

The State of Shrinking Civic Space in India - 2021



ASIAN CENTRE FOR HUMAN RIGHTS

**The State of
Shrinking Civic
Space in India - 2021**

The State of Shrinking Civic Space in India – 2021

First published: February 2022

© Asian Centre for Human Rights, 2021.

No part of this publication can be reproduced or transmitted in any form or by any means, without prior permission of the publisher.

Suggested contribution Rs. 999/-

Published by:

ASIAN CENTRE FOR HUMAN RIGHTS

[ACHR has Special Consultative Status with the United Nations ECOSOC]

C-3/441-C, Janakpuri, New Delhi-110058, India

Phone/Fax: +91-11-25620583

Email: director@achrweb.org

Website: www.achrweb.org

Contents

1. Executive Summary	7
2. Foreign funding: Restricting civil society while allowing foreign political funding	13
2.1 FCRA 2020 Amendment Act: An instrument to fully strangle the NGOs	14
A. Prohibition of transfer of funds	14
B. Mandatory opening of bank account with the SBI, New Delhi	15
2.2 Suspension notice: A death knell for the NGOs	17
2.3 Denial of renewal and cancellation of licenses	18
2.4 Raids on the CSOs	19
3. Arrest and detention of the activists	29
4. Restrictions of freedom of assembly: CAA to farmers' agitation	35
4.1 Cases against those supporting the farmers' agitation	35
4.2 Cases against anti-CAA protestors	37
4.3 Arrests and incarceration of rights activists in the Bhima Koregaon protest	41
5. Violations of press freedom	49
6. Repression on the academics and academic freedom	53

Abbreviation

AFAD	Asian Federation Against Involuntary Disappearances
APDP	Association of Parents of Disappeared Persons
AFMI	American Federation of Muslims of Indian Origin
BJP	Bharatiya Janata Party
CAA	Citizenship (Amendment) Act
CBI	Central Bureau of Investigation
CES	Centre for Equity Studies
CHRI	Commonwealth Human Rights Initiative
CPSC	Centre for Promotion of Social Concerns
CrPC	Code of Criminal Procedure
CSO	Civil Society Organisation
DDIPL	Direct Dialogue Initiatives India Private Limited
DU	Delhi University
ED	Enforcement Directorate
EGI	Editor Guild of India
HRD	Human Rights Defender
FCRA	Foreign Contribution Regulation Act
FDI	Foreign Direct Investment
FEMA	Foreign Exchange Management Act
FIR	First Information Report
IPC	Indian Penal Code
IT	Information Technology
IT	Income Tax
J&K	Jammu & Kashmir
JKCCS	Jammu and Kashmir Coalition of Civil Society

JNU	Jawaharlal Nehru University
KMSS	Krishak Mukti Sangram Samiti
LRPF	Legal Rights Protection Forum
MEA	Ministry of External Affairs
MHA	Ministry of Home Affairs
MoU	Memorandum of Understanding
MSP	Minimum Support Price
NASSCOM	National Association of Software and Service Companies
NCPCR	National Commission for Protection of Child Rights
NCT	National Capital Territory
NDMA	National Disaster Management Authority
NGO	Non-Governmental Organisation
NIA	National Investigation Agency
NITI	National Institution for Transforming India
PS	Police Station
PCI	Press Council of India
RSS	Rashtriya Swayamsevak Sangh
SBI	State Bank of India
SFJ	Sikhs for Justice
UAPA	Unlawful Activities (Prevention) Act
UN	United Nations
UPA	United Progressive Alliance
UT	Union Territory

1. Executive Summary

“Citizens are conscience keepers of government in any democratic Nation. They cannot be put behind the bars simply because they choose to disagree with the state policies. The offence of sedition cannot be invoked to minister to the wounded vanity of the governments.”- Additional Sessions Judge Dharmender Rana while granting bail to Ms Disha Ravi, an environmental activist arrested from Bengaluru for supporting farmers protest in Delhi.¹

“We are constrained to express, that it seems, that in its anxiety to suppress dissent, in the mind of the State, the line between the constitutionally guaranteed right to protest and terrorist activity seems to be getting somewhat blurred. If this mindset gains traction, it would be a sad day for democracy.”- Delhi High Court in its judgment dated 15 June 2021 in *Natasha Narwal vs State of Delhi NCT* while granting bail to anti-CAA protestor and women rights activist, Ms Natasha Narwal.²

The judgments of the Additional Sessions Judge, Delhi and the Delhi High Court highlight the criminalisation of the right to freedom of association and assembly, in particular, by the civil society organisations (CSOs) and activists in India.

The CSOs can be considered as the fifth pillar of democracy in addition to the legislature, executive, judiciary and the media given the vital role they play in a functioning democracy.

The CSOs in India have traditionally played a critical role in every field including rights, democratic governance and addressing natural disasters. During the COVID-19 pandemic, their role came into sharp focus. On 26 April 2021, the Empowered Group-3 chaired by the National Institution for Transforming India (NITI) Aayog’s Chief Executive Officer decided to reach out to more than 1,00,000 CSOs to deliberate on coordinated strategies to navigate through the impact of surge in COVID cases.³ On 6 May 2021, the National Disaster Management Authority (NDMA) under the Ministry of Home Affairs (MHA) wrote to all States to involve NGOs, faith-based organisations, religious and social trusts at local level to handle the “unprecedented COVID-19 crisis”.⁴ The NDMA held a virtual meeting with 1,000 NGOs on 5 May 2021.⁵

Yet, India’s CSOs which are substantially dependent on the foreign funds were effectively prohibited from performing their tasks to address the COVID-19 crisis because of the restrictions imposed under the Foreign

Contribution Regulation Amendment Act of 2020 which came into force in 2021. The amendments crippled the NGOs, *inter alia*, because of the prohibition of transfer of funds from one FCRA registered CSO to another FCRA registered CSO, the requirement to open bank accounts with the State Bank of India in New Delhi irrespective of its location and non-renewal of the FCRA licenses. On 13 May 2021, India's Information Technology (IT) industry body National Association of Software and Service Companies (NASSCOM) in a letter to Prime Minister Narendra Modi, urged to temporarily relax stringent Foreign Contribution Regulation Act (FCRA) norms to ease the flow of overseas COVID-19 relief into the country as *the amended provisions of the FCRA Act 2020 were proving to be a deterrent to address the humanitarian crisis and sought a temporary waiver to the FCRA Act and the 2020 amendments to enable NGOs to transfer funds between FCRA-approved NGOs.*⁶ The Centre did not heed to the demands.

Throughout 2021, NGOs registered under the FCRA struggled to open their bank account with the State Bank of India in New Delhi irrespective of their location in the country in the midst of COVID-19. As on 12 May 2021, only 16% registered NGOs i.e. only 3,616 out of the 22,457 NGOs with active FCRA licences were able to open bank accounts with the SBI Main Branch, Delhi. This led to filing of a petition before the Delhi High Court and on 20 May 2021, the Delhi High Court directed the State Bank of India (SBI) to ensure it opens FCRA accounts for NGOs within 10 days of receiving approval from the Central government. The MHA extended the deadlines to open the bank accounts. Out of 22,830 NGOs registered under the FCRA in the country, about 19,000 had opened bank accounts with the SBI till early December 2021.⁷

The suspension of licenses under the FCRA is a death knell for the NGOs as it immediately deprives the NGOs of access to funds. The FCRA licenses of 272 NGOs suspended from 2018 to 2021 including 233 in 2018, 5 (five) in 2019, 25 in 2020 and at least 9 (nine) NGOs in 2021 including the Commonwealth Human Rights Initiative (CHRI).⁸

Further, the Government of India cancelled FCRA licences of over 20,600 NGOs from 2010 to 2021⁹ including 5,968 NGOs, including Missionaries of Charity, Delhi University (DU), Jawaharlal Nehru University (JNU), Indian Institute of Technology-Delhi, Oxfam, Jamia Millia Islamia, Hamdard Education Society and India Islamic Cultural Centre on 31 December 2021.¹⁰ The license of the Missionaries of Charity was restored later.¹¹

The government of India used the Central Bureau of Investigation (CBI) which is the Central government's premier investigation agency, the Enforcement Directorate dealing with money laundering, National Investigation Agency (NIA) dealing with anti-terrorism and the Income Tax Department to raid, arrest and detain the CSOs and activists.

The key CSOs raided in 2021 included Sonu Sood Foundation¹² run by Bollywood actor Sonu Sood who had won huge praise for his philanthropic efforts during the Covid crisis, raiding the premises of social activist and Director of Centre for Equity Studies (CES) run by prominent activist Harsh Mander by the Enforcement Directorate (ED)¹³, freezing the bank accounts of Greenpeace India by the Enforcement Directorate¹⁴ and attachment of assets of Amnesty International India Pvt. Ltd while charge sheet was filed against the Centre for Promotion of Social Concerns (CPSC) and its Programme Unit, Peoples Watch by the CBI¹⁵ and First Information Report (FIR) was registered by the Uttar Pradesh Police against journalist Rana Ayub including for violations of the FCRA.¹⁶

Human rights defenders (HRDs) especially those operating in armed conflict situations such as Jammu and Kashmir and the left wing Naxal affected areas were raided and arrested. The HRDs arrested in 2021 included Khurram Parvez of Jammu and Kashmir¹⁷ and tribal rights activist Ms. Hidme Markam of Chhattisgarh¹⁸, both under anti-terrorism charges. The NIA also raided residence and office of Khurram Parvez, coordinator of the J&K Coalition of Civil Society, his associates Parvez Ahmad Bukhari, a journalist, Parvez Ahmad Matta, Bengaluru-based associate Swati Sheshadri, Parveena Ahanger, Chairperson of the Association of Parents of Disappeared Persons (APDPK), and offices of NGO Athrout and the Greater Kashmir Trust on 28 October 2021,¹⁹ and the offices of Falah-e-Aam Trust, Charity Alliance, Human Welfare Foundation, JK Yateem Foundation, Salvation Movement and J&K Voice of Victims on 29 October.²⁰ On 31 March – 1 April 2021, the NIA also carried out searches in the residences of reportedly at least twenty activists in Telangana and Andhra Pradesh with respect to First Information Report (FIR) registered against the Naxalites.²¹

The right of peaceful assembly, a hallmark of a functioning democracy, has been continuously curtailed in India since the Bhima Koregaon protest on 1 January 2018. The reactions of the government with those supporting the protests or protestors are indicative of the attempt to muzzle the freedom of assembly. Hundreds of people involved in the three emblematic protests i.e. farmers protest, anti Citizenship

Amendment Act protests and Bhima Koregaon who were arrested, detained and charged for anti-terrorism offences continued to face prosecution during 2021. The suppression of the right to peaceful assembly defines India's attempt to silence any form of dissent.

Freedom of opinion and expression has been under severe strains in India in recent years. During 2021, a total of 121 journalists and media houses/newspapers were targeted across the country including 108 journalists and 13 media houses/newspapers. Among the States/Union Territories (UTs), the highest number of journalists/media organisations targeted was in Jammu and Kashmir (25), followed by Uttar Pradesh (23); Madhya Pradesh (16); Tripura (15); Delhi (8); Bihar (6); Assam (5); Haryana and Maharashtra (4 each); Goa and Manipur (3 each); Karnataka, Tamil Nadu and West Bengal (2 each); and Andhra Pradesh, Chhattisgarh and Kerala (1 each). Six journalists were killed in the country while eight female journalists faced arrest, summon, FIRs and sexual harassment.²²

In India, academic freedom remains severely curtailed too. The Indian government applied restrictions on the travel and activities of visiting foreign experts and scholars. Academics continued to face threats and pressure for expressing controversial views. On 15 January 2021, the Department of Higher Education, Ministry of Education, Government of India issued directions making it mandatory for academicians, professors, scientists and doctors from public-funded universities and institutes to seek prior approval from the Ministry of External Affairs (MEA) for hosting virtual international seminars that are centered around India's 'internal matters'.²³ On 24 February 2021, the government withdrew the order after a backlash from scientists.²⁴ However, the restrictions on all academic institutions and universities to enter into academic collaboration with Chinese universities/institution imposed in October 2019 remained in place.²⁵

The fact remains the FCRA was brought in 1976 during the emergency imposed by then Prime Minister Mrs Indira Gandhi to curtail protest against the emergency by "(a) candidate for election, (b) correspondent, columnist, cartoonist, editor, owner, printer or publisher of a registered newspaper, (c) 2 [Judge, Government servant] or employee of any corporation, (d) member of any Legislature, (e) political party or office-bearer thereof." In a travesty, the government of India through the Finance Act of 2018 allowed exemptions from scrutiny pertaining to the receipt of foreign funds received by political parties in clear violations of the FCRA Act with retrospective effect from 1976. Further, under the Scheme of Electoral Bond for the registered political parties a body incorporated

in India including by the foreigners can purchase the bond of the political parties thereby allowing the political parties to receive foreign contributions.

