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**Complaint against DCW Chairperson Ms. SWATI MALIWAL u/s 197(4) of CRPC  
1973 and SEC 4(iii)(f) of DCW ACT 1994**

**BY EMAIL**

To  
The Hon'ble Secretary (WCD & SW), [pssw@nic.in](mailto:pssw@nic.in)  
Department of Social Welfare,  
GNCT of Delhi, GLNS Complex,  
Delhi Gate,  
New Delhi – 110001

**SUB:** Complaint against Delhi Commission for Women Chair Person – Ms. SWATI MALIWAL – requesting her immediate dismissal as DCW Chair Person and to initiate legal action u/s 197(4) of CrPC 1973 for offences committed by her u/s IPC 166, 167 & u/s 74 of JJ ACT by taking suo-moto cognizance, entering into/initiating investigation, publicising, disclosing identity of accused or children allegedly in conflict with law, on social media platform without any authority & jurisdiction of a very sensitive case "Bois Locker Room"; where juvenile have been alleged to commit an offence, defined as **"Child" under eighteen years** of age as per existing law of The POCSO ACT, 2012 & JJ Act of 2015.

Dear Sir/Ma'am,

We would like to bring to your notice of your kind authority that article 15(3) of The Constitution of India (COI) has empowered State Legislatures & Parliament to make Provisions in the interest of "Women" and also specifically in the interest of "Child" either boy or girl; We further submit that Ms. Swati Maliwal, defined as public servant u/s 21 of IPC 1860 for violation of DCW ACT 1994, have apparently committed offences; abused her position and power; abused the constitutional laws of child rights; and also laws under DCW ACT 1994, which we are

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submitting for your Honoured perusal;

## **PREMISE / FACTUAL MATRIX:**

1. **Definition of CHILD and Laws to protect Child Rights:** The Parliament of India has enacted one enactment under the name "THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012" (herein referred as POCSO ACT) to protect children from sexual offences and also to ensure need of care and protection, right to privacy, healthy physical, emotional, intellectual and social development of the child who is victim of an offence under the ACT. We also humbly submit that Parliament HAS also enacted another enactment "THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015" (referred as JJ ACT hereinafter) to safeguard rights of children hence to consolidate and amend the law for the child in conflict with law i.e. who is alleged or found to have committed an offence under Indian Laws and child in need of care and protection; by catering their basic needs through proper care, protection, development, treatment, social re-integration, by adopting child friendly approach in the adjudication and disposal of matters in the best interest of children through bodies and institutions established under the ACT. We submit under the POCSOA CT & JJ ACT "child" means a person who has not completed 18 years of age and NO LAW other than this ACT is applicable for all matters including prosecution, any child NEEDING care and protection or any child in conflict with law. In this context we submit Section 1(4) of JJ ACT;

***Short title, extent, commencement and application.—***

(4) ***Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all matters concerning children in need of care and protection and children in conflict with law, including —***

- (i) *apprehension, detention, **prosecution**, penalty or imprisonment, rehabilitation and social re-integration of children in conflict with law;*
- (ii) *procedures and decisions or orders relating to rehabilitation, adoption, re-integration, and restoration of children in need of care and protection.*

2. **JURISDICTION and Authority OF Delhi Women Commission:** State Legislature of Govt. of NCT has enacted Delhi Commission for Women Act 1994. We submit that as per Section 10(i)(a) of DCW ACT, the function and Jurisdiction of DCW is to investigate and examine

matters relating to the safeguards of rights provided for Women **ONLY** under constitution or any other women Laws. The Section reads:

***Function of the Commission: -***

- (i) The Commission shall perform all or any of the following functions, namely*
- (a) investigate and examine all matters relating to the safeguards provided for **women** under the constitution and other laws;*

Therefore, it is clear evident that DCW and Chairperson along with Commission members are only empowered to exercise Jurisdiction to examine and investigate the matters related to safeguard the Women Rights and NOT for matters pertaining to Child, whatsoever.

