued, though none have been demolished. **When asked about Vanatara resort and the reason why it was demolished at midnight, the Additional Director Tourism did not have a response.**

The Additional Secretary Tourism said that the government recognises that the issue of women safety is of utmost importance. This is not just about the tourism and hospitality industry but for each and every sector, establishment and every worker. Towards this end, the police department has been identified as the main nodal agency for all departments. **The Police Department has created certain apps and have published a helpline number, though the modalities still need to be worked out.** While there is a focus on technological solutions, the police must also strengthen its response mechanism and its process of investigation, including induction of more women into the force at all levels.

Regarding the introduction of Apps and other redressal mechanisms, this information first needs to be brought into the public awareness so that people can access these systems based on which its impact can be assessed- how well is the system functioning, what is the response time not just in the urban areas but also in the rural and remote places. **There is currently a helpline for women, but it has not been specifically publicized within the tourism related establishments to ensure women's safety.**

He said that the role of civil society is of a bridge between the government and the people and if there are limitations or gaps in the system then to raise those issues. The Additional Tourism Secretary acknowledged that while the government has laws in place, implementation is lacking.

Shri Ravishankar shared that prior to this incident, the UTDB was already in the process of signing a Memorandum of Understanding with UN Women on the issue of working on women's safety on the lines of the Madhya Pradesh Tourism Development Board (MPTDB). This initiative is to support the 'Safe Tourism Destination for Women in Madhya Pradesh', which will bring together State Departments, NGOs, hoteliers and travel associations. The programme will develop a safe environment for women travellers, improve the quality of service across 50 tourist destinations in the state. *While the safety of women travellers is an important concern, the fact-finding team asked why this programme is not for all women -- the travellers as well as the women from the local communities and those in the workforce.* Once this is done, they will be conducting surveys and will ensure that requisite systems and processes have been put in place. He said that, for instance, in the future when homestays are registered, there will be a clause that addresses women's safety wherein the police helpline number will have to be displayed in each of the rooms. Regarding awareness about the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 and the setting up of the Internal Complaints Committee (ICC) is required, The Additional Director shared that 2-3 organisations have come forward to conduct these trainings. The fact-finding team also suggested that as UTDB was planning to amend the Travel Trade Registration Act, 2014 and develop Standard Operating Procedures, a clause be inserted to ensure the formation of the ICC and that trainings be conducted within 3-6 months of their registration or renewal of licence; otherwise, registration would lapse.

Ms. Poonam Chand said that relatively there are still fewer women in the Tourism and Hospitality sector. Despite it being mandatory to register all tourism units, there is low compliance even amongst the big Hotels and that there is a drive underway to identify such unregistered units. She said that it is only when they are penalized that there will be better compliance. While she said that implementation of various measures to ensure safety of women in the workplace and setting up of ICCs in a phased manner are being undertaken, there was no timeline or urgency to ensure that it is done on priority, given the fact that there has been this crime committed on a woman working in the tourism sector. The UTDB needs to ensure that proper systems and processes are put in place to ensure the effective implementation and the monitoring of these initiatives.

In the context of the plan to extend tourism across the state, she said that it has been agreed that homestays will now only be registered in rural areas and only those that are run by the family to ensure regulated growth.

When the team raised the issue of the proliferation of private Hotel Management and similar Institutes in the state and that these too need to be registered with the UTDB and should be monitored vis a vis the quality of skill and training being imparted, she countered that this would come under the education department.

The Fact-Finding Team submitted a Memorandum (Annexure 11) to Uttarakhand Tourism Development Board on 28th October 2022 which demanded and emphasised the need for:

- A new comprehensive multi-sectoral gendered State Policy on Tourism,
- Develop a State Plan of Action and Standard Operating Procedures
- Strengthening of the Tourism Trade Registration Act,
- Expand scope of protection
- Take accountability and implement regulations, labour inclusion and acknowledgement
- Awareness and training
- Conduct surveys and research

Part VIII

The legal intervention in the Ankita Bhandari case and monitoring of the investigation by the Uttarakhand High Court.

Mr Ashutosh Negi, a journalist and editor of a news portal/FB page/ You Tube channel called Jago Uttarakhand and a fortnightly newspaper, first reported the incident of the missing Ankita and continuously followed up the Ankita murder. He also claims that he was a distant relative belonging to the same village and filed a writ petition on 19th October in the Nainital High Court. (WPCRL – 1974/2022). The respondents were the State of Uttarakhand, through the Home Secretary, Uttarakhand Civil Secretariat, DGP, Uttarakhand, Senior Superintendent Pauri Garhwal, CBI through the director.

Till now 5 hearings have happened (20th October, 3rd November, 11th November, 18th November, 21st November) and the state filed its counter application on the 11th November and on the same day the parents Birendra Singh and Soni Devi were impleaded as petitioners. **A gag order was passed on 18th November and an embargo on the publishing of the hearings in this case was ordered.** The next hearing was held on the 26th November and was reserved for judgement till the next hearing. The court had summoned the SIT chief P Renuka Devi, DIG and Inspector R.S. Kholia twice. **The counsel for the CBI Dy. Solicitor General produced in writing instructions from the CBI which he stated was confidential. It was kept in a sealed cover.**

The petition filed by Ashutosh Negi has prayed that the investigation be transferred to CBI and a status report on the investigation by the SIT be made public. As the state was trying to protect the accused, Pulkit Arya, a high-profile person and son of a former state minister, the owner of the resort where Ankita worked for 20 days. Negi's petition said that it was the high profile of Pulkit Arya that explained why Ankita's father was unable to get the case registered between 19th and 22nd September.

The grounds taken by the petitioner to show the prejudicial investigation were several. The key argument was of the eyewitness Abhinav, one of the housekeeping staff of the resort, who gave the account of the afternoon and evening of the 18th of September, the last day of the life of Ankita. According to him she was sexually assaulted by Pulkit Arya first, then Ankit. (The word used is rape by the petitioner) and then taken away from the resort sitting behind Saurabh on the two-wheeler. She had cried "help-help!" when Pulkit had locked the room and been with her for an hour.

The interview is self-explanatory given hereunder:

In her conversation with him, she also shares her fear of harm being done to her (see transcript)

His arguments also pertained to the chat messages of the petitioner before her death which clearly shows how she is being coerced to give sexual services to a VIP, and she is very unhappy and wishes to leave the place. According to the petitioner the local police was trying to protect the VIP, and even his name has not been disclosed. The case must thus be taken away from them. The most serious aspect of the criminality of police was the crime of omission or commission of the scene of crime, where the local MLA Renu Bisht gets bulldozers to bring down the room of Ankita. No forensic

evidence samples were collected, other than just photography of the room. After all, according to Ankita and the staff members, Pulkit had made her move into the room next to his and had come into her room on the 18th and shut the door. The investigation was so careless that the CCTV footage had also not been obtained. The argument that the post-mortem carried out by the AIIMS team did not have a gynaecologist, had ruled out rape, as written in the provisional report, also showed the prejudicial attitude of the state, and its bid to save the accused.

The counter filed by the State police:

In a 26-page reply filed on behalf of the SIT by the Inspector Mr. RK Kholia, on the 11th of November, 2022 in the Uttarakhand High Court, the thrust has been that the police have been conducting fair and unbiased investigations. Some of the facts provided by the SIT in its affidavit related to the case and the investigation is as follows.

That on the 24th September, 2022, an SIT was constituted headed by DIG P. Renuka Devi, Additional SP Mr. Shekhar Suyal, ASP Rekha Yadav, Inspector RK Kholia. All statements of the witnesses had been taken under section 161/164 CrPc. New Sections of the IPC, sec 354 and of the Immoral Trafficking Act had been added and the section 365 IPC relating to abduction had been omitted. The FIR was now being investigated u/s, Sec 354, 302, 201, 120 (b), 5 (1) B of the Immoral Trafficking Act, 1956. Analysis of the Call Details Record (CDR) and the Internet Protocol Details Record (IPDR) of Ankita and all the three accused, the DVR, Hard Disks, mobiles had all been sent to the Central Forensic Laboratory, Chandigarh.

The counter reply asserts that Ankita was harassed by the three accused to carry out immoral acts. Since she refused to comply, the accused began to fear that Ankita may disclose their scheme to the larger public and bring a bad name to the resort. They took her to Rishikesh and threw her into the canal near Kunnau Bridge, between Pashulok Barrage and the Resort. Thus, the story of her missing was created by the accused thereafter.

The affidavit further gives the criminal history of Pulkit Arya and exhibits cases in Nagar Kotwali Haridwar, Case number 595/2016 u/s 109, 120 (B), 34, 419, 420, 459, 471 IPC and at PS Bahadrad. District Haridwar case number 175/ 09, u/s 447 IPC, and evidence in all has been collected.

The counter reiterates that there was no evidence of rape. No witnesses in their testimonies stated it and neither did the PM report or in the forensic evidence till now. They also add that the petitioner has failed to provide any documents or other evidence towards this or other claims made by him, although he did give his statements to the SIT.

They further emphasise that according to the resort staff the VIP guest is a classification for the customer who stayed in the Presidential suite in the resort. They clarify that they checked the booking register and the online bookings and, on the websites, also checked the call details of all the contacts of the accused and found no booking or arrival of a VIP person.

Regarding collecting evidence from the resort before the demolition of the room in which Ankita stayed on the 24/09/2022, they clarify that on 20th September, 2022 the officiating Patwari for the circle Vivek Kumar had prepared a site plan (Nazari naksha) and recorded the statements. Similarly on

the 22nd of September 2022 the SSI Manohar Singh Rawat, inspected the resort and in particular the room of the deceased. And on 23.09.2022 the forensic team of the district conducted photography and videography and collected the belongings of Ankita. There were no chance finger prints and no other biological evidence was detected.

They further stated that several witnesses were examined regarding the demolition including the MLA who is being held responsible. They also state that the CCTV cameras were not functional according to the staff and the police did recover two Digital Video Recorder (DVRs) and sent them for forensic examination.

The mobile of Ankita and Pulkit were never recovered as they had been thrown into the Chila Canal. The last location of the phones is at the Chila canal near Kunnau bridge.

The affidavit goes on to say that the SIT is in regular contact with all the witnesses and not one witness has complained of being intimidated or threatened.

The SIT further discredits the petitioner in Para 37 and 38 and questions the locus standi of the petitioner including his misinformation campaign regarding the disappearance of one Priyanka Singhana who confirmed on 25th September itself that she was safe, still the petitioner continued spreading the information that she filed a case number 0249/2022 in Prem Nagar, Dehradun. They also list the series of FIRs against him, in which there were stays on his arrest by the Uttarakhand High Court. They also talk of his endeavour to collect money online claiming justice for Ankita which was discontinued due to public pressure.

The High Court heard the case again on 26th November, 2022 and it was reserved for judgement. The gag order of 18.11.22 is to continue till the next date of hearing.

Part IX

Looking at Crimes Against Women in Uttarakhand: Data at a glance.

The Data on crimes against women in Uttarakhand as shared by the National Crime Records Bureau in 2020 shows a very high rate of rape as compared to the national average, both for rape and POCSO cases. Murder shows a very low rate, which could be low reporting rather than the actual fact of murder cases happening. Rate is calculated on a per lakh basis. The issue of increasing crimes against women has to be understood with more comparative data.

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Crime Against Women from NCRB 2020

Total Crimes Against Women

State	2018	2019	2020	Population	Crime Rate	Chargesheet Rate
Uttar Pradesh	59445	59853	49385	1095.0	45.1	77.1
Uttarakhand	2817	2541	2846	55.2	51.6	79.9
TOTAL STATES	360339	387997	357363	6397.3	55.9	78.7

Murder (Male and Female Total)

State	2018	2019	2020	Population	Crime Rate	Chargesheet Rate
Uttar Pradesh	4108	3806	3779	2289.3	1.7	86.4
Uttarakhand	211	199	160	113.1	1.4	81.5
TOTAL STATES	28250	28194	13151.8		2.2	85.3

(this and the following Table are from the chapter on Murder.)

Murder by Age and Gender

Child Victims			Adult 18-30 years		
States	16-18 years	All child victims	M	F	Total

	M	F	Total	M	F	Total			
Uttar Pradesh	45	28	73	140	149	289	1201	365	1566
Uttarakhand	2	0	2	8	0	8	42	10	52
West Bengal	7	15	22	30	39	69	354	459	813
Total States	176	127	303	795	744	1539	7497	3018	10518

NOTE: Very low reporting on murder in UK. The example of West Bengal has been given to show that this is not unique to Uttarakhand – WB is a very large state with very low reporting too. Rates of Specific Crimes are calculated on a per lakh of population

Crime	Uttarakhand	Uttar Pradesh	India
Murder with Rape	0	0	0
Dowry Deaths	1.2	2.1	1.1
Abet to Suicide	0.2	0.3	0.8
498A	12.1	13.2	17
Kidnap/Abduction	6.3	8.3	9.5
Rape	8.8	2.5	4.3
354 (SH)	8.6	9.0	13.0
Immoral Traffic	0.1	0.0	0.1

POCSO	10.1	6.1	7.0
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NOTE: Rape cases are very high in Uttarakhand. So are cases under POCSO. Others below the national average. Rates of Specific Crimes against Women per lakh of population

Chapter 3:

Women and the Tourism Industry in Uttarakhand

On September 24th, 2022 the body of Ankita Bhandari, the receptionist at Vanantra resort at Rishikesh was recovered from the Chila Barrage Power House in Rishikesh. Pulkit Arya, the owner of the resort and employer of Ankita, along with the manager Saurabh Bhaskar and assistant manager Ankit Gupta confessed to having pushed her into the canal. According to the police, the evidence collected suggests that the accused were pressurising Ankita to provide some guests with "special services" and killed her when she resisted. In WhatsApp and phone texts, including audio messages from Ankita, she repeatedly told her friend that she was being forced to offer sexual services to a VVIP guest coming to the resort.

*This murder of a teenage girl who had aspirations and dreams to lead an independent life stirred up protests across the state and unrest across the country. Though Vinod Arya, a BJP leader, the father of Pulkit Arya was expelled from BJP, the communities in Uttarakhand and activists are observant of the political backing the accused have by the ruling party. **Times of India also reported a case of Rishita and Vivek Bharadwaj, a couple from Meerut, who allegedly were employed by Pulkit Arya in Vanantra and had escaped from there just after working for a month.** According to their testimonial which SIT reportedly will be recording, Arya would entertain his guests with girls and drugs and was abusive towards the employees. Ankita's case, then, is not the first time that Vanantra resort has been in trouble.*

- How is it then, a resort of such an ill repute is allowed to function?
- Did the powerful political background of the resort management grant impunity for the resort to carry on?

Women in the tourism workforce

The fact-finding team focused on several pressing concerns regarding women in the tourism workforce. **Globally 54% of people employed in tourism are women. Women continue to make up the majority of the tourism workforce worldwide but remain concentrated in low-level employment.** Similar figures however do not translate within the country. According to the Tourism Satellite Accounts (National and Uttarakhand) conducted by National Council for Applied Economic Research between 2014-2015, the direct share of tourism employment to total national and state employment is 5.4% and 8% respectively. For the accommodation services/hotels the corresponding

numbers are 3.2 % and 8.3% respectively. Nationally, women in the hotels and other accommodation services accounted for only 14% of the workforce within the hospitality sector. Disaggregated gender-based data for Uttarakhand is unavailable. However, based on interviews with the hotel operators, employment of women in hotels and smaller guest houses and the other properties in the industry has been increasing.