If the political parties can receive foreign grants, it is absolutely illogical to use the FCRA only against the NGOs. This only harms India as the NGOs play a vital role for the development of the country

¹. ‘Toolkit’ case: Delhi court grants bail to Disha Ravi, The Hindu, 23 February 2021, <https://www.thehindu.com/news/cities/Delhi/disha-ravi-gets-bail/article33912743.ece>

². Delhi High Court judgment dated 15 June 2021 in Natasha Narwal versus State of Delhi NCT is available at http://164.100.69.66/jupload/dhc/AJB/judgement/15-06-2021/AJB15062021CRLA822021_105732.pdf

³. Meeting of Empowered Group-3 with NGOs/ CSOs on COVID Management, Posted On: 26 APR 2021 5:24PM by PIB Delhi, <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=714157>

⁴. The letter of the National Disaster Management Authority, Ministry of Home Affairs, dated 6 May 2021 is available at <https://cdn.s3waas.gov.in/s37fe1f8abaad094e0b5cb1b01d712f708/uploads/2021/05/2021051070.pdf>

⁵. FCRA amendments crippling our work, say NGOs, The Hindu, 9 May 2021, <https://www.thehindu.com/news/national/fcra-amendments-crippling-our-work-say-ngos/article34521449.ece>

⁶. War on Covid: Nasscom seeks easing of FCRA for smoother foreign aid flow, The Business Standard, 13.05.2021 available at https://www.business-standard.com/article/current-affairs/war-on-covid-nasscom-seeks-easing-of-fcra-for-smoother-foreign-aid-flow-121051300612_1.html

⁷. Nearly 19,000 NGOs have opened SBI accounts under FCRA till now, The Economic Times, 30 December 2021, <https://economictimes.indiatimes.com/news/india/nearly-19000-ngos-have-opened-sbi-accounts-under-fcra-till-now/articleshow/88579144.cms>

⁸. Rajya Sabha Unstarred Question No. 2450 To Be Answered On The 17th March, 2021 available at <https://pqars.nic.in/annex/253/AU2450.pdf>

⁹. FCRA Cancelled List 2022 | Government Cancelled FCRA Licence NGOs List, <https://sarkarilist.in/fcra-cancelled-list/#~:text=Government%20had%20cancelled%20FCRA%20licences,in%20the%20last%2010%20years.&text=The%20registration%20certificates%20of%20more,the%20Foreign%20Contribution%20Regulation%20Act>

¹⁰. MEA’s Think Tank among 30 NGOs to lose FCRA licence, The Economic Times, 18 January 2022, <https://economictimes.indiatimes.com/news/economy/policy/meas-think-tank-among-30-ngos-to-lose-fcra-licence/articleshow/88959780.cms>

¹¹. FCRA registration of Missionaries of Charity renewed, valid till 2026, Indian Express, 9 January 2022, <https://indianexpress.com/article/india/fcra-registration-of-missionaries-of-charity-renewed-7712623/>

¹². Sonu Sood said ‘I’ll miss you’ to taxmen after raid, reveals plans for remaining 17 crore raised, Hindustan Times, 25 September 2021; available at: <https://www.hindustantimes.com/entertainment/bollywood/sonu-sood-said-i-ll-miss-you-to-taxmen-after-raid-reveals-plans-for-remaining-rs-17-crore-raised-101632557001415.html>

- ¹³. ED conducts searches on premises linked to Harsh Mander, Hindu, 16 September 2021, available at: <https://www.thehindu.com/news/cities/Delhi/ed-raids-premises-linked-to-activist-harsh-mander-in-delhi-on-money-laundering-charges/article36491249.ece>
- ¹⁴. ED freezes bank accounts of Greenpeace, linked entity; searches offices in Bengaluru, The Economic Times, 12 October 2018; https://economictimes.indiatimes.com/news/politics-and-nation/ed-freezes-bank-accounts-of-greenpeace-linked-entity-searches-offices-in-bengaluru/articleshow/66171077.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst
- ¹⁵. CBI books Madurai-based NGO for FCRA violations, The Hindu, 8 January 2022, <https://www.thehindu.com/news/national/tamil-nadu/cbi-books-madurai-based-ngo-for-fcra-violations/article38187001.ece>
- ¹⁶. Did Rana Ayyub's Covid fundraisers violate FCRA?, Newslandry, 15 September 2021, <https://www.newslandry.com/2021/09/15/did-rana-ayyubs-covid-fundraisers-violate-fcra>
- ¹⁷. India: Arbitrary detention of Khurram Parvez in Jammu and Kashmir, International Federation for Human Rights, 23 November 2021; <https://www.fidh.org/en/issues/human-rights-defenders/india-arbitrary-detention-of-khurram-parvez-in-jammu-and-kashmir>
- ¹⁸. Chhattisgarh: Civil Society Members Demand Release of Tribal Rights Activist Arrested Under 'Naxal Charges', Newsclick, 10 March 2019, available at: <https://www.newsclick.in/Chhattisgarh-Civil-Society-Members-Demand-Release-Tribal-Rights-Activist-Arrested-Under-Naxal-Charges>
- ¹⁹. NIA searches 10 places in Kashmir, one in Bengaluru, Hindu, 28 October 2021; <https://www.thehindu.com/news/national/nia-searches-trust-ngos-in-srinagar-in-terror-funding-case/article32961040.ece>
- ²⁰. For second day, NIA raids six NGOs, trusts in Delhi, Kashmir in terror funding case, Scroll.in, 29 October 2020, <https://scroll.in/latest/977074/for-second-day-nia-raids-six-ngos-trusts-in-delhi-srinagar-in-terror-funding-case>
- ²¹. NIA raids residences of rights activists in Telangana and Andhra, Newsminute, 1 April 2021, available at: <https://www.thenewsminute.com/article/nia-raids-residences-rights-activists-telangana-and-andhra-146296>
- ²². India Press Freedom Report 2021, Rights and Risks Analysis Group (RRAG), New Delhi
- ²³. Prior approval now necessary for government-funded organisations wanting to host online international seminars, Opindia.com, 1 February 2021, available at: <https://www.opindia.com/2021/02/online-seminars-governemnt-approval-mea/>
- ²⁴. Government withdraws order on online science meetings, Hindu, 24 February 2021; <https://www.thehindu.com/news/national/government-withdraws-order-on-online-seminars/article33926659.ece>
- ²⁵. Indo-Chinese educational tie-ups need nod from Home, foreign Ministries, Hindu, 3 October 2019, <https://www.thehindu.com/news/national/indo-chinese-educational-tie-ups-need-nod-from-home-foreign-ministries/article29587740.ece>

2. Foreign funding: Restricting civil society while allowing foreign political funding

The Foreign Contribution Regulation Act (FCRA) was brought in 1976 during the emergency imposed by then Prime Minister Mrs Indira Gandhi to curtail protest against the emergency. The FCRA, 1976 prohibited the receipt of foreign contribution and foreign hospitality by (a) candidate for election, (b) correspondent, columnist, cartoonist, editor, owner, printer or publisher of a registered newspaper, (c) 2 [Judge, Government servant] or employee of any corporation, (d) member of any Legislature, (e) political party or office-bearer thereof.²⁶

In a travesty, the Finance Act of 2018 was amended to allow exemptions from scrutiny pertaining to the receipt of foreign funds received by political parties in clear violations of the FCRA Act with retrospective effect from 1976. Both the Indian National Congress (INC) and the Bharatiya Janata Party (BJP) had illegally received foreign funds and in 2014, the Delhi High Court indicted both the INC and the BJP for receiving foreign funds from the firm Vedanta and its subsidiaries, in violation of the existing FCRA Act.²⁷ Basically, both the Congress and the BJP exonerated themselves from violations of the FCRA since 1976.

In 2018 itself, the Government of India further introduced the Scheme of Electoral Bond for the registered political parties. As part the Scheme for the Electoral Bond, a citizen of India or a body incorporated in India including by the foreigners will be eligible to purchase the bond of the political parties²⁸ thereby allowing the political parties to receive foreign contributions. On the contrary, Section 2(g) of the Foreign Contribution Regulation Act, 2010 defines “foreign company” as “any company or association or body of individuals incorporated outside India and includes— (i) a foreign company within the meaning of section 591 of the Companies Act, 1956 (1 of 1956); (ii) a company which is a subsidiary of a foreign company; (iii) the registered office or principal place of business of a foreign company referred to in sub-clause (i) or company referred to in sub-clause (ii); (iv) a multi-national corporation”,²⁹ prohibiting the NGOs to receive funds from these sources. Therefore, the political parties can continue to receive foreign funds under the Scheme for Electoral Bond in clear violations of the FCRA while the NGOs continue to be strangled under the FCRA. Therefore, foreign funding to political parties is allowed while criticisms of the political parties by the CSOs receiving foreign funding are prohibited and this has been used to throttle NGOs which merely disagrees with the state policies.

The United Progressive Alliance (UPA) government led by the Congress enacted the FCRA in 2010 to restrict the license to five years, thereby providing a mechanism to deny the FCRA license. The licenses of over 20,600 NGOs were cancelled from 2010 to 2021.³⁰

The current BJP government brought the FCR (Amendment) Act of 2020 effectively strangulating the CSOs dependent on foreign funding. Raising concerns over the FCR (Amendment) Act 2020, the United Nations High Commissioner for Human Rights Michelle Bachelet on 20 October 2020 appealed to the Government of India to safeguard the rights of human rights defenders and NGOs, and their ability to carry out their crucial work on behalf of the many groups they represent. Bachelet expressed regret at the tightening of space for human rights NGOs in particular, including by the application of vaguely worded laws that constrain NGOs' activities and restrict foreign funding.³¹

India has reduced political freedoms as a luxury for the followers of the ruling dispensation. India's struggle is no longer about torture, extrajudicial executions, violence against women etc but basic features that define a democracy - the freedom of assembly, the freedom of association and freedom of opinion and expression.

2.1 FCRA 2020 Amendment Act: An instrument to fully strangulate the NGOs

The Foreign Contribution (Regulation) Amendment Act, 2020 introduced a number of amendments including prohibition of transfer of funds from one FCRA registered NGO to another, the requirement to open bank account with the SBI, New Delhi, cap on administrative expenses, requirement to provide IDs of the office bearers etc.

The prohibition of transfer of funds from one FCRA registered NGO to another and the requirement to open bank account with the SBI, New Delhi had crippled the voluntary sector.

A. Prohibition of transfer of funds

The FCRA Act of 2010 did not impose any restriction for transfer of foreign funds from one FCRA registered NGO to another FCRA registered NGOs as both submit their annual returns.

However, the FCRA Amendment Act of 2020 amended Section 7 of the FCRA Act to provide that *“No person who— (a) is registered and granted a certificate or has obtained prior permission under this Act; and (b) receives any foreign contribution, shall transfer such foreign contribution to any other*

person”.³² Therefore, it imposed blanket ban on transfer of foreign funds from one FCRA registered NGO to another FCRA registered NGO.

The prohibition of transfer funds by from contribution received by one NGO to another severely affected the working of the NGOs. Re-transfer or sub-granting was mutually beneficial as it leverages the spirit of collaboration that is typical of civil society. Large NGOs can also work with smaller NGOs, who work on the ground but can't raise foreign funds on scale by themselves.