### **CAUSE OF ACTION:**

3. DCW, on 04 MAY 2020 issued one notice F.1(44)/DCW/CP/2020/W13 to Delhi Police of taking SUO-MOTO Cognizance hence entering investigation u/s 10(i)(a) of DCW ACT 1994 against the group called **"Bois Locker Room"** operational on social media platform "Instagram", stating, that group members shared objectionable pictures of minor girls and planning illegal acts against minor girls and demanded F.I.R., **Details of Accused**, ATR from Delhi Police as part of their investigation. We submit that notice served to Delhi Police was signed by Chairperson Ms. Swati Maliwal and subsequently shared on social media platform twitter with a tag **"BREAKING-"** by DCW official twitter handle @DCWDelhi on 04-May-2020 at 16:52 hrs IST. It was also re-tweeted by Ms. Swati Maliwal from her twitter handle the same day. We hereby submitting snippets of the tweet and the notice for your ready reference;



Delhi Commission for Women - DCW ✓  
@DCWDelhi

Breaking -

DCW chief @SwatiJaiHind issues notice to Instagram and Delhi Police in the matter of a group named "boys locker room" being used by some miscreants to share objectionable pictures of minor girls and planning illegal acts such as rape of minor girls.

#boyslockerroom

स्वाती मालिवाल जयहिंद  
(अध्यक्ष)  
दिल्ली महिला आयोग  
SWATI MALI WAL JAIHIND  
Chairperson  
Delhi Commission for Women



सी-ब्लॉक, द्वितीय तल, विकास भवन, इन्दिरा एस्टेट, नई दिल्ली-02  
C-Block, IInd Floor, Vikas Bhawan, I.P. Estate, New Delhi-02  
Tele : 23379150, Fax : 23378325  
E-mail : livingpositive@gmail.com

D.O. No. : F.1(44)/DCW/CP/2020/W13  
Dated : 04.05.2020

### NOTICE

The Delhi Commission for Women has taken suo-moto cognizance of reports regarding a group called 'Bois Locker Room' operational on social media platform 'Instagram' which comprises of several hundred members. It is reported that the group is used for sharing objectionable pictures of minor girls and young women many a times with their personal information. The members of the group have been reported to have discussed techniques of raping women and gang-raping minors. Several other illegal acts and comments have been made on the group. The Commission is in receipt of several screenshots of the group wherein the handle names and the usernames are clearly visible.

The same day, DCW official twitter handle at 19:18 hrs IST shared video of DCW Chairperson and confirmed the notice issued to Delhi Police and Instagram against the **boys** in "Bois Locker Room" group for the same reasons. We submit that sharing objectionable pictures of child and sexual harassment upon a child are offences u/s 11 & 13 of POCSO ACT and Procedure for reporting and investigating authority for such offences is defined u/s 19 of POCSO ACT not under DCW ACT 1994. Hence DCW Chairperson committed an offence punishable u/s 166 of IPC 1860 and abused the position chair of DCW by taking SUO-MOTO

Cognizance and violating LAW of DCW ACT 1994 for the offence not empowered to investigate under her authority.

4. DCW re-tweeted a tweet by RJ Payal dated 05-May-2020 of 13:53 hrs IST, which was an audio conversation of Ms. Swati Maliwal. It was SURPRISING and SHOCKING to hear that she openly without any fear of constitutional Laws declared on Red FM 93.5 and on social media platform that DCW has initiated investigation by issuing notice to Delhi Police and Instagram against "Bois Locker Room" group **where victims are minor-girls and children in conflict of law are 'minor-boys' – aged to be 16 years, 17 years and even of 14 years and she and DCW want them to be arrested because a strong message should be sent out.** Further that DCW got the information of alleged offence through social media platforms and hence Delhi Commission of Women took Suo-Moto cognizance of offence against children. In this context it is imperative to state the section 34 of POCSO ACT:

**PROCEDURE TO BE DEALT WHEN OFFENCE COMMITTED BY CHILD UNDER POCSOACT**

**34.Procedure in case of commission of offence by child and determination of age by Special Court.**—(1) Where any offence under this Act is committed **by a child**, such child shall be dealt with under the provisions of **1[the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016)]**.

