



## HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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November 03, 2022

To,  
Mr. Indrajeet Kumar,  
National Focal Point – Human Rights Defenders & Assistant Registrar,  
National Human Rights Commission,  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA, New Delhi –110 023  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert – Urgent Appeal for Action – Delhi & Mumbai: Intimidation and harassment of journalists associated with independent media news portal *The Wire* by Delhi police.**

Greetings from Human Rights Defenders Alert!

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

We are writing to express our concerns at the raids by the Delhi Police Crime Branch on the residences and office of the editors and staffs of the news website *The Wire* and seizure of multiple electronic devices. These raids and seizures followed after a police complaint filed by Mr. Amit Malviya, the head of National Information and Technology Department of the Bharatiya Janta Party (BJP).

**Source of Information:**

Media Reports

**Date of Incident:**

October 31, 2022, and November 01, 2022

**Place of Incident:**

New Delhi & Mumbai

**Perpetrators:**

Delhi Police Crime Branch

**About the Human Rights Defenders:**

*The Wire* is an Indian news website, popularly known for investigative journalism and publishing news stories critical of the policies and actions of central and state

governments in India. Established in 2015, it has reported on several controversial issues often involving the Union Government of India and big businesses, often met with initiation of legal actions for its journalistic endeavours. More details can be found here - <https://sabrangindia.in/article/wires-intrepid-and-pathbreaking-contribution-india-s-journalism>.

**Mr. Siddharth Varadarajan, Mr. MK Venu and Mr. Sidharth Bhatia** are the founding editors of *The Wire*, with Mr. Varadarajan, a veteran Indian journalist also the editor in chief of the news website. **Ms. Jahanvi Sen** is the deputy editor and **Mr. Mithun Kidambi**, is the product-cum-business head. *The Wire* is published by the Foundation for Independent Journalism.

### **Background of the Incident:**

On October 10, 2022, *The Wire* published a news story which alleged that Meta, the multinational corporation, had given special privileges to the head of National Information and Technology Department of the BJP, Mr. Amit Malviya, to flag and take down posts critical of the government. Subsequent stories were published on October 11, 15 and 17, 2022.

Disputes were raised by certain individuals quoted in the articles and *The Wire* launched a review by external IT experts on October 18, 2022. The review established that facts and materials provided by their employee were false and fabricated.

On October 23, 2022, *The Wire* publicly retracted the story and on October 27, 2022, published a public apology. Subsequently, on October 29, 2022, *The Wire* filed a complaint with the Delhi Police against its employee and requested for an FIR to be registered under IPC sections 465 (Punishment for forgery), 469 (Whoever commits forgery, intending that the document or electronic record forged shall harm the reputation of any party) and 471 (Whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged document or electronic record, shall be punished in the same manner as if he had forged such) and sections 65 (Tampering with computer source documents) and 66D of the Information Technology (IT) Act ( Punishment for cheating by personation by using computer resource).

On October 29, 2022, Mr. Malviya filed a complaint with the Delhi Police against *The Wire*, its founding editors Mr. Varadarajan, Mr. Bhatia and Mr. Venu, deputy editor Ms. Sen, the Foundation for Independent Journalism, and other unknown people. An FIR was registered under IPC sections 420 (cheating), 468 and 469 (forgery), 471 (fraud), 500 (defamation) r/w 120B (criminal conspiracy) and 34 (criminal act).

Mr. Malviya's complaint said that *"I am filing the present complaint for the offences of cheating, forgery for the purpose of harming the reputation, using as genuine a forged document or electronic record and defamation amongst other provisions of the IPC by the accused.."* and that the articles by *The Wire* have damaged the trust in him and impaired his ability to carry out the functions of his responsibility.

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

On October 31, 2022, and November 1, 2022, the Delhi Police Crime Branch carried out raids at *The Wire*'s office and residences of Mr. Varadarajan, Mr. Venu and Ms.

Sen in New Delhi, and residences of Mr. Bhatia and Mr. Kidambi in Mumbai. The police raided Mr. Kidambi's residence from 2.30 – 5 AM on November 01, 2022.

According to sources, as many as sixteen electronic devices were seized during the raids. Two phones, a tablet and a laptop from Mr. Varadarajan; one phone and a laptop each from Mr. Venu, Mr. Bhatia, Ms. Sen, and Mr. Kidambi were seized. Two hard disks were seized from the finance department at *The Wire's* office and a reporter's phone and computer at the office were also seized.

The police also asked them to remove all passcodes from their phones and laptops, and to provide passwords of their official and personal email accounts. Some other staff members were asked for passwords to their official email accounts. One staff member was asked to give passwords to both official and personal email accounts.

The Wire said in a public statement that all their staff cooperated with the police, however, one of their lawyers Mr. Shadan Farasat was physically manhandled by the police officials at *The Wire's* office. Hash values (a unique numerical value for each device used to ensure the integrity of a device and its data) for seized electronic devices were not provided to their owners.

Various national and international media have condemned the police raids on *The Wire* and the seizure of their electronic devices.

We are gravely concerned by the raids carried out by police officials on the basis of a defamation complaint and consider these raids a form of intimidation by the State targeting an independent media outlet.

Since *The Wire* had already issued a public apology and retracted the story from its website, there was no need to conduct multiple raids or seize electronic devices. Furthermore the police has not provided the hash value of the electronic devices seized as required by the law. The police is yet to register an FIR against *The Wire's* employee who has been accused by *The Wire* of fabricating the story.

While we do believe that *The Wire* and all media should be extremely cautious while verifying the credentials of its sources, under no circumstances these multiple raids and seizure of electronic devices can be justified. We firmly believe that these raids are acts of political reprisal against an independent media house which has consistently and vocally been critical of government policies.

**Appeal:**

We urge the Hon'ble Commission to take cognisance of the above case and urgently:

- Direct the investigation wing of the Hon'ble Commission to initiate an independent inquiry into the abuse of powers by the Delhi Police in this case of raids at multiple locations at the residences of *The Wire's* functionaries and its office, seizure of electronic devices without providing hash values and accessing passwords of private and official emails.
- Depending on the result of the investigation, direct the Commissioner of Police of Delhi, to take immediate and stringent action against all the police officials

involved in this act of abuse of power and law.

- Publicly condemn such acts of intimidation against independent media outlets and remind State of its duty to ensure a free press.

Yours Sincerely,

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

**Henri Tiphagne**  
National Working Secretary