This negatively impacted the fight against COVID-19. On 13 May 2021, India's IT industry body NASSCOM has urged Prime Minister Narendra Modi, among others, to temporarily relax stringent Foreign Contribution Regulation Act (FCRA) norms to ease the flow of overseas COVID-19 relief into the country. The NASSCOM among others stated, *“Many countries and global companies are providing aid to India and are helping the healthcare infrastructure deal with the surge. However, the amended provisions of the FCRA Act 2020 are proving to be a deterrent.... Given the humanitarian crisis, we would request the government to grant a temporary waiver to the FCRA Act and the 2020 amendments. This will enable NGOs to transfer funds between FCRA-approved NGOs.”*³³

B. Mandatory opening of bank account with the SBI, New Delhi

Section 17 of the FCRA Act was amended under the Foreign Contribution (Regulation) Amendment Act, 2020 to provide that every person who has been granted certificate or prior permission under section 12 shall receive foreign contribution only in an account designated as “FCRA Account” by the bank, which shall be opened by him for the purpose of remittances of foreign contribution in such branch of the State Bank of India at New Delhi.³⁴

The FCRA Act of 2020 required the NGOs to open their bank account with the State Bank of India, New Delhi main branch to receive foreign grants with effect from 1 April 2021 and after the opening the SBI Account, the Ministry of Home Affairs shall approve it for linking with the earlier FCRA Accounts (FC 6 form clearances).

All the FCRA registered organizations outside of the Delhi-NCR region submitted the applications to open the Bank Account with the SBI, New Delhi through the SBI Bank in local areas (along with original documents). There have been delays and most organisations were not able to visit New Delhi and unable to open their bank accounts.

As per *The Hindu*³⁵ on 12 May 2021, only 16% registered NGOs i.e. only 3,616 out of the 22,457 NGOs with active FCRA licences have been able to open bank accounts with the SBI Main Branch, Delhi, a compulsory requirement to receive foreign funds from 1 April 2021. This implies that about 84% or 18,841 NGOs cannot receive foreign grants at this point of time and therefore, cannot receive foreign grants to contribute to the COVID-19 recovery process.

The lockdown in Delhi from 24 April 2021 meant that the State Bank of India, New Delhi has not been able to process the FCRA account opening and the NGOs are losing valuable time and opportunity to contribute to the COVID-19 recovery process.

On 20 May 2021, the Delhi High Court directed the State Bank of India (SBI) to ensure it opens FCRA accounts for NGOs within 10 days of receiving approval from the Central government. The direction was issued after the court was informed by some NGOs that despite receiving approval from the Ministry of Home Affairs (MHA), SBI was delaying the opening of accounts under the Foreign Contribution (Regulation) Act (FCRA). The Court was informed that the SBI was not operationalising the FCRA accounts in time, even after the necessary approval certificate was submitted to it, and it was leading to delay in receipt of foreign contributions. The MHA also informed the Court that it had extended the deadline for NGOs to open FCRA accounts till 30 June 2021. Further, the MHA informed the Court that “validity of registration certificates issued to the NGOs which expired or would expire between September 29, 2020 to September 30, 2021 were extended upto September 30, 2021”. Besides, the time limit for online submission of annual returns for the year 2019-20 was also extended to June 30 from the earlier date of December 31, 2020. The observations and directions of the Court had come on the plea by two NGOs - Comfort Ministries and Mothers Touch Charity Foundation, which were seeking MHA approval for receiving foreign contributions and also extension of the deadline for opening the FCRA accounts.³⁶

In July 2021, the Delhi High Court restrained the MHA from taking any coercive action against NGOs if they failed to file annual returns after 30 June 2021. The order was passed after the NGOs expressed their inability to file their returns under FC-4 Form for the year 2019-2020 as the online system, introduced under amended FCRA Act 2020, accepts the entry only if the account is in SBI's New Delhi main branch.³⁷

Out of 22,830 NGOs registered under the FCRA in the country, about 19,000 had opened bank accounts with the SBI till early December 2021.³⁸

Throughout the year, NGOs just struggled to open their bank account with the SBI, New Delhi in the midst of COVID-19.

2.2 Suspension notice: A death knell for the NGOs

Under Section 13 of the Foreign Contribution (Regulation) Act of 2010³⁹, the license of an organisation pending consideration of the question of cancelling the certificate on any of the grounds mentioned in sub-section (1) of section 14, can be suspended for a period of one hundred and eighty days, or such further period, not exceeding one hundred and eighty days, as may be specified.

The suspension immediately leads to the suspension of the bank account and no access to funds. This means effective strangulation of a foreign fund recipient organisation.

The FCRA licenses of 272 NGOs were suspended from 2018 to 2021 including 233 in 2018, 5 (five) in 2019, 25 in 2020 and at least 9 (nine) NGOs in 2021.⁴⁰ The list of suspension of 9 NGOs by the Ministry of Home Affairs are given below:

- In September 2021, the MHA suspended the FCRA license of evangelical NGO ‘Harvest India’ of Andhra Pradesh for violating the FCRA 2010 and falsely taking the foreign funding. The action was taken following a complaint filed by the Legal Rights Protection Forum (LRPF) accusing the NGO of violating FCRA guidelines and releasing footage of its chief functionary Suresh Kumar engaging in religious indoctrination efforts.⁴¹
- On 27 August 2021, the FCRA license of Markazul Ighasathil Kairiyathil Hindiyya, a Kerala-based NGO linked to influential Sunni leader Sheikh Aboobacker Ahmed, was suspended over “misutilization” of funds, misrepresentation of facts, and non-filing of annual FCRA returns in 2019-20.⁴²
- On 28 August 2021, the licenses of three NGOs i.e. Odisha-based People’s Organisation of Empowerment of Tribals and Heavenly Grace Ministries as well as Madurai-based Russ Foundation were suspended under FCRA.⁴³

- In July 2021, FCRA licenses of two NGOs i.e. Lucknow-based Al Hasan Educational and Welfare Organisation and Haryana-based Mewat Trust for Educational Welfare were suspended⁴⁴
- On 8 June 2021, the FCRA registration of Commonwealth Human Rights Initiative was suspended.⁴⁵
- On 28 April 2021, MHA suspended the license of Bengaluru-based Centre for Wildlife Studies.⁴⁶

2.3 Denial of renewal and cancellation of licenses

The FCRA, 1976 was amended in 2010 and the FCRA Rules, 2011⁴⁷ came into force 29th April 2011. NGOs already registered under the FCRA had the licenses valid for five years and the licences of these NGOs were renewed on 31st October 2016. As the licenses of these NGOs are valid for five years as per Section 10 of the FCRA, they are up for renewal for 31st October 2021.

The FCRA licenses of most NGOs were scheduled to expire on 31st October 2021. This created massive uncertainty and this had significantly hampered COVID-19 recovery initiatives.

The Government of India had cancelled FCRA licences of over 20,600 NGOs in the last 10 years since the FCRA Act was enacted in 2010 including on account of non-filing of annual returns which is a mandatory requirement.⁴⁸

On 1 January 2022 after the expiry of the deadline dated 31.12.2021, the FCRA licences of 5,968 NGOs, including Missionaries of Charity, Delhi University (DU), Jawaharlal Nehru University (JNU), IIT-Delhi, Oxfam, Jamia Millia Islamia, Hamdard Education Society and India Islamic Cultural Centre were cancelled after they failed to comply with the revised guidelines and apply for a renewal. A week later, the Ministry of Home Affairs restored licences of Missionaries of Charity, JNU, IIT-Delhi, Ramakrishna Mission and DU, among others.⁴⁹ The license of the Missionaries of Charity was restored at the time of writing of this report.⁵⁰

Renewal of licenses is continuously denied including 211 in 2018, 357 in 2019 and 101 in 2020.⁵¹

As per information available in the website of the MHA, registrations of three NGOs were cancelled in 2021 for violation of the FCRA.⁵²

In December 2021, the MHA revoked the FCRA license of the American Federation of Muslims of Indian Origin (AFMI) which is based in Vadodara, Gujarat. The action was taken by MHA based on a report sent by Gujarat Police in which it was alleged that the NGO had been siphoning off foreign funds for illegal Islamic activities. Earlier in July 2021, it was reported that AFMI had allegedly used the foreign funds received mainly from the United Kingdom for mass conversion practices.⁵³

In December 2021, the registration of two Christian NGOs, the New Hope Foundation, based in Tamil Nadu, and Holy Spirit Ministries from Karnataka were also cancelled.⁵⁴

2.4 Raids on the CSOs

The government of India continued to raid CSOs which appear to be against the policies of the government of the day. It had chilling effects on the functioning of the NGOs.

Case 1: Raids on actor Sonu Sood by Income Tax department

Bollywood Actor Sonu Sood's premises in Mumbai and a Lucknow-based real estate company, which was involved in a deal with him, were raided by the Income Tax officials on 15 September 2021 regarding irregularities in a real estate deal. The raids were launched a day after Sood met with the BJP's *bete noire* in Delhi, Aam Aadmi Party (AAP) chief Arvind Kejriwal and was appointed AAP's 'brand ambassador',⁵⁵ raising suspicion about political witch-hunt. Sonu Sood's philanthropic efforts during the Covid crisis won huge praise.

Several premises where search and seizure operation was conducted included premises in Mumbai linked to Sonu Sood, and also a Lucknow-based group of industries engaged in infrastructure development. A total of 28 premises spread over Mumbai, Lucknow, Kanpur, Jaipur, Delhi, and Gurgaon were searched.⁵⁶ The Income Tax Department alleged that Sood and his associates were involved in Rs. 20 crore tax evasion and violation of Foreign Contribution Regulation Act (FCRA) while raising funds from abroad for his non-profit foundation "Sood Charity Foundation".⁵⁷ A statement by the Income-Tax department stated: *"incriminating evidences pertaining to tax evasion have been found. The main modus operandi followed by the actor had been to route his unaccounted income in the form of bogus unsecured loans from many bogus entities. Investigations so far have revealed use of twenty such entries, the providers of which, on examination, have accepted on oath to have given bogus accommodation entries. They have accepted to have issued cheques in lieu of cash. There have been*

*instances where professional receipts have been camouflaged as loans in the books of accounts for the purpose of evasion of tax. It has also been revealed that these bogus loans have been used for making investments and acquiring properties”.*⁵⁸

The Income Tax Department also claimed that Sood Charity Foundation set up in July 2020 collected donations of over Rs. 18 crore till April 2021, out of which Rs. 17 crore remained unused. It also accused the organisation of raising Rs 2.1 crore from overseas donors using a crowd funding platform in violation of the FCRA.⁵⁹ The Tax Department claimed that the modus operandi followed by the actor had been to route his unaccounted income in the form of bogus unsecured loans from many bogus entities. They accused Sood of camouflaging professional receipts as loans in the account books for the purpose of evasion of tax and those bogus loans were used for making investments and acquiring properties.⁶⁰

Rebutting the accusations of tax evasion and violations of the FCRA, Sood stated that he had provided all agreements and papers to the tax officials and assured to provide further documents whenever asked to do so. With regard to receiving foreign donations worth 2.1 crores by his Charity in violation of the FCRA, the actor said that Sood Charity foundation has not taken a single penny from anywhere abroad. He said that the funds raised through crowd funding from abroad was lying there with the crowd funding platform and whenever help was needed that platform directly send the requisite amount to hospital or the educational institute.⁶¹

Case 2: ED raids on premises of social activist Harsh Mander in Delhi

On 16 September 2021, the Enforcement Directorate (ED), a special financial investigation agency under the Department of Revenue, Ministry of Finance dealing with money laundering, conducted searches on the premises linked to former Indian Administrative Service officer and social activist Harsh Mander in connection with a money laundering probe. Searches were carried out at two children’s homes and their parent body, Centre for Equity Studies (CES) at Adchini, Mehrauli and Vasant Kunj in south Delhi headed by Mr Mander. According to the ED officials, the searches were carried out pursuant to an FIR registered by the Mehrauli police in February 2021 under various provisions of the Juvenile Justice Act and the Indian Penal Code (IPC) on a complaint from the National Commission for Protection of Child Rights (NCPCR) that alleged financial irregularities. Previously, in October 2020 NCPCR teams conducted an inspection of CES run children homes Umeed Aman Ghar and Khushi Rainbow Home in south Delhi.⁶²

Several activists and public intellectuals including Aruna Roy, former Planning Commission member Syeda Hameed, Economist Jean Dreze, Senior Advocate Indira Jaising, Delhi University Professor Apoorvanand, women's activists Kavita Krishnan and Annie Raja condemned the ED raids against Mr Mander. They said the raids were a part of a “continuing chain of abuse of state institutions” *“to harass and intimidate a leading human rights and peace activist who has done nothing but work for peace and harmony, consistently upholding the highest moral standards of honesty and probity”*.⁶³

