



Human Rights Defenders Alert - India
National Coordination Office
6, Vallabai Road, Chokkikulam, Madurai 625
002. Tamil Nadu, INDIA
Tel: +91-9994368540 **Email:** hrda.india@gmail.com

August 8, 2016

To,

Shri Srinivasa Kammath

National Focal Point - Human Rights Defenders
& Deputy Registrar
National Human Rights Commission
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Sub: HRD Alert - India - Urgent Appeal for Action- Assam: Criminal case registered against journalist Ms. Neha Dixit and others of weekly English News Magazine 'Outlook' in Latasil police station, Guwahati, Assam for publishing a report alleging trafficking of 31 children from Assam to Gujarat and Punjab by the right wing Hindu outfits affiliated to the Rashtriya Swayamsevak Sangh (RSS) in an attempt to attack and suppress freedom of speech and expression – Regarding

Dear Sir,

Greetings from Human Rights Defenders Alert - India!

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

We are writing to express our grave concern regarding journalist Ms. Neha Dixit and others of weekly English News Magazine 'Outlook' who are being implicated in a

criminal case for publishing a report alleging trafficking of as many as 31 tribal children in June 2015 from Assam to Gujarat and Punjab by the Hindu outfits affiliated to the Rashtriya Swayamsevak Sangh (RSS). The case is reported to be registered at Latasil police station, Guwahati city, Assam.

Status of the Human Rights Defender

Ms. Neha Dixit is a freelance journalist who has been extensively covering gender issues, development and social conflict. She started her career with Tehelka after graduating from AJK Mass Communication Research Centre of Jamia Millia Islamia in Convergent Journalism. She also worked with TV Today for a short period. For last couple of years she has been working independently and contributes articles to several national and international publications. She won the prestigious international Committee of the Red Cross award for her story 'Shadow Lines' published in Outlook's August 4, 2014 issue. 'Shadow Lines' was the chilling accounts of seven rape survivors of communal riots that took place in Muzaffarnagar- Shamli in Uttar Pradesh in September 2013 and their fight for justice.

Source of Information on the Incident:

The Coordinator of HRDA for the North East of India
Media Reports

The Perpetrators:

Mr. Bijon Mahajan (BJP spokesperson and Guwahati High Court advocate)
Mr. Mominul Awwal (BJP Minority Cell)
Mr. Subhash Chandra Kayal (Assistant Solicitor General)

Place of Incident:

Police complaint lodged at Latasil Police Station, Guwahati city, Assam

Details of the Incident:

According to sources on August 4, 2016, a police complaint was lodged at Latasil Police Station in Guwahati city in Assam against journalist Neha Dixit, *Outlook's* Editor-in-Chief and publisher. The magazine had carried Neha Dixit's five-part

investigation 'Operation #BabyLift' on how the affiliates of *Hindu Sangh Parivar* flouted every Indian and international law on child right to traffic as many as 31 young tribal girls from Assam to Punjab and Gujarat to "indoctrinate" them with the Hindutva ideology. The complainant was filed by Mr. Bijon Mahajan (BJP spokesperson and Gauhati High Court advocate), Mr. Mominul Awwal (BJP Minority Cell) and Mr. Subhash Chandra Kayal (Assistant Solicitor General). The case was registered (no 230/16) under Section 120 (B) and 153 (A) of the IPC against the Outlook magazine. It has been contended in the complaint that the write-up promoted enmity between different groups residing in Bodoland Territorial Area District (BTAD) areas on the basis of religion and race and was prejudicial to maintenance of harmony.

The report says that the Anti-Human Trafficking Unit of the Crime Branch, Delhi Police, along with some other agencies, swooped down upon the girls along with their local handlers associated with *Sewa Bharati* – as soon as they stepped out of the Poorvottar Sampark Kranti Express around 7.40 pm. on June 11, 2015, at the New Delhi Railway Station. The *Outlook* report also names the involvement of yet another RSS outfit, *Rashtriya Sevika Samiti*, in the case. The age group of the girls, belonging to Bodo and Santhal communities from Assam's Kokrajhar district, ranged between 8 and 14.

According to sources on June 16, 2015, a week after the girls were taken away, the Assam State Commission for the Protection of Child Rights (ASCPCR) wrote a letter (ASCPCR 37/2015/1) to the ADGP, CID, Assam Police, and marked it to the National Commission for Protection of Child Rights, calling this incident 'against the provision of Juvenile Justice Act 2000' and concluded that it amounts to 'child trafficking'. The commission requested the police 'to initiate a proper inquiry into the matter and take all necessary steps to bring back all 31 children to Assam for their restoration'. These orders were violated with impunity by the institutions with the help of the Gujarat and Punjab governments. In its latest issue published, Outlook carried a 11,350-word story by Neha Dixit along with several official relevant documents.

Appeal:

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

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of registering criminal case against the journalist and woman human rights defender Ms. Neha Dixit and others by the rights wing groups affiliated to the RSS in Guwahati in an attempt to suppress their rights to freedom of speech and expression;
- Takes necessary steps to ensure that the cases filed against journalist Ms. Neha Dixit and others are withdrawn and defenders are not harassed or intimidated or falsely implicated in future and give this assurance to the NHRC of India in writing immediately and urgently;
- Takes immediate legal action on the perpetrators for filing criminal cases against the journalist and woman human rights defender Ms. Neha Dixit and others and give this assurance to the NHRC of India in writing immediately and urgently;
- Guarantees in all circumstances the physical and psychological integrity of all the journalists from Outlook magazine who are still under risk of further attacks from the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Puts an end to all acts of harassment against all journalists, writers and human rights defenders to ensure that in all circumstances they carry out their activities as journalists, writers and defenders of human rights without any hindrances;
- Takes steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels;
 - Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination,

pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

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

Looking forward to your immediate action in this regard,

Yours sincerely,

(Henri Tiphagne)

National Working Secretary