



**Front Line Defenders (FLD)  
International Federation for Human Rights (FIDH)  
World Organisation against Torture (OMCT)**

**141<sup>st</sup> session of the UN Human Rights Committee**

**Joint submission for the review of India's 5th periodic report**

This joint FIDH-FLD-OMCT submission to the United Nations (UN) Human Rights Committee (CCPR) focuses on the Indian authorities' systematic persecution and reprisals against human rights defenders (HRDs) in India in violation of their obligations under Articles 6, 7, 9, 14, 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR).

**The International Federation for Human Rights (FIDH)** is an international human rights NGO that unites 188 member organizations from 116 countries. Since its foundation in 1922, FIDH has been defending all civil, political, economic, social, and cultural rights set out in the Universal Declaration of Human Rights (UDHR).

**Front Line Defenders (FLD)** is an Irish-based international organisation, founded in 2001, with the specific aim of protecting human rights defenders at risk, people who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights.

**The World Organisation against Torture (OMCT)** works with 200 member organisations in over 90 countries to end torture and ill-treatment, assist victims, and protect human rights defenders at risk wherever they are. To achieve this, we advocate with governments to change or implement their laws and policies, we help victims seek justice and strive to hold perpetrators to account.

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## Introduction

1. The situation of human rights defenders (HRDs) in India has significantly deteriorated since the CCPR's review of India's combined third and fourth periodic reports in June 2014. Indian authorities have systemically targeted HRDs for their legitimate work, especially by using a range of draconian laws relating to anti-terrorism and national security. Organizations and individuals peacefully advocating for human rights have been labeled as terrorists and anti-state, denied access to funding and resources, and repeatedly harassed. There has been an increasing clampdown on freedom of expression, including freedom of the press, with journalists and independent media houses targeted for reporting on human rights violations. HRDs in Jammu & Kashmir, those from minority communities, and Dalit and indigenous rights defenders have been especially vulnerable to reprisals. Investigative agencies, prosecutors, and the judiciary have played a key role in the targeting and persecution of HRDs, which is extremely concerning. This report documents human rights violations committed against HRDs in India since 2019 that are in breach of the country's obligations under the ICCPR and particularly Articles 6, 7, 9, 14, 19 and 21.

## Legal framework

2. Indian authorities have systematically used laws that are not in line with international human rights standards to target and punish HRDs and journalists and to silence peaceful dissent. Some of the laws that violate India's international obligations are detailed below.
3. The Unlawful Activities Prevention Act (UAPA) is a regressive anti-terrorism legislation that is used to target HRDs and journalists. In July 2019, the UAPA was [amended](#).<sup>1</sup> The amendments significantly increased the scope of the UAPA, primarily by allowing the Indian authorities to designate individuals, in addition to organizations, as terrorists under Sections 35 and 36 (Chapter VI) of the UAPA. This expansion of the UAPA's scope has enabled the authorities to use this law to arbitrarily detain HRDs and silence critics, particularly under the UAPA's broad definition of "unlawful activity", which is defined as "*any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or visible representation or otherwise, - [...] (iii) which causes or is intended to cause disaffection against India*" (Section 2(o)).
4. The UAPA is often used in conjunction with other laws related to national security, including the National Security Act ([NSA](#)),<sup>2</sup> which authorizes preventive detention of up to three months, indefinitely renewable for additional periods of three months (Section 3(3)).
5. In Jammu & Kashmir, HRDs are targeted under the repressive 1978 Jammu and Kashmir Public Safety Act ([PSA](#))<sup>3</sup> which permits administrative detention without charge and effective judicial review for up to two years. In Chhattisgarh, the [Chhattisgarh Special](#)

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<sup>1</sup> Available at: [https://prsindia.org/files/bills\\_acts/bills\\_parliament/2019/Unlawful%20Activities%20\(Prevention\)%20Amendment%20Act,%202019.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2019/Unlawful%20Activities%20(Prevention)%20Amendment%20Act,%202019.pdf) (last accessed 3 June 2024).

<sup>2</sup> Available at: [https://www.mha.gov.in/sites/default/files/IsdivII\\_NSAAct1980\\_20122018.pdf](https://www.mha.gov.in/sites/default/files/IsdivII_NSAAct1980_20122018.pdf) (last accessed 3 June 2024).

<sup>3</sup> Available at: <https://jkhome.nic.in/pdf/PSA0001.pdf> (last accessed 3 June 2024).

[Public Security Act](#),<sup>4</sup> which is used to disproportionately target defenders who voice their concerns for Adivasi and other indigenous communities, allows for detention without trial for up to three years for being engaged in “unlawful activities”.

6. Sections of the Indian Penal Code (IPC), particularly [Sections 124A](#) (sedition) and [120B](#) (criminal conspiracy) have been used as reprisals against defenders voicing dissent. In May 2022, the Supreme Court of India put the sedition law [on hold](#)<sup>5</sup> and allowed those charged with it to seek relief.
7. The [Information Technology Act 2000](#)<sup>6</sup> has also been used to curtail freedom of expression and dissent, by censoring free speech on social media and facilitating reprisals against journalists and HRDs voicing their criticism of the government. According to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023 ([IT Amendment Rules, 2023](#))<sup>7</sup> which were notified by the Ministry of Electronics and Information Technology on 6 April 2023, a fact-check unit operating solely on the discretion of the central government will be empowered to identify fake or false or misleading online content related to the government. When an HRD is targeted within this legal framework, multiple cases can be filed using a combination of laws, aimed at prolonging incarceration and ensuring defendants are involved in lengthy legal proceedings even if the prosecution fails.
8. In Jammu & Kashmir, thousands of arbitrary detentions were carried out, including hundreds of detentions under the PSA following the unilateral abrogation of statehood for the then State of Jammu & Kashmir on 5 August 2019. The Indian government implemented repressive measures in the then-State to limit the rights to freedom of expression, association, peaceful assembly, and movement, while the Indian Parliament repealed Articles 370 and 35A of the Indian Constitution, which, until then, had conferred a special autonomous status to the State of Jammu & Kashmir.<sup>8</sup> Internet communications, and at times telephone lines, were cut or severely restrained for months, preventing HRDs and civil society organizations (CSOs) from conducting their legitimate human rights activities.
9. The Foreign Contribution Regulation Act ([FCRA](#))<sup>9</sup> is another law which has been routinely used to repress and restrict CSOs and in particular human rights organizations. The law unduly limits the ability of CSOs to receive foreign funding, in a manner that is inconsistent

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<sup>4</sup> Available at: [https://cpjc.wordpress.com/wp-content/uploads/2007/07/cspsa\\_english.pdf](https://cpjc.wordpress.com/wp-content/uploads/2007/07/cspsa_english.pdf) (last accessed 3 June 2024).

<sup>5</sup> Bar and Bench, *Sedition: Supreme Court orders Section 124A IPC to be kept in abeyance; asks Central government, States not to register new cases*, 11 May 2022, <https://www.barandbench.com/news/supreme-court-orders-section-124a-ipc-kept-abeyance-asks-central-government-states-not-register-sedition-cases>.

<sup>6</sup> Available at: <https://eprocure.gov.in/cppp/rulesandprocs/kbadqkdlcswfjdelrquehwuxcfmijmxiuixngudufgbuubgubfugbububjxcgfvsbdihbfgGhdfgFHtyhRtMjk4NzY=> (last accessed 3 June 2024).

<sup>7</sup> Internet Freedom Foundation, *IT Amendment Rules, 2023 are a nightmare, dressed like a fact checking daydream*, 21 April 2023, <https://internetfreedom.in/public-brief-it-amendment-rules-2023/>.

<sup>8</sup> Their repeal resulted in the split of the state into two Union Territories (UT) – the UT of Jammu & Kashmir and the UT of Ladakh – which come under the direct control and authority of the government in New Delhi.