Earlier, in September 2017 the Income Tax (IT) Department, Ministry of Finance, Government of India had issued a notice to the Centre for Equity Studies. The notice asked the institute to furnish ‘any evidence/information’ necessary in support of the IT return and that it was part of “complete scrutiny” of the returns for financial year 2016-17. Mr. Mander claimed the income tax notice was slapped on his organization within days of his clashing with Rashtriya Swayamsevak Sangh (RSS) ideologue Rakesh Sinha on a television debate. Stating that his institute had not defaulted and filed its IT returns on time, Mr Mander accused the Central government of using IT notice as a strong arm tactic to stifle him.⁶⁴

Case 3: Freezing the bank accounts of Greenpeace India

Accusing violations of currency rules, the Enforcement Directorate frozen over a dozen bank accounts of environmental NGO Greenpeace and its linked entity after it conducted searches at their premises in Bengaluru. According to the ED, the searches at the NGO's premises under the FEMA were conducted on 5 October 2021 in Bengaluru as it was detected that the Greenpeace incorporated a commercial entity called Direct Dialogue Initiatives India Private Limited (DDIPL) in 2016 after the Union Home Ministry cancelled Greenpeace India Society's (Chennai) FCRA registration the previous year for alleged violation of norms.⁶⁵

On 23 October 2018, Greenpeace had filed a writ petition in the Karnataka High Court challenging the freezing of its bank account. In an affidavit filed on 2 November 2018, the ED contended before the court that Greenpeace had “clandestinely incorporated a commercial entity” called DDIPL set up after the NGO “failed to get funds through the FCRA process.” The ED added that between December 2016 and September 2018, DDIPL received foreign direct investment worth Rs 29 crore from the Netherlands-based Greenpeace International. It claimed that this Foreign Direct Investment (FDI) was transferred to Greenpeace India, in violation of the Foreign Exchange Management Act. The ED

told the court that freezing the bank account was essential to its investigation.⁶⁶

On 14 February 2019 the Karnataka High Court quashed the ED order and directed to unfreeze the accounts. Quashing the ED order, the High Court held: “The impugned notice dated 05.10.2018 has lost its efficacy on account of efflux of time as the period of 60 days has expired”.⁶⁷

Earlier, in 2015, Priya Pillai, a senior Greenpeace campaigner, was prevented from boarding a flight to London, where she was scheduled to speak to a British Parliamentary group about the ill effects of coal mining in central India. The Greenpeace staff also said that the organisation had been getting income-tax notices every few months.⁶⁸

Case 4: Amnesty International’s assets attached

On 16 February 2021, the Enforcement Directorate announced it has attached movable properties worth ¹ 17.66 crore of Amnesty International India Pvt. Ltd. (AIPL) and M/s Indians for Amnesty International Trust (IAIT) in connection with an alleged violation of FCRA. A statement by the ED said: “*It is prima facie found that M/s Amnesty International India Pvt. Ltd. and others have obtained foreign remittances to the tune of Rs. 51.72 Crores in the guise Export of services and Foreign Direct Investments from M/s. Amnesty International (UK) whose source is the donations from the individual donors.*”⁶⁹

On 5 November 2019, the CBI had registered a case against Amnesty International India and three of its associate organisations for alleged violation of laws pertaining to Rs 36 crore foreign funding following a complaint lodged by the Ministry of Home Affairs for alleged violation of the provisions of the Foreign Contribution (Regulation) Act (FCRA), 2010 and Indian Penal Code (IPC). On 15 November 2019, the CBI carried out searches at four places in Delhi and Bengaluru. The case was registered against Amnesty International India Private Limited (AIPL), Indians for Amnesty International Trust (IAIT), Amnesty International India Foundation Trust (AIIFT), Amnesty International South Asia Foundation (AISAF) and others. According to the complaint filed by the home ministry to the CBI, AIPL is a ‘for-profit’ company.⁷⁰ According to the complaint filed by the MHA, the Amnesty International (India) used commercial methods in order to illegally circumvent the provisions of FCRA which they were obliged to observe. It was alleged that in order to evade the FCRA, Amnesty (UK) remitted Rs 10 crore to the for-profit entity in India classifying it as Foreign Direct Investment (FDI) under Foreign Exchange Management Act (FEMA) instead of grants under

the FCRA⁷¹ while another Rs 26 crore was remitted to Amnesty India mostly by UK based entities consultancy services and all those receipts had subsequently been expended on Amnesty's NGO activities in India, in violation of the FCRA. The complaint alleged that Amnesty India made several attempts to obtain prior permission or registration under FCRA, failing which; it used "commercial methods to evade FCRA". It further alleged that Amnesty India received funds for purposes like 'service contract', advance income and FDI through automatic route.⁷²

On the other hand, Amnesty International India alleged that over the past year, a pattern of harassment emerged every time it stood up and spoke out against human rights violations in India.⁷³ On 29 September 2020, AI announced that it was shutting its offices in India and letting go of its staff, nearly 150 members, in Bengaluru and Delhi following the freezing of its bank accounts by the ED.⁷⁴

Case 5: Chargsheet filed against Centre for Promotion of Social Concerns and Peoples Watch Tamil Nadu

At the time of writing of this report, on 9 January 2022, it was reported that the Central Bureau of Investigation (CBI) had registered a case against the Centre for Promotion of Social Concerns (CPSC), a Madurai-based NGO, and its program unit the People's Watch, on charges of violations of Foreign Contribution (Regulation) Act, 1976. Acting on a complaint dated July 22, 2014, lodged by A.K. Sinha, the then Director in the Ministry of Home Affairs, the CBI's Economic Offences Wing booked the NGO for alleged FCRA violations that surfaced during two inspections conducted by MHA officials in Madurai in May 2012 and 2014. During the inspections for the period 2005-06 to 2010-11 and 2011-12 to 2012-13, it was allegedly found that after suspension of the FCRA registration, the CPSC had withdrawn ¹ 28 lakh on July 23, 2012. It also withdrew ¹ 1.69 crore from 2008-09 to May 2012 which did not tally with available vouchers.⁷⁵ The charges were denied by the CPSC and Peoples Watch.

Case 6: FCRA violation case against journalist Rana Ayyub

On 7 September 2021, the Uttar Pradesh police filed an FIR against journalist Rana Ayyub at the Indirapuram police station based on a complaint by Vikas Sankrityayan, co-founder of Hindu IT Cell, a Hindu supremacist group. Sankrityayan accused Ayyub of "illegally acquiring money from the general public in the name of charity" on Ketto, a crowdfunding website, because she was a "journalist by profession" and was "receiving foreign money without any approval certificate or

registration from the government”. Ayyub was booked under four sections of the Indian Penal Code dealing with dishonest misappropriation of property, criminal breach of trust and cheating. She was also booked under section 66D of the IT Act, which criminalises cheating by impersonation, section 4 of the Prevention of Money Laundering Act, 2002. She had reportedly raised money for three relief campaigns on Ketto since early 2020 for those affected by Covid, floods and the migrant crisis caused by COVID-19 lockdown. In an email on August 27, 2021, Ketto told donors of Ayyub’s campaigns that she had raised Rs 2.69 crore, of which she spent Rs 1.25 crore and would pay Rs 90 lakh in taxes. The balance funds, after these debts, are still retained by the campaigner,” the platform said, adding that the collection was being investigated by “Indian law enforcement” agencies which suspected that the funds “were not utilised for the purpose for which they were raised”. In a Twitter statement, Ayyub called the latest FIR “baseless” and “malicious” and maintained that the “entire donation received through Ketto is accounted for and not a single paisa has been misused”.⁷⁶

²⁶. The Foreign Contribution (Regulation) Act, 1976 is available at <https://legislative.gov.in/sites/default/files/A1976-49.pdf>

²⁷. Pavan K Verma, View: Electoral bonds and FCRA amendments pave the way for unaccounted political funding, *The Economic Times*, 31 March 2018, <https://economictimes.indiatimes.com/news/politics-and-nation/view-electoral-bonds-and-fcra-amendments-pave-the-way-for-unaccounted-political-funding/articleshow/63553978.cms>

²⁸. Introduction of the Scheme of Electoral Bond, Department of Economic Affairs, Ministry of Finance, Government of India, 2 January 2018, https://dea.gov.in/sites/default/files/Electoral%20Bonds_Press%20RELEASE_2-1-2018.pdf

²⁹. The Foreign Contribution Regulation Act, 2010 is available at https://fcrionline.nic.in/home/PDF_Doc/FC-RegulationAct-2010-C.pdf

³⁰. FCRA Cancelled List 2022 | Government Cancelled FCRA Licence NGOs List, <https://sarkarilist.in/fcra-cancelled-list/#:~:text=Government%20had%20cancelled%20FCRA%20licences,in%20the%20last%2010%20years.&text=The%20registration%20certificates%20of%20more,the%20Foreign%20Contribution%20Regulation%20Act>

³¹. Bachelet dismayed at restrictions on human rights NGOs and arrests of activists in India, OHCHR, October 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26398&LangID=E>

³². The Foreign Contribution (Regulation) Amendment Act, 2020 is available at https://fcrionline.nic.in/home/PDF_Doc/fc_amend_07102020_1.pdf

³³. War on Covid: Nasscom seeks easing of FCRA for smoother foreign aid flow, *The Business Standard*, 13.05.2021 available at https://www.business-standard.com/article/current-affairs/war-on-covid-nasscom-seeks-easing-of-fcra-for-smoother-foreign-aid-flow-121051300612_1.html

³⁴. Section 17 of the Foreign Contribution (Regulation) Amendment Act, 2020 read as under:

“(1) Every person who has been granted certificate or prior permission under section 12 shall receive foreign contribution only in an account designated as “FCRA Account” by the bank, which shall be opened by him for the purpose of remittances of foreign contribution in such branch of the State Bank of India at New Delhi, as the Central Government may, by notification, specify in this behalf: Provided that such person may also open another “FCRA Account” in any of the scheduled bank of his choice for the purpose of keeping or utilising the foreign contribution which has been received from his “FCRA Account” in the specified branch of State Bank of India at New Delhi: Provided further that such person may also open one or more accounts in one or more scheduled banks of his choice to which he may transfer for utilising any foreign contribution received by him in his “FCRA Account” in the specified branch of the State Bank of India at New Delhi or kept by him in another “FCRA Account” in a scheduled bank of his choice: Provided also that no funds other than foreign contribution shall be received or deposited in any such account.

(2) The specified branch of the State Bank of India at New Delhi or the branch of the scheduled bank where the person referred to in sub-section (1) has opened his foreign contribution account or the authorised person in foreign exchange, shall report to such authority as may be specified, —

- (a) the prescribed amount of foreign remittance;
- (b) the source and manner in which the foreign remittance was received; and
- (c) other particulars, in such form and manner as may be prescribed.’

³⁵. Most NGOs don't have SBI account, *The Hindu*, 12 May 2021 <https://www.thehindu.com/news/national/most-ngos-dont-have-sbi-account/article34545936.ece>

³⁶. Ensure FCRA accounts opened for NGOs within 10 days of MHA approval: Delhi HC to SBI, *The Economic Times*, 20 May 2021, <https://economictimes.indiatimes.com/industry/banking/finance/banking/ensure-fcra-accounts-opened-for-ngos-within-10-days-of-mha-approval-delhi-hc-to-sbi/articleshow/82799722.cms>

³⁷. Nearly 19,000 NGOs have opened SBI accounts under FCRA till now, *The Economic Times*, 30 December 2021, <https://economictimes.indiatimes.com/news/india/nearly-19000-ngos-have-opened-sbi-accounts-under-fcra-till-now/articleshow/88579144.cms>

³⁸. Nearly 19,000 NGOs have opened SBI accounts under FCRA till now, *The Economic Times*, 30 December 2021, <https://economictimes.indiatimes.com/news/india/nearly-19000-ngos-have-opened-sbi-accounts-under-fcra-till-now/articleshow/88579144.cms>

³⁹. 13. Suspension of certificate.—(1) Where the Central Government, for reasons to be recorded in writing, is satisfied that pending consideration of the question of cancelling the certificate on any of the grounds mentioned in sub-section (1) of section 14, it is necessary so to do, it may, by order in writing, suspend the certificate 2 [for a period of one hundred and eighty days, or such further period, not exceeding one hundred and eighty days, as may be specified] in the order. (2) Every person whose certificate has been suspended shall— (a) not receive any foreign contribution during the period of suspension of certificate: Provided that the Central Government, on an application made by such person, if it considers appropriate, allow receipt of any foreign contribution by such person on such terms and conditions as it may specify; (b) utilise, in the prescribed manner, the foreign contribution in his custody with the prior approval of the Central Government.