The fact-finding team spoke with Dr. (CA) Sunil Gulati, Chairman Ellbee Group that runs large hotels in Rishikesh and Mussoorie in a phone interview, who said that with the rising number of women tourists, both inbound and domestic, and with families that travel with women and children, employing women in their establishments engenders trust and a sense of security and therefore his Group employs women and provides them with secure accommodation and facilities. Most of the bigger accommodation units and franchises of the international brands, are for hiring women. In another interview with Shri Praveen Sharma, ex-Board Member, North India Hotels and Restaurant Association, he said that “women are sincere workers. There are two reasons why hiring women is important, one the more women in the workforce means a safer workplace for all women and secondly, women travellers also feel safe.” The same observation was shared by Vinay Bisht, Managing Director of Divine Resort and Spa in Rishikesh and member of the Uttarakhand Hotel Association and the Greater Rishikesh Hotel and Restaurant Association. His property employs 10-12 women employees at the spa, front office, kitchen and housekeeping. **A case like this at the times where tourism is becoming a major source of employment for the local people and for women is deeply concerning.**

According to Praveen Sharma, “In the minds of the tourists an incident such as this is short-lived and smaller hotels and those in the vicinity see cancellations, the greater impact is on the women and on the workforce. Parents are already wary of sending their girls to the hotels to work and such instances only deepen this thought.”

On the other hand, as shared by Nripendar Choudhury, General Manager, Panambi Resorts, a mid-sized property, they have become *nervous* of hiring women. After visiting Vanantra the fact-finding team visited a nearby resort which was owned by a company named Panambi. There was no female employee in that resort except a woman who was responsible for cleaning the premises. The resort manager at Panambi confirmed that after the Ankita Bhandari incident they are afraid to hire female staff. There was no ICC in that resort and the employees were unaware about the POSH Act. The resort **manager confirmed that the aforementioned incident has dealt a severe blow on the Resort’s business and that the Vanantra Resort was in fact being run illegally.**

Hoteliers have also raised concerns regarding the mushrooming hotel management institutions in the state. **According to them, these institutes are compressing three or even five years long courses into three to six months long certification courses.** Many young people in the region and most young women are paying large sums of money for their certification courses and are getting employed in the hospitality and tourism industry. The nature of training and the quality of it are being questioned by the employers in the industry. The team tried speaking with one of such institutes to learn more about their curriculum, but weren’t successful.

The issue of safety of women in the tourism workplace:

The fact-finding team found that with a rare exception, the industry players tended to be careless in this regard. Speaking of the measures his establishment takes to ensure the safety of female/women employees, Dr. Sunil Gulati said that even during Covid, his hotel continued to provide accommodation to women employees. Vinay Bisht said they do not employ women in night shifts and have their own transport from the workplace to their homes in case the women are required to put in extra hours during the peak tourist season. According to him, some of the resorts and other properties in the area are proactive in coming up with such safety measures. However, he was not aware of the mandate for a workplace to have an ICC or any idea of a law to prevent sexual harassment of workers. Other hoteliers also confirmed that they have no knowledge about the ICC and the laws protecting women from the violence/sexual harassment at the workplace. There are no avenues open for employees to complain or find a safe space against sexual harassment at work.

This, in a sensitive industry such as tourism and hospitality, where one has to interact with strangers at odd hours, is a dangerous lacuna. As a hotelier whose family is also invested in this industry, Dr Gulati felt that it is high time that the government mandated the setting up of Internal Complaints Committee in hotels under the POSH Act, on the same lines as is required of all Limited Companies. He underlined the need to prepare for instances of sexual harassment and cyber bullying within the industry and emphasised the need to set down guidelines to deal with the same.

A suggestion by Bisht was, "When a foreigner checks-in within 24 hrs we need to upload their details on a portal, why can't we do the same for the domestic tourists. On the same portal we can register our staff. This would ensure the safety of the guests and the staff". In 2021, Rishikesh received 291,230 domestic and 1576 foreign tourists of 2,00,02,705 and 15,419 tourists visiting the State.

Functioning of unregistered tourism and hospitality establishments

Dr. Sunil Gulati raised the concern that while those like himself, who have been part of the hospitality industry for long, are willing to be accountable and take measures to ensure the safety of their staff and of their own reputation, **there is this new breed of property dealers who have entered this industry by dubious means and intentions.** They build resorts and hotels which then serve as dens of decadence with no accountability. He observed that while there are registered hotels in the state, all you need to do is go online and will find hundreds that are operating and advertising their facilities with no agency exercising oversight or bringing them to book.

Under the Tourist Trade Registration Act, 9922 travel trades have been registered to date, of which 681 units (7% of the total) are in and around Rishikesh. It is a known fact that there are many unregistered establishments. As observed by Praveen Sharma, 60% of the hotels and resorts functioning are unlicensed. Vanantra was one such resort, whose licence was for an Ayurvedic factory. A quick scan of the popular online travel agent sites, throws up results such as 475 properties (MakeMyTrip), 782 Rishikesh Hotels (Golbibo), and 1959 (Yatra).

While the Uttarakhand Tourism Development Board has put together a committee at the district level to check and register all the unlicensed properties, the question that bears to be asked is:

- Why wait for such an incident to occur when this is a known fact and one that has been acknowledged in their own reports?

The Uttarakhand Tourism Development Master Plan (2007 - 2022) published by the Government of India, Government of Uttarakhand, United Nations Development Programme, World Tourism Organization in April 2008 made the following observation that “The vast majority of hotels have no government approval”.

Gulati observed that while the Saria Act of 1867 needed to be revoked, it did provide a system of oversight wherein the District Magistrate held the power to issue licences to hotels and guest houses to operate once proper No Objection Certificates were obtained on set parameters that regulated those units. The Uttarakhand Tourism Development Board has rightly revoked the Act, but he felt that either the new parameters now laid out are not working or then more work needs to be put in by this agency to ensure that those working in this industry are adequately supported while being held to account.

While fighting for justice for Ankita’s family and to ensure that due process is followed under no political pressure, it is crucial to talk about the workplace environments, systems to check gender-based violence/crimes, adherence to the labour laws and policies, systems to check exploitations in the hospitality and tourism industry. As India Brand Equity Foundation notes, the industry encompasses travel and hospitality services like hotels and restaurants and is a development agent, a catalyst for socioeconomic growth, and a significant source of foreign exchange gains in many countries.

The industry is on the path of becoming a major employer in the country and more so in the state. When the country is suffering from lack of jobs and slow growth, as concerned citizens, we recognise cases like that of Ankita Bhandari, a setback for women entering into the workforce through this booming industry. Women in the country have to struggle with socio-cultural and political hurdles to be part of the work force and thus earn independence and dignity. **Cases like this and impunity with which people like Pulkit Arya are carrying on illegal activities under the cover of job creation**, we observe is a setback for all the freedoms that women in this country have earned after years of struggle. The quality of jobs generated and the risks that young people face as they enter the workforce is exemplified with this case. For instance, what were the work conditions and safeguards regarding their safety, social and job security that was offered to Ankita?

As concerned citizens the team asked the following questions:

- Why is the Sexual Harassment at Work Place (Prevention, Prohibition and Redressal) Act 2013, not being implemented in the hotels and tourism establishments in Uttarakhand? Is this not mandated by the Tourism department when licences to accommodation units are given?
- What are the immediate steps to bring each accommodation unit and tourism business under state registration? What will be the steps taken by the state of Uttarakhand and UTBD to have in place safety measures that work? How will it peg responsibility and accountability on both the owner and the lessee of a tourism establishment? How will it ensure monitoring of each unit to mitigate rising levels of crimes in them? How will it ensure the safety of women, other members

of the families and the community at large in rural parts of the state where it has actively been promoting homestays?

- Why is there no disaggregated data of workers involved in the industry available with the Tourism or Labour departments? Why don't accommodation units have legal binding to maintain data like workers' names, addresses, contact details etc.? Lack of data severely impacts efforts to study the industry for atrocities.
- Why is the Women & Child Department of Uttarakhand not intervening to mitigate such a risky work environment for women in the hospitality and tourism industries?
 - Female workers in accommodation units are not protected by POSH laws
 - Local women and *Ghasiyaris* (women grass cutters and farm workers) are surviving sexual violence from unruly guests entertained in hotels, making their natural habitat and workplaces unsafe
 - Local women are becoming victims of crimes perpetrated by the unchecked mushrooming of unregistered accommodation units, as well as run the risk of being targeted by tourists that opt for rural homestays.

The Team urged the Uttarakhand Tourism Development Board to engage in more systematic and systemic ways with the challenge of women's safety in tourism. The State has to take cognisance of the reality of crimes and violence against women within the tourism sector and acknowledge that the hospitality and tourism industry is no exception. It is unfortunate and unacceptable that the present situation has resulted in a response from the tourism industry to potentially avoid hiring women. As civil society, our role will be to bring out awareness on the rights and safety of women workers as well as through networking and mobilisation create a space/ platform where women in the workforce are able to share grievances and seek guidance to receive justice.

Chapter 4:

Women and work in Uttarakhand

The culture of work in the tourism and hospitality sector in Uttarakhand sees women not as professionals; there is a distinct tendency to see women employees as providers of sexual services on demand. The threat to the life of Ankita communicated through the last 24 hours of chat messages and phone calls and eyewitness accounts also tell of the deep anguish she experienced. To the fact-finding team, it was heart-breaking to learn of the distress Ankita suffered while being forced to be with her killers. The brazenness with which she was killed shows the impunity of the powerful and the grave risk that women put themselves in when stepping out of their homes to work. There are hardly any safeguards or oversight in the State of Uttarakhand for women in workplaces, particularly the tourism sector, which is mostly in the private sector.

The expanding tourism and hospitality industry needs to put at its core the concept of women's safety and dignity.

The educational status of girls/women is relatively better in Uttarakhand. Thus, they seek employment opportunities in the private sector when the government sector fails to provide them suitable opportunities. In the recent past, the number of women moving to towns where SIDCUL industries are located has increased. To capitalise on this, and given the prevalent scenario of joblessness, many such small institutions have mushroomed in lanes and mohallas, which are charging huge fees in the name of various courses. However, they do not provide any such skills/education which could enable the youth to get suitable work opportunities, and in the process the economically depressed parents also lose their meagre earnings to support their daughters.

The youth is forced to work in hotels, restaurants, factories and other such enterprises at very poor salaries and inhumane working conditions. The instances of poor mountain girls being trafficked by luring them for jobs or marriage, are also coming to light. Regardless of which party has been in power, it has failed to work seriously towards providing work opportunities in the hill areas. Instead, the government has only engaged in enabling the contractors, mafia and capitalists to exploit the water resources, land and forests of the hills for their own political gain.

These socio-political realities of Uttarakhand have direct bearings on incidents like that of Ankita Bhandari's murder case.

The Ankita murder case is a direct consequence of such conditions that currently exist in the state of Uttarakhand. An important issue that the Ankita Bhandari case raises is the lack of safe and appropriate work opportunities for girls. Ankita, who had barely completed her schooling, enrolled in a hotel management institute, as hundreds of other youths aspire to do in Uttarakhand, where other than small jobs in the hotel industry (and for boys, additionally the Indian Army), job avenues are scarce.

In the context of the Ankita Bhandari case, it becomes important to discuss the status of work opportunities available to women and young girls in India, and specifically in Uttarakhand. **It is also important to note how the traditional systems of work and subsistence support of a family have declined, that is, agriculture and associated animal husbandry, etc.** In absence of such subsistence support and loss of jobs in the family during and after the COVID-19 pandemic, what is the status of the women workforce? Are women enduring more pressure to enter work environments that may not be safe or suitable?

In response to the question as to why the women's employment is declining in India, research¹ shows that the factors are not, in fact, their fears of sexual violence or other stigmas, but because the Indian labour market has failed to create opportunities for women, especially for rural and less educated women. There is a "huge unmet demand for work by women. The new modern-sector opportunities, especially in high value-added service sectors, mostly accrue to men." Additionally, during the last three decades, despite a massive decline in agricultural jobs due to mechanisation, etc, rural non-farm employment or livelihood opportunities have not increased (Deshpande 2021).

Women participation in the formal economy in India is among the lowest in the world. Between 2010 and 2020, the number of working women in India had dropped from 26% to 19%, according to the World Bank data². COVID-19 lockdown worsened the scenario. Between 2017 and 2022, whereas the overall labour participation rate in India dropped from 46% to 40%, about 21 million women disappeared from the workforce, leaving only 9% of the eligible population employed or even looking for work (given the non-existing opportunities), according to the data of the Centre for Monitoring Indian Economy (Beniwal 2022). Further, as per the Economic Survey 2018, women in India typically earn low wages even as they work in highly insecure jobs.

Amongst the workforce, research³ reveals that women were seven times more likely to lose work during the nationwide lockdown, and eleven times more likely to not return to work after the pandemic as compared to men. Whereas the men moved to self-employment or daily wage work in agriculture, trade or construction, for women the movement into alternate employment arrangements or industries remained limited, given the absence of typical 'fallback' options for employment. Thus, women were forced to exit the workforce even as men negotiated across industries and employment arrangements.

In the context of Uttarakhand, the Ankita Bhandari case needs to be seen and understood in the context of other socio-political developments in Uttarakhand in recent times. Since July, there were wide-scale agitations by the civil society throughout the state, after the video of police atrocity on the women of Helang village near the Joshimath town in the Chamoli district had surfaced. **THDC hydropower company was forcibly taking over the village's pasture land and the women protesting were arrested by the police on its behest.** The villagers are losing their land, forests and rivers to hundreds of hydropower companies operational in the state. Further, the jobs that these companies give to the locals in the vicinity are temporary, hired mostly for the period of construction. Most of

¹ Deshpande, Ashwini (2021): "India's Women and the Workforce," *Hindustan Times*, 8 March

² Beniwal, Vrishti (2022): "Majority of India's 900 million Workforce Stop Looking for Jobs," *Bloomberg*, 25 April

³ Abraham, Rosa, Amit Basole and Surbhi Kesar (2022): "Down and Out? The Gendered Impact of the COVID-19 Pandemic on India's Labour Market," *Economia Politica*, Vol 39, pp 101-128.

these workers are terminated once the projects become operational. Thus, not only are locals losing their traditional basis of survival, they are also not getting any other livelihood support. **Even Ankita's father worked temporarily in the dam company operational in Shrinagar and was removed recently.** Whereas farming has mostly been subsistence based in Uttarakhand, it combined with animal husbandry has been a source of survival for many poor/single/widowed women households. Now, despite the hard work, yields from the fields are diminishing, given the wild animals: monkeys' and boars' attack.