<sup>9</sup> Available at: [https://fcraonline.nic.in/home/PDF\\_Doc/FC-RegulationAct-2010-C.pdf](https://fcraonline.nic.in/home/PDF_Doc/FC-RegulationAct-2010-C.pdf) (last accessed 3 June 2024).

with Article 22 of the ICCPR. In response to a challenge to this law filed by the NGO Indian Social Action Forum in March 2020, the Indian Supreme Court [ruled](#)<sup>10</sup> that while the FCRA was constitutional, the law’s prohibition on organizations of a “political nature” (Section 5) receiving funding could not be used against organizations working on “social and economic welfare of the society.” However, the court’s ruling has done little to stop abuses under the law, demonstrated by the many cases of the FCRA being used to target CSOs. In September 2020, the FCRA was [amended](#),<sup>11</sup> further increasing the legislation’s scope and the government’s ability to use it to arbitrarily impede the work of CSOs. The amendments add intrusive and undue government oversight, additional regulations and certification processes, and operational requirements, which have adversely affected CSOs’ access to foreign funding and their ability to carry out work.

10. Notably, the recent amendments allow the authorities to suspend a CSO’s authorization to use existing foreign funds, or to receive new funds based on a summary investigation, and before a full investigation has been conducted and a judgment rendered (Section 11), which has been used to investigate the work of NGOs critical of the government and to access sensitive information, including the identity of their beneficiaries. The amendments also increased the government’s power to suspend a registration certification from 180 days to 360 days (Section 13). The amendments to the FCRA also [include](#)<sup>12</sup> a decrease in the allotted cap of FCRA funds that can be used for administrative expenses (including salaries, travel, utilities, communication costs, and rent) from 50% to 20% (Section 8 of the FCRA), which disproportionately impacts CSOs whose main activities are research and advocacy, particularly on human rights issues. Amendments also require CSOs to have their primary bank account for foreign grants in a particular branch (Parliament Street Branch in New Delhi) of the State Bank of India. This raises surveillance concerns and poses practical challenges to CSOs, which are often based outside Delhi and have different banks. Many CSOs have had their FCRA licenses suspended and/or terminated in 2023 and 2024, creating an atmosphere of fear and uncertainty among CSOs. Instances of HRDs and human rights organizations targeted under the FCRA provisions have been detailed further below in this submission.

### **Judicial persecution of human rights defenders**

11. HRDs have been increasingly labelled as terrorists, anti-state, and seditious elements. They have been criminalized and incarcerated in retaliation for their work. Laws used by the authorities to target and persecute HRDs include the FCRA, the IPC, the UAPA, the NSA, the PSA, and the Armed Forces Special Powers Act (AFSPA). Politically-motivated executive action, biased investigations, failure to follow due process during arrest and inquiry procedures, and the lack of judicial checks add to the harm done to HRDs, especially in cases where charges are filed under anti-terrorism laws, such as the UAPA. The Observatory (an FIDH -OMCT partnership) and FLD have been able to verify at least 61 cases of HRDs who have been jailed under terror/security laws between 2018 and 2024. The

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<sup>10</sup> Supreme Court Observer, *Revisiting FCRA Judgment*, 4 June 2020, <https://www.scobserver.in/journal/revisiting-fcra-judgment/>.

<sup>11</sup> Available at: [https://fcraonline.nic.in/home/PDF\\_Doc/fc\\_amend\\_07102020\\_1.pdf](https://fcraonline.nic.in/home/PDF_Doc/fc_amend_07102020_1.pdf) (last accessed 3 June 2024).

<sup>12</sup> Supreme Court Observer, *Revisiting FCRA Judgment*, 4 June 2020.

actual numbers are likely to be higher. At the time of submission, 27 HRDs remain jailed under the UAPA and/or security laws, according to Observatory and FLD documentation.

12. Since June 2018, 16 well-known HRDs have been arrested and detained under the UAPA in what is commonly known as the **Bhima Koregaon case**. The case relates to violence that took place in Bhima Koregaon, Maharashtra State, on 1 January 2018.<sup>13</sup> The accused are well-known for their commitment to the human rights of the most vulnerable and oppressed, particularly Dalit and Adivasi communities, and have been labeled by the authorities as terrorists, subjected to deliberate misinformation campaigns, and repeatedly denied bail despite their age and the risks posed by the COVID-19 pandemic.<sup>14</sup> Reports by Arsenal Consulting, a digital forensics consulting company, revealed that the Pegasus spyware was used to plant evidence on the computers of at least two of the accused in the case.<sup>15</sup> At the time of writing, eight of those arrested remain in jail and have been systematically denied bail despite prolonged delays in the trial process and the negative impact on their health.
13. On 5 July 2021, 84-year-old Jesuit priest and HRD **Stan Swamy** – incarcerated for nine months in the Bhima Koregaon case - died in custody due to the lack of effective and timely treatment in jail and the routine denial of bail. The death in custody of Stan Swamy would have been preventable if the octogenarian, suffering from advanced Parkinson’s disease, had been given access to timely medical care and proper treatment.<sup>16</sup> His death in custody is a tragic indictment of India’s human rights record.
14. The UAPA has also been used against HRDs, especially those from the minority Muslim community, who peacefully protested against the **Citizenship (Amendment) Act (CAA)**<sup>17</sup>, a discriminatory law passed in December 2019, which provides for a “fast-track” citizenship process for Hindu, Sikh, Buddhist, Jain, Parsi, and Christian immigrants from Afghanistan, Pakistan, and Bangladesh, while specifically excluding Muslims. The passage of the law triggered **massive protests**<sup>18</sup> throughout the country, which were violently **repressed**.<sup>19</sup>

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<sup>13</sup> On 1 January 2018, thousands of Dalits went to the village of Bhima Koregaon, 30 kilometers from Pune, to celebrate the 200th anniversary of the battle of Koregaon of 1818, in which 49 Dalits were martyred fighting against the Peshwas, the upper-caste rulers of the region. That day in 2018, violence broke out between Hindutva groups and the congregated Dalit community at Bhima Koregaon. A fact-finding committee appointed by the Pune Rural Police and headed by Pune Deputy Mayor Siddharth Dhende, found that Hindutva outfits had “pre-planned” the Bhima Koregaon violence. While the police failed to prosecute outfits accused of inciting the violence, the state launched a deliberate attack to implicate senior HRDs in the incident.

<sup>14</sup> Commonwealth Human Rights Initiative, *State/UT Wise Prisons’ Response to the Coronavirus Pandemic in India*, <https://www.humanrightsinitiative.org/content/stateut-wise-prisons-response-to-covid-19-pandemic-in-india>

<sup>15</sup> Internet Freedom Foundation, *The Arsenal Reports: The rise of targeted surveillance in India*, 12 August 2021. <https://internetfreedom.in/the-arsenal-reports-bhima-koregaon-arrests/>.

<sup>16</sup> FIDH, FLD, OMCT et al, *Statement: A Year On, Demande for Justice for Father Stan Swamy’s Death in Custody in India*, 5 July 2022, <https://www.frontlinedefenders.org/en/statement-report/statement-year-demand-justice-father-stan-swamys-death-custody-india>.

<sup>17</sup> Available at: [https://indiancitizenshiponline.nic.in/Documents/UserGuide/E-gazette\\_2019\\_20122019.pdf](https://indiancitizenshiponline.nic.in/Documents/UserGuide/E-gazette_2019_20122019.pdf) (last accessed 3 June 2024).

<sup>18</sup> Reuters, *India’s citizenship protests*, 30 March 2020, <https://www.reuters.com/graphics/INDIA-CITIZENSHIP/PROTESTS/jxlbpgqlpqd/>.

<sup>19</sup> FLD, *Nationwide crackdown on peaceful protests against the Citizen (Amendment) Act 2019*, 24 January 2020, <https://www.frontlinedefenders.org/en/statement-report/nationwide-crackdown-peaceful-protests-against-citizen-amendment-act-2019>.