**NOT BY DCW ACT 1994**

We submit that, Ms Swati Maliwal being aware of the fact that in instant case, children are in conflict with law, she still initiated ILLEGAL investigation, as DCW CP, against the children, by blatantly abusing her powers and law conferred under DCW ACT 1994 and further she violated constitutional laws of India specifically made to protect the Child Rights.

5. **Ms. SWATI MALIWAL IS NOT THE MEMBER OF JUSTICE JUVENILE BOARD:** Same tweet of DCW, dated 04-May-2020 On 16:52 hrs IST also discloses Notice issued to Instagram-Facebook seeking information of Name, Username, Email, IP address, location & any other information of accused children, during her ILLEGAL investigation initiated and again

Ms. Maliwal did not stop there. Dissatisfied with reply from Facebook, she, in capacity of Chairperson of DCW, issued another notice F.1(44)/DCW/CP/2020/W18 dt 09.05.2020. Ms. Swati Maliwal herself knew and even then, disclosed that victims are children and also children in conflict of law connected to this "Bois Loker Room" case hence it is matter of child rights not women rights and there is substantive affirmative LAW for any child in conflict of law which means **"a child who is alleged or found to have committed an offence (under IPC or POCSO ACT or IT ACT) and who has not completed eighteen years of age on the date of commission of such offence"** u/s 2(13) of JJ ACT 2015 ; in the same context we submit section 8 of JJ ACT:

**Powers, functions and responsibilities of the Juvenile Justice Board.—(1) Notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, the Board constituted for any district shall have the **power to deal exclusively with all the proceedings under this Act, relating to children in conflict with law** in the area of jurisdiction of such Board.**

(3) The functions and responsibilities of the Board shall include—

- (e) **directing the Probation Officer, or in case a Probation Officer is not available to the Child Welfare Officer or a social worker, to undertake a social investigation** into the case and submit a social investigation report within a period of fifteen days from the date of first production before the Board **to ascertain the circumstances in which the alleged offence was committed;**
- (k) **order the police for registration of first information report for offences** committed against any child in conflict with law, under this Act or any other law for the time being in force, on a complaint made in this regard;

Ms. Swati Maliwal, thus, has totally abused her authority and exceeded her Jurisdiction under the law of DCW ACT by taking SUO-MOTO Cognizance and entering into illegal investigation, **and making it public on social media**, of an offence which shall only be directed to Probation Officer or Child Welfare Officer by the authority and Jurisdiction of appropriate JJ Board. It is NEEDLESS TO SAY the protection given to rights of children under existing law of India - JJACT has been totally violated in this case for the best reasons known to DCW Chairperson.

6. We submit that both ACTS - JJACT & POCSOACT does not empower DCW to be competent institution to investigate or adjudication and disposal of matters in the best interest of child. We submit that Juvenile Justice Board is the competent authority relating to accused children in conflict of Law in present case and under section 3 of JJ ACT 2015 all the agencies and institutions implementing provisions of act have to follow the fundamental principles of presumption of innocence; safety; **non-waiver of child rights; equality and non-discrimination w/o regard to gender etc; privacy & confidentiality; fresh start to all children**. We submit that Ms. Swati Maliwal, while committing an offence under IPC 166, 167 issued the notice on her letter head to Delhi Police & Instagram in this context six important questions arise, is she empowered under DCW ACT 1994 to seek information **of Children of 14, 16 and 17 years** alleged to have committed an offence:

- 1) F.I.R. COPY & Details of Accused?
- 2) USERNAME?
- 3) IP ADDRESS?
- 4) EMAIL ADDRESS?
- 5) LOCATION
- 6) ACTION TAKEN REPORT?

ARE THERE NO CHILD RIGHTS IN THE COUNTRY??

7. Ms. Swati Maliwal, in her conversation with RJ Payal, clearly stated that she and DCW want the arrest of children to give a strong message. Her concerned staff, re-tweeted her tweet dated 05-May-2020 of 8:41 hrs IST of @AmyraDastur93 from DCW official twitter handle and disclosed the picture having names of DE-FACTO, child in conflict with law, hence committing an offence u/s 74 of JJ Act 2015.