⁴⁰. Rajya Sabha Unstarred Question No. 2450 To Be Answered On The 17th March, 2021 available at <https://pqars.nic.in/annex/253/AU2450.pdf>

⁴¹. MHA Suspends Andhra Pradesh NGO's FCRA License For Being Involved In Evangelism, *Republic World*, 30 September 2021, <https://www.republicworld.com/india-news/general-news/mha-suspends-andhra-pradesh-ngos-fcra-license-for-being-involved-in-evangelism.html>

- ⁴². FCRA approval for 6 NGOs suspended, Times of India, 13 September 2021; <https://timesofindia.indiatimes.com/india/fcra-approval-for-6-ngos-suspended/articleshowprint/86155395.cms>
- ⁴³. FCRA approval for 6 NGOs suspended, Times of India, 13 September 2021; <https://timesofindia.indiatimes.com/india/fcra-approval-for-6-ngos-suspended/articleshowprint/86155395.cms>
- ⁴⁴. FCRA approval for 6 NGOs suspended, Times of India, 13 September 2021; <https://timesofindia.indiatimes.com/india/fcra-approval-for-6-ngos-suspended/articleshowprint/86155395.cms>
- ⁴⁵. FCRA approval for 6 NGOs suspended, Times of India, 13 September 2021; <https://timesofindia.indiatimes.com/india/fcra-approval-for-6-ngos-suspended/articleshowprint/86155395.cms>
- ⁴⁶. FCRA approval for 6 NGOs suspended, Times of India, 13 September 2021; <https://timesofindia.indiatimes.com/india/fcra-approval-for-6-ngos-suspended/articleshowprint/86155395.cms>
- ⁴⁷. The FCRA Amendment Rules 2011 is available at https://fcraonline.nic.in/home/PDF_Doc/FC-rules2011.pdf
- ⁴⁸. FCRA Cancelled List 2022 | Government Cancelled FCRA Licence NGOs List, <https://sarkarilist.in/fcra-cancelled-list/#:~:text=Government%20had%20cancelled%20FCRA%20licences,in%20the%20last%2010%20years.&text=The%20registration%20certificates%20of%20more,the%20Foreign%20Contribution%20Regulation%20Act>
- ⁴⁹. MEA's Think Tank among 30 NGOs to lose FCRA licence, The Economic Times, 18 January 2022, <https://economictimes.indiatimes.com/news/economy/policy/meas-think-tank-among-30-ngos-to-lose-fcra-licence/articleshow/88959780.cms>
- ⁵⁰. FCRA registration of Missionaries of Charity renewed, valid till 2026, Indian Express, 9 January 2022, <https://indianexpress.com/article/india/fcra-registration-of-missionaries-of-charity-renewed-7712623/>
- ⁵¹. Rajya Sabha Unstarred Question No. 2450 To Be Answered On The 17th March, 2021 available at <https://pqars.nic.in/annex/253/AU2450.pdf>
- ⁵². See Registration Cancelled List at https://fcraonline.nic.in/fc8_cancel_query.aspx
- ⁵³. Vadodara: FCRA license of NGO AFMI Charitable Trust cancelled for illegal mass conversion, funding anti-CAA protests using foreign funds, Op India, 19 January 2022, <https://www.opindia.com/2022/01/home-ministry-revokes-fcra-license-of-ngo-afmi-for-mass-conversion/>
- ⁵⁴. FCRA license of 3 minority NGOs revoked, The Hindu, 18 December 2021, <https://www.thehindu.com/news/national/fcra-license-of-3-minority-ngos-revoked/article37981576.ece>
- ⁵⁵. FPJ Edit: Raids on Sonu Sood, Harsh Mander - the use of Central agencies to cow down opponents must stop, Free Press Journal, 18 September 2021, <https://www.freepressjournal.in/analysis/fpj-edit-raids-on-sonu-sood-harsh-mander-the-use-of-central-agencies-to-cow-down-opponents-must-stop>
- ⁵⁶. I-T department claims Sonu Sood has evaded over Rs 20 crore in taxes, Indiatoday, 18 September 2021; available at: <https://www.indiatoday.in/movies/celebrities/story/i-t-department-claims-sonu-sood-has-evaded-over-rs-20-crore-in-taxes-1854265-2021-09-18>
- ⁵⁷. Sonu Sood said 'I'll miss you' to taxmen after raid, reveals plans for remaining 17 crore raised, Hindustan Times, 25 September 2021; available at: <https://www.hindustantimes.com/entertainment/bollywood/sonu-sood-said-i-ll-miss-you-to-taxmen-after-raid-reveals-plans-for-remaining-rs-17-crore-raised-101632557001415.html>

- ⁵⁸. Why was actor Sonu Sood raided by Income-Tax department?, Timesnownews, 18 September 2021; <https://www.timesnownews.com/india/article/why-was-actor-sonu-sood-raided-by-income-tax-department/813602>
- ⁵⁹. Actor Sonu Sood Tweets After Tax Raids: “Every Rupee In My Foundation...”, NDTV, 20 September 2021; <https://www.ndtv.com/india-news/sonu-sood-responds-after-income-tax-department-says-he-evaded-rs-20-crore-in-taxes-2546806>
- ⁶⁰. I-T department claims Sonu Sood has evaded over Rs 20 crore in taxes, Indiatoday, 18 September 2021; available at: <https://www.indiatoday.in/movies/celebrities/story/i-t-department-claims-sonu-sood-has-evaded-over-rs-20-crore-in-taxes-1854265-2021-09-18>
- ⁶¹. Sonu Sood opens up about income tax raids and other financial allegations: I’ve not wasted any money, Hindustan Times, 21 September 2021, available at: <https://www.hindustantimes.com/entertainment/bollywood/sonu-sood-opens-up-about-income-tax-raids-and-other-financial-allegations-i-ve-not-wasted-any-money-101632215651626.html>
- ⁶². ED conducts searches on premises linked to Harsh Mander, Hindu, 16 September 2021, available at: <https://www.thehindu.com/news/cities/Delhi/ed-raids-premises-linked-to-activist-harsh-mander-in-delhi-on-money-laundering-charges/article36491249.ece>
- ⁶³. Activists, intellectuals condemn ED raids at Harsh Mander’s office, home, Indian Express, 17 September 2021; available at: <https://indianexpress.com/article/cities/delhi/harsh-mander-ed-raids-activists-condemnation-7512994/>
- ⁶⁴. Income tax department sends notice to Harsh Mander’s institute, Hindustantimes, 22 September 2017, <https://www.hindustantimes.com/india-news/income-tax-department-sends-notice-to-harsh-mander-s-institute/story-5dQC7h5ga92XUQGMIbyNJ.html>
- ⁶⁵. ED freezes bank accounts of Greenpeace, linked entity; searches offices in Bengaluru, The Economic Times, 12 October 2018; https://economictimes.indiatimes.com/news/politics-and-nation/ed-freezes-bank-accounts-of-greenpeace-linked-entity-searches-offices-in-bengaluru/articleshow/66171077.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst
- ⁶⁶. Greenpeace India may be forced to halve staff, operations amid government crackdown, The Caravan, 24 January 2019, <https://caravanmagazine.in/government/greenpeace-crackdown-halve-staff-operations>
- ⁶⁷. Karnataka court quashes ED freeze on Greenpeace bank accounts, Indiatoday, 24 February 2019; <https://www.indiatoday.in/india/story/karnataka-court-quashes-ed-freeze-on-greenpeace-bank-accounts-1463712-2019-02-24>
- ⁶⁸. Greenpeace India may be forced to halve staff, operations amid government crackdown, The Caravan, 24 January 2019, <https://caravanmagazine.in/government/greenpeace-crackdown-halve-staff-operations>
- ⁶⁹. ED attaches properties worth 17.66 crore of Amnesty International India, Hindustan Times, 16 February 2021; <https://www.hindustantimes.com/india-news/ed-attaches-properties-worth-rs-17-66-cr-of-amnesty-india-others-101613483933122.html>
- ⁷⁰. CBI registers case against Amnesty International for violation of FCRA; carries out searches, Times of India, 15 November 2019, <https://timesofindia.indiatimes.com/india/cbi-registers-case-against-amnesty-international-for-violation-of-fcra-carries-out-searches/articleshow/72075719.cms>
- ⁷¹. Lessons from the raids on Amnesty International, Centre for Advancement of Philanthropy, 19 November 2019, available at: <https://capindia.in/lessons-from-the-raids-on-amnesty-international/>

⁷². CBI registers case against Amnesty International for violation of FCRA; carries out searches, Times of India, 15 November 2019, <https://timesofindia.indiatimes.com/india/cbi-registers-case-against-amnesty-international-for-violation-of-fcra-carries-out-searches/articleshow/72075719.cms>

⁷³. CBI registers case against Amnesty International for violation of FCRA; carries out searches, Times of India, 15 November 2019, <https://timesofindia.indiatimes.com/india/cbi-registers-case-against-amnesty-international-for-violation-of-fcra-carries-out-searches/articleshow/72075719.cms>

⁷⁴. ED freezes its accounts, Amnesty shuts its India offices, Indian Express, 30 September 2020, <https://indianexpress.com/article/india/amnesty-international-india-office-ed-6637010/>

⁷⁵. CBI books Madurai-based NGO for FCRA violations, The Hindu, 8 January 2022, <https://www.thehindu.com/news/national/tamil-nadu/cbi-books-madurai-based-ngo-for-fcra-violations/article38187001.ece>

⁷⁶. Did Rana Ayyub's Covid fundraisers violate FCRA?, Newslaundry, 15 September 2021, <https://www.newslaundry.com/2021/09/15/did-rana-ayyubs-covid-fundraisers-violate-fcra>

3. Arrest and detention of the activists

Human rights defenders (HRDs) especially those operating in armed conflict situations such as Jammu and Kashmir and the left wing Naxal affected areas were raided and arrested. The emblematic cases of arrest and detention in 2021 are given below:

Case 1: Arrest of human rights activist Khurram Parvez

On 22 November 2021, officials from the National Investigation Agency (NIA), assisted by the local police, conducted raids on the house of Khurram Parvez and the Jammu and Kashmir Coalition of Civil Society (JKCCS) office in the city of Srinagar, in Jammu and Kashmir Union Territory, for approximately 14 hours. Mr. Parvez, who is the Coordinator of the JKCCS is also the Coordinator of the Association of Parents of Disappeared Persons (APDP), and Chairperson of the Asian Federation Against Involuntary Disappearances (AFAD). His mobile phone, laptop, and several books were seized and he was taken for questioning to the premises of the NIA in Srinagar. At around 6pm, his family members received a phone call from NIA officers who requested them to bring him clothes. Upon arrival at the premises of the NIA they were given an arrest memo for Mr. Parvez which was issued on the basis of a First Information Report (FIR) lodged by the NIA on 6 November 2021.⁷⁷

As per the arrest memo, Khurram Parvez faces charges under sections 120B (criminal conspiracy), 121 and 121A (waging war against state) of the Indian Penal Code, and sections 17 (raising funds for terror activities), 18 (punishment for conspiracy), 18B (recruiting any person or persons for commission of a terrorist act), 38 (offence relating to membership of a terrorist organization) and 40 (offence of raising funds for terrorist organizations) of the Unlawful Activities (Prevention) Act (UAPA), respectively. Khurram Parvez was taken to New Delhi on 23 November 2021 to produce him before the NIA Court.⁷⁸ Earlier, on 28 October 2020, the NIA had searched the residence of Parvez.⁷⁹

Parvez was previously arrested in 2016 a day before he was scheduled to travel to Switzerland to participate in a session of the UN Human Rights Council. At the time he was detained under the Public Safety Act and he was released after 76 days and a local court later ruled his arrest was illegal.⁸⁰

Parvez's arrest elicited sharp reactions from across the world from the rights organisations and the United Nations Special Rapporteur on Human Rights Defenders. Expressing concerns over the arrest, Mary