Combined with the protests against the Helang's incident were the demands for a strong land legislation in the state. The state land laws are made laxer, in order to facilitate outside investments. **The Bharatiya Janata Party government under Trivendra Singh Rawat in 2018, relaxed restrictions on people from outside Uttarakhand from buying agricultural land for industrial purposes.** In fact, the sole developmental focus of governments after the state formation has remained on promoting tourism, liquor shops, mining, etc, defeating the demands behind the statehood movement and oblivious to the need of generating jobs that suit the locale. **The kind of tourism that is promoted in Uttarakhand, far from benefiting the locals, has contributed vastly in the destruction of its ecology as it has led to road widening by unscientific methods, unplanned constructions and heavy and unregulated traffic.** Before demanding jobs in the sectors like tourism (or even liquor establishments) that the government is promoting, the need is to rework the concept of tourism and development that is promoted by the state. (<https://www.newsclick.in/India-Ignores-Experts-Build-Expressway-Fragile-Himalayas>)

Data⁴ from the 2020 NCRB 2020 puts Uttarakhand above all amongst the nine Himalayan states with regards to number of rape and child sexual abuse cases, and links it to the 2018 changes in land legislation. Given that most outside investments are in the form of developing hotels and hospitality units, where regulations are next to non-existent, the fact-finding team feels that there should be a thorough investigation of the link, if any, between the two. However, it is clear that due to such legislations, locals, with less capital and entrepreneurial skills, are losing out to the outsiders with capital out to buy land, including the agricultural land.

Further, there have been numerous recruitment scams in Uttarakhand and consequent agitations by the youth, be it for university recruitments or other government jobs. Given that government jobs are scarce, and involve huge corruption and new jobs in both government and private sector are not getting generated, where will the youth go in search of livelihoods? Further, there are not even appropriate facilities for education of those who are poor. How will their children compete for "online jobs" or better jobs outside the state? Given the pitiful state of education and employment in the hill villages, most of the youth who can afford, move to the plains (either outside the state or towards Rishikesh, Dehradun, Haldwani, Rudrapur) for opportunities. **Out- migration rate is so high that many Uttarakhand villages are reported to have been totally depopulated, and are called ghost villages.** A Migration Commission constituted in 2017 found that between the Censuses of 2011 and 2017, 734 hill villages were completely deserted, and in 565 more villages, the population decreased by 50%.

⁴ Ara, Ismat (2022): "Ankita Bhandari Murder Case Points to Rising Crime in Uttarakhand," *Frontline*, 20 October.

For those who are economically weak, it is difficult to find jobs and accommodation in big cities. They move to nearby urban centres and small towns in small informal sector jobs that are highly unregulated and precarious. They strive to get education and have aspirations, however, there remains a lack of adequate information regarding the job profile, conditions of work and stay, etc. They, like Ankita, resort to informal channels of information to find jobs.

Recent research⁵ has shown how an unawareness of their rights and laws around sexual harassment leaves women in these sectors in the custody and control of their employers. **Further, enabling institutional and support arrangements, such as working women's hostels, remain non-existent.** This also happened with Ankita, whose father had left her in the custody of Pulkit, entrusting him with safety. This makes it all the more difficult for the migrant women to report the cases of physical and sexual violence.

⁵ Neetha, N (2022): "A Jolt to a Dream," *Indian Express*, 30 September.

ANNEXURE

ANNEXURE 1- Chronology of the Ankita Bhandari Case

Ankita Bhandari, the 19-year-old resident of Dobh Srikot village of Nadalsyun patti of Pauri district and daughter of Virendra Singh Bhandari (53 years) and Soni Bhandari, passed her intermediate examination with 88% marks in 2021 and enrolled for a one-year certificate course at the Shriram Institute of Hotel Management. Since 28th August 2022, she was working as a receptionist at the Vanantra resort, Gangabhogpur Talla, Yamkeshwar tehsil, Pauri district. Her accommodation was arranged in a room at the hotel. Culling from the press and social media coverage and interactions of the fact-finding team, the chronology of the incident that happened with her is as follows:

Date	Event
18 September 2022	Ankita was seen leaving the resort with Pulkit, Sourabh and Ankit by the hotel staff in the evening. The four were seen as leaving towards the city on two wheelers. The hotel cook was told to cook dinner for the four. Only three were seen as returning, Ankita was not with them. But the staff was told that Ankita is in her room and will have dinner there only. A few videos regarding her disappearance started circulating in the social media in the next 2-3 days.
19 September	Pulkit Arya reached out to the Patwari Vaibhav Pratap Singh of revenue police, saying Ankita could not be found at the resort at 8.30 am. He did not initiate any inquiry, but went on a leave. Ankita's village patwari was called to get her father's contact number. In the evening, the hotel manager called Ankita's father to inform him that she is missing. Virendra Singh left in the evening itself to file a report.
20 September	At 1:05 pm the report of Pulkit Arya was registered by Patwari Vivek Kumar. Under the IPC section 365, it was shown that the report was delayed. Ankita's father's account was also taken.
22 September	Ankita's case got transferred from the revenue police to the regular police. The police arrested Pulkit, Sourabh and Ankit. The three told the police that Ankita fell in the Chila canal during a scuffle.
23 September	In a press conference, the police informed about Ankita's murder. They also started searching for her in the canal. In the night, Ankita's room at the resort was bulldozed. Some parts of the resort were also set on fire. Bulldozing of parts of the resort was confirmed by the CM on his twitter handle. He also directed for strict action in the case. The accused were sent in judicial custody on this day. In the investigation it was revealed that Pulkit was putting pressure on Ankita to give "special services" to a VIP. The Collector of Pauri dismissed Patwari Vivek Kumar.
24 September	SDRF Uttarakhand found Ankita's body in the Chila canal. Rishikesh AIIMS performed a post mortem the same day. The Collector of Pauri Vijay Kumar Jongdande declined that order was given for bulldozing. SIT was constituted under the leadership of Deputy Inspector General P Renuka Devi. The CM dismissed Pulkit's brother from the post of Vice President of Uttarakhand State Backward Class Commission. Vinod Arya and Ankit were expelled from the BJP party.
25 September	Despite heavy opposition of the people, administration cremated Ankita around 6 pm at NIT ghaat in Srinagar. Ankita's mother was not asked about it. The tourism minister Satpal Maharaj announced that a manual will be prepared for ensuring the safety of women working in hotels and resorts. He also said

	that action will be taken against the illegal hotels and resorts that have encroached upon the forest land of the government.
26 September	CM visited Ankita's village and handed a cheque of Rs 25 lakhs.
27 September	Rahul Gandhi raised the issue during the Bharat Jodo Yatra passing through Kerala, putting up posters for 'Justice for Ankita'. Priyanka Gandhi wrote in social media that strict action should be taken against those who acted irresponsibly in the case. The Collector of Pauri suspended the Patwari Vaibhav Pratap Singh.
29 September	The lawyers of Kotdwar refused to take up the case of the accused. The Bar Association's president Ajay Kumar Pant said that the lawyers coming from outside for this purpose will be opposed.
30 September	The accused were taken in police remand for three days from judicial custody.
8 October	On the basis of evidence and witnesses, SIT added charges under Section 354 (a) and Immoral Trafficking Prevention Act's Section-5 on the accused.
15 October	SIT said that rape was not confirmed in the forensic report and that police will put up the chargesheet on sections covering murder and kidnapping. A Writ Petition was filed in the High Court by Ashutosh Negi asking for CBI investigation instead of that by SIT. He also asked for the support of the lawyers of the High Court.
18 October	Pravesh Rawat, a lawyer filed a petition in Kotdwar against the MLA Renu Bisht for her role in bulldozing the resort, but it was dismissed.
19 October	Ashutosh, journalist filed a case in the High Court of Uttarakhand, demanding that the Ankita Bhandari case be investigated by the CBI and a status report of the investigation be filed by the State of Uttarakhand.
20 October	The single bench of Justice Sanjay Mishra expressed dissatisfaction with the SIT investigation while hearing on the writ petition of Ashutosh Negi, and acknowledging the role of Renu Bisht in bulldozing the resort, asked the SIT to present the entire case diary and status report.
28 October	The Collector Pauri and SSP were transferred, but it was not declared where.
29-30 October	The factory adjoining the Vanantra resort caught fire suspiciously. The newly appointed SSP of Pauri charged the three accused with Gangster Act.
3 November	There was a hearing in the High Court. Ankita's parents come to the Court. Court asked the State of Uttarakhand to serve the status report of investigation to the petitioners and the Counsel for the CBI. The Court stated that it was brought to its notice that the room used allegedly for the commission of rape had been forensically examined prior to its demolition.
11 November	The court made Ankita's parents party to the case. State of Uttarakhand could not present any forensic evidence. The State files a counter affidavit.
15 November	Protest dharna at Shrinagar Bus Stand by the All India Womens Sanskritic Sangathan
16 November	Shakuntala Devi, activist sits on a hunger strike along with others at Koelghati, Shrinagar

18 November	The Court directed the State Counsel to produce the entire case dairy in a sealed cover for inspection. Passed a gag order not to report any proceedings in the print, electronic and social media.
19 November	Ankita's parents visit Golu Maharaj Temple in Bhowali, asking for justice for Ankita
20 November	Shakuntala Devi forcibly removed from the protest site at Shrinagar by the district administration and admitted to hospital. Activist Sarojni Thapliyal takes her place and goes on hunger strike
21 November	The CBI files a confidential report in a sealed cover which was taken on record and the gag order remained in force. 6 witnesses record their statement under section 164. Both parties make their arguments before the judge. Birendra Bhandari joins the protestor at Shrinagar
22 November	Ankita's parents join the hunger strike at the protest site at Shrinagar
24 November	All the student groups, political parties and intellectual associated with Garhwal University, Shrinagar take out a protest rally from the University premises demanding a CBI Inquiry and the disclosure of the name of the implicated VIP. A daily protest is to be organized from 11 to 1 pm at Pepal Chowri.
25 November	In Pauri town, student and women's groups organize a protest rally demanding a CBI Inquiry and the disclosure of the name of the implicated VIP and submitted a memorandum to the District Magistrate, Pauri.
26 November	The Court reserved its judgement and the gag order is further extended.
28 November	An indefinite protest strike is organized by the All India Mahila Sanskritic Sangathan at Pepul Chowri, Shrinagar, demanding a CBI Inquiry and a Narco test of the accused and that the chargesheet be filed at the earliest.
29-30 November	Uttarakhand Vidhan Sabha session starts. Cabinet Minister Premchand Aggrawal makes a statement on the floor of the house that there is no VIP involved and that the VIP reference is to a room in Vanantra Resort and not to a person
1 December	Protestors are stopped by the police when they gather at the MLA Premchand Aggrawal's residence at Rishikesh
3 December	After 51 days of indefinite strike and 17 days of hunger strike at Shrinagar, the protestors move the protest to the Governor's House, but are detained and implicated in a number of false cases.
5 December	Ex-Member of Parliament (MP), Tarun Mandal from West Bengal visits the protest site at Pepal Chowri, Shrinagar and extends his solidarity in the struggle for justice for Ankita.
8 December	A memorandum is submitted to the President of India on her 2-day visit to the Uttarakhand via the SDM of Rishikesh.
9 December	Ankita's parents join the protest at Pepal Chowri, Shrinagar and state that they are dissatisfied with the SIT investigations and demand that the case be handed over to the CBI, a Narco test of the accused be conducted and that the name of the VIP be disclosed. The SIT applies to the Court at Kotdwar for permission for the NARCO test of the accused.
12 December	The Court at Kotdwar hears the case and grants permission for conducting the NARCO test for Pulkit Arya and Saurabh Gupta, but will decide on the case of Ankit in some time.

ANNEXURE 2 - FIR registered by Pulkit Arya with the Revenue Police in Hindi and its translation in English

मूल/द्वितीय/तृतीय प्रतिलिपि

न्यायालय/वादी/कार्यालय के लिए

प्रथम सूचना की रिपोर्ट

दंड तिथि संग्रह की धारा 154 के अंतर्गत पुलिस द्वारा हस्तक्षेप किये जाने योग्य अपराध की प्रथम सूचना

थाना – मति उदयपुर पल्ला 02

सब डिस्ट्रिक्ट – शमकेखट

जिला-पौड़ी गढ़वाल

संख्या 01/22 घटना का दिनांक व समय = 19.09.2022 व 8.30 बजे

दिनांक व समय, जबकि रिपोर्ट की गई	घटना स्थल, दिशा और पुलिस स्टेशन से दूरी	पुलिस स्टेशन से भेजे जाने का दिन
20.09.2022, 01.05PM	ग्राम गंगा भोगपुर तल्ला के अंतर्गत वनतरा रिजोर्ट दिशा पश्चिम दूरी 18 किमी. लगभग	द्वारा डाक

नोट – प्रथम सूचना देने वाले के हस्ताक्षर या अंगूठे का चिन्ह लो चाहिए और इसकी पुष्टि गवाही लिखने वाले पदाधिकारी के हस्ताक्षर के द्वारा होनी चाहिए |

सूचना देने वाले या वादी का नाम व निवास स्थान	अभियुक्त का नाम व निवास स्थान	धारा सहित अपराध वाले जायी गयी सम्पत्ति (यदि कोई हो) का संक्षिप्त विवरण	तहकीकात के सम्बन्ध में जो कार्यवाही की गयी तथा सूचना के दर्ज करने में देरी होने के कारण	मुकदमे परिणाम
1	2	3	4	5
पुलकित पुत्र विनोद कुमार नि. गंगा भोगपुर तल्ला दिशा उदयपुर तल्ला तह. यमकेश्वर जिला पौड़ी गढ़वाल उत्तराखंड मो. न. 987066082	अज्ञात	365 आई.पी.सी	मामले में तफतीस होके वादी की तरफ से सूचना देरी से दर्ज होने के सम्बन्ध में	तफतीस होकर

हस्ताक्षर पद

नकल तहरीर हिंदी वादी हस्व लिखित

सेवा में, राजस्व निरीक्षक ग्राम गंगा भोगपुर वाला यमकेश्वर पौड़ी गढ़वाल विषय हमारे प्राविधान में कार्यरत लड़की अंकिता के गुमशुदगी के सम्बन्ध में सूचना दर्ज कराने हेतु सम्बन्ध विषयानुसार सूचित करना है कि अंकिता भंडारी हमारे रिजोर्ट में रिशेप्शन का कार्य कर रही थी | हमारे द्वारा उसे अलग कमरा मय लेट्रिंग बाथरूम उपलब्ध करवाया गया था | शुरुआती एक हफ्ता उसने अच्छा कार्य किया इस हेतु हमारे द्वारा उसे प्रोत्साहित भी किया गया किन्तु पिछले कुछ दिनों से हमने पाया कि वह कुछ ज्यादा समय फोन पर बात करते हुए दिखने लगी | व काम में उसका मन कम लग रहा था | वह अपनी कुछ निजी समस्याओं की वजह से तनाव में प्रतीत होती थी | मेरे द्वारा उसे समझाया गया दिनांक 18.09.2022 को शाम मैंने उससे उसकी समस्याओं से उसके पिता जी को अवगत कराने हेतु नम्बर माँगा तो उसने देने से मना कर दिया व और ज्यादा परेशान हो गई | और रोने लगी उसकी बातचीत से मुझे आभास हुआ कि अत्यधिक मानसिक तनाव में हैं | उसने बताया कि उसे घूमना बहुत पसंद है इस कारण उसका तनाव कम हो जाता है मैंने सौरभ से कहा कि वह उसे ऋषिकेश घुमाने ले जाये, किन्तु सौरभ ने मुझसे आग्रह किया व अंकिता ने भी मुझसे आग्रह किया कि मैं भी उनके साथ चलू | तो हम दो मोटर वाहनों से ऋषिकेश एम्स तक गये, कुछ स्नेक्स, मोमोस लिए वापसी में रास्ते में अंकिता ने बाइक रोकने को कहा की वह कुछ देर खुली हवा में बैठना चाहती है | फिर हमने रास्ते में बैठकर स्नेक्स खाये व अंकिता के एक मित्र पुष्प को फोन किया मैंने उनसे वापसी चलने को कहा तो अंकिता ने कहा थोड़ी देर रुको उसे खुले में बैठना अच्छा लगता है | हम 20-25 मिनट वंहा बैठने के बाद वापसी चल दिए, रास्ते में बिन नदी में पानी आने के कारण हमारी एक्टिवा बंद हो गई तो कुछ प्रयास करने के बाद एक्टिवा स्टार्ट हुई हम