8. Being a public servant, Ms. Swati Maliwal, is bound to respect Constitutional Laws; and on receiving any information regarding an offence of such sensitive nature she should have immediately and **privately** informed State Child Commission or Nation Commission for Child Rights or Child Welfare Officer or Juvenile State Board or to Police but she took cognizance without any authority and initiated her own illegal investigation under the BANNER of DCW by targeting children of

14 years, 16 years and 17 years of age to intentionally make the alleged offence under her area of Jurisdiction further uploaded notices and other conversations, tweets from her ILLEGAL INVESTIGATION to get what benefits are best known to her only . In this context we also submit her insensitivity towards children by her tweet dated 05-05-2020 at 09:21 hrs IST:

*"Police has registered an FIR in the [#BoysLockerRoom](#) matter and a 15 year old was held last evening. Hope all culprits are arrested soon. **However young they may be, they must understand that it's NOT OK to harass girls! The message should be delivered clearly once and for all!**"*

9. We humbly submit it cannot be ignored that Suicide of a 17 year old child, Manav Singh is the consequence of fear, panic and social media hysteria created by DCW Chairperson. We also submit that in year 2019 same habitual offender, Ms. Swati Maliwal, posted a video capturing sexual assault upon a minor, which was later deleted and she apologised for this act of hers. We submit that sharing such videos of child on social media is either an offence u/s 23 of POCSO ACT or u/s 67A of IT ACT 2000 and still no legal action has been taken against her, till today.

10. We already have The National Commission for Protection of Child Rights and State Commission for the Protection of Child rights for handling and monitoring of such sensitive matters but NOT Delhi Commission for Women, who's Chairperson Ms. Swati Maliwal, having no competence to full fill basic rights of rehabilitation, mental emotional and social integration, intellectual development and other protection rights of children to be followed in this case and further initiated her own illegal investigation contrary to DCW ACT 1994.

11. It is indeed pertinent to mention here that as per the Press Release by Delhi Police, dated 10<sup>th</sup> May 2020, the alleged "Bois Locker Room" group member, who apparently shared the illegal messages has been found to be a female juvenile using a fake fictional identity. The Press Release also mentions following, "When the Bois Locker Room Instagram screenshots wererevealed to others and started circulating



on social media, the alleged Snapchat conversation also got mixed with it due to its sensational nature and due to its availability in different student groups.” Hence, the whole premise of the very start of the illegal action and abuse of the position and power by Ms. Maliwal, was indeed based on fake, unconnected matters, instigating public hysteria, social defaming, Male Gender Bashing and Demeaning of Juveniles on a fake foundation.

### **PRAYER:**

12. DCW must immediately stop the ILLEGAL inquiry and investigation and matter w.r.t. “Bois Locker Room”, shall be dealt with competent authorities with due care and attention by child psychologists or social workers experts in the area as per provisions under existing law of JJ ACT 2015.
13. We request your kind authority to immediately suspend Ms Swati Maliwal u/s 4(iii)(f) of DCW Act 1994 for abuse of her position as Chair Person for taking illegal action of cognizance thereafter entering into/initiating illegal investigation against children and widely publicising it on social media.
14. It is submitted that State Government of Delhi shall immediately issue directions to Delhi Police u/s 197(4) of CRPC 1973 to register F.I.R. for offences u/s IPC 166, 167 of IPC 1860 and 74 of JJ ACT, committed by Ms. Swati Maliwal, as Public Servant by intentionally abusing and mis-using her powers as DCW Chairperson, within 15 days from receipt of this memorandum in the best interest of child rights or welfare of children connected with this case. If no response received from you within 15 days of receipt of this Memorandum it will be assumed that you no objection for us to reach out to Delhi Police directly to prosecute DCW Chairperson – Ms. Swati Maliwal.