Lawlor, U.N. Special Rapporteur on Human Rights Defenders, in a tweet stated that Parvez's arrest is disturbing. She said that Parvez is not a terrorist and a human rights defender. The Rafto Foundation, a body working for the global promotion of human rights, in a statement, appealed to India to immediately release Parvez. The World Organization Against Torture, based in Geneva, also expressed its deep concern about the high risk of torture of Parvez while in custody and called for his immediate release.⁸¹

Case 2: NIA raids on NGO premises in Kashmir, Delhi and Bengaluru

On 28 October 2021, the NIA conducted searches at one place in Bengaluru and 10 premises in Kashmir, including the office of daily Greater Kashmir, houses of two human rights activists and a journalist, in a case pertaining to “raising funds and using it for carrying out secessionist and separatist activities”. The searches were conducted pursuant to an FIR registered by the NIA on 8 October under Section 120B, 124 A of the IPC and Sections 17, 18, 22A, 22C, 38, 39 and 40 of the Unlawful Activities (Prevention) Act, 1967 on receipt of credible information that certain NGOs and Trusts were collecting funds through so-called donations and business contributions etc. and were utilizing these funds for secessionist and terrorist activities in J&K. The premises searched included the residence and office of Khurram Parvez, coordinator of the J&K Coalition of Civil Society, his associates Parvez Ahmad Bukhari, a journalist, Parvez Ahmad Matta, Bengaluru-based associate Swati Sheshadri, Parveena Ahanger, Chairperson of the Association of Parents of Disappeared Persons (APDP), and offices of NGO Athrout and the Greater Kashmir Trust.⁸²

On 29 October, NIA conducted further raids on six NGOs in Delhi and Kashmir. The non-profits searched by the agency were Falah-e-Aam Trust, Charity Alliance, Human Welfare Foundation, JK Yateem Foundation, Salvation Movement and J&K Voice of Victims. Charity Alliance and Human Welfare Foundation are based in Delhi, while the rest are in Srinagar.⁸³

Case 3: NIA witch hunting on human rights activists in Andhra Pradesh and Telangana

During 31 March – 1 April 2021, the National Investigation Agency carried out searches in the residences of reportedly at least twenty activists in Telangana and Andhra Pradesh. The raids were conducted against activists who are members of Human Rights Forum, a civil rights organisation, Andhra Pradesh Civil Liberties Committee, Virasam

(Revolutionary Writers' Association) and others, in connection with the Munchingiputtu case. The case pertains to one person identified as Pangi Naganna, an alleged Maoist 'courier' who was arrested in November 2020 by the Visakhapatnam Rural police in Andhra Pradesh. Following his arrest, Naganna allegedly named several activists who were allegedly working as frontal organisations for the outlawed Maoist party.⁸⁴

The FIR was lodged under Sections 120 B (punishment for criminal conspiracy), 121 (waging, or attempting to wage war), 121A (conspiracy to commit offences punishable by section 121), 143 (punishment for unlawful assembly), 144 (whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence), 124A (Sedition) read with 149 of the Indian Penal Code; Sections 10, 13 and 18 of the Unlawful Activities (Prevention) Act; Andhra Pradesh Public Security Act; and Section 25 of the Arms Act.⁸⁵

On 7 March 2021, the NIA took over the case from Andhra Pradesh Police and registered an FIR in Hyderabad.

Among those raided in two Telugu states include Raghunath Verose, a Telangana high court advocate who is associated with Andhra Pradesh Civil Liberties Committee, Dappu Ramesh who is a member of the Jana Natya Mandali, V.S. Krishna of the Human Rights' Forum, along with Paani, Varalakshmi and Arun of the Revolutionary Writers' Association, Devendra, Shilpa, Swapna, Rajeswari and Padma of the Chaitanya Mahila Sangam, Raghunath, Chilika Chandrashekhar and Chitti Babu of the Andhra Pradesh Civil Liberties Committee, Anjamma and Sirisha of the Amarula Bandhu Mitrula Sangham, and advocate K.S. Chelam.⁸⁶

VS Krishna, a former journalist, is a prominent human rights activist, well-known in both Telangana and Andhra Pradesh. In the Munchingiputtu FIR registered by the Vishakapatnam Rural police, Krishna who was providing legal aid to the Vakapalli Adivasi rape survivors was accused of being a "Maoist" and coercing the rape survivors into "falsely testifying" against the 13 Greyhounds personnel accused of committing gang rape on 11 Kondh tribal women under Nurmati panchayat in Visakhapatnam in 2007. Several civil rights activists, including Krishna, fought for the justice of the rape survivors. The trial in the heinous incident commenced in 2019 and is currently under trial in the Scheduled Caste/Scheduled Tribe Special Court, Visakhapatnam.⁸⁷

Case 4: Arrest and detention of Ms. Hidme Markam in Dantewada, Chhattisgarh

On 9 March 2021, Hidme Markam, a 28-year-old anti-mining and tribal rights activist, was abducted from the programme marking the International Working Women's Day in Sameli, Dantewada, held to commemorate Nande and Kawasi Pande, two young women forced to take their lives after custodial physical and sexual violence by the Chhattisgarh police and paramilitary forces. Markam, daughter of Podiyam Markam, Burgum village, Dantewada district, was later shown as arrested in four cases involving serious charges, including charges under the Unlawful Activities (Prevention) Act. She was dragged away in front of 300 villagers and activists who had peacefully gathered there, including activists from the Chhattisgarh Mahila Adhikar Manch and Jail Bandi Rihai Committee⁸⁸ of which she is the president. Several indigenous peoples' right organisations and human rights activists attended the two day program at Sameli village on 8 - 9 March 2021. On the last day of the event i.e. on 9 March 2021, the police picked up Markam, who is Convener of the Jail Bandi Rihai Committee and the main organiser of the event. Eyewitnesses of her arrest allege that the police personnel dragged her into the police vehicle. They neither showed any warrant of arrest nor did give any reason for her arrest when activist colleagues, including lawyers confronted the police when she was being dragged into the police vehicle. The same day she was produced before a Magistrate who sent her to jail till next date of hearing of her bail petition i.e. 19 March 2021.⁸⁹

In a press note released on 10 March 2021, the police presented an altogether different account of her arrest. They claimed Markam was spotted by police personnel returning from a search operation in the Palnar area. She was identified by them as the president of the area's Janatana Sarkar, the village level civilian government of the banned Communist Party of India (Maoist). The police claimed she was an absconding Maoist insurgent who faces serious charges in five cases registered between 2016 and 2020 and she carried a reward of Rs 1.10 lakh on her head.⁹⁰ The Superintendent of Police, Dantewada listed four case against Markam i.e. two from 2016 (FIR numbers 07/2016 and 09/2016) and another two from 2020 (FIR numbers 03/2020 and 04/2020). According to her lawyer Kshitij Dubey, she was arrested in just one case from 2016 out of the four listed. Apart from four charges under the Indian Penal Code – rioting, rioting armed with deadly weapon, unlawful assembly, attempt to murder – and two charges under the Arms Act, Markam faces charges under the Unlawful Activities Prevention Act, India's draconian anti-terror law which has a high legal bar for bail.⁹¹

On 8th April 2021, seven United Nations Special Procedures mandate holders intervened with India on the arrest and detention of Chhattisgarh Adivasi rights activist Hidme Markam and the stringent charges against her.⁹² She remains under detention at the end of the year.

⁷⁷. India: Arbitrary detention of Khurram Parvez in Jammu and Kashmir, International Federation for Human Rights, 23 November 2021; <https://www.fidh.org/en/issues/human-rights-defenders/india-arbitrary-detention-of-khurram-parvez-in-jammu-and-kashmir>

⁷⁸. Arrested human rights activist flown to Delhi, met family in morning, The Kashmirwalla, 23 November 2021, available at: <https://thekashmirwalla.com/arrested-human-rights-activist-flown-to-delhi-met-family-in-morning/>

⁷⁹. For second day, NIA raids six NGOs, trusts in Delhi, Kashmir in terror funding case, Scroll, 29 October 2020; <https://scroll.in/latest/977074/for-second-day-nia-raids-six-ngos-trusts-in-delhi-srinagar-in-terror-funding-case>

⁸⁰. India: Kashmiri rights activist arrested over ‘terror funding’ Deutsche Welle, 23 November 2021; <https://www.dw.com/en/india-kashmiri-rights-activist-arrested-over-terror-funding/a-59906601>

⁸¹. Global rights bodies call for release of Kashmir-based activist Khurram Parvez, Hindu, 23 November 2021; <https://www.thehindu.com/news/national/other-states/global-rights-bodies-call-for-release-of-kashmir-based-activist-khurram-parvez/article37640132.ece>

⁸². NIA searches 10 places in Kashmir, one in Bengaluru, Hindu, 28 October 2021; <https://www.thehindu.com/news/national/nia-searches-trust-ngos-in-srinagar-in-terror-funding-case/article32961040.ece>

⁸³. For second day, NIA raids six NGOs, trusts in Delhi, Kashmir in terror funding case, Scroll.in, 29 October 2020, <https://scroll.in/latest/977074/for-second-day-nia-raids-six-ngos-trusts-in-delhi-srinagar-in-terror-funding-case>

⁸⁴. NIA raids residences of rights activists in Telangana and Andhra, Newsminute, 1 April 2021, available at: <https://www.thenewsminute.com/article/nia-raids-residences-rights-activists-telangana-and-andhra-146296>

- ⁸⁵. NIA Raids Residences of Over 25 Rights Activists in Telangana, Andhra Pradesh, The Wire, 1 April 2021, available at: <https://thewire.in/rights/nia-raids-residences-of-over-25-rights-activists-in-telangana-andhra-pradesh>
- ⁸⁶. NIA Raids Residences of Over 25 Rights Activists in Telangana, Andhra Pradesh, The Wire, 1 April 2021, available at: <https://thewire.in/rights/nia-raids-residences-of-over-25-rights-activists-in-telangana-andhra-pradesh>
- ⁸⁷. NIA raids residences of rights activists in Telangana and Andhra, Newsminute, 1 April 2021, available at: <https://www.thenewsminute.com/article/nia-raids-residences-rights-activists-telangana-and-andhra-146296>
- ⁸⁸. Harassment and Arrest of Human Rights Defenders, Economic and Political Weekly, Vol. 56, Issue No. 11, 13 March 2021, available at: <https://www.epw.in/journal/2021/11/letters/harassment-and-arrest-human-rights-defenders.html>
- ⁸⁹. Chhattisgarh: Civil Society Members Demand Release of Tribal Rights Activist Arrested Under ‘Naxal Charges’, Newsclick, 10 March 2019, available at: <https://www.newsclick.in/Chhattisgarh-Civil-Society-Members-Demand-Release-Tribal-Rights-Activist-Arrested-Under-Naxal-Charges>
- ⁹⁰. Chhattisgarh: Civil Society Members Demand Release of Tribal Rights Activist Arrested Under ‘Naxal Charges’, Newsclick, 10 March 2019, available at: <https://www.newsclick.in/Chhattisgarh-Civil-Society-Members-Demand-Release-Tribal-Rights-Activist-Arrested-Under-Naxal-Charges>
- ⁹¹. Four deaths and an arrest mark Adivasi women’s struggles with Bastar police, The Scroll.in, 23 March 2021, available at: <https://scroll.in/article/990264/four-deaths-and-an-arrest-mark-adivasi-womens-struggles-with-bastar-police>
- ⁹². <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26326>

4. Restrictions of freedom of assembly: CAA to farmers' agitation

The right of peaceful assembly, a hallmark of a functioning democracy, has been continuously curtailed in India. The reactions of the government with those supporting the protests or protestors are indicative of the attempt to muzzle the freedom of assembly. Three emblematic protests i.e. farmers protest, anti Citizenship Amendment Act protests and Bhima Koregaon protests exemplify the State's attempt to silence dissent.