अपने प्रतिष्ठान में पहुंचे अंकिता अपने कमरे में गई | हम अपने अपने कमरे में चले गये | और सो गये 19.09.2022 सुबह लगभग 08.30 बजे हमारे कर्मचारी सौरभ ने सूचित किया कि अंकिता कमरे में नहीं है तभी से हम अंकिता को ढूँढने का प्रयास कर रहे हैं | इस बाबत मैने पटवारी महोदय को सूचित कर मदद मांगी की ये अंकिता को ढूँढ पाने में हमारी मदद करे बड़ी मुश्किल से मुझे अंकिता के गाँव श्रीकोट के प्रधान का नम्बर मिला उनसे मुझे अंकिता के पापा का नम्बर मिला उपरोक्त घटनाक्रम के बारे में अंकिता के पापा को मेरे द्वारा सूचित किया गया | महोदय इस बावत निवेदन है कि संबंध में प्राथमिकी दर्ज कर अंकिता को ढूँढवाने हेतु आवश्यक कार्यवाही करने की कृपा करें | प्राथी अपठित हस्ताक्षर पुलकित पुत्र विनोद कुमार गंगा भोगपुर तल्ला यमकेश्वर पौड़ी गढ़वाल उत्तराखंड सम्पर्क 9870660082

नोट – वादी की रिपोर्ट थाना हाज़ा चिक पर शब्द व शब्द अंकित की गई है कोई भी शब्द घटाया बढ़ाया नहीं गया है प्रति दायम वादी को देकर हस्ताक्षर लिए गए प्रति अक्वल मा. न्यायालय को जायेगी |

ANNEXURE 2. Translation in English- FIR registered by Pulkit Arya with the Revenue Police

The missing report filed by Pulkit Arya, which later becomes the FIR: A clear case of maliciously diverting police investigation.

Taken from the petition filed in the Nainital High Court titled Ashutosh Negi Vs the State of Uttarakhand and others. This is Annexure 1 of the petition (translation of the letter written by Pulkit Arya, Owner of Vanantra Resort, Pauri Gharwal district)

To

Revenue Inspector

Village Ganga Bhogpur talla,

Yamkeshwar, Pauri Gharwal

Subject: Regarding lodging a missing report about Ankita working in our institute.

According to the subject, we inform you that Ms. Ankita Bhandari, who worked as a receptionist in our resort, was given a separate room with a latrine and bathroom. In the first week, she worked well, and we encouraged her, but in the last few days, it has come to our notice that she was seen spending much time talking on the phone and was not interested in doing the work. Due to some personal problems, she seemed tense. I tried to explain to her. On the evening of 18th September 2022, I asked her to give the telephone number of her father so that I could share her problems, but she refused to provide the number and seemed even more upset. She started crying. From her conversations, I felt that she was mentally stressed. She stated that she liked outings as they helped reduce her stress. So I requested Saurabh to take her to Rishikesh. Saurabh requested, and so did Ankita, that I should accompany them. So on two motorcycles, we drove up to AIIMS Rishikesh. We bought momos on our way back. Ankita asked to stop the bike as she wanted to sit in the open. So we sat and had snacks, which was when her friend Pushp called. So I told her that we should return, but she requested to stay in the open a bit longer. We sat there for about 25 minutes and then started driving back en route. Due to the flooding of the road as the Been river was overflowing, our Activa stopped. After several attempts, it started, and we returned back to the resort. Ankita went to her room.

We two then went to our respective rooms and slept. On the morning of 19th September 2022, at about 8.30 AM, one of our staff members called Surabh. He came and informed us that Ankita was not in her room. We started our search then itself. For this purpose, I informed Patwari and asked him to help us search Ankita. With great difficulty, we got the telephone numbers of the Pradhan of Ankita's village Shrikot. He gave me Ankita's father's number, and we informed her father.

Sir, it is requested that you lodge an FIR regarding Ankita and urgently look for her.

Yours sincerely,

Pulkit s/o Vinod Kumar,

Ganga Bhogpur talla,

Yamkeshwar, Pauri Gharwal, Uttarakhand

Contact no.: 9870660082

ANNEXURE 3: The missing person report filed by Birendra Bhandari with the Revenue Police on the 20th of September 2022, in Hindi and its translation in English

मैं वीरेन्द्र सिंह भंडारी जो की मेरी लड़की अंकिता भंडारी जो की 27-28 अगस्त को ऋषिकेश पनेतरा रिजोल्ट होटल में नौकरी करने लगी थी 18.09.2022 शाम 8.30 एे गुम है और होटल मैनेजर ने हमें 19.9.2022 शाम 4 बजे को फोन किया कि आपकी लड़की 19.9.2022 सुबह से गायब है जबकि 18.09.2022 के 8.30 रात से गुम है ।

महोदय से नम्र निवेदन है कि मेरा सख होटल मैनेजर, अंकित भाषकर इन दिनों से पूरा पूरा संदेह हैं जिसमे की एक लड़का पुष्प जो की जम्मू कश्मीर का है, जिसका फोन 7780846483 हैं आप तुरंत कार्यवाही की जाये ।

वीरेन्द्र सिंह भंडारी पुत्र स्व. पृथ्वी सिंह

ग्राम श्रीकोट नादालस्यू पौड़ी गढ़वाल

फोन : 895830957, 9720081348

Taken from the petition filed in the Nainital High Court titled Ashutosh Negi Vs the State of Uttarakhand and others. This is Annexure II of the petition

Translated Report of the Father, Virendra Singh Bhandari s/o Prithvi Singh, Age 53 years, Village Shrikot, Patti Nadalasyul, Pauri Garhwal.

I, Virendra Singh Bhandari, (would like to inform) you that my daughter Ankita Bhandari who started work on the 27th, 28th August at Vanantra resort, Rishikesh, has been missing since 8.30 PM on the 18th September 2022. The hotel manager called us up on 19th September 2022 at 4 PM and told us that your daughter had been missing since the morning of the 19th, whereas she has been missing since 8.30 PM on the 18th September, 2022.

Sir, it is my humble request that Ankit Bhaskar, the hotel manager, is a suspect, and so are the other three. One of them is a boy called Pushp, who lives in Jammu and Kashmir, and his phone number is 7780846483. We would like you to act urgently upon this.

Virendra Singh Bhandari s/o Prithvi Singh,

Age 53 years,

Village Shrikot, Patti Nadalasyul, Pauri Garhwal.

Contact no.: 8958300957, 9720081348

ANNEXURE 4 A: Post Mortem Provisional Report:

Provisional report

On Post Mortem Examination No 506/2022 of Ankita Bhandari on
24/09/2022

PS: Lakshman Jhula, GD no 06/08: 05

This is a provisional report or post mortem examination. The details of *all the* samples preserved will be submitted along with the final Post Mortem Report.

Post Mortem Examination conducted by:

1. Dr Raviprakash Meshram, Associate professor
2. Dr. Ashish Ramesh Bhute, Associate professor
3. Dr Vikas Vailbhav, Senior Resident
4. Dr Yashpal, Junior Resident

Department of Forensic Medicine & Toxicology, AllMS Rishikesh

I. CASE PARTICULARS:

Name of deceased: Ankita Bhandari. D/o- Virendra Singh Bhandari

Resident of: PS- Srikot, Paun garhwa

Age: 19 Years, Sex: Female.

II. INVESTIGATING OFFICER:SI- Shradanand Semwal. Poltce Station- Lakshman Jhula

III. IDENTIFIED BY:

1. Virendra Singh Bhandari, S/o-Prithvi Singh, R/o-- PS- Shrikot, Pauri garhwal

Relationship with deceased: Father.

2. Ajay Singh, S/o Virendra Singh Bhandari, R/o- PS- Shrikot, Pauri garhwal

Relationship with deceased: Brother.

IV. Provisional Opinion:

There are findings of antemortem injuries on the body, suggestive of blunt force trauma. Cause of death in this case is asphyxia consequent upon antemortem drowning

Details of the injuries and other findings will be given in the detailed Post Mortem Report.

ANNEXURE 4B: Final Post Mortem Report:



अखिल भारतीय आयुर्विज्ञान संस्थान, ऋषिकेश, उत्तराखण्ड - 249203
All India Institute of Medical Sciences, Rishikesh, Uttarakhand- 249203
न्यायिक चिकित्सा एवं विष विज्ञान विभाग
Department of Forensic Medicine & Toxicology



Post Mortem Examination Report No 506/2022 of Ms Ankita Bhandari
Conducted on 24/09/2022, PS- Lakshman Jhula, GD no- 06/8 05 FIR No 1/22 U/S 302, 365,
201, 120B of IPC dated 24/09/2022

On perusal of the letter received from District Magistrate, Pauri Garhwal with letter number 213/24/09/2022, a Medical Board was constituted by Dr Binaya Kumar Bastia, HOD Forensic Medicine vide letter No. AIIMS/RIS/F-MT/196/24/09.2022, to conduct post mortem examination on the body of Ms Ankita Bhandari.

Members of Medical Board:-

1. Dr Raviprakash Meshram, Associate Professor
2. Dr Ashish Bhute, Associate Professor
3. Dr Vikas Vaibhav, Senior Resident
4. Dr Yashpal, Junior Resident

Department of Forensic Medicine, All India Institute of Medical Sciences Rishikesh.

Videographer was arranged by the Investigating Officer and the videography was performed by Mr Monu, S/o Matru, Negi Bhawan, Chandreshwar Nagar, Chandrabagha, Rishikesh, Dehradun-249201.

I. CASE PARTICULARS:

Name of deceased: Ms Ankita Bhandari D/o Sh Virendra Singh Bhandari.

Resident of Shrikot, PS- Pauri Garhwal.

Age: 19 Years, Sex: Female.

Date and time of body received in mortuary cold storage facility: 24/09/2022 at 09:30 AM

Date & Time of request from I.O. for post mortem examination: 24/09/2022 at 12:20 PM

Date & Time of post mortem examination: 24/09/2022 from 12:30 PM to 03:40 PM.

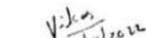
II. INVESTIGATING OFFICER: SI- Sh Shradhanand Semwal, Police Station- Lakshman Jhula.

Dead body covered in white body bag along with the inquest papers was handed over to the board by Sh Rajeev Kavi (CP 473) and Ms Prachi (LIC 484), PS- Lakshman Jhula.

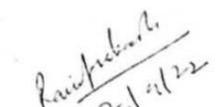
III. DEAD BODY IDENTIFIED BY: -

1. Sh Virendra Singh Bhandari S/o Prithavi Singh, R/o Shrikot, Pauri Garhwal
Relationship with deceased: Father.
2. Ajay Singh S/o Sh Virendra Singh Bhandari, R/o Shrikot, Pauri Garhwal
Relationship with deceased: Brother.


Dr Yashpal


Dr Vikas Vaibhav


Dr Ashish Bhute


Dr Raviprakash Meshram

Page 1 of 6

IV. BRIEF HISTORY AS PER I/O: Alleged history of a female body being recovered from Shakti Nahar, Powerhouse Chilla on 24/09/2022. The body was identified as of Ankita Bhandari, 19Y/F by father and brother of deceased. She was alleged to be missing since 18/09/2022.

V. EXTERNAL GENERAL APPEARANCE:

Body was attired in following clothes:

1. White color top, with blue colored floral print and size label 'XL'. There were multiple tears on the top with irregular margins on front and back. Largest tear was of size 15 cm x 11 cm. The top was removed by cutting along the left margin.
2. Jeans, blue colored with length of 97 cm. 5 metallic buttons in front. Reddish stain was seen on the left front of upper third of jeans. There was a linear tear of length 18 cm over back of left side, on medial aspect of middle third part of jeans, with irregular margin.
3. Dark blue colored brassiere.
4. Green colored underwear without any tag or tear.
5. Yellow metallic ear pin present in both ear lobules and yellow metallic nose ring present in left nostril.

Body and clothes were wet and were soiled with mud. Plant leaves, twigs and plastic, polythene pieces were entangled in scalp hairs and the clothes.

Length of body- 153.5cm. Body was in stage of decomposition as described under heading VII below.

VI. X-RAY EXAMINATION:

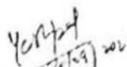
The X-ray examination was done during the postmortem examination. On examination, there was no foreign body inside the body and there was no evidence of any bony fractures.

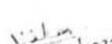
VII. POSTMORTEM CHANGES:

Hypostasis: Not appreciable due to decomposition changes.

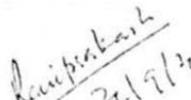
Rigor mortis: Passed off.

Decomposition changes: Body was smudged with soil, sand, and mud all over. The body was in a state of decomposition with face bloated with fish mouth appearance of lips (everted lips). Tongue was protruded. Eyeballs were protruding from the eye sockets, were collapsed and distorted due to decomposition. Body was swollen with subcutaneous crepitations all over the body. There was greenish-brown discoloration with peeling off of superficial layer of skin. The skin was soddened. Degloving of skin present over both the hands and feet. Nails of the left hand except thumb, were missing due to degloving. Hairs and nails were easily pluckable. Abdomen was bloated due to gases of decomposition. Reddish black purge fluid was exuding out from all the natural orifices. Marbling of skin was present over upper chest, abdomen, back, both upper and lower limbs. External genitalia was swollen with laxity of muscles due to decomposition gases.


Dr Yashpal


Dr Vikas Vaibhav


Dr Ashish Bhute


Dr Raviprakash Meshram
Page 2 of 6

VIII. EXTERNAL EXAMINATION (ANTEMORTEM INJURIES):

1. Laceration, 1.5 cm x 1 cm x bone deep, present just distal to the knuckle over base of first metacarpal of right ring finger. Margins were irregular with blood infiltration.
2. Laceration, 1.1 cm x 0.7cm x bone deep, present just distal to the knuckle over base of first metacarpal of right little finger. Margins were irregular with blood infiltration.
3. Contusion of size 7.8cm x 6.2cm, bluish-black, present over back of right elbow. Incision revealed extravasation of blood.
4. Contusion of size 1.2cm x 1.3cm, bluish-black, present over back of left arm, 2cm proximal to elbow. Incision revealed extravasation of blood.
5. Abrasion of size 8 cm x 1 cm with greenish discoloration, present obliquely on the right side of back of chest over inferior angle of right scapula.

