

Human Rights Defenders Alert - India

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Dr. K.G.Balakrishnan,
Hon'ble Chairperson
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: covdnhrc@nic.in

Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – New Delhi: Former NCW
Chairperson assaulted when trying to help a teen victim of sexual
harassment – Reg***

Greetings from Human Rights Defenders Alert - India!

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

We are now writing to express our grave concern over the brutal assault of the 76 year old Mohini Giri, a woman rights activist of international fame a former Chairperson of the National Commission for Women and hence also a former Deemed Member of the NHRC, only for trying to help a teenager [girl] who was seen by her to being beaten up by a group of boys and her clothes torn off near her office premises, SHUBHAM, C-25, Qutub Institutional Area. New Delhi last Saturday i.e. the 23rd of August, 2014.

Source of Information on the Incident:

- A communication from Dr. Mohini Giri herself and information on the telephone from her.

About the Human Rights Defenders under attack:

Dr. V. Mohini Giri aged 76, is an Indian social worker and a women's activist, who has been Chairperson of the Guild of Service, a New Delhi-based social service organization. Established in 1979, it provides advocacy for women's and children rights for education, employment, and financial security. She founded War Widows Association, New Delhi in 1972. She has also held the post of the Chairperson of the National Commission for Women from 1995 to 1998 during which period she also served as a Deemed Member of the NHRC . In 2007, she was awarded the Padma Bhushan, India's third highest civilian honor, by Government of India.

The Perpetrators:

A group of unidentified 3 young men

Date and time of Incident:

23rd of August 2014

Place of Incident:

Around the end of the road leading to SHUBHAM, C-25, Qutub Institutional Area , New Delhi .

Incident

According to the source, Dr. V. Mohini Giri, a 76-year-old woman, who happens to be a former chairperson of the National Commission for Women (NCW), was brutally assaulted for trying to help a teenage girl who was being attacked by a group of 10 young men at the end of the road leading to SHUBHAM, C-25, Qutub Institutional Area in New Delhi .

She stated, 'After a very tiring day on 23rd August 2014, Saturday, when I felt too tired, I decided to have fresh air outside my office premises, SHUBHAM, C-25, Qutub Institutional Area. I opted to take a route on the pathway of Sanjay Van in my car which was driven by my driver. As I started for the drive and had reached just the corner of the office building, I saw a sight that was just beyond the moral and humanist value of an individual. What I saw was a shameful assault of a girl by a gang of young boys.'

Several witnesses, allegedly, chose to remain mute spectators to the incident that unfolded in broad daylight. Dr. Giri has alleged that a Delhi Police PCR van stationed near the area refused to intervene despite requests.

“I saw a shameful assault on a girl by a gang of 3 young boys and as I went closer to understand the situation, I saw them tearing off her clothes as they assaulted her,” she stated in her first statement.

“I tried to shield her with my own body and seeing a PCR van pass by, tried to stop it. The driver came down and saw the whole situation but, to my surprise, went back to his vehicle only to return and say that he couldn’t help me then because a higher official sitting in the PCR had to go somewhere else urgently,” she added. ‘I was told by the driver then, that “Sahib ko kahi jaldi jana hai abhi main aapki koi madad nai kar sakta” she said. She further narrated, ‘Suddenly, I saw a woman in her mid 30’s coming towards me. She came closer to me and started punching me hard from left, right and centre. Being a 76yr old widowed women and being on the medical support, I was hurt very badly with the internal as well as external injuries. There were about 50 onlookers. None of them including my driver could come to the rescue of a 76 years old former Chairperson of National Commission of Woman. Rather, they were mere spectators and cheerful audiences witnessing this irony of an old woman. The trouble of the girl was now the trauma of an old woman. Again I saw a Police Control Room motorbike coming. I tried stopping it. Upon stopping, I told the police officials to stop this fight and take the boys and everyone along. Very rapidly the policeman started yelling at me addressing me ‘Budiya’, and mentioned if I have any serious grievances I must report to by filing an FIR at the police station.’”

She further stated, ‘I went straight to my son’s place. He provided me the first aid and a sorbitrate medicine. She was then admitted in Apollo Hospital. Till now after two days of the incident, I am suffering from the trauma of the hard punches and the effort to tear off my clothes.’ She has sent her complaint to Delhi Police Commissioner BS Bassi via email. She is yet to receive even an acknowledgement. It is a matter of utter shame that the state could not ensure the safety of a person of the stature of Dr. Giri.

The Indian Supreme Court has in its judgment in Prakash Singh’s case directed the need for all states to legislate on Police reforms bringing in a new relevant Police Act

abiding by its 7 directions. Although about 16 states have come out with their versions of a Police Act the directions of the Hon'ble Supreme Court are yet to be implemented. Justice J.S. Verma in his report in early 2013 has also dealt with this subject.

It is pertinent to also mention that the victim in this case, Dr. V. Mohini Giri has also not wanted this to be seen only as an attack on herself but rather as a clarion call for implementing the hitherto largely non-implemented directives of the Hon'ble Supreme Court of India on police reforms

Appeal:

We, therefore urge the Hon'ble NHRC to immediately undertake the following since the issue relates to its own former Deemed Member of the Hon'ble Commission:

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events and bring the perpetrators to book by an investigation undertaken by its own investigation wing which includes an apology from the perpetrators of the said violent attack ; ;
- Since the judgment of the Supreme Court is yet to be implemented fully in spirit we would be happy that the Hon'ble NHRC uses this opportunity to intervene in all proceedings before the Supreme Court relating to Police reforms using its powers for such interventions as under Sec 12 (C) of the Protection of Human Rights Act 1993 to ensure that the SC guidelines are implemented fully;
- Along with the local District Collectors / Deputy Commissioners and Commissioners of Police / District Superintendents of police put an end to all acts of harassment/ intimidation / threats / attacks / false criminal cases against all human rights defenders in India to ensure that in all circumstances they carry out their activities without any hindrance;
- Along with the local District Collectors / Deputy Commissioners and Commissioners of Police / District Superintendents of police, popularise the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, through translations of the same in the local languages, especially,

- Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”
- Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in New Delhi.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath.

Henri Tiphagne

Honorary National Working Secretary