15. In February 2020, [riots broke out](#)<sup>20</sup> in Northeast Delhi with mobs targeting the houses, businesses, and mosques of Muslim communities. The violence left around 53 people dead and hundreds seriously injured, a majority of whom were Muslim. The violence was preceded by [hate speech](#)<sup>21</sup> and open calls of violence by senior leaders of the ruling Bharatiya Janata Party (BJP) targeting those campaigning against the CAA. In the aftermath of this violence, the Delhi police filed First Information Report (FIR) [59/2020](#)<sup>22</sup> in what has come to be known as the Delhi Conspiracy Case. The FIR has been used to arrest HRDs and leaders of the anti-CAA campaign under the UAPA and IPC. HRDs were accused of inciting protestors to commit violence. None of the BJP leaders who had incited violence against the protestors were prosecuted. The HRDs arrested under FIR 59/2020 have been branded as “terrorists”, falsely charged under multiple cases, and subjected to prolonged detention. As of May 2024, six HRDs including woman human rights defender Gulfisha Fatima<sup>23</sup> remain jailed under the UAPA in connection with this case.
16. Between December 2019 and February 2020, our organizations have also recorded the arrest of HRDs in Uttar Pradesh in connection with their opposition to the UAPA. While those arrested were released on bail, there were reports of torture and mistreatment of HRDs in custody.
17. The arrest and decade-long imprisonment of HRD and former professor at the University of Delhi, **Gokarakonda Naga Saibaba**<sup>24</sup> is emblematic of the persecution suffered by HRDs. Prof. Saibaba is a vocal advocate against the violence and discrimination faced by Dalit and indigenous communities, especially in mineral-rich central India. He campaigned extensively against serious human rights abuses by state-backed Salwa Judum vigilantes and the government security forces, including killings, torture, and, forced displacement, in Chhattisgarh State since mid-2005. Prof. Saibaba was arrested in May 2014 and convicted in March 2017 under the UAPA and sentenced to life imprisonment. On 14 October 2022, the Bombay High Court [dismissed all charges against](#) Saibaba<sup>25</sup> but the following day, the Supreme Court of India [stayed](#)<sup>26</sup> the order for his release. On 19 April 2023, the Supreme

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<sup>20</sup> Outlook, *Delhi Burning: A Timeline of Anti-CAA Protests and Northeast Delhi Violence*, 24 February 2023, <https://www.outlookindia.com/national/delhi-burning-a-timeline-of-caa-protests-and-northeast-delhi-violence-news-265077>.

<sup>21</sup> Human Rights Watch, “Shoot the Traitors”: *Discrimination Against Muslims under India’s New Citizenship Policy*, 9 April 2020, <https://www.hrw.org/report/2020/04/10/shoot-traitors/discrimination-against-muslims-under-indias-new-citizenship-policy>.

<sup>22</sup> Outlook, *Delhi Riots 2020: Here’s Why FIR No. 59 is so Crucial to the Case*, 17 September 2020, <https://www.outlookindia.com/national/india-news-delhi-riots-2020-heres-why-fir-no-59-is-so-crucial-to-the-case-news-360456>.

<sup>23</sup> FIDH, FLD, OMCT et al, *Ongoing targeting of 18 HRDs under anti-terror laws in reprisal for their protest against the Citizenship (Amendment) Act 2019*, 25 January 2022, <https://www.frontlinedefenders.org/en/statement-report/ongoing-targeting-18-hrds-under-anti-terror-laws-reprisal-their-protest-against>.

<sup>24</sup> FLD, *Human Rights Defenders G.N. Saibaba Acquitted of all Charges and Released from Jail*, 22 March 2024, <https://www.frontlinedefenders.org/en/case/human-rights-defender-gn-saibaba-acquitted-all-charges-and-released-jail>.

<sup>25</sup> The Wire, *Bombay HC Frees Saibaba, Others in ‘Maoist Link’ Case, Says ‘National Security’ Can’t Trump Due Process*, 14 October 2022, <https://thewire.in/law/bombay-high-court-saibaba-acquitted-maoist-links-case>.

<sup>26</sup> The Wire, *Supreme Court Suspends Bombay HC Order Discharging Saibaba, Others in Maoist Links Case*, 15 October 2022, <https://thewire.in/law/supreme-court-suspends-bombay-hc-order-discharge-saibaba-maoist-links->

Court of India [set aside](#)<sup>27</sup> the order of the Bombay High Court to dismiss all charges against Saibaba and ordered that a new bench in the High Court be set up for reconsideration of the case. In March 2024, Prof. Saibaba was finally released and acquitted of all charges.<sup>28</sup> The prolonged imprisonment has had serious and potentially irreversible consequences on the health of Prof. Saibaba, who suffers from 90% polio-related paralysis and other severe life threatening health issues.

18. HRDs seeking accountability for past violations and justice for victims including the 2002 Gujarat riots have been targeted with legal cases and jailed in reprisal for their work. On 2 July 2022, a Metropolitan Magistrate Court in Ahmedabad, Gujarat State, remanded woman human rights defender **Teesta Setalvad** to 14 days of judicial custody in Sabarmati Central Jail, which was extended until she was granted interim bail on 2 September 2022. Teesta Setalvad was [detained](#)<sup>29</sup> by the Anti-Terrorism Squad (ATS) of Gujarat police on 25 June 2022, on charges under the IPC including criminal conspiracy, forgery, and fabricating evidence. Her arrest came one day after the Supreme Court of India [dismissed a petition](#)<sup>30</sup> filed by persons including Teesta Setalvad seeking justice and accountability for victims of the Gujarat riots.
19. On 14 July 2022, the Supreme Court of India [imposed a fine](#)<sup>31</sup> of 500,000 INR (5,550 EUR) on HRD **Himanshu Kumar** and 12 others while ruling against a petition filed by them regarding the alleged extrajudicial killings of ten tribal persons by security forces in the Dantewada District of Chhattisgarh in 2009. The Court also instructed the Chhattisgarh government to act against Himanshu Kumar for false charges and criminal conspiracy.

### **HRDs and journalists in Jammu & Kashmir**

20. There has been escalating [repression](#)<sup>32</sup> including raids, arrests, and threats against HRDs in Jammu & Kashmir following the unilateral [abrogation](#)<sup>33</sup> of statehood on 5 August 2019. Alongside the removal of Kashmir's autonomous status, the government disbanded the State Human Rights Commission, increased militarization in the area, and placed senior opposition leaders under house arrest. Internet was completely shut down and has still not

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[case](#).

<sup>27</sup> The Wire, *SC Sets Aside Bombay HC Order Discharging G.N. Saibaba in Maoist Links Case*, 19 April 2023, <https://thewire.in/law/sc-sets-aside-bombay-hc-order-discharging-g-n-saibaba-in-maoist-links-case>.

<sup>28</sup> FLD, *Human rights defender G.N. Saibaba acquitted of all charges and released from jail*, 22 March 2024, <https://www.frontlinedefenders.org/en/case/human-rights-defender-gn-saibaba-acquitted-all-charges-and-released-jail>; Observatory, *Gokarakonda Naga Saibaba acquitted and released*, 14 March 2024, <https://www.fidh.org/en/issues/human-rights-defenders/india-gokarakonda-naga-saibaba-acquitted-and-released>.

<sup>29</sup> Al Jazeera, *Teesta Setalvad who fought for 2002 Gujarat riot victims arrested*, 26 June 2022, <https://www.aljazeera.com/news/2022/6/26/indian-police-arrest-gujarat-riots-victims-advocate>.

<sup>30</sup> Scroll, *2002 Gujarat riots: Zakia Jafri filed the petition to keep the pot boiling*, says Supreme Court, 24 Jun 2022, <https://scroll.in/latest/1026832/2002-gujarat-riots-sc-dismisses-zakia-jafri-petition-challenging-sit-clearance-for-pm-modi>.