The location of the of the injuries is indicated in the diagram sheet on page 06 of this report. No other external injury was present on the body.

IX. INTERNAL EXAMINATION

A) Head

Scalp: Intact, no injuries were present.

Skull: No fracture or deformity was present.

Dura: Intact.

Brain: Greyish colored brain matter in semi-liquified state. No evidence of injury was present.

B) Neck

Subcutaneous Tissue: Intact, no injuries were present.

Larynx/Pharynx/Trachea: Intact, no injuries were present. The tracheal lumen was gritty to cut due to sand particles. Muddy blood-tinged fluid with sand particles was present in trachea. Lumen of trachea was brownish discolored.

Hyoid Bone and Thyroid Cartilage: Intact, no injuries were present.

Esophagus: Intact, no injuries were present.

Vessels: Intact.

C) Chest

Collar Bone: No Fracture or deformity was present.

Sternum: No Fracture or deformity was present.

Ribs: No Fracture or deformity was present.

Lungs and pleural cavity: Chest cavity was distended with gases of decomposition and about 100 ml of reddish fluid was present in each of the pleural cavities.

Left lung - 180gm, Right lung - 190gm, congested, flabby and shrunken. Muddy fluid with sand particles were present in lumen of main bronchus and its branches. On cut section, sand particles were present upto terminal bronchioles in both the lungs.

Pericardium: Intact

Heart: Weight: 160gm. Soft and flabby. All the coronaries were patent

Vessels: Intact.

Y. Singh
26/9/22

V. Singh
26/9/22

A. Singh
26/9/22

R. Singh
26/9/22

D) Abdomen: Abdominal cavity cavity was bloated with decomposition gases. Internal organs in cavity were brownish discolored.
Stomach: Contained about 260ml brownish-yellow fluid with whitish semi-digested food material, mud, and sand particles. Stomach contents were without any characteristic smell.
Mucosa: Brownish discolored and Intact
Small intestines: Contained liquids and was distended with gases. Walls and mucosa Brownish discolored and Intact.
Large intestines: Contained fecal matter at places and was distended with decomposition gases. Walls and mucosa were Brownish discolored and Intact.
Liver: weight: 830gm. Dark brownish in color, shrunken and soft. On cut section, honeycombing of liver parenchyma was present.
Spleen: Weight 70gm. Soft and flabby
Kidneys: weight Right: 80gm, Left: 70gm. Congested. Soft and flabby.
Abdominal vessels: Intact.

E) Pelvis
External genitalia: was Intact. There were no injuries over and around external genitalia and in the vaginal cavity.
Pelvic cavity: No free fluid was present in the cavity.
Pelvic bones: No Fracture or deformity was present.
Bladder: Empty
Uterus: 80gm, 7 cm long, 3 cm wide and 2 cm thick with empty cavity. Uterus was within normal size and shape and was intact.
Vessels: Intact.
F) Spinal Column: Intact with no injuries.

X MATERIALS PRESERVED:

Evidence samples	Purpose
Stomach and small Intestine with contents	For toxicological/chemical analysis
Part of liver, spleen and half of each kidney	For toxicological/chemical analysis
10ml blood	For toxicological/chemical analysis
Control sample of viscera preservative	DNA identification and matching and other investigations as per police
Sternum	For DNA identification and matching
Nail scrapping of Right hand	For DNA identification and matching
Nail clippings of Right hand	For DNA identification and matching
Nail of left thumb	For DNA identification and matching
Pubic Hairs	For Semen detection/ DNA identification and matching
Swabs: vestibular, low vaginal, high vaginal and rectal (dried)	For DNA / blood detection and matching
Clothes (dried and signed with initials by Dr Vikas Vaibhav)	For possible requirement during the investigation
Articles recovered as entangled in scalp hair and in clothes (dried)	For possible requirement during the investigation
Nose ring and both ear pins	

All above preserved material were packed, labelled, and sealed

Yashpal
 Dr Yashpal
 24/9/22

Vikas
 Dr Vikas Vaibhav
 24/9/2022

A. Ashish
 Dr Ashish Bhute
 24/9/22

Raviprakash
 Dr Raviprakash Meshram
 Page 4 of 6
 24/9/22

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2009
2009

Department of Forensic Medicine & Toxicology AIIMS Rishikesh Post Mortem No: 506/2022 Date: 24/09/2022

OPINION:

Death is due to antemortem drowning
All the injuries are antemortem in nature, fresh in duration prior to death, and are caused by blunt force
There was no evidence of injuries suggestive of forceful penetrative sexual assault. However, possibility of sexual assault cannot be ruled out and relevant samples are preserved
Time since death is about 4 to 6 days prior to the postmortem examination.
Viscera and other articles are preserved for forensic science laboratory examination as mentioned above in the heading no 'X'.

Final opinion will be given after receipt of forensic science laboratory examination reports

- A. The dead body and sealed materials preserved were handed over to CP 473 Rajeev Kavi, PS- Lakshman Jhula, after completion of post mortem examination.
- B. P.M. report in original in 06(six) pages along with 07(Seven) inquest papers, submitted by I.O. and duly signed by Dr Raviprakash Meshram, Dr Ashish Bhute, Dr Vikas Vaibhav and Dr Yashpal, handed over in a sealed envelope with a covering letter to the investigating officer.

Yashpal
24/9/22
डॉ. यशपाल / Dr. Yashpal
जूनियर रेसिडेंट / Junior Resident
न्यायिक चिकित्सा एवं विषमज्ञान विभाग
Department of Forensic Medicine & Toxicology
ए.एम. २०११२१ / AIIMS, Rishikesh

Vikas
24/9/22
Dr Vikas Vaibhav

Ashish
24/9/22
Dr Ashish Bhute

Raviprakash
24/9/22
Dr Raviprakash Meshram

Dr. VIKAS VAIBHAV
सीनियर रेसिडेंट / Senior Resident

डॉ. अशिश रमेश भूते
Dr. Ashish Ramesh Bhute
सह-आचार्य / Associate Professor
न्यायिक चिकित्सा एवं विषमज्ञान

Page 5 of 6
डॉ. रावप्रकाश मेश्रम
सह-आचार्य
न्यायिक चिकित्सा एवं विषमज्ञान विभाग

ANNEXURE 5 – WhatsApp chat messages between Pushp and Ankita of the 17TH and 18TH September 2022

17 September 2022

Ankita Pushp

Hlw ...9:35pm

Hi ...9:35pm

Beba ...9:35pm

Yll ...9:35pm

Wht happen ...9:35pm

Bhut insecurity feel hoti ish resort m ...9:35pm

Yll mtlb m ky bolu ...9:36pm

🙄🙄 ...9:36pm

Ankit mere pass aya aur khne lga kuch bt karni h ...9:36 pm

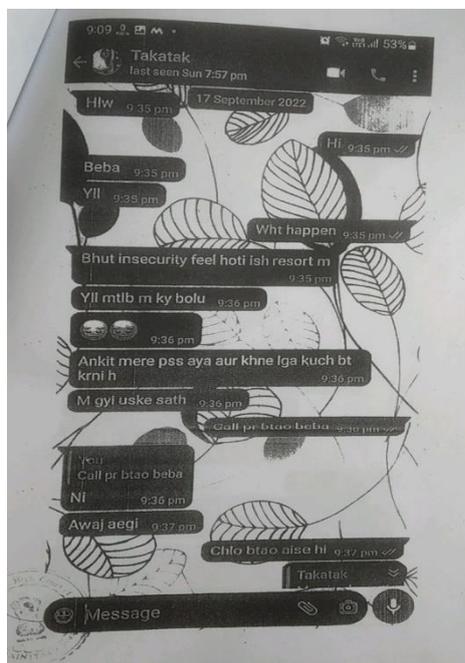
M gyi uske sath 9:36pm

Call pr btao beba ...9:36pm

Ni ...9:36pm

Awaj aegi ...9:37pm

Chlo btao aise hi ...9:37pm



“ M gyi uske sath”: Fr ...9:37pm

Fr kya beba ...9:38pm

Ushne bola ki ...9:38pm

Esa h ki VIP guest arhe h ...9:38pm

Monday ko ...9:38pm

Fr ...9:38pm

Th unhe extra service chaay ...9:38pm

Acha ...9:38pm

Mene bola hn th m kya kru ...9:38pm

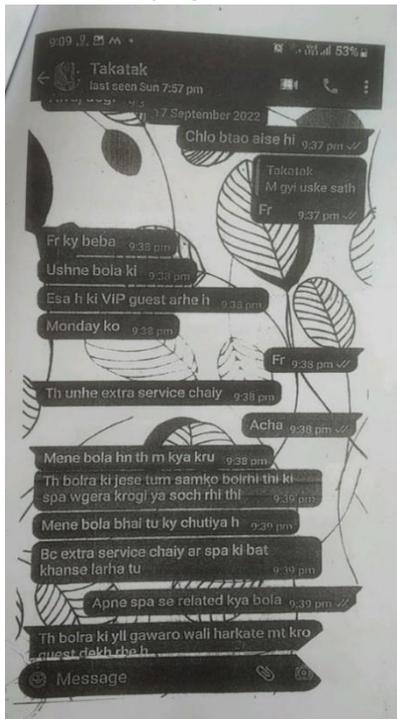
Th bolra ki jese tum samko bolrhi thi ki spa wgera krogi ya soch rhi thi ...9:39pm

Mene bola bhai tu ky chutiya h ...9:39pm

Bc extra service chaay ar spa ki baat khanse larha tu ...9:39pm

Apne spa related kya bola ...9:39pm

Th bolra ki yll gawaro wali harkate mt kro guest dekh rhe h ...9:39pm



“Apne spa related kya bola” : Mene sirf bola tha ki spa kholte h ...9:40pm

Idher ...9:40pm

Thik h n ...9:40pm

Baki kuch ni bola ...9:40pm

Fr suno pura ...9:40pm

Ushne bola ki mene y thodi bola ki aap kro ...9:40pm

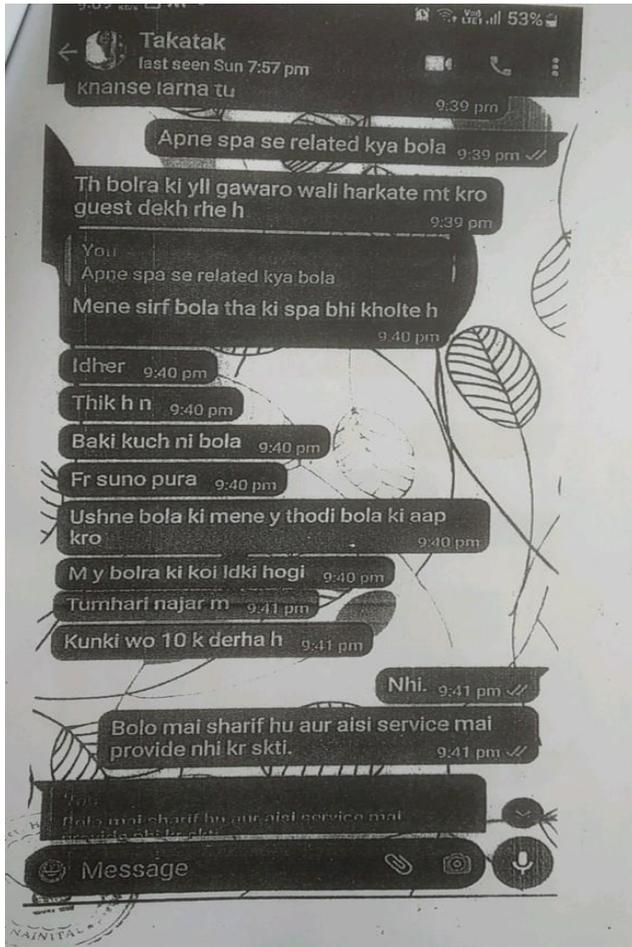
M y bolra ki koi ldki hogi ...9:40pm

Tumhari najar m ...9:41pm

kunki Bo 10 k derha h ...9:41pm

Nhi ...9:41pm

Bolo mai sharif hu aur aisi service mai provide nhi kr skti. ...9:41pm



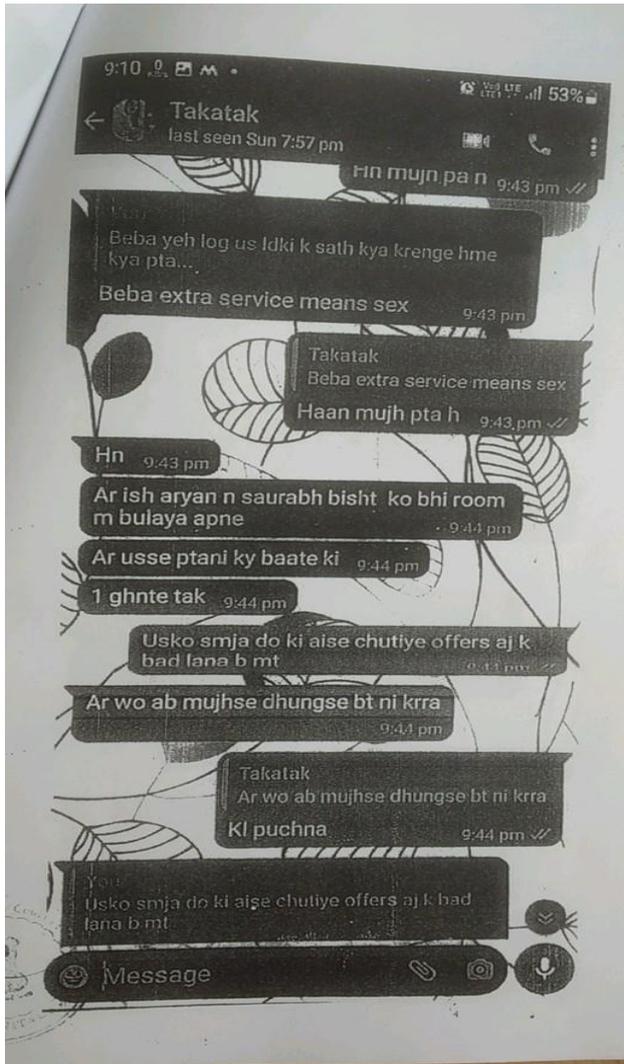
“Bolo mai sharif hu aur aisi service mai provide nhi kr skti.”: Hn bola mene ...9:42pm
 Mene bola bhai tu kya sochta ki m gareeb hu th y 10 k m bhik jau ...9:42pm

Beba yeh log us ladki k sath kya krenge hme kya pta... ...9:42pm

Tumhare ish resort k liy ...9:42pm
 Ushne bola Abe tu pgl h kya mene tujhe thodi bola ...9:42pm
 But beba m janti hu y logo n janbhuj k bola mujhe ...9:43pm
 Taki m manjaungi ...9:43pm

Hn mujh pa h ...9:43pm

“Beba yeh log us ladki k sath kya krenge hme kya pta...”: Beba extra service means sex
 ...9:43pm



