



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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To
Mr. CS Mawri,
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

Dear Sir,

Sub: HRD Alert-India – Urgent Appeal for Action – New Delhi: Negligence by police in registering FIR and providing security to WHRD and Dalit journalist Ms. Meena Kotwal on receiving threats of violence and death.

Greetings from Human Rights Defenders Alert -India!

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

We are writing to express our grave concern over negligence by the Delhi Police in registering FIR and not providing security after online abuse and threats to WHRD and Dalit journalist Ms. Meena Kotwal. She had complained of multiple death threats and abuses on phone.

About the Human Rights Defender:

Ms. Meena Kotwal, is a Dalit woman journalist and the founder of 'The Mooknayak', an online channel and website that takes up issues of persecution of Dalits and marginalised people and raises the voice of social justice and democracy for the marginalised. (<https://themooknayak.in>)

Source of the Information:

- Communication with the WHRD
- Communication with HRDA North Consultant
- Media Reports

The Perpetrators:

- SHO Mr. Mukesh Kumar Moga, Ambedkar Nagar Police Station, New Delhi
- Sub Inspector Bansi Lal, Ambedkar Nagar Police Station, New Delhi
- Ms. Benita Mary Jaiker, Addl. DCP, South West Delhi

Date of Incident:

December 25, 2021-present

Place of Incident:

New Delhi

Details of the Incident:

On December 25, 2021, Ms. Meena Kotwal, had posted a video of herself burning the Manusmriti on the occasion of 'Manusmriti Dahan Divas' (Manusmriti Burning Day) to commemorate Dr Bhimrao Ambedkar's metaphorical burning Manusmriti in 1927 which he believed to be regressive and against women's rights.

Since December 26, 2021, she began to receive violent threats by men claiming to be associated with Hindutva nationalistic groups like Bajrang Dal, Karni Sena, Vishwa Hindu Parishad. *"You will suffer the same fate as Gauri Lankesh"*, said multiple callers giving her the death threat. In one of the conversations, the abuser warned her that her phone number was being widely distributed on WhatsApp groups and social media pages, with instructions for others to collectively threaten her. The men demanded that she should remove the video which she had shared. When she refused, they threatened her with physical violence. Since then she has been continuously harassed by abuses on social media platforms, threats of violence, her social media accounts and phone numbers being hacked. A caller even claimed to be a policeman and others made casteist and threats of physical violence against her. Ms. Kotwal says she received hundreds of calls threatening and abusing her.

On December 30, 2021, Ms. Kotwal filed a complaint with the Ambedkar Nagar Police Station in New Delhi, with details of the numbers she was being threatened and abused from and enclosing screenshots of the abuses and threats. The SHO of the Ambedkar Nagar police station Mr. Mukesh Kumar Moga asked the Sub inspector Mr. Bansi Lal to file Ms. Kotwal's complaint. According to her the SI Mr. Lal made her sit for a long time and advised her on not to do such things instead of filing her complaint. On her saying that she needs the receipt of the FIR, he said that it will take time. Ms. Kotwal said that she will meet the DCP and return to take the paperwork for the FIR.

After she submitted a copy of the complaint to the Addl. DCP South West Delhi Ms. Benita Mary Jaiker, she was told that her FIR will be filed in the Ambedkar Nagar Police Station. She went back there but an FIR based on her complaint was not filed and since then she has been running pillar to post to get her FIR filed.

According to the guidelines issued by the Delhi Police, a woman can lodge a complaint via email or registered post or even send a written complaint through an email or registered post addressed to a senior police officer of the level of Deputy Commissioner or Commissioner of Police. The officer then directs the SHO of the police station, of the area where the incident occurred, to conduct proper verification of the complainant and lodge an FIR. The police can then come over to the residence of the victim to take her statement. The FIR has to be filed and then an investigation takes place. However, so far no FIR has been lodged on Ms. Kotwal's complaint.

We fear that this apathy of the police is a sign of indifference and negligence of the Delhi Police towards crimes against Dalits, specially Dalit women, who often face apathy and hostility towards them in a police station. We are shocked that the FIR based on the complaint of a Dalit WHRD was not filed despite her repeated attempts. This inaction of the Delhi police has put the Dalit WHRD in grave danger from the death threats she is getting.


Appeal:

We urge the Hon'ble Commission to urgently:

- Direct the Deputy Commissioner of Police of South East Delhi to immediately file an FIR based on the complaint of Ms. Meena Kotwal in the Ambedkar Nagar police station.
- Direct the Deputy Commissioner of Police of South East Delhi to submit a detailed report on the wilful negligence and inaction by SHO Mr. Mukesh Kumar Moga and SI Mr. Bansi Lal of the Ambedkar Nagar police station by not registering an FIR on December 30, 2021. The commission should also enquire on the inaction by the Addl. DCP South West Delhi Ms. Benita Mary Jaiker to file an FIR on the complaint by Ms. Meena Kotwal and submit a report to the Hon'ble Commission within two weeks.
- Direct for an FIR against Ambedkar Nagar Police Station SHO Mr. Mukesh Kumar Moga and SI Mr. Bansi Lal under Section 4 of the SC ST PoA Act for their wilful negligence and inaction to register an FIR on December 30, 2021, and submit a report to the Hon'ble commission within 2 weeks.
- Direct that the Deputy Commissioner of Police of South East Delhi takes appropriate steps to include Section 307 (attempt to murder) of the Indian Penal Code to the FIR, provisions of the SC ST PoA Act and all required measures to arrest callers who made abusive threats to Ms. Meena Kotwal.
- Direct the Deputy Commissioner of Police of South East Delhi to provide complete security to Ms. Meena Kotwal who remains vulnerable to further attacks.
- Direct payment of interim compensation, in addition to the compensation allowed under the SC ST PoA Act, to Ms. Meena Kotwal given that the brutal attacks on her are a result of her activism. We urge that this case is treated as a case of reprisal on human rights defender.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne

National Working Secretary