<sup>31</sup> The Wire, *As SC Imposes Fine on Chhattisgarh Activist, Legal Experts Rue 'Vengeful Attitude'*, 19 July 2022, <https://thewire.in/law/supreme-court-chhattisgarh-tribals-killing-himanshu-kumar-fine-vengeful-attitude>.

<sup>32</sup> Amnesty International, *India: Government must end 'vicious crackdown' on human rights in Jammu and Kashmir*, 2 September 2022, <https://www.amnesty.org.uk/press-releases/india-government-must-end-vicious-crackdown-human-rights-jammu-and-kashmir>.

<sup>33</sup> BBC, *Article 370: What happened with Kashmir and why it matters*, 6 August 2019, <https://www.bbc.co.uk/news/world-asia-india-49234708>.



been completely restored in some parts to date. Mass arrests and preventive detentions took place and voices of dissent were suppressed using draconian measures. These repressive measures in the immediate aftermath of abrogation had a serious impact on the safety of HRDs. In the months and years following, HRDs and journalists have been arrested, subjected to raids, and falsely accused of terrorism under the UAPA and the PSA in order to punish and silence them for their work.

21. On 22 November 2021,<sup>34</sup> prominent HRD **Khurram Parvez** was arrested by the NIA under the UAPA. He was accused of “running a network of workers of the Pakistan-based armed militant organization Lashkar-e-Taiba (LeT) for furthering activities of LeT and to commit terrorist attacks in India.” Parvez has been targeted several times before his arrest, including in a raid on his home and office in October 2020 during which his devices and documents were seized by the NIA. On 22 March 2023, a [fresh case](#)<sup>35</sup> under a 2020 FIR (linked to the raid on his home and office in October 2020) was filed against him. Following the new case being filed in March 2023, Parvez was produced before a special National Investigation Agency (NIA) judge at the Patiala House Court in New Delhi for the first time since his arbitrary arrest and detention on 22 November 2021 and remanded to 10 days in NIA custody along with journalist Irfan Mehraj, who was also arrested in the same case (see below). The charges in this case include provisions under the UAPA along with other serious offences under the IPC. In February 2023, Khurram Parvez received the [Martin Ennals Award](#)<sup>36</sup> for Human Rights Defenders in recognition of his contribution to human rights.
22. On 20 March 2023, Kashmiri journalist and HRD **Irfan Mehraj** was [arrested](#)<sup>37</sup> by the NIA under several charges, including the UAPA, and was later remanded in NIA custody by the Patiala House Court in New Delhi. Mehraj has been arrested under a case registered by the NIA in October 2020, alleging serious offenses including criminal conspiracy, raising funds for, and supporting, terrorist organizations. His arrest was linked to the raid conducted by the NIA in October 2020, and the FIR was filed in relation to this raid. During the 2020 raid the NIA seized documents and electronic devices, including those of Irfan Mehraj. On 21 March 2023, a [press release](#)<sup>38</sup> by the NIA stated that Irfan Mehraj’s arrest was the first in their investigation in this case and that Irfan was a close associate of Khurram Parvez.

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<sup>34</sup> FLD, *Human rights defender Khurram Parvez detained under India’s counter-terrorism legislation*, 22 November 2021, <https://www.frontlinedefenders.org/en/case/human-rights-defender-khurram-parvez-detained-under-indias-counter-terrorism-legislation>; Observatory, *Arbitrary detention of Khurram Parvez in Jammu and Kashmir*, 23 November 2021, <https://www.fidh.org/en/issues/human-rights-defenders/india-arbitrary-detention-of-khurram-parvez-in-jammu-and-kashmir>.

<sup>35</sup> OHCHR, *UN expert demands immediate end to crackdown on Kashmiri human rights defenders*, 24 March 2023, <https://www.ohchr.org/en/press-releases/2023/03/india-un-expert-demands-immediate-end-crackdown-kashmiri-human-rights>.

<sup>36</sup> Martin Ennals Award Foundation, <https://www.martinennalsaward.org/hrd/khurram-parvez/>.

<sup>37</sup> FLD, *Human rights defender and Kashmiri Journalist Irfan Mehraj arrested by the National Investigation Agency under India’s anti-terror legislation*, 23 March 2023, <https://www.frontlinedefenders.org/en/case/human-rights-defender-and-kashmiri-journalist-irfan-mehraj-arrested-national-investigation>.

<sup>38</sup> Available at: [https://x.com/NIA\\_India/status/1638104562879037442?mx=2](https://x.com/NIA_India/status/1638104562879037442?mx=2).

23. Irfan Mehraj’s arrest is part of the ongoing attacks on journalists in Kashmir and on those associated with Khurram Parvez and his organization Jammu and Kashmir Coalition of Civil Society (JKCCS). The conduct of the NIA and its submissions to court in the 2020 FIR, under which Parvez and Mehraj are currently detained, has raised credible fears of further arrests and targeting of other HRDs in Jammu & Kashmir.
24. The attacks against HRDs in Jammu & Kashmir have also been accompanied by threats against independent journalists who report on the authorities’ violations. Prominent journalists have been targeted by the NIA with raids, interrogation, imprisonment, and threats of arrest/re-arrest under the PSA or the UAPA
25. **Sajad Gul**, a Kashmiri journalist and HRD [detained](#)<sup>39</sup> since 6 January 2022, was a trainee reporter at the independent news website *Kashmir Walla*. He was arrested on various charges, including criminal conspiracy, for posting a video on Twitter of a family shouting slogans critical of the state, after one of their relatives was killed in a gunfight in Srinagar. On 16 January 2021, a day after being granted bail, he was re-arrested under the PSA. In November 2023, the Jammu and Kashmir High Court quashed the PSA proceedings against Sajad Gul, noting that there were no specific allegations against him that could be “prejudicial to the security of the state.” The Court also ordered his immediate release unless he was wanted in any other criminal proceedings. Despite the court’s order Sajad Gul remains incarcerated to date.
26. On 29 February 2024, Kashmiri journalist **Aasif Sultan** was re-[arrested](#)<sup>40</sup> under the UAPA, two days after his release from jail. Initially arrested in August 2018 under the UAPA and other offenses, Aasif Sultan was later implicated in another case related to an incident of rioting at Srinagar’s Central Jail. [Aasif Sultan](#) was the editor of the magazine [Kashmir Narrator](#),<sup>41</sup> whose social media accounts were blocked by the government under the Information Technology Act 2000 in August 2018. He has extensively reported on the human rights situation and politics in Jammu & Kashmir and was awarded the [John Aubuchon Press Freedom Award](#)<sup>42</sup> by the National Press Club of America in October 2019.
27. **Fahad Shah**,<sup>43</sup> an HRD and journalist who founded the *Kashmir Walla*, was detained for over two years under the UAPA and the PSA until his release in April 2023. Following his release, Fahad Shah spoke about the severe mental anguish of imprisonment and the hardships endured by his family due to his wrongful detention. In August 2023, the Ministry

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<sup>39</sup> FLD, *Prolonged imprisonment of human rights defender and journalist Sajad Gul*, 12 April 2024, <https://www.frontlinedefenders.org/en/case/prolonged-imprisonment-human-rights-defender-and-journalist-sajad-gul>.

<sup>40</sup> FLD, *India: Human rights defender and Kashmiri journalist Aasif Sultan rearrested under terror charges*, 10 April 2024, <https://www.frontlinedefenders.org/en/case/human-rights-defender-and-kashmiri-journalist-aasif-sultan-rearrested-under-terror-charges>.

<sup>41</sup> Polis Project, Profile of Aasif Sultan, <https://www.thepolisproject.com/read/the-systematic-criminalization-of-journalism-in-kashmir-a-profile-of-aasif-sultan/>.

<sup>42</sup> Polis Project, Profile of Aasif Sultan, <https://www.thepolisproject.com/read/the-systematic-criminalization-of-journalism-in-kashmir-a-profile-of-aasif-sultan/>.