“Beba extra service means sex”: haan mujh pta h ...9:43pm

Hn ...9:43pm

Ar ish aryan n Saurabh bisht ko bhi room m bulaya aapne ...9:44pm

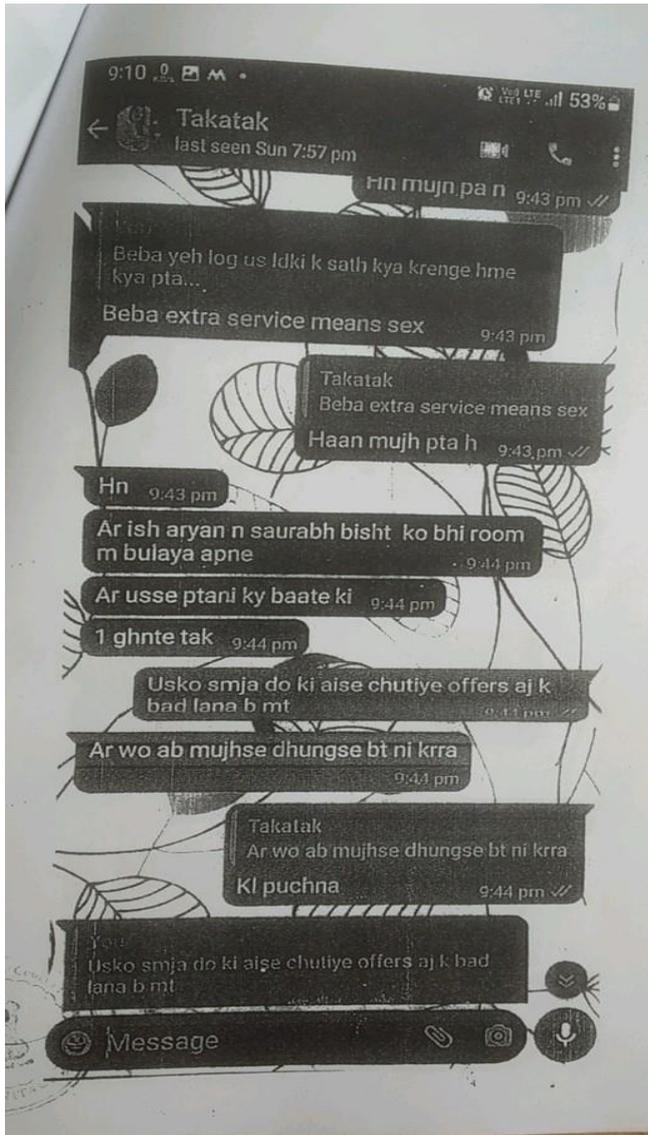
Ar usse ptani ky baate ki ...9:44pm

1 ghnte tak ...9:44pm

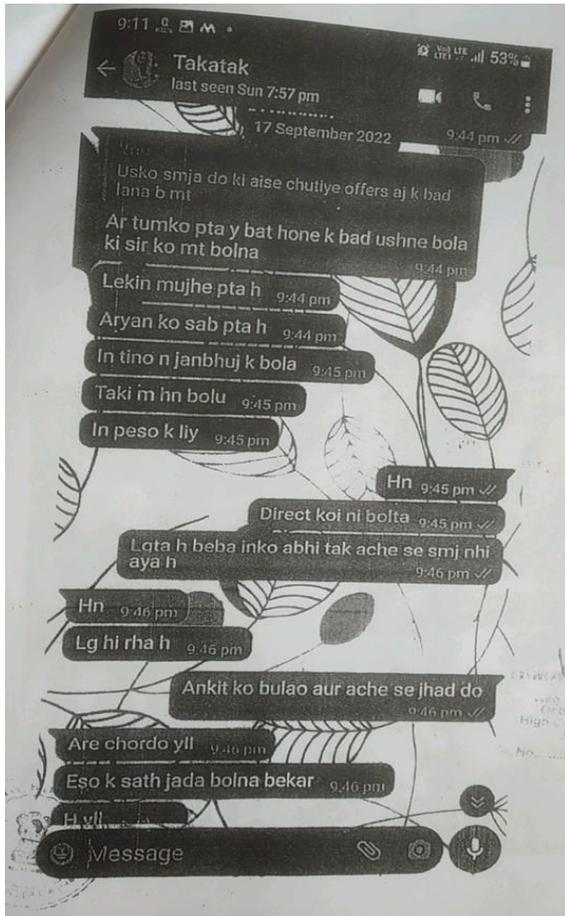
Usko smja do ki aise chutiye offers aj k bad lana b mt ...9:44pm

Ar wo ab mujhse dhungse bt ni krna ...9:44pm

“Ar wo ab mujhse dhungse bt ni krna”: KI puchna ...9:44pm



“Usko smja do ki aise chutiye offers aj k bad lana b mt”: Ar tumko pta y bat hone k bad ushne bola ki sir ko mt bolna ...9:44pm
 Lekin mujhe pta h ...9:44pm
 Aryan ko sab pta h ...9:44pm
 In tino n janbhuj k bola ...9:45pm
 Taki m hn bolu ...9:45pm
 In peso k liy ...9:45pm
 Hn ...9:45pm
 Direct koi ni bolta ...9:45pm
 Lgta h beba inko abhi tak ache se smj nhi aya h ...9:46pm
 Hn ...9:46pm
 Lg hi rha h ...9:46pm
 Ankit ko bulao aur ache se jhad do ...9:46pm
 Are chordo yll ...9:46pm
 Eso k sath jada bolna bekar ...9:46pm



h yll 9:46pm

Beba usko ache se smja do ki aise offers na laaye ...9:47pm

Hn ...9:47pm

Next time kuch bola n ...9:47pm

Y th fr m yhan kaam ni krungi ...9:47pm

Saala itna gnda hotel h ...9:48pm

Bc ...9:48pm

Rand bnane m tule h ...9:48pm

Mujhe 9:48pm

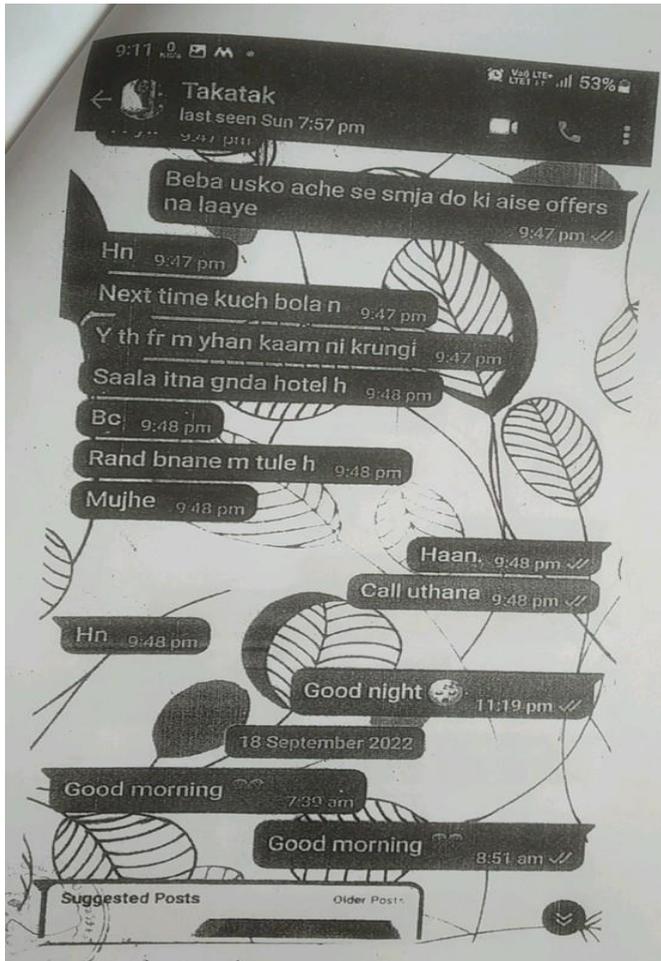
Haan ...9:48pm

Call uthana 9:48pm

Hn 9:48pm

Good night 🌙

11:19pm



18 September 2022

Ankita

Pushp

Good morning ❤️ 7:39am

Good morning ❤️ 8:51 am

19 September 2022

Fr bola ki tum ko guest handle krne h 11:03am

Call kru kya 11:03am

"Fr bola ki tum ko guest handle krne h": hnji ...11:04am

Agar ni kiya th tumhe htadenge ...11:04am

Ar dusri ladki ...11:04am

Aegi ...11:04am

Yeh kisne bola aryan ne 11:04am

Fr wo dominant hogi ...11:04am

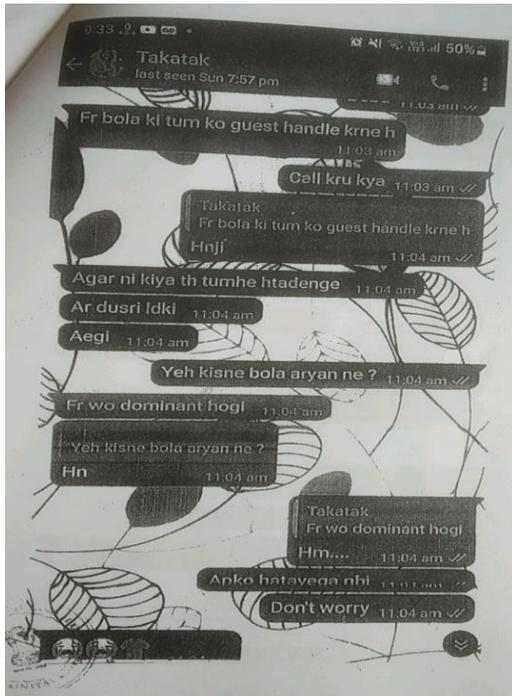
"Yeh kisne bola aryan ne": Hn ...11:04am

Hm ...11:04am

Apko hatayege nhi ...11:04am

Don't worry ...11:04am

🙄🙄 11:04 am



Ankita

Pushp

Mera room shift hogya h 2:46 pm

Why

Beba

Aur kaha hua abh 2:46 pm

Kuch dino k liy

Sir k room m

Kunki guest ane h

Ab bhut 2:47 pm



Ankita

Pushp

Can i call u
Now.
Can we talk
A little 8:45pm

Beba
Ek ***** tha n
Ushne yll merko hug kiya
Daaru pirkhi thi ushne
Mene kuch ni bola
Ar Ankit n bhi bola ki kuch nhi bolna
Unhone pi rkhi h
Th fr bhut ldhai hojaegi 10:08 pm

Kon h vo
"Ek ***** tha n": Iska no. Niklwa lo kisi trhah 10:21 pm
Is mai personally milunga vaha akt.



ANNEXURE 6: Transcript of the video on social media of Abhinav, a housekeeping staff at the Vanantra Resort

(Taken from the petition Ashutosh Negi vs The State of Uttarakhand WPTRL 1974/)

न्यूज़ रिपोर्टर – कौन सा बोल रहा है छोटा वाला या बड़ा वाला

अभिनव – मैं अभिनव बोल रहा,

न्यूज़ रिपोर्टर – भाई तूने देखा क्या उन्हें बाहर ले जाते हुए

अभिनव – हाँ रात को सौरभ सर लेकर गये थे, बगल वाले सर हैं जो सौरभ सर उन्होंने बाइक पर बिठाया था, और पीछे पीछे वो दोनों चले गए थे |

न्यूज़ रिपोर्टर – स्कूटी में ना

अभिनव – उससे पहले मैं और खुश गेस्ट के रूम में जा रहे थे सामान लेके जा रहे थे बैग, मैं तो निचे बैठा हुआ था सर मुझे दिख गये थे सर उसके रूम में थे और वो तब भी रो रही थी,

न्यूज़ रिपोर्टर – कौन से वाले सर सौरभ सर कि पुलकित सर,

अभिनव – पुलकित सर पुलकित सर,

न्यूज़ रिपोर्टर – अच्छा तो वो रो रही थी कितने बजे की बात हैं ये,

अभिनव – शाम के टाइम 6 बजे से पहले की,

न्यूज रिपोर्टर – अच्छा 6 बजे से पहले की बात हैं ना ये, तो उस टाइम वो रो रही थी,

अभिनव – तो हम उपर से मैं और मेरा दोस्त अन्दर था मैं जैसे ही बाहर निकला तो ड्राइवर साहब बाहर ही खड़े थे मैं बाहर किसी से बात कर रही थी, तो सर आये एकदम से मैं हेल्प हेल्प चिल्लाई फोन में किसी से तो सर ने उनका मुहं बंद कर दिया, और चिपट गए उन्हें,

न्यूज रिपोर्टर – तो ये कितने बजे की बात हैं, ये भी उसी समय की बात हैं,

अभिनव – ये भी 6 बजे से पहले की हैं सब,

न्यूज रिपोर्टर – ये तूने अपनी आँखों से देखा है न सब भाई,

अभिनव – फिर मैं खिड़की से झांक रहा था, उनके रूम में बाहर से दीखता है न तो शायद किसी ने देख लिया होगा तो उन्होंने खिड़की जो है ना बंद कर दिया, ऐसा एक घंटे तक मैडम के रूम में 7 बजे तक उनके रूम में ही थे पुलकित सर और कोई नहीं था,

न्यूज रिपोर्टर – उसके बाद क्या हुआ आगे का नाईट का और बता 7 बजे के बाद बंद किया, फिर वो अकेला आया बाहर,

अभिनव – फिर जो है ना उन्हें लेके जा रे वो लोग, मतलब कि मैडम तो अन्दर रो रही थी, तो वो अंकित हैं वो नाचते हुए अंदर गया, मैं बैठा हुआ था रस्पेशन पे, और कोई नहीं था मैं बैठा हुआ था सोफे में, तो मुझे दिखा मैडम अन्दर खड़ी थी और वो है जो ना अंकित मैडम के सामने 20 से 30 सेकंड नाचा और मैडम को बाथरूम वाली साइड लिया फिर सर अंदर घुसे और पुलकित सर ले गए हाथ पकड के,

न्यूज रिपोर्टर – अच्छा वो उनके साथ जाने के लिए तैयार नहीं थी, छिना झपटी करके,

अभिनव – हाँ छिना झपटी करके, जैसे भी करके मनाया रोते हुए गयी वो यंहा से, और वो अंकित नाच रहा था

न्यूज रिपोर्टर – अच्छा वो पीछे से नाच नाच कर जा रहा था, उसको तो नचायेगे रुको पुलिस वालो को बतायेगे ये चीजे, भाई तेरा नाम क्या हैं मैं भूल गया भाई

अभिनव – मैं तो अभिनव हूँ और मेरे भाई का नाम खुश हैं,

न्यूज रिपोर्टर – भाई बहुत बहुत धन्यवाद तेरा तूने ये सब चीज बतानी हैं, तो तूने देखी हैं, दिन में भी उनके साथ बदतमीजी हुयी हैं ना, दिन में भी उनका मुहं पकड पकड कर वो जब हेल्प हेल्प चिला रही थी तो तब भी उनको कमरे में बंद कर दिया ना,

अभिनव – हाँ, वो तो ड्राइवर साहब भी थे वंहा पर गवाह, वो भी पूछ रहे थे,

न्यूज रिपोर्टर – थेंक्यु भाई, सुन भाई ये तेरा न ही हैं, मैं तुझे कॉल करूंगा तू कॉल उठा दियो भाई, और सब साफ साफ बताईयाँ तुझे सब बात पता हैं,

अभिनव – रात जो हैं ना इन्होंने बुलाया सबको, तो किसी को तो पता नहीं था कुछ भी, तो ये पूछ रहे थे किस किस ने देखा हमे उसे यंहा पर लाते हुए, तो मैंने बोल दिया कि सर मैंने देखा आपको लाते हुए;फिर सर ने भेज दिया सबको अन्दर, मैं अंकित नजर रख रहा था।

ANNEXURE 7- Zero FIR

The information given to a police officer and reduced to in writing as per the provisions of Section 154 of the Code of Criminal Procedure, 1973[1] (hereinafter, the CrPC) is known as the first information. First information report (hereinafter, FIR) has not been defined under the CrPC but must be understood in the context of the provisions under Section 154. The principal object of the first information report from the point of view of the informant is to set the criminal law into motion, and from the point of view of the investigating authorities is to obtain information about the alleged criminal activity so as to be able to take suitable steps to bring the guilty before the court.