4.1 Cases against those supporting the farmers' agitation

Since November 2020, thousands of farmers had camped at the borders of Delhi protesting against the government's introduction of three farm laws i.e. the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, the Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Services Act, and the Essential Commodities (Amendment) Act. The farmers were demanding the repeal of the three farm laws and statutory guarantee for Minimum Support Price (MSP). The year-long protests were withdrawn by the farmers after Prime Minister Narendra Modi announced the repeal the three farm laws on 19 November 2021. However, more than 700 farmers died during the year-long protests.⁹³ There were also attempts to malign the movement by alleging that it was hijacked by the anti-national elements such as Khalistanis, Maoists, etc.⁹⁴

Case 1: Summons to 40 persons by the NIA to strangulate protest

In January 2021, the National Investigation Agency summoned around 40 persons who were slapped with notices from the NIA in connection with a fresh case registered against the Sikhs for Justice (SFJ), a foreign-based group that allegedly advocates secessionist and pro-Khalistani activities in India.⁹⁵ Among those who received notices dated 15 January from the counter terror investigation authority are farmers' leader Baldev Singh Sirsa, Punjabi actor and activist Deep Sindhu, a Punjab-based television journalist Jasveer Singh Muktarwar, activist Gurpreet Singh⁹⁶, Nobeljit Singh, a clothes shop owner from Hoshiarpur, Ranjit Singh of the Damdami Taksal, Amritsar, and Pardeep Singh, a dairy farm owner from Ludhiana.⁹⁷ Farmers unions accused the central government of harassing them and the civil society activists and organizations helping the farmers in different ways to continue their agitation against the farm laws. As mark of protest against the notices, the farmers unions said no farmer who has received such notices would appear before the NIA.⁹⁸

The NIA registered the fresh case against the SFJ on 15 December 2020 where it alleged that large amounts of funds being collected by Khalistani terrorist outfits are being sent through NGOs to pro-Khalistani elements based in India. The FIR said designated terrorists such as Gurpatwant Singh Pannun, Paramjeet Singh Pamma, Hardeep Singh Nijjar and others spearheaded campaigns to collect huge funds for on-ground campaign and propaganda against the government of India that includes staging demonstrations against Indian missions in the United States, the United Kingdom, Canada and Germany. The SFJ was first banned in 2019 by the Ministry of Home Affairs and in the past five years, 14 cases have been registered against the SFJ where more than 40 people have been arrested.⁹⁹

Case 2: Sedition against climate activist Disha Ravi

On 14 February 2021, Disha Ravi, a 22-year-old climate activist, was arrested from Bengaluru by the Delhi Police for allegedly sharing with Greta Thunberg a “toolkit” related to the farmers’ protests.¹⁰⁰ On 23 February 2021, a Delhi Sessions Court granted bail to Ms Ravi in the case wherein she was charged with sedition. The court termed the ‘toolkit’ innocuous. Ms. Ravi was arrested for sharing the ‘toolkit’ relating to the ongoing farmers’ protest against the three farm laws. Dealing with the interpretation of the word ‘sedition’, the court said, “*Law proscribes only such activities as would be intended, or have a tendency, to create disorder or disturbance of public peace by resort to violence*”. The court said that the evidence against Ms Ravi was scanty and sketchy. The court observed “*Citizens are conscience keepers of government in any democratic Nation. They cannot be put behind the bars simply because they choose to disagree with the state policies. The offence of sedition cannot be invoked to minister to the wounded vanity of the governments.*”¹⁰¹

Case 3: FIR against six journalists to silence media

On 28 January 2021, police in Uttar Pradesh registered an FIR against six prominent journalists - Rajdeep Sardesai, Mrinal Pande, Zafar Agha, Paresh Nath, Vinod K Jose and Anant Nath under various charges including sedition, for allegedly spreading misinformation on the death of a farmer during farmers’ tractor rally in Delhi on 26 January 2021. The FIR, lodged at Noida Sector 20 police station, invoked 11 IPC sections, including Section 124A (sedition), 153-A (promoting enmity between groups), section 295A (deliberate and malicious act intended to outrage religious feelings), Section 504 (intentional insult), Section 506 (criminal intimidation) and Section 120B (criminal conspiracy to commit offence punishable by death).¹⁰² FIRs were also filed in other

states including Delhi, Haryana (Gurgaon), Karnataka (Bengaluru) and Madhya Pradesh. In Delhi, FIR was lodged on complaint of advocate Chiranjiv Kumar. The complainant stated that the accused spread fake news about farmer's death in Delhi on 26 January by blaming Delhi Police to "instigate violence". In Gurgaon, a case was registered at Cyber Crime police station on a complaint by Pankaj Singh, a resident of Jharsa village. In Bengaluru, a social activist named Rakesh Shetty alias Rakesh B S, filed a complaint of sedition, criminal conspiracy and other charges against the seven at Parappana Agrahara police station. In Madhya Pradesh, four separate FIRs were registered in Bhopal, Hoshangabad and Betul districts naming Congress leader Shashi Tharoor and the six journalists for allegedly instigating farmers with unverified and unauthentic information for "personal and professional advantage" based on written applications by complainants who have submitted almost similar applications.¹⁰³

On 9 February 2021, the Supreme Court stayed the arrest of the six prominent journalists - journalists Rajdeep Sardesai, Mrinal Pande, Zafar Agha, Paresh Nath, Vinod K Jose and Anant Nath along with others in the case.¹⁰⁴

4.2 Cases against anti-CAA protestors

The enactment of the Citizenship Amendment Act, 2019 provided that "*any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as illegal migrant*" and that "*subject to such conditions, restrictions and manner as may be prescribed can be granted a certificate of registration or certificate of naturalisation as citizens of India*".¹⁰⁵ This led massive protest for a host of reasons including exclusion of the Muslims from the CAA and their exclusion from the countrywide National Register of Citizens (NRC), along the line of the NRC in Assam.

The CAA raised spectre of civil protest across the country. The government suppressed the same with an iron hand.

Case 1: Arrest & detention of Anti-CAA protesters in Delhi

Throughout 2021, the anti-CAA protestors faced prosecution.

The Delhi Police arrested scores of people during the nationwide COVID-19 lockdown in 2020 and many of them were booked under the draconian Unlawful Activities Prevention Act for alleged involvement in instigating protests against the Citizenship Amendment Act, 2019 and National Register of Citizens¹⁰⁶ and booked them in FIR 59/2020 registered in connection with the infamous Delhi riots cases that raged north east Delhi in February 2020. The charges in this FIR are under Sections 147 (punishment for rioting), 148 (rioting, armed with deadly weapon), 149 (unlawful assembly), 120B (punishment of criminal conspiracy), 302 (punishment for murder), 307 (attempt to murder), 124A (sedition), 153A (promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc), 186 (obstructing public servant in discharge of public functions), 353 (Assault or criminal force to deter public servant from discharge of his duty), 395 (Punishment for dacoity), 427 (Mischief causing damage to the amount of fifty rupees), 435 (Mischief by fire or explosive substance with intent to cause damage to amount of one hundred), 436 (Mischief by fire or explosive substance with intent to destroy house, etc), 452 (House-trespass alter preparation for hurt, assault or wrongful restraint), 454 (Lurking house-trespass or house-breaking), 109 (Punishment of abetment), 114 (Abettor present when offence is committed) of the Indian Penal Code (IPC); Section 3 (Mischief causing damage to public property) & 4 (Mischief causing damage to public property by fire or explosive substance) of Prevention of Damage to Public Property Act 1984 and Section 25 (Punishment for certain offences) & 27 (Punishment for using arms, etc) of Arms Act.¹⁰⁷ On 19 April 2020, sections 13 (Punishment for unlawful activities), 16 (Punishment for terrorist act), 17 (Punishment for raising funds for terrorist act) and 18 (Punishment for conspiracy, etc.) of UAPA, 1967 were added to FIR 59/2020.¹⁰⁸

Out of the 18 persons booked under the above mentioned charges, eight are student activists from Jamia Milia Islamia University and Jawaharlal Nehru University, who included: Meeran Haider, Jamia Millia Islamia Ph.D. students and member of Jamia Coordination Committee, who was booked on 1 April 2020¹⁰⁹; Safoora Zargar, an M Phil student at Jamia Millia Islamia University and member of Jamia Coordination Committee, who was booked on 13 April 2020¹¹⁰; Gulfisha Fatima, a student pursuing Masters of Business Administration from a private university, who was booked on 18 April 2020¹¹¹; Sharjeel Imam, a student of Jawaharlal Nehru University, who was booked on 29 April 2020¹¹²; Asif Iqbal Tanha, a third-year student of Persian at Jamia and member, Jamia Coordination Committee, who was booked on 21 May 2020¹¹³; Natashal Narwal, a student of Jawaharlal Nehru University and member

of *Pinjra Töd*, a feminist organization, who was booked on 29 May 2020¹¹⁴; Devangana Kalita, an MPhil student at JNU and member of the *Pinjra Töd*, who was booked on 6 June 2020¹¹⁵ and former JNU student and Umar Khalid, co-founder of the activist group United Against Hate, who was booked on 7 September 2020¹¹⁶.

On 16 September 2020, the Delhi Police submitted a 17,500 page charge sheet in the court of an Additional Sessions Judge in Patiala House Courts in FIR No.59/ 2020, also called the ‘infamous’ Delhi riots conspiracy case. The voluminous charge sheet details the charges and evidence against 15 of the 21 people arrested in FIR 59/2020¹¹⁷. While the first chargesheet in case FIR No.59/2020, alleges commission of offences under Section 120 B of the Indian Penal Code read with Sections 13, 16, 17, 18 of the UAPA; and Sections 124A, 153A, 302, 307, 109, 114, 147, 148, 149, 186, 353, 395, 201, 341, 212, 295, 427, 435, 436, 452, 454, 341, 420, 468, 471, 34 IPC; as well as Sections 25 and 27 of the Arms Act and Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984, a second charge sheet was submitted against Umar Khalid and Sharjeel Imam. All the accused except Safoora and Faizan are presently in judicial custody¹¹⁸.

On 2 March 2021, the Court of Additional Sessions Judge Amitabh Rawat took cognisance of sedition charge against 18 persons, including the above named student activists in connection with the north-east Delhi riots of February 2020. The court took cognisance of the offences under sections 124 A (sedition), 153-A (promoting enmity on the grounds of religion, language, caste etc), 109 (abetment) and 120-B (criminal conspiracy) of the IPC noting that the “requisite sanctions under Section 196 Code of Criminal Procedure (CrPC) against all 18 accused persons has been received”¹¹⁹.

On 25 March 2021, a single judge bench of the Delhi High Court vacated its stay on the trial in the case under the UAPA after the Delhi government made submission that the accused in the case are at liberty to collect a complete hard copy of the chargesheet from the trial court. The High Court had earlier stayed the trial in the case under the UAPA upon the prosecution’s appeal against a trial court order which had directed for hard copy of the charge sheet to be supplied to all the accused¹²⁰.

Vide order and judgment dated 15 June 2021, a division bench comprising Justice Siddharth Mridul and Justice Anup Jairam Bhambhani released Asif Iqbal Tanha¹²¹, Natasha Narawal¹²² and Devangana Kalita¹²³ on bail in FIR 59/2020 registered at Crime Branch Police Station, New

Delhi registered under sections 147/148/149/120-B IPC along with Sections 13/16/17/18 of the Unlawful Activities (Prevention) Act, 1967.