<sup>43</sup> FLD, *Human rights defender Fahad Shah released on bail*, 4 April 2024, <https://www.frontlinedefenders.org/en/case/human-rights-defender-fahad-shah-released-bail>.

of Electronics and Information Technology blocked the website and social media accounts of the *Kashmir Walla* under the Information Technology Act 2000.

28. On 5 August 2021, Jammu & Kashmir police [raided](#)<sup>44</sup> the home of **Qazi Shibli**, editor of the news website *Kashmiriyat*, in Anantnag city in central Jammu & Kashmir, for approximately two hours. Authorities had previously detained Shibli in solitary confinement without trial from July 2019 to April 2020 under the PSA for reporting on the abrogation of Kashmir's special status. In July 2020, Shibli was again detained for 18 days after he was summoned for questioning by the cybercrime division of the Jammu & Kashmir police under provisions of Criminal Procedure Code, which allow police to arrest anyone on suspicion of any crime. On 26 January 2021, the police filed another complaint against Shibli on charges related to abetment and incitement of an offense, after he reported that the Indian army allegedly compelled students of a religious school in Kashmir to celebrate Republic Day.
  
29. On 19 November 2022, the Jammu & Kashmir Police [raided](#)<sup>45</sup> the homes of several journalists in Srinagar, Anantnag, and Kulgam Districts. The raids were conducted at the houses of journalists **Gowhar Geelani, Qazi Shibli, Sajad Gul, Mohd Rafi, Khalid Gul, Rashid Maqbool, Sajjad Kralyari, and Waseem Khalid**—all of whom had been critical of actions taken by the authorities since the abrogation of Kashmir's special status in August 2019. The residence of **Adil Pandit**, a lawyer who had represented some of those journalists in courts, was also raided. The police had published a [statement](#)<sup>46</sup> revealing that the raids were related to their investigation into the threats received by the journalists from alleged militant groups, such as Lashkar-e-Taiba. These frequent raids on journalists raised fears of further arrests and targeting of press freedom in Kashmir.
  
30. The **Kashmir Press Club** has had its registration suspended since 15 January 2022.<sup>47</sup> The Club, which was an important space for journalists, was raided by a group of journalists supportive of the ruling BJP, backed by armed police on 15 January 2022. Indian authorities claimed that the Club had failed to register itself under the Societies Registration Act, despite the fact that the registration of the Press Club was suspended by the Registrar of Societies on 15 January, citing a report from the Jammu & Kashmir Police's Criminal Investigation Department.

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<sup>44</sup> FLD, Profile of Qazi Shibli, <https://www.frontlinedefenders.org/en/profile/qazi-shibli>.

<sup>45</sup> Committee to Project Journalists, *Police in India-administered Jammu and Kashmir raid homes of seven journalists*, 23 November 2022, <https://cpj.org/2022/11/police-in-india-administered-jammu-and-kashmir-raid-homes-of-seven-journalists/>.

<sup>46</sup> Committee to Project Journalists, *Police in India-administered Jammu and Kashmir raid homes of seven journalists*, 23 November 2022, <https://cpj.org/2022/11/police-in-india-administered-jammu-and-kashmir-raid-homes-of-seven-journalists/>.

<sup>47</sup> International Federation of Journalists, *India: Kashmir Press Club forcibly shutdown*, 20 January 2022, <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/india-kashmir-press-club-forcibly-shutdown>.

31. Several journalists from Jammu & Kashmir have been placed on informal exit control lists, barring them from traveling abroad despite possessing valid travel documents.<sup>48</sup> On 31 July 2021, Jammu & Kashmir authorities [issued a circular](#)<sup>49</sup> asking to withhold security clearance to individuals involved in “crimes prejudicial to the security of the state.” This has serious implications for the issue and renewal of travel documents for HRDs and journalists critical of the government. There have also been credible reports of Indian authorities arbitrarily canceling and/or suspending the passports of HRDs, journalists, and lawyers from Jammu & Kashmir without basis.

### Reprisals against journalists and media workers

32. In May 2024, India was [ranked](#)<sup>50</sup> 159<sup>th</sup> out of 180 countries in the Press Freedom Index published by Reporters Without Borders (RSF). Violence against journalists was one of the reasons [cited](#) by RSF for declining press freedom in India. A report<sup>51</sup> published in May 2021 by The Polis Project recorded 256 incidents of violence against journalists between May 2019 and August 2021. Journalists were attacked as reprisals for their coverage of COVID-19, farmers’ protest, the anti-CAA protests, and the Northeast Delhi riots in 2020, as well as other events that were critical of the government. The report also noted that the majority of attacks against journalists occurred in states ruled by the BJP, with Uttar Pradesh topping the list.

33. In October 2023, Indian authorities in New Delhi arrested the editor-in-chief and a staff member of the *News Click* website<sup>52</sup> under the UAPA. The arrests followed several raids on the homes and offices of journalists and HRDs linked to the news portal.

34. On 2 February 2023, journalist and HRD **Siddique Kappan** was [released](#)<sup>53</sup> after nearly 28 months in jail under multiple criminal cases filed against him, including under the UAPA. On 5 October 2020, Kappan and two of his associates were arrested while traveling to Hathras District, Uttar Pradesh State, to report the brutal gang rape and murder of a Dalit girl. They were charged under the UAPA and provisions of the IPC. On 9 September 2022, Kappan was granted bail by the Supreme Court of India in the most recent UAPA case after his bail plea was rejected by the District and High Courts. On 23 December 2022, he was granted bail by the Allahabad High Court in a separate money laundering case. The prolonged incarceration was due to the filing of multiple cases and procedural delays.

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<sup>48</sup> Committee to Project Journalists, ‘An open-air prison’: Kashmiri journalists on how travel bans undermine press freedom, 19 September 2022, <https://cpj.org/2022/09/an-open-air-prison-kashmiri-journalists-on-how-travel-bans-undermine-press-freedom/>.

<sup>49</sup> The Statesman, *Stone-pelters, anti-national elements not to get Govt job and passport in J&K*, 2 August 2021, <https://www.thestatesman.com/india/stone-pelters-anti-national-elements-not-get-govt-job-passport-jk-1502988980.html>.

<sup>50</sup> Available at: <https://rsf.org/en/index>.

<sup>51</sup> Polis Project, *Mapping Violence Against Journalists in India: Key Findings*, <https://www.thepolisproject.com/research/mapping-violence-against-journalists-in-india-key-findings/>.

<sup>52</sup> Al Jazeera, *NewsClick editor arrested in India after raids over alleged foreign funding*, 3 October 2023, <https://www.aljazeera.com/news/2023/10/3/india-police-raid-homes-of-newsclick-journalists-in-illegal-funding-probe>.

<sup>53</sup> FLD, *Human rights defender and journalist Siddique Kappan release from jail after two years*, 7 February 2023, <https://www.frontlinedefenders.org/en/case/human-rights-defender-and-journalist-siddique-kappan-released-jail-after-two-years>.

Despite being granted bail in all cases as of December 2022, the journalist and human rights defender was not released until 2 February 2023, due to unjustified procedural delays.