Ingredients of FIR: Anyone who has any information about the commission of a cognizable offence [2] can lodge a FIR. It is not necessary that he or she should be the victim or an eye-witness. It was held in *Hallu and Others v. State of Madhya Pradesh* [3] that Section 154 does not require that the FIR must be given by a person who has personal knowledge of the incident reported, as the section does not specifically state so. The process is very simple. The informant simply has to visit a police station and furnish all the information pertaining to the commission of an offence, orally or in writing. If given orally, the police officer must reduce the information in writing or authorise his junior to do so. In non-cognizable offences, when an informant approaches the officer in charge, the officer enters such information in his book maintained as per format prescribed by the State government. An investigation for a non-cognizable offense can be made only after receiving an order from magistrate under Section 155(3) of CrPC. The investigating powers of a police officer are same in both cognizable and non- non-cognizable offences. In *State of West Bengal and Others v. Swapan Kumar Guha and Others* [4], the Honourable Supreme Court of India (hereinafter, the Apex Court) held: There is no such thing like unfettered discretion in the realm of powers defined by statutes and indeed, unlimited discretion in that sphere can become a ruthless destroyer of personal freedom. The power to investigate into cognizable offences must, therefore, be exercised strictly on the condition on which it is granted by the Code.[5]

Zero FIR: The concept of zero FIR is new. It refers to a FIR that is registered irrespective of the area where the offence is committed. The police in such a case can no longer claim that they have no jurisdiction. Such a FIR is then later transferred to the police station that has the actual jurisdiction so that investigation can begin. It was introduced on the recommendation of the Justice Verma Committee formed at the backdrop of the brutal Nirbhaya gang rape in Delhi in 2012.[6] This puts a legal obligation on the police to begin investigation and take quick action without the excuse of absence of jurisdiction. Landmark Judgments the Apex Court in *Lalita Kumari v. Government of U.P.* [7] observed that it is mandatory to register a FIR under Section 154 if the complaint is related to a cognizable offence. In *State of Andhra Pradesh v. Punati Ramulu and Others* [8] where the constable refused to lodge the FIR by the informant who was the nephew of the deceased and an eye witness of the crime on the grounds of jurisdictional limitations, the court observed the failure of duty of the police constable and emphasized on his legal obligation to record the information and then transfer

it to the competent police station. In *Kirti v. State* [9], the court directed the Commissioner of Delhi police to furnish a standing order to every police station in the National Capital Territory of Delhi to accept all and any information they receive which discloses the occurrence of a cognizable offence even if police station is incompetent on grounds of jurisdictional limitation and thereafter transfer the case to the competent police station.

Conclusion: The concept of Zero FIR is a beneficial tool for the women of the country against crimes like sexual harassment and rape. However, the fact that most of the police officials are not aware of it and still deny registration of a FIR in such a case on grounds of jurisdiction. Such officers must be educated with regard to such a law and it is the responsibility of the respective state governments.

End-Notes: The Code of Criminal Procedure, 1973, Acts of Parliament, No. 2, 1974 (India *Ibid.*, s. 2(c). AIR 1974 SC 1936 (India). AIR 1982 SC 949 (India). *Ibid.* J. J. S. Verma Committee, Report of the Committee on Amendments to criminal law (January 23, 2013). (2014) 2 SCC 1 (India). AIR 1993 SC 2644 (India). CrI. M.C. 5933/2019 and CrI. M.A. 40833/2019, Delhi High Court, decided on November 29, 2019.

<https://www.legalserviceindia.com/legal/article-4370-zero-fir.html>

ANNEXURE 8: JOINT MEMORANDUM OF WOMEN & HUMAN RIGHT'S ORGANISATIONS, Dehradun 28th Oct 2022

The DGP

Uttarakhand Police

PHQ, Dehradun

Subject: Ensuring Taking strict action against officials in the Ankita Bhandari Murder case and other issues emerging from this case.

Dear Sir,

A National Fact-Finding Team of Women and Human rights groups from all over the country got together and decided to conduct a fact Finding of the Ankita Bhandari Murder case. As such we are travelling in the state to understand the issues and present our demands to the authorities.

At the outset we would like to state that the Ankita Bhandari murder case is a shocking story of failure of the implementation of the criminal law and due diligence by authorities. It has caused anger amongst the people as the young 19-year-old was killed in just 18 days of her being a working woman in a resort in her own district of Pauri Garhwal. It was not just finishing her, but also killing all her hopes and aspirations including that of her parents who courageously sent her to work away from home. That there were no safeguards in place to prevent her from being forced into sex work is well known.

On meeting the family member of Ankita Bhandari, civil society groups of the state, journalists, the chief secretary, the state women's commission and the SIT of the police, we strongly feel that the people's outrage in this case is because in the initial week, there was no implementation of the rule of law as far as lodging of the FIR and the investigation of the murder case was concerned. It was obvious to all that the hotelier Pulkit Arya, used all his power and privilege to protect himself. It is unheard of in any other state in India today, that FIRs don't get lodged for more than 72 hours for a **murder** case, despite the round the clock pursuit by the father of the girl to get it registered. It is also outrageous to learn about the complete lawlessness in the state and that an MLA bulldozed the scene of crime and destroyed evidence, supposedly in a place sealed by the police. This is a reminder of the Arushi Talwar murder case, where all and sundry were allowed to walk into the house with evidence destroyed and all the accused went scot-free.

It is forty days since the murder happened. Ankita was murdered on the 18th September. The family of Ankita and the people of the State have only one hope **that this case should have a fair and just investigation and the murderers should not go scot-free.**

It is in this context that we would like to bring to your notice some of the issues relating to the crime and the criminal investigation.

The role of the Revenue Police and the criminal act of denial of lodging an FIR and delay in beginning investigation in the Ankita Bhandari murder case:

The damage to the case was done by the revenue police in the Ankita murder case. Due to this system, the father's effort to lodge the FIR with the Patwari police was denied brazenly. The concerned patwari Vaibhav Pratap Singh, took the missing report from Pulkit Arya and kept it in abeyance saying he would wait 24 hours, before acting, which is never done in missing cases. He of course proceeded on leave on the 19th evening without informing seniors about the missing report. The officiating Patwari Vivek Kumar refused to talk to the father Birendra Singh and made him wait for five hours on the 20th September. Vivek Kumar, did not let him write a detailed FIR but just took a few lines of Ankita missing stating that the report filed by Pulkit Arya, the owner of the Vantara resort, would be the main report and his request would be tagged in that. This is in itself a serious violation of human right as the Supreme Court judgements have reiterated that more than one FIR can be lodged of one incident from different perspectives, the denial of this right is in itself serious.

The local Patwari police had no desire to ensure any action against the missing report that till the 22nd no effort is made to do anything in this matter. Delay in criminal matters always helps the accused as evidence is lost and lives can be lost. The father ran around all over, went to the State Women's Commission, called the Vidhan Sabha Speaker, met you, the DGP only after that on the 22nd September the investigation was transferred by the DM to the regular police. This shocking state of affairs for a missing case, which was murder, speaks volumes of the urgency of the in right to life matters in the State. Consequently,

- **We demand dismissal of both these revenue police officials and**
- **strict action against the DM for failure of due diligence and not acting swiftly on the report lodged on the 19th.**

Jurisdiction no ground for denial of lodging an FIR: Wither the system of zero number FIR in Uttarakhand State.

It is also shameful that the filing of FIR by the Pauri Garhwal district Police, the Lakshman Jhula police and the Kotwali, Rishikesh police was also denied on grounds of jurisdiction. Since lodging an FIR is everybody's right, there are several SC orders, therefore in most states the system of zero number FIR has been put in place. They could have lodged the report and transferred to the Patwari or the regular police.

We would like to know whether the system of zero number FIRs exists? If doesnot it should be put in place at the earliest.

We would also like to know the action taken by the authorities against the SHO of these three police stations by you who denied lodging the FIR.

Destruction of Evidence

The Lakshman Jhula police raided the resort on the 22nd September and arrested some of the accused that day. How come the scene of crime was not sealed and all and sundry were allowed to go including the MLA Renu Bisht was allowed to bulldoze the place and destroying the room in which Ankita stayed. The villagers allegedly burnt up the factory close by.

The SIT police need to examine thread bare the role of Renu Bisht in destroying critical evidence. She needs to be booked and arrested now.

Medical Evidence in the Ankita Bhandari Case

We are surprised that no gynaecologist or woman doctor was a part of the medical board by AIIMS when this was a case of a woman and that too, with allegations that she may have been a victim of sexual violence This needs to be examined by the Government and AIIMS needs to be asked why they set up an all-male board when there were more than half a dozen gynaecologists in the Hospital. Why was the examination only done by the forensic team.

WE demand that an advisory be issued that as far possible a woman doctor must always be on the medical board when there are allegations of sexual violence. **Only in the circumstance of non-availability of women can the team be all men. This should be also internalised by the Uttarakhand Police.**

Protection of Witnesses

We would like to know whether the key witnesses in this matter, the friend of Ankita Bhandari called Pushp, who is the key link in this case, the staff in Vantara resort, the former staff, the couple Ishita and Vivek from Meerut, (we hope they have been taken into the loop of investigation by the SIT, their video clearly shows the antecedents of Pulkit and his management team at Vantara) the father Brindera Singh, and others who are important to establish the crime of murder, have been provided with witness protection, if not then it should be done at the earliest.

Sir, We would like you to assure us and the public at large that fair and just investigation would be carried out in the Ankita Bhandari murder case and action will be taken against all officials who committed irregularities along with addressing other demands placed before you.

In the transition of phasing out of the Revenue Police System and putting in place the regular police system, we hope that there will be no denial of lodging FIRs. We also hope that there will be awareness building and publicity about the new police stations that will be put in place and their jurisdiction along with the sensitivity of lodging zero number FIRs and giving priority to crimes against women.

We also hope that with each police station you will bring in the system of citizens liasoning group (CLG), for example in the State Rajasthan. The CLG can be a platform of accountability and vigilance of the citizens towards the police.

With regards,

We are,

Uma Bhatt, Maimoona Mollah, Maya Chilwal, Pushpa Chauhan, Shruti Jain, Damyanti Negi, Nirmala Bisht, Kavita Srivastava, Padma Gupta, Richa Singh, Mehvish and Deepti Bharti.

On behalf

Uttarakhand Mahila Manch, People's Union for Civil Liberties (PUCL), All India Democratic Women's Association (AIDWA), National Federation of Indian Women (NFIW), Jagori Grameen, HP, Mahila Kisan Adhikar Mahila Manch, MAKAM, Bharat Gyan Vigyan Samiti, BGVS, Karnataka with Bilkis Bano, Tourism Experts and Free Lance scholars and activists.

Contact: Uma Bhatt: 8958802074, Damyanti Negi: 8171454592, Nirmala Bisht: 9897314656

ANNEXURE 9 JOINT MEMORANDUM OF WOMEN & HUMAN RIGHT'S ORGANISATIONS, Dehradun, 28th Oct 2022

The Chief Secretary

Government of Uttarakhand

Dehradun

Subject: Taking strict action against officials in the Ankita Bhandari Murder case and other issues emerging from this case.

Dear Sir,

A National Fact-Finding Team of Women and Human rights groups from all over the country got together and decided to conduct a fact Finding in the Ankita Bhandari Murder case. As such we are here to understand the issues and present our demands to the authorities.

At the outset we would like to state that the Ankita Bhandari murder case is a shocking story of failure of the implementation of the criminal law and due diligence by authorities. It has caused anger amongst the people as the young 19-year-old lost her life in just 18 days of her being a working woman in a resort in her own district of Pauri Garhwal, killing all her hopes and aspirations including that of her parents who courageously sent her to work away from home. That there were no safeguards in place to prevent her from being forced into sex work is well known.

On meeting the family member of Ankita Bhandari, civil society groups of the state, journalists, the SIT police we strongly feel that the people's outrage in this case is because in the initial week, there was no implementation of the rule of law as far as lodging of an FIR and the investigation of the case was concerned. It was obvious to all that the hotelier Pulkit Arya, used all his power and privilege to protect himself. It is unheard of in any other state in India today, that FIRs don't get lodged for more than 72 hours for a **murder** case, despite the round the clock pursuit by the father of the girl to get it registered. It is also outrageous to learn about the complete lawlessness in the state and that an MLA bulldozed the scene of crime and destroyed evidence, supposedly in a place sealed by the police. This is a reminder of the Arushi Talwar murder case, where all and sundry were allowed to walk into the house with evidence destroyed and all the accused went scot free.

It is forty days since the murder happened. Ankita was murdered on the 18th September. The family of Ankita and the people of the State have only one hope **that this case should have a fair and just investigation and the murderers should not go scot-free**. It is this context that we would like to bring to your notice two sets of issues.

One relating to action against officials who delayed the process of investigation and destroyed evidence. Secondly, we would also like the State to objectively examine the issue of safeguards for women with the increasing trend of women workers in the workforce particularly in the context of the hotel industry where Ankita was also a member.

The role of the Revenue Police and the criminal act of denial of lodging an FIR and delay in beginning investigation in the Ankita Bhandari murder case:

The damage to the case was done by the revenue police in the Ankita murder case. Due to this system, the father's effort to lodge the FIR with the Patwari police was denied brazenly. The concerned patwari Vaibhav Pratap Singh, took the missing report from Pulkit Arya and kept it in abeyance saying her would wait 24 hours, before acting, which is never done in missing cases. He ofcourse proceeded on leave on the 19th evening without informing seniors about the missing report. The officiating Patwari Vivek Kumar refused to talk to the father Birendra Singh and made him wait for five hours on the 20th September. Vivek Kumar, did not let him write a detailed FIR but just took a few lines of Ankita missing stating that the report filed by Pulkit Arya, the Vantara resort, would be the main report and his request would be tagged in that.

But a missing case report is not acted upon till the 22nd. No effort is made to do anything in this matter. Delay in criminal matters always helps the accused as evidence is lost and also lives can be lost. The father went to the State Women's Commission, called the Vidhan Sabha Speaker, met the DGP only after that on the 22nd September the investigation was transferred by the DM to the regular police. This shocking state of affairs for a missing case, which was murder, speaks volumes of the urgency of the state in such matters.

- **We demand dismissal of both these revenue police officials and**
- **Strict action against the DM for failure of due diligence and not acting swiftly on the report lodged on the 19th.**

Jurisdiction no ground for denial of lodging an FIR: Wither the system of zero number FIR in Uttarakhand State.