Be Pleased To Consider

FROM: Men Welfare Trust



Place: New Delhi

**MEN WELFARE TRUST (Regd )**  
C-403, Arvind Apartments  
Plot-9, Sec-19B, Dwarka,  
New Delhi-110075 (INDIA)

Date: 19-May-2020

Copy To: a) Chief Minister Office: [cmdelhi@nic.in](mailto:cmdelhi@nic.in)

b) Governor's Office : [seclg@nic.in](mailto:seclg@nic.in)

c) Chair Person, National Commission for protection of Child Rights:  
[cp.ncpcr@nic.in](mailto:cp.ncpcr@nic.in)

d) Juvenile Justice Committee High Court of Delhi : [rga.dhc@nic.in](mailto:rga.dhc@nic.in)

e) Delhi Police : [cp.snsrivastava@delhipolice.gov.in](mailto:cp.snsrivastava@delhipolice.gov.in)

f) Ministry of Women & Child Gov of India : [nic-mwcd@gov.in](mailto:nic-mwcd@gov.in)

g) Cabinet Minister DWCD Shri Rajendra Pal Gautam:  
[rajendrapal.gautam@gov.in](mailto:rajendrapal.gautam@gov.in)

h) Central Home Minister Office - UT Division: [jsut@nic.in](mailto:jsut@nic.in)

**Encl:** Annexure containing the URLs of the respective Social Media links mentioned in this complaint.

### **About Men Welfare Trust (MWT):**

Registered NGO in New Delhi, Men Welfare Trust (MWT), work for safeguarding the interests of Men & Boys. MWT has been involved in several intervention petitions on issues such as Marital Rape. NGO, which are managed by India's leading Men's Right Activists, provides free and selfless help to Boys, Men and their families who are victimised by the misuse of gender biased laws. We provide brotherhood support to lakhs of Boys, Men & families in distress who have been victims of false cases which are filed to cash in and extort from a failed relationship, defame and shame them and settle personal scores. Members of MWT are also actively engaged in various other activities like research, documentation

and publication on men's rights issues, and regularly appear on India's leading national news channels.

We, along with our brother NGOs, run India's largest Single Number Helpline for Males in Distress. Our Helpline, 8882498498, named "SIF One", receives close to 6000 calls every month and has been in operation since 2014.

Amit Lakhani

Wasif Ali

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9818509406

[menwelfaretrust@gmail.com](mailto:menwelfaretrust@gmail.com)

### **Annexure**

- 1) Link to video by Ms. Swati Maliwal asking stern action against children involved in "Bois Locker Room" case effectively declaring them as convicts without investigation or trial –
  - <https://twitter.com/DCWDelhi/status/1257306217451450374?s=20>
- 2) Link to interview of Ms. Swati Maliwal with RJ Payal of Red FM 93.5 FM:
  - <https://twitter.com/bhaisaabpayal/status/1257586817257242624?s=20>
  - [https://www.instagram.com/tv/B\\_y3unqAMpd/?igshid=ppcb5xvz3lg8](https://www.instagram.com/tv/B_y3unqAMpd/?igshid=ppcb5xvz3lg8)
- 3) Links of notices issued by DCW duly signed by Ms. Swati Maliwal to Delhi Police and Instagram –
  - <https://twitter.com/DCWDelhi/status/1257269423066345472?s=20>
  - <https://twitter.com/saahilmenghani/status/1259093088644947968?s=20> – Second notice to Instagram confirming DCW running parallel and illegal investigation in "Bois Locker Room" case.
- 4) Links to news and tweets confirming Ms. Swati Maliwal shared a video capturing rape on social media –
  - <https://twitter.com/SwatiJaiHind/status/1153657163660742657?s=20>
  - <https://indianexpress.com/article/cities/delhi/delhi-swati-maliwal-shares-child-rape-video-deletes-it-later-and-apologises-5846362/>
- 5) Link to her tweet declaring arrest of minor boy in "Bois Locker Room" almost celebrating –
  - <https://twitter.com/SwatiJaiHind/status/1257518236217700353?s=20>
- 6) Delhi Police Press Release "One Accused Arrested, One Juvenile apprehended in "Bois Locker Room" Case", dated 10<sup>th</sup> May 2020
  - [http://infopromotion.delhipolice.gov.in/Press\\_Release\\_Details\\_iframe.aspx?cid=zryXm/vHW1g=](http://infopromotion.delhipolice.gov.in/Press_Release_Details_iframe.aspx?cid=zryXm/vHW1g=)