35. On 27 June 2022, the Delhi police [arrested](#)<sup>54</sup> HRD and founder of the fact-checking website *Alt-News*, **Mohammad Zubair**, because of a tweet published by him in 2018, which police alleged “hurt religious sentiments.” On 30 June 2022, police raided Mohammad Zubair’s home in Bengaluru, Karnataka State, and confiscated electronic devices. On 2 July 2022, the Chief Metropolitan Magistrate in Delhi denied Mohammad Zubair bail and remanded him to 14 days in judicial custody. Delhi police also added further provisions under the IPC and the FCRA to the existing FIR against Mohammad Zubair. On 20 July 2022, the Supreme Court of India [granted](#)<sup>55</sup> him interim bail in all cases filed against him. Since early March 2023, Zubair has been receiving several [death threats](#)<sup>56</sup> on his social media because of his role in exposing the videos of attacks on Bihari migrant laborers in Tamil Nadu State.
36. On 31 October 2022, the Delhi police [raided](#)<sup>57</sup> the offices of media outlet *The Wire* and the homes of four of its chief editors. The raids were conducted on the basis of a FIR filed against *The Wire*’s editors by BJP social media chief Amit Malviya on charges of cheating, forgery, defamation and criminal conspiracy. The police conducted the raid for several hours and seized electronic devices from the editors’ homes. *The Wire* has been one of the leading independent online media outlets publishing content that is critical of government policies.
37. Following the release of a [BBC documentary](#) critical of Prime Minister Narendra Modi’s role in the Gujarat riots in 2002, over 50 income tax officials [raided](#)<sup>58</sup> the offices of the **British Broadcasting Corporation (BBC)** in Delhi and Mumbai on accusations of tax evasion. The raids, which were carried out over three days, concluded on 16 February 2023. The government invoked [emergency laws](#)<sup>59</sup> to ban the screening/viewing of the documentary in the country, including removing the links to the documentary from social media posts and detaining students who were screening it in their universities.

### **Reprisals against Dalit and other indigenous HRDs campaigning on land and environmental rights**

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<sup>54</sup> FLD, Human rights defender and journalist Mohammed Zubair arrested by Delhi Police, 4 July 2022, [https://www.frontlinedefenders.org/sites/default/files/ua-india\\_mohammed\\_zubair\\_040722\\_fv.pdf](https://www.frontlinedefenders.org/sites/default/files/ua-india_mohammed_zubair_040722_fv.pdf).

<sup>55</sup> FLD, Human rights defender Mohammed Zubair released on bail, 20 July 2022, <https://www.frontlinedefenders.org/en/case/human-rights-defender-mohammed-zubair-released-bail#case-update-id-15198>.

<sup>56</sup> The Wire, *Alt News’ Mohammad Zubair Receives Multiple Death Threats Online*, 9 March 2023, <https://thewire.in/media/alt-news-mohammad-zubair-receives-multiple-death-threats-online>.

<sup>57</sup> Committee to Protect Journalists, *Delhi police raid The Wire office and homes of its editors over retracted Meta reports*, 31 October 2022, <https://cpj.org/2022/10/delhi-police-raid-the-wire-office-and-homes-of-its-editors-over-retracted-meta-reports/>.

<sup>58</sup> The Guardian, *BBC offices in India raided by tax officials amid Modi documentary fallout*, 14 February 2023, <https://www.theguardian.com/world/2023/feb/14/bbc-offices-india-raided-tax-officials-modi-documentary-fallout>.

<sup>59</sup> The Guardian, *India invokes emergency laws to ban BBC Modi documentary*, 23 January 2023, <https://www.theguardian.com/world/2023/jan/23/india-emergency-laws-to-ban-bbc-narendra-modi-documentary>.

38. Indigenous HRDs who campaign on issues related to land rights, environmental rights, and systemic violations against Dalit and Adivasi communities have been targeted with legal action, including arbitrary detention.
39. HRDs and community leaders of the [Anti-Jindal movement](#)<sup>60</sup> in Dhinkia, Odisha State, have been facing severe [repression](#)<sup>61</sup> including arrests, fabricated charges, threats, and harassment. The Anti-Jindal movement is a community-led peaceful protest movement by the villagers of Jagatsinghpur District, Odisha State, against the illegal handover of land in several villages in Odisha State to the private company JSW Utkal Steel Ltd. (JUSL).
40. Community leaders and HRDs have been repeatedly targeted for campaigning peacefully against JUSL and police violence. Since December 2021 there has been heavy armed police presence (24 police platoons which is approximately 700 police personnel) in the affected villages. Police have been deployed at entry points and restricted freedom of movement and access to, and exit from, the area, including agricultural fields and betel vineyards, and restricting supplies, including rationing food, to the village. Following a community discussion on 21 November 2021, during which HRDs objected to the presence of JUSL staff, police complaints were registered against HRDs Goutam Das, Bikram Das, Manas Bardhan, Prabhat Biswal, Kuni Mallick, Shanti Sethy, Shanti Das, Latika Paridai, and nine other defenders for criminal intimidation, on the same day.
41. Arrests and targeting also increased following police violence on 14 January 2022, forcing HRDs and community leaders into hiding. In January 2022, Debendra Swain, an HRD and leader of the peaceful protests against the proposed JUSL project and a key member of Jindal-POSCO Pratirodh Sangram Samiti (JPPSS) was arrested following a peaceful march against the illegal blockade of Dhinkia Village by police and the demolition of their betel vine cultivation. Five other HRDs – Muralidhara Sahoo, Nimai Mallick, Manguli Malick, Trinath Mallick, and Narendra Mohanty – were also arrested the same day and released on 16 February 2022. There were credible reports of custodial torture against all persons arrested on 14 January. In May 2024, Debendra Swain and three others - Manas Bardhan, Abhay Malik, Kailash Das – were convicted in a false case filed against them. Debendra Swain has since been released taking into account time already spent in detention while under trial. Through 2022, reprisals including physical violence, threats, fabricated legal cases continue against those involved in the peaceful movement for land, livelihood, and environmental rights in Dhinkia with at least 15 HRDs facing spurious charges and imminent arrest. Many have been compelled into hiding to avoid re-arrest and further reprisals.
42. In Chhattisgarh, another mineral rich state, the threats against community leaders and HRDs have seriously escalated since January 2024.<sup>62</sup> The reprisals have targeted community-led movements that have been campaigning peacefully against corporatization and

<sup>60</sup> FLD, <https://www.frontlinedefenders.org/en/organization/jindal-pratirodh-sangram-samiti>.

<sup>61</sup> The Wire, *As Anti-Jindal Protests Continue in Odisha's Dhinkia, Villagers Face Police Violence, Arrests*, 18 January 2022, <https://thewire.in/rights/as-anti-jindal-protests-continue-in-odishas-dhinkia-villagers-face-police-violence-arrests>.

militarization in Bastar, Chhattisgarh State. Police brutality and violence against community members, including HRDs, has escalated rapidly and has involved restrictions on the right to freedom of peaceful assembly and freedom of movement, demolition of protest sites, forced evictions, and summary executions under the guise of countering left-wing extremism. Despite the high risks and brutal suppression, peaceful protests have continued to fight against the destruction of indigenous lands and forests and to demand constitutionally guaranteed rights.

43. There is a heavy paramilitary presence in many districts of Chhattisgarh, sanctioned by the central government's [Operation Samadhan](#)<sup>63</sup> Prahar, aimed at eradicating left-wing extremism. In Bastar District alone, over 100 paramilitary camps have been set up. Security forces have unleashed unprecedented violence on Adivasis in the region, resulting in grave human rights violations, including extrajudicial killings, arrests of HRDs, and attacks on freedoms of movement and peaceful assembly.
44. On 2 April 2024, [Surju Tekam](#),<sup>64</sup> an indigenous HRD and mentor of the Bastar Coordination Committee of Mass Movements, was arrested from his residence following a pre-dawn raid. He has been detained under the UAPA and the 1959 Arms Act and has been accused of having links to the banned Communist Party of India (Maoist) - CPI(M), a common allegation raised against local communities and HRDs. Surju Tekam has worked for over two decades to promote the rights of Adivasis and has been vocal against violations in the region. He is also the Vice-President of Sarv Adivasi Samaj, an umbrella organization that brings together Adivasi collectives in Chhattisgarh to support their socio-cultural and civil and political rights.
45. On 9 December 2023, four HRDs linked to the Morohnar Jan Andolan and Orcha Jan Andolan protest movement were arrested and accused of having links to the CPI(M). They have been denied bail and remain in jail to date. Two of them, [Shankar Kashyap](#)<sup>65</sup> and [Oram Samlu Koram](#),<sup>66</sup> have been leading the Morohnar Jan Andolan movement against iron ore mining in the Amdai Ghati Hills by the company Jayaswal Neco Ltd. The Morohnar Jan Andolan movement has opposed iron ore mining and the construction of paramilitary camps in the region, and has demanded the implementation of laws that mandate public consultation with the local community before authorizing mining projects in Adivasi lands. Shankar Kashyap is also the President of the Adivasi Adhikar Bachao Manch, which has been pivotal in mobilizing support against corporate mining in Bastar.