It is also shameful that the filing of FIR by the Pauri Garhwal district Police, the Lakshman Jhula police and the Kotwali, Rishikesh police was also denied on grounds of jurisdiction. In most state's the zero number FIR is done by right. They could have lodged the report and transferred to the Patwari or the regular police.

We would like to know the action taken by the authorities against the SHO of these three police stations.

Destruction of Evidence

The Lakshman Jhula police raided the resort on the 22nd September and arrested some of the accused that day. How come the scene of crime was not sealed and all and sundry were allowed to go including the MLA Renu Bisht was allowed to bulldoze the place and destroying the room in which Ankita stayed. Did the DM give her permission to destroy the scene of crime?

While the police will examine the criminal nature of the role of Renu Bisht in destroying critical evidence, has the State administration set up an enquiry committee to examine the role of the Pauri Garhwal DM in granting permission to the MLA?

The Pauri Garhwal DM's role is definitely under the scanner in this case. Whether crime of omission or Commission he role needs to be examined.

Medical Evidence in the Ankita Bhandari Case

We are surprised that no gynaecologist or woman doctor was a part of the medical board by AIIMS when this was a case of a woman and that too with allegations of sexual violence on her. This needs to be examined by the Government and AIIMS needs to be asked why they set up an all-male board.

We demand that an advisory be issued that a woman doctor must always be on the medical board when there are allegations of sexual violence. Only in the circumstance of non-availability of women can the team be all men.

The cremation of Ankita and the denial of the mother Soni Devi to see her body

The most heart-rending dimension for the family was that the police did not give them the freedom to conduct the rites in the manner they wanted to. The mother was denied the right to see the body of the daughter and the father, son and wife were separated from each other with the police and civil administration not giving them the freedom to talk to each other and also spend time with the daughter's mortal remains.

The family still holds the grudge that they were forced to cremate in the night, when this is not the practice.

The Civil administration overriding the private decision making of the family like a cremation, is absolute over reach by the administration. We condemn this and would hope that an apology is made to the mother and such behaviour is never repeated.

Reparation and rehabilitation policy:

In the Ankita Bhandari case, the Chief Minister gave a cheque of Rs. 25 lacs to Mr. Birendra Bhandari, the father of Ankita. While this deserves to be acknowledged, but in the absence of a policy the financial support by the state remains ad hoc. Therefore, it has been a long-standing issue of the women's movement nationally and in the state that there should be a comprehensive reparation and rehabilitation policy. Criminal cases require not only regular vigilance and monitoring with investigating agencies, court watch, hiring private lawyers and all this costs. Which is never factored in by the Government. Apart from this the rebuilding of lives of the survivor and families of the deceased kin requires support including financial support. These are very important dimensions which the state must take into account when addressing criminal cases.

Non-existent Internal Complaints Committee and Local Complaints Committee in the hotel industry.

It is shocking that the Vishakha judgement which has been in force for more than 25 years and 9 years since the Sexual Harassment of Women at the Workplace (Prevention, Protection and Redressal) Act, none of the resorts in Rishikesh or around Vantara Resort knew about these safeguards.

We would like you examine whether the ICC even exist anywhere within the private sector and the role of the DMs in constituting the LCC and its functioning

Increasing Tourism in Uttarakhand and employment of women in this sector

Since the Government is promoting Tourism by all means, it is important that there be a gendered comprehensive policy on tourism in Uttarakhand addressing issues of sexual harassment at workplace, employment, wages and other attendant issues.

Consequently, the policy for women and girls for the State of Uttarakhand be brought out urgently.

Sir, we would like you to assure us and the public at large that fair and just investigation would be carried out in the Ankita Bhandari murder case and action will be taken against all officials who committed irregularities along with addressing other demands placed before you.

With regards,

We are,

Uma Bhatt, Maimoona Mollah, Maya, Pushpa Chauhan, Shruti Jain, Damyanti Negi, Nirmala Bisht, Usha Bhatt, Kavita Srivastava

Uttarakhand Mahila Manch, People's Union for Civil Liberties (PUCL), All India Democratic Women's Association (AIDWA), National Federation of Indian Women (NFIW), Jagori Grameen, HP, Mahila Kisan Adhikar Mahila Manch, MAKAAM, Bharat Gyan Vigyan Samiti, BGVS, Karnataka with Bilkis Bano, Tourism Experts and Free Lance scholars and activists.

Contact: Uma Bhatt: 8958802074, Damyanti Negi: 8171454592, Nirmala Bisht: 9897314656

ANNEXURE 10: Memorandum submitted to the State Women's Commission

प्रति

राज्य महिला आयोग

उत्तराखंड सरकार

28 अक्टूबर 2022

विषय: अंकिता भंडारी हत्याकांड व उत्तराखंड में महिलाओं की सुरक्षा के सन्दर्भ में

महोदया,

जैसा कि आपको विदित है देश के विभिन्न महिला संगठनों व समूहों कि महिलाओं द्वारा गठित एक फैक्ट फाइंडिंग टीम द्वारा अंकिता भंडारी हत्याकांड से जुड़े विभिन्न पहलुओं का निरीक्षण किया गया है जिसके आधार पर हम फैक्ट फाइंडिंग टीम के सदस्य आप से मिलने आये हैं।

महिला आयोग एक स्वायत्त संस्था के रूप में बना था। शुरुआत में यह जरूर स्वायत्त रहा था पर अब धीरे-धीरे इसकी स्वायत्तता घटती जा रही है और यह सरकार का ही अंग बनता जा रहा है।

हमारे आपसे कुछ सवाल हैं उत्तराखंड में महिलाओं के हालात के संबंध में -

1. आप जानती हैं कि हर जिले में विशाखा गाइड लाइन के अंतर्गत एक स्थानीय शिकायत कमेटी बनाने का प्रावधान है हम जानना चाहेंगे कि क्या उत्तराखंड के हर जिले में इस तरह की कमेटियां हैं? अगर हैं, क्या वह कार्यान्वित हैं तो क्या महिला आयोग ने उनके काम का ऑडिट किया है?
2. आप ये भी जानती हैं कि अंकिता का केस उत्तराखंड में कोई इकलौता केस नहीं है इसके जैसे और भी कई लड़कियों के साथ ऐसा हुआ है। उत्तराखंड क्यों कि पर्यटन का एक बहुत बड़ा केंद्र है यहां पर साप्ताहिक टूरिज्म, धार्मिक टूरिज्म इत्यादि आम हो चुका है। टूरिज्म में महिलाओं की क्या स्थिति है, किस तरह उन्हें उनका शोषण होता है और आप किस तरह सुनिश्चित करती है कि शोषण ना हो?
3. अंकिता की मौत को 40 दिन हो चुके हैं हम जानना चाहेंगे कि इन 40 दिनों में महिला आयोग ने अंकिता को और अंकिता के परिवार को न्याय दिलवाने के लिए क्या कदम उठाए?
4. हाल में NCRB के अनुसार १८-३० उम्र की युवाओं की हत्याओं में वृद्धि हुयी है - क्या आपने इसका संज्ञान लिया है और कोई ठोस कदम उठाये हैं?
5. हमारी आपसे कुछ मांगे हैं -
 - अंकिता भंडारी हत्याकांड में निष्पक्ष जांच हो, बिना दबाव के जांच हो और यह जानते हुए कि आरोपी एक प्रभावशाली परिवार से हैं इस जांच में कोई ढील ना दी जाए यह आप सुनिश्चित करें

- अंकिता केस में हमने देखा कि उनके पिता को एक जगह से दूसरी जगह f.i.r. करवाने के लिए बेहाल होना पड़ा। महिला आयोग को यह सुनिश्चित करना होगा की हादसा चाहे किसी भी इलाके में हो कोई भी थाना हो f.i.r. (जीरो f.i.r.) करने से मना ना करें मना करने पर सख्त कार्रवाई की जाए।
- महिला हेल्पलाइन सही ढंग से कार्यान्वित नहीं है आपसे अनुरोध है कि इसे सुधारने के लिए शीघ्र कदम उठाए।

भवदीय

उत्तराखंड महिला मंच
पी यू सी एल
अखिल भारतीय जनवादी महिला समिति
जनांदोलनों का राष्ट्रीय समन्वय
कर्नाटक विध बिलकिस
महिला किसान अधिकार मंच
भारतीय महिला फेडरेशन
ऐडवा के सदस्य तथा पर्यटन विशेषज्ञ
वकील, सामाजिक कार्यकर्ता तथा विभिन्न छात्र संगठन

ANNEXURE 11: Memorandum to Uttarakhand Tourism Development Board, Dehradun, 28th October 2022

The shocking failures in investigation of the Ankita Bhandari murder case and the lack of acknowledgment and due diligence by the hospitality and tourism industry and the State Tourism Department was the reason why a group of women's organisations and independent activists from across the country decided to form a national fact-finding team, which is presently on a visit to the State. We have met the parents of the deceased and various agencies of the State. As a part of our fact-finding mission, we are meeting with you and would like to state the following.

On August 15, 2022, the honourable Prime Minister of India, Narendra Modi, addressed the nation from the Red Fort, highlighting that *there is a vikruti in the country's mindset resulting in the increasing crimes and violence against women*. A month after this speech, the mysterious death of Ankita Bhandari, a 19-year-old working woman from Pauri, Garhwal, came to light where she died during her working hours, in the presence of her employer. The case is currently being investigated.

The Uttarakhand Government has invested in the tourism sector by building infrastructure like roads, promoting destinations and putting in place other incentives and subsidies, which has strengthened the private sector. The expansion of employment opportunities in this sector has increasingly attracted young women to be part of its workforce. It is mandated by law to have in place policies and processes to ensure the safety of women. As concerned citizens we ask, *why is the Sexual Harassment at Work Place (Prevention, Prohibition and Redressal) Act 2013, not being implemented in the hotels in Uttarakhand?* Is this not mandated by the Tourism department when licenses to accommodation units are given?

We urge the Uttarakhand Tourism Development Board to engage in more systematic and systemic ways with the challenge of women's safety in tourism. The State has to take cognisance of the reality

of crimes and violence against the women within the tourism sector and acknowledge that the hospitality and tourism industry is no exception. It is unfortunate and unacceptable that the present situation has resulted in a response from the tourism industry to avoid hiring women.

We demand,

- **A new comprehensive gendered State Policy on Tourism** which addresses the increasing employment of women in the industry along with increasing crimes against women, including sexual harassment at work place, disappearances and murders of young women. Also, to be considered is the crucial role of local women who are custodians of the landscape and resources on which tourism is based.
- **Develop a State Plan of Action and Standard Operating Procedures** for Women in Tourism, applicable to both the public and the private sector, to combat exploitation and at the same time empower women to be the agents of change in their lives.
- **Strengthening of the Tourism Trade Registration Act**, its implementation and monitoring are crucial. The registration of hospitality and tourism units, the registration of domestic tourists as is done with foreign tourists (C form) staying in an accommodation unit, encouragement and support for local communities to run and manage tourism establishments (vis-à-vis a lease/sale situation) and ensuring compliances and oversight.
- **Expand scope of protection**, enforce and monitor the implementation of the *Sexual Harassment at Work Place (Prevention, Prohibition and Redressal) Act 2013*, to include both the formal and informal sectors within the hospitality and tourism industry. The provision for *Internal Complainants Committees (ICC) and Local Complainants Committees (LCC)* at the district level needs serious scrutiny. It is extremely important for the women employees to be informed of its guidelines. Helplines and Women's safety services must be strengthened, revived and monitored for their functioning in tourism destinations. Proper surveillance of hotel premises needs to be imposed. CCTV cameras to be installed and working at all times and the data must be stored accordingly. Footage must be monitored regularly.
- **Take accountability and implement regulations** for mitigating crime and violence in the tourism industry and investigating existing cases thoroughly. Address the issue of disappearing women from Uttarakhand and put in place policies and processes for systemic investigation. Ensure safety of the staff, particularly women, policies and processes to prevent crimes against women employees in the industry.
- **Labour Inclusion & Acknowledgement:** Acknowledge the important economic contribution of women in tourism by creating equal opportunities for women to work in the hospitality industry. Recruiting a larger number of women will also ensure more peer-watch and safety.
- **Awareness & Training:** Design and implement promotional campaigns on the protection of women in tourism. UTDB to develop modules for the tourism industry (formal and informal sectors) on women's safety, women's participation and protection of gender rights within their operational mechanisms and processes. Monitor and regulate the Training institutes imparting skill training on Hotel Management and related subjects.

- **Surveys and Research:** Good quality and credible surveys and research to be undertaken by the UTDB and to ensure a gender perspective. To collect disaggregated data on violence against women in tourism and evolve mechanisms for the safety and security of women travellers (domestic and foreign) as well as women working in and living in & around tourism destinations, involving the local people in the process and making the information and findings accessible to them.

- **People interviewed**

SI No	Name	Designation, Establishment	In Person / Phone
1	Nipendar Choudhury	General Manager, Panambi Resorts	In Person
2	Members of the local community	Ganga Bhojpur Malla	In Person
3	Vinay Bisht	Managing Director of Divine Resort and Spa in Rishikesh and member of the Uttarakhand Hotel Association and the Greater Rishikesh Hotel and Restaurant Association	In Person
4	Mr Ravishankar	Additional Secretary, Uttarakhand Tourism Development Board	In Person
5	Ms. Poonam Chand and Ms. Puja Kasariya	Additional Director Tourism and IT PMU Cell, Uttarakhand Tourism Development Board	In Person
6	Mr Praveen Sharma	ex-Board Member, North India Hotels and Restaurant Association	Phone
7	Dr. (CA) Sunil Gulati	Chairman Ellbee Group that runs Resorts & Hotels in Rishikesh (Ganga Kinare) and Mussoorie	Phone

ANNEXURE 12: Coming together of the Fact-Finding team

In an online meeting of the Uttarakhand Mahila Manch on 8th October 2022, it was discussed that in the Ankita Bhandari case, citizens groups have been agitating since the incident came to light. Even though an SIT had been formed for investigation, and the accused were taken in custody and were interrogated, it was clear that the process of justice itself was compromised. Concern was expressed about this and the question was, what role could be played to strengthen the case representation/prosecution as and when it comes to the court, so that all the important evidence and

testimonies be gather so that it is not weak legally. With this motive, Uttarakhand Mahila Manch organised a meeting with the representatives of various national level women organisations, PUCL, and other progressive women. In this meeting, deep concern was expressed regarding the irresponsible way the police and administration have handled the case and what could be done to ensure that the involved culprits are brought to justice and the investigation gets done properly. The case was discussed in the backdrop of many other such incidents of human rights violations in Uttarakhand in the recent past. Consequent to discussions in the meeting, Mahila Manch constituted a Fact-Finding team of twenty representatives of responsible Women and Civil Rights Organisations from across the country.

The team was split into 2 groups and visited Pauri, Rishikesh, Srinagar and Dehradun on 27-28-29 October. On the 27th, one team visited Ankita's village to meet her parents in Dobh Srikot, Pauri and in the evening met a gathering of journalists and people's organisations' members in Srinagar. The second team visited the Vanantra Resort, Chilla barrage and the nearby areas in Rishikesh, also talking to the individuals involved in the proceedings at the sit-in site and villagers. This team also met and talked to the Hotel Association representatives.

End