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<sup>62</sup> FLD, *Arrest and crackdown against human rights defenders in Bastar District, Chhattisgarh State, campaigning against corporatization and militarization*, 15 May 2024, <https://www.frontlinedefenders.org/en/statement-report/arrest-and-crackdown-against-human-rights-defenders-bastar-district-chhattisgarh>.

<sup>63</sup> Maktoob Media, *Activists protest Adivasi evictions in eastern states, killing of infant in Bastar*, 10 January 2024, <https://maktoobmedia.com/india/activists-protest-ativasi-evictions-in-eastern-states-killing-of-infant-in-bastar/>.

<sup>64</sup> FLD, *Human rights defender Surju Tekam arrested by Chhattisgarh Security Forces*, 19 April 2024, <https://www.frontlinedefenders.org/en/case/human-rights-defender-surju-tekam-arrested-chhattisgarh-security-forces>.

<sup>65</sup> FLD, Profile for Shankar Kashyap, <https://www.frontlinedefenders.org/en/profile/shankar-kashyap>.

<sup>66</sup> FLD, Profile for Samlu Koram, <https://www.frontlinedefenders.org/fr/profile/samlu-koram>.

46. The other two HRD arrested on 9 December 2023 were [Lakhma Koram](#)<sup>67</sup> and [Ranu Podyam](#)<sup>68</sup> of the Orcha Jan Andolan protest movement. They were arrested by police from the Rawghat camp while traveling to the protest site. The Orcha Jan Andolan movement is led by more than 100 villages in the region and is situated close to Tular Hills - a site marked for corporate mining projects, road expansion, and military camps. The Orcha Jan Andolan movement has also been demanding a halt to proposed mining projects and the implementation of relevant laws. On 24 November 2023, a few weeks prior to the two HRDs' arrest, the protest site was destroyed by officers of the District Reserve Guard (DSG), who brutally assaulted protestors and destroyed property at the site.
47. There has been a history of reprisals against HRDs, including women, in Chhattisgarh, especially those campaigning against mass arrests, sexual violence, and arbitrary detention of community members. In March 2021, indigenous woman HRD (WHRD) Hidme Markam<sup>69</sup> was arrested while participating in an event to mark International Women's Day in Dantewada, Chhattisgarh State. She was detained under multiple criminal cases, including under the UAPA, until her release in January 2023.
48. **Soni Sori**, an indigenous WHRD, who was the Front Line Defenders award winner for Asia Pacific region in 2018, has been repeatedly [targeted](#) with surveillance, threats, and arrest due to her work. On 5 October 2019, she was arrested by the Dantewada Police under Preventive Sections 151, 107, and 116 of the Criminal Procedure Code. The arrest was believed to be linked to Sori's public campaign for the rights of persons being detained in jails in Chhattisgarh State. Sori was charged with "failing to obtain the necessary permission to organize a demonstration." She was released on bail the same day. On 16 September 2019, Chhattisgarh police filed an FIR against Soni Sori and fellow HRD **Bela Bhatia** as reprisal for their advocacy on behalf of local community leaders and fellow HRDs Podiya Sori and Lacchu Mandavi, who were killed by security forces in September 2019. In 2011, Sori was arrested in relation to eight cases that involved charges under the UAPA and the Chhattisgarh Public Safety Act. She was tortured and sexually assaulted in prison. She was released in 2014 after being [acquitted](#) in six of the eight cases filed against her. On 14 March 2022 Sori was acquitted in the remaining cases filed against her. There has been no accountability for her wrongful arrest, torture, and sexual violence in custody to date.
49. The reprisals witnessed in Chhattisgarh are reflective of the pattern of violence, criminalization, and persecution of HRD across India, especially against local communities and HRDs who have advocated for their right to land, environment, and protection of their way of life. Dalit and indigenous communities and HRDs have suffered the brunt this violence.
50. Our organizations have previously raised concerns against the criminalization of indigenous protest movements and the suppression of their rights in [Madhya Pradesh](#)<sup>70</sup> and [Maharashtra](#)

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<sup>67</sup> FLD, Profile for Lakhma Koram, <https://www.frontlinedefenders.org/en/profile/lakhma-koram>.

<sup>68</sup> FLD, Profile for Ranu Podyam, <https://www.frontlinedefenders.org/en/profile/ranu-podyam>.

<sup>69</sup> FLD, *Arbitrary arrest of Adivasi woman human rights defender Hidme Markam (Urgent Appeal)*, 10 March 2021, [https://www.frontlinedefenders.org/sites/default/files/ua\\_india\\_hidme\\_markam\\_10032021\\_eng\\_intl.pdf](https://www.frontlinedefenders.org/sites/default/files/ua_india_hidme_markam_10032021_eng_intl.pdf).

<sup>70</sup> FLD, *India: Escalated repression against the Jagrit Adivasi Dalit Sangathan, human rights defenders Madhuri Krishnaswami, Nitin Varghese, Antaram Awase, and community leaders campaigning for forest and land rights in Madhya Pradesh*, 14 July 2023, <https://www.frontlinedefenders.org/en/india-escalated-repression-against-the-jagrit>



[States](#)<sup>71</sup> and of farmers rights protests in Tamil Nadu.<sup>72</sup> These protest movements embody the struggles of India's Dalit, Adivasi, and oppressed communities, who have been consistently marginalized, persecuted, and denied access to their constitutionally guaranteed rights.

### Reprisals against Right to Information (RTI) Act Defenders

51. RTI defenders have been systematically targeted with threats, harassment, physical attacks, and killings over the years in reprisal for their work in exposing corruption and bad governance. Since the implementation of the Right to Information (RTI) Act in 2005, at least 469 attacks against such activists have been [reported](#).<sup>73</sup> The full extent of this violence could not be detailed in this report. On 2 June 2022, RTI defender **Ranjeet Soni** was fatally [shot](#)<sup>74</sup> in the proximity of a local police station. Prior to his murder the defender had received threats to withdraw his RTI petitions. The day after his murder, 3 June 2022, he had been due to present evidence to a local court to support one of his complaints. HRDs have reported facing frequent reprisals for exposing corruption and other discrepancies in governance, including receiving threats, physical assault, false criminal charges.

### Restrictions on access to financial resources

52. Since 2016, the authorities have revoked, suspended, and refused to renew the FCRA license of thousands of CSOs, or accused them of breaking the law and frozen their bank accounts. According to data from the Ministry of Home Affairs, since 2011, 20,675 NGOs and associations had their FCRA licenses revoked for violations of various provisions of the FCRA<sup>75</sup>. Between 2016 and 2020, foreign funding licenses of 8,353 NGOs were not renewed, while 263 NGOs or associations had their FCRA license suspended. From 2019 to February 2022, 2,877 applications were rejected. Among the organizations that had their licenses revoked, suspended, or not renewed were: People's Watch; Indian Social Action Forum; Lawyers Collective; Sabrang Trust; Navsarjan Trust; Anhad, Oxfam India; Greenpeace; the Commonwealth Human Rights Initiative; and Amnesty International India. Groups working on the rights of India's most vulnerable populations such as Dalits, religious minorities, and Adivasis, were particularly impacted.

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[adivasi-dalit-sangathan](#).

<sup>71</sup> FLD, *India: Police crackdown and arrest of human rights defenders protesting against corporate mining in Gadchiroli, Maharashtra*, 29 November 2023, <https://www.frontlinedefenders.org/en/statement-report/india-police-crackdown-and-arrest-of-human-rights-defenders>.

<sup>72</sup> FLD, *India: Arrest of human rights defender Arul Arumugam and judicial harassment of key leaders of farmers movement in Tamil Nadu*, 6 December 2023, <https://www.frontlinedefenders.org/en/statement-report/india-arrest-human-rights-defender-arul-arumugam-and-judicial-harassment-key>.

<sup>73</sup> Commonwealth Human Rights Initiative, *Hall of Shame: Mapping Attacks on RTI Users*, <https://attacksonrtiusers.org/>.

<sup>74</sup> FLD, *Targeted attacks against Right to Information activists*, 10 August 2022, <https://www.frontlinedefenders.org/en/statement-report/targeted-attacks-against-right-information-activists>.

<sup>75</sup> Economic Times, *Govt cancelled FCRA licence of over 20,600 NGOs in 10 years*, 9 February 2021, <https://economictimes.indiatimes.com/news/politics-and-nation/govt-cancelled-fcra-licence-of-over-20600-ngos-in-10-years/articleshow/80772291.cms?from=mdr>.

53. On 20 March 2023, the Ministry of Home Affairs [ordered](#)<sup>76</sup> a Central Bureau of Investigation (CBI) enquiry against the NGO Aman Biradari, an organization established by HRD **Harsh Mander**, for alleged violations under the FCRA. In September 2021, Harsh Mander’s home and offices were [raided](#)<sup>77</sup> by the Enforcement Directorate.
54. On 14 February 2022, the Delhi High Court [declined to overturn](#)<sup>78</sup> a government order to suspend the FCRA license of the **Commonwealth Human Rights Initiative (CHRI)**. CHRI’s FCRA license was initially suspended on 7 June 2021 by the Ministry of Home Affairs for 180 days for allegedly having failed to disclose information in the organization’s annual returns. In December 2021, the suspension was extended by another 180 days. As of April 2022, the FCRA license to CHRI has been revoked.
55. On 8 January 2022, the CBI searched the offices of the NGO **Centre for Promotion of Social Concerns (CPSC)**, and its program unit **People’s Watch** in Madurai, Tamil Nadu State. Officers from the CBI entered the group’s premises and seized several documents amounting to over 91,000 pages. An official of the CBI was present in People’s Watch office from 7 January to 17 November 2022. The CBI officers informed CPSC that they were [investigating](#)<sup>79</sup> allegations of fraud and financial irregularities under the FCRA, and under Sections 120B (punishment of criminal conspiracy) and 420 (cheating and dishonestly inducing delivery of property) of the IPC. The government also alleged financial irregularities even though the Delhi High Court had previously cleared the group of those charges in 2014, after the organization challenged similar suspensions in 2012 and 2013. This was not the first time that CPSC had been targeted by the authorities via the FCRA. Between 2012 and 2014, CPSC had its FCRA license suspended on three occasions. In March 2014, the Delhi High Court ruled in CPSC’s favor following a writ petition by CPSC, which had challenged the suspension of its FCRA license. However, on 29 January 2016, the Ministry of Home Affairs rejected CPSC’s application for FCRA renewal “on the basis of field reports”, which civil society leaders widely believe referred to reports by intelligence agencies or law enforcement personnel.
56. On 7 November 2016, the Delhi High Court held a hearing to review the challenge lodged by the CPSC against the decision to cancel their foreign funding registration under the FCRA. In its petition, the CPSC asked to be provided with the reasons for the refusal to renew their registration. The Ministry of Home Affairs told the court that the group used foreign funding to share information with UN Special Rapporteurs and foreign embassies, “portraying India’s human rights record in negative light [...] to the detriment of India’s

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<sup>76</sup> Indian Express, *MHA recommends CBI inquiry against Harsh Mander’s NGO Aman Biradari*, 21 March 2023, <https://indianexpress.com/article/india/mha-recommends-cbi-inquiry-against-harsh-manders-ngo-aman-biradari-for-fcra-violation-8508529/>.

<sup>77</sup> Scroll, *ED raids at Harsh Mander’s premise meant to silence critics, say over 600 eminent personalities*, 16 September 2021, <https://scroll.in/latest/1005576/ed-raids-at-harsh-manders-premises-meant-to-silence-critics-say-over-600-eminent-personalities>.

<sup>78</sup> Outlook, *Delhi HC Dismisses Plea by CHRI Against Suspension of Registration Under FCRA*, 14 February 2022, <https://www.outlookindia.com/national/delhi-hc-dismisses-plea-by-chri-against-suspension-of-registration-under-fcra-news-182430>.

<sup>79</sup> Leaflet, *CBI files FIR against Madurai-based human rights NGO People’s Watch for alleged 10-year FCRA violations*, 9 January 2022, <https://theleaflet.in/cbi-files-fir-against-madurai-based-human-rights-ngo-peoples-watch-for-alleged-10-year-old-fcra-violations/>.

image.” The government characterized this as “undesirable activities detrimental to national interest.” The case is still pending. The ongoing harassment of CPSC and People’s Watch violates their right to freedom of association and access to funding and appears to be aimed at punishing the organization for its human rights activities and at intimidating its staff.

57. On 7 September 2022, the offices of the **Independent and Public Spirited Media Foundation** and **Oxfam India** in Bengaluru, Karnataka State, and the **Centre for Policy Research** in Delhi were [raided](#) by the Income Tax department. Oxfam India reported that income tax officials had barred their team members from leaving the premises during the raids and that the internet was shut down and their mobile phones were confiscated. It has been reported the Income Tax officials checked receipts of funds received by the organizations under the FCRA.
58. On 1 March 2023, the FCRA license of the Centre for Policy Research was [suspended](#)<sup>80</sup> by the government, citing non-compliance with the norms of FCRA. Further, on 17 April 2023, the CBI [registered a FIR](#)<sup>81</sup> against Oxfam India for alleged violations of FCRA norms. The FIR was filed a week after the Ministry of Home Affairs recommended a CBI inquiry into the organization.
59. The targeting of **Lawyer’s Collective** and **Amnesty International** have been widely condemned by rights groups. In addition, a number of smaller organizations and national level initiatives have been crippled under the FCRA regime, including through the suspension of license, raids and action by India’s enforcement directorate. Access to funds has become a critical issue that, in many cases, has forced organizations to cease work in India. The incidents and legal/administrative actions highlighted above do not reflect the scale of abuse under the FCRA as many organizations cannot be named due to security concerns.

## Recommendations

- Immediately and unconditionally end all acts of judicial harassment against HRDs and CSOs.
- Immediately and unconditionally release all detained HRDs, drop all charges against them, and ensure that they are able to carry out their legitimate activities without any hindrance and fear of reprisals in all circumstances.
- Ensure the physical and psychological integrity of all HRDs in custody, including by upholding the absolute prohibition of torture.
- Ratify the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment.
- Take all necessary measures to protect the right to freedom of association of CSOs, including by ensuring their access to foreign funding.

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<sup>80</sup> Indian Express, *FCRA licence of think tank CPR suspended: What is FCRA, why the licence matters*, 2 March 2023, <https://indianexpress.com/article/explained/fcra-licence-of-think-tank-cpr-suspended-what-is-fcra-8473866/>.

<sup>81</sup> The Hindu, *CBI files case against Oxfam India, holds office search*, 20 April 2023, <https://www.thehindu.com/news/national/cbi-registers-fir-against-oxfam-india-for-fcra-violation/article66756885.ece>.

- Amend the 2010 Foreign Contributions Regulations Act (FCRA) to bring it into line with India's international human rights obligations related to freedom of association, notably by repealing the 2020 amendments.
- End the use of laws that have been used to crack down on civil society and that are inconsistent with India's human rights obligations and amend them to bring them into line with international human rights law, including the FCRA, the Unlawful Activities (Prevention) Act (UAPA), Section 124A on Seditious Speech in the Indian Penal Code, the National Security Act, and the Jammu and Kashmir Public Security Act (PSA).