Case 2: Arrest of peasant leader Akhil Gogoi and his colleagues under UAPA in Assam to suppress protests against the CAA

On 12 December 2019, Right to Information activist and peasant leader Akhil Gogoi was taken into preventive detention by Assam police from Jorhat district amid protests against the Citizenship Amendment Act, 2019 in the state.¹²⁴ On 17 December 2019, the Assam Police transferred Gogoi, an advisor of the Krishak Mukti Sangram Samiti (KMSS), to the National Investigation Agency which booked him under the amended Unlawful Activities (Prevention) Act. KMSS leaders Bittu Sonowal and Dharjya Konwar were arrested on 7 January 2020 and booked under the UAPA by the NIA while student leader Manas Konwar was arrested on 23 January 2020.¹²⁵

The NIA accused the KMSS and student leaders as overground workers of the proscribed Communist Party of India (Maoist) and charged them for sedition and under provisions of the Unlawful Activities (Prevention) Act (UAPA). Accusing him of being involved in terrorist activities, the NIA accused Gogoi and others of using passage of the Citizenship Amendment Bill in Parliament as an opportunity to promote enmity between different groups on grounds of religion, race, piece of birth, residence, language and done acts prejudicial to maintenance of harmony, using visible representations and spoken words, thus endangering the security and sovereignty of the State and which is prejudicial to national Integration. The FIR also accused them of being part of the Maoist conspiracy and that they knowingly abetted, conspired, advocated, and incited the acts preparatory to commission of terrorist acts.¹²⁶

On 17 March 2020, the Special NIA Court granted bail to Gogoi as the investigating agency failed to file a charge sheet against him within the specified period of 90 days. However, the Gauhati High Court later stayed the bail. On 29 May 2020, the NIA filed the charge sheet against Gogoi and three of his colleagues for sedition and terror activities for their alleged role in violent protests against the CAA. However, the Special NIA Court granted bail to Manash Konwar on 13 July 2020; to Bittu Sonowal on 15 July 2020¹²⁷ and to Dharjya Konwar on 17 July 2020.¹²⁸ On 1 October 2020, the Special NIA Court granted bail to Gogoi in one (FIR registered at Chabua PS and later transferred to NIA) of the two cases being probed by the NIA in connection with his alleged role in the violent protests against the CAA while his bail petition was rejected in the case registered at Chandmari PS, Guwahati.¹²⁹ He challenged the order of the special

NIA court before the Gauhati High Court, which dismissed it on 7 January 2021.¹³⁰ He again challenged the order of the Gauhati High Court in the Supreme Court where a bench comprising Justices N.V. Ramana, Surya Kant and Aniruddha Bose dismissed his plea on 11 February 2021. The bench, however, told his lawyer that Gogoi might approach the Supreme Court for bail once the trial starts.¹³¹

On 22 June 2021, a special NIA court acquitted Akhil Gogoi in case number 3/2020, related to the Chabua PS in upper Assam's Dibrugarh district. Two others, Jagajit Gohain and Bhupen Gogoi, were also acquitted. In April-May 2021, Gogoi fought the state assembly elections from jail and was elected as a Member of Legislative Assembly from Sibsagar constituency. On 1 July 2021, Akhil Gogoi was released from prison after an NIA court cleared his charges in the last case related to anti-CAA violence in Assam but he had to spend about 18 months in jail.¹³²

4.3 Arrests and incarceration of rights activists in the Bhima Koregaon protest

Throughout 2021, those accused in the Bhima Koregaon protest continued to face trial for the various offences under which they were charged with.

Every year on 1 January, Ambedkarite Dalits gather at Bhima Koregaon to pay their respect at the Vijay Sthamb (victory pillar) under the banner of Elgar Parishad to celebrate the 'Battle of Bhima Koregaon. In 1818, it was during this battle that Dalit soldiers of the British army, mostly Mahars, trounced the troops of the local ruler, Peshwa Bajirao II, a Brahmin. 1 January 2018 was the 200th commemoration of the battle. However, that year saw violent clashes between Dalit and Maratha groups resulting in the death of at least one person and injuries to several others.¹³³

On 31 December 2017, a group of activists, political leaders and retired judges came together at Shaniwar Wada in Pune, Maharashtra to organize a program called the 'Elgar Parishad' (Congress for Speaking Aloud). The organisers included former Supreme Court judge, Justice P.B. Sawant, and former Bombay High Court judge, Justice B.G. Kolse-Patil. The event saw songs, street plays and speeches on various issues, including Dalit rights and criticism of the Narendra Modi government.¹³⁴

Two FIRs were filed — one filed by Dalits on 2 January 2018 blamed two Hindutva Right-wing leaders Milind Ekbote and Sambhaji Rao Bhide for the violence based on an eye-witness account and the other filed on 8

January 2018 by Tushar Ramesh Damgude under Section 153A, 505(1)(b), and 117 of the Indian Penal Code (IPC) blaming “Leftist groups with Maoist links” who spoke at Elgar Parishad for instigating the violence. The FIR had named 6 members of cultural organisation Kabir Kala Manch — Sudhir Dhawale, Sagar Gorkhe, Harshali Potdar, Ramesh Gaychor, Dipak Dhengale and Jyoti Jagtap. It is the latter that has since been vigorously pursued by the authorities.¹³⁵

On 6 June 2018, the Maharashtra police arrested five social activists from across the country on charges of instigating caste violence in Bhima Koregaon in Maharashtra in January 2018. They arrested Surendra Gadling (Lawyer), Mahesh Raut (Activist) from Nagpur, Sudhir Dhawale (Activist) from Mumbai, Rona Wilson (Activist) from Delhi and Shoma Sen, an academic from Nagpur.¹³⁶ Pertinently, former Supreme Court judge, Justice P.B. Sawant, and former Bombay High Court judge, Justice B.G. Kolse-Patil were not made parties. On 28 August 2018, the police raided homes of 10 people, and the arrest of five of them - Sudha Bharadwaj (Human rights and labour rights lawyer in Chhattisgarh), Arun Ferreira (Political activist and lawyer, Maharashtra), former college professor in Maharashtra, P.Varavara Rao [noted Telugu poet and a co-founder of the Viplava Rachayitala Sangham (Revolutionary Writers’ Association, Hyderabad)] and Gautam Navlakha (human rights activist, journalist and founder of the People’s Union for Democratic Right, Delhi).¹³⁷

On 15 November 2018, the Pune Police submitted a charge sheet of over 5,000 pages against the five activists arrested on 6 June their alleged links with the outlawed group, Communist Party of India (Maoist), and the Bhima-Koregaon clashes on 1 January. The indictment under a number of Sections like 124A and 153 of the Indian Penal Code as well as the Unlawful Activities (Prevention) Act for seditious activities was filed in the UAPA Court of Judge K.D. Vadane.¹³⁸ The chargesheet named five others as accused who it said were underground. They are Milind Teltumbde, an alleged Maoist living in Yawatmal, for whom the Gadchiroli police has announced a reward of Rs 50,00,000 lakh for any information about him; Ritupan Goswami, a JNU student allegedly recruited to the Communist Party of India Marxist-Leninist by GN Saibaba, but who could also reportedly be leading a civilian life in Assam; Comrades Manglu and Deepu, both aliases; and Prashant Bose, secretary of the Eastern Regional Bureau and known senior politburo member of the Communist Party of India (Maoist).¹³⁹

On 21 February 2019, the Pune police filed a supplementary chargesheet against Sudha Bharadwaj, Varavara Rao, Arun Ferreira, Vernon Gonsalves and banned Communist Party of India (Maoist) leader Ganapathy in connection with the Bhima Koregaon case.¹⁴⁰

On 24 January 2020, Prime Minister Modi led Bharatiya Janata Party government at the Centre transferred the Bhima Koregaon case to the National Investigation Agency (NIA) to the chagrin of the Maha Vikas Aghadi government in Maharashtra.¹⁴¹

On 8 October 2020, a team of NIA officials from Mumbai office arrested 83-year-old Jharkhand-based tribal rights activist and Jesuit priest Father Stan Swamy in Ranchi and flew Swamy to Mumbai where he was produced in a court which sent him to judicial custody.¹⁴²

On 9 October 2020, the NIA led second supplementary charge sheet in the 2018 Bhima Koregaon violence case, naming Anand Teltumbde, Hany Babu, Gautam Navlakha, Milind Teltumbde, Stan Swamy and members of Kabir Kala Manch – Jyoti Jagtap, Sagar Gorkhe, and Ramesh Gaichor. In its 10,000-page charge sheet, NIA alleged that senior leaders of Communist Party of India (Maoist), a banned organisation under the UAPA, were in contact with the organisers of Elgar Parishad event of December 31, 2017 in Pune as well as the accused academicians and activists to spread the Maoist and Naal ideology and encourage unlawful activities.¹⁴³

At least 16 people were arrested in the Elgar Parishad case as accused namely Jyoti Raghoba Jagtap, Sagar Tatyaram Gorkhe, Ramesh Murlidhar Gaichor, Sudhir Dhawale, Surendra Gadling, Mahesh Raut, Shoma Sen, Rona Wilson, Arun Ferreira, Sudha Bharadwaj, Varavara Rao, Vernon Gonsalves, Anand Teltumbde, Gautam Navlakha, Hany Babu and Father Stan Swamy.¹⁴⁴

Among the 16 people arrested in the case, activist and poet Varavara Rao was granted interim bail for six months on 6 February 2021. On 9 December 2021, Sudha Bharadwaj was released following the confirmation of the default bail granted to her by the Bombay High Court on 1 December by the Supreme Court.¹⁴⁵

On 5 July 2021, Father Stan Swamy (84) arrested under UAPA in the case, died in the midst of the fight for bail on health grounds.¹⁴⁶ It was the most emblematic case of how a person accused under the UAPA suffers because of the denial of bail invoking Sections 43D(2) and (5) of the UAPA even in cases of life threatening medical conditions. Swamy was

India's oldest prisoner charged under the UAPA for his alleged role in what the NIA contended was an alleged Maoist conspiracy that led to caste clashes near the Bhima Koregaon village four years ago. Swamy's health had worsened considerably since he was held in judicial custody in Taloja jail from October 2020. He suffered from Parkinson's disease, a progressive nervous condition and had also contracted Covid-19 during his stay in the jail. His lawyers had repeatedly moved the NIA special court for bail which the NIA opposed and the special court refused. On 28 May 2021, he was finally admitted to a charitable hospital in Bandra on the orders of the High Court.¹⁴⁷

⁹³. Bye bye farm laws! A timeline of farmers' protest against three agri laws, Livemint, 19 November 2021, <https://www.livemint.com/news/india/bye-bye-farm-laws-a-timeline-of-farmers-protest-against-three-agri-laws-11637311880422.html>

⁹⁴. How To Divide Farmers? Use 'Khalistan', 'Maoist' And 'Tukde Tukde Gang', Outlook India, 14 December 2020, <https://krishi.outlookindia.com/story/india-news-how-to-divide-farmers-use-khalistan-maoist-and-tukde-tukde-gang/367191>

⁹⁵. NIA summons farmer leader, TV journalist in fresh case against Sikhs for Justice, Hindu, 16 January 2021; <https://www.thehindu.com/news/national/nia-summons-40-persons-to-be-examined-as-witness-in-fresh-case-against-sfj/article33588372.ece>

⁹⁶. As Farm Law Protests Continue, NIA Sees 'Anti-National' Plot, Summons Activists, Wire, 16 January 2021, available at: <https://thewire.in/rights/nia-summons-activists-linked-to-farm-law-protests-suspects-conspiracy-against-india>

⁹⁷. NIA summons farmer leader, TV journalist in fresh case against Sikhs for Justice, Hindu, 16 January 2021; <https://www.thehindu.com/news/national/nia-summons-40-persons-to-be-examined-as-witness-in-fresh-case-against-sfj/article33588372.ece>

⁹⁸. Govt using NIA to harass us with notices, nobody will appear before NIA, farm unions say, Hindustantimes, 17 January 2021, <https://www.hindustantimes.com/india-news/govt-using-nia-to-harass-us-with-notices-nobody-will-appear-before-nia-farm-unions-say-101610878603911.html>

⁹⁹. NIA summons farmer leader, TV journalist in fresh case against Sikhs for Justice, Hindu, 16 January 2021; <https://www.thehindu.com/news/national/nia-summons-40-persons-to-be-examined-as-witness-in-fresh-case-against-sfj/article33588372.ece>

¹⁰⁰. Farmers' protests | 22-year-old activist Disha Ravi arrested, sent to Delhi Police custody, The Hindu, 14 February 2021, <https://www.thehindu.com/news/national/22-year-old-activist-disha-ravi-arrested-for-sharing-farmers-protests-toolkit-with-greta-thunberg/article33834325.ece>

¹⁰¹. 'Toolkit' case: Delhi court grants bail to Disha Ravi, The Hindu, 23 February 2021, <https://www.thehindu.com/news/cities/Delhi/disha-ravi-gets-bail/article33912743.ece>

- ¹⁰². Tractor rally: UP Police book Shashi Tharoor, journalists Rajdeep Sardesai, Mrinal Pandey, Anant Nath and others for sedition, The Indian Express, 29 January 2021, <https://indianexpress.com/article/india/up-police-book-tharoor-six-journalists-for-sedition-7165949/>
- ¹⁰³. Sedition FIRs against Tharoor, journalists now in five states, The Indian Express, 31 January 2021, <https://indianexpress.com/article/india/sedition-firs-against-tharoor-journalists-now-in-five-states-7168390/>
- ¹⁰⁴. SC stays arrest of Shashi Tharoor, Rajdeep Sardesai and others in sedition case, The News Minute, 9 February 2021, <https://www.thenewsminute.com/article/sc-stays-arrest-shashi-tharoor-rajdeep-sardesai-and-others-sedition-case-143067>
- ¹⁰⁵. The Citizenship Amendment Act , 2019 can be accessed at <https://egazette.nic.in/WriteReadData/2019/214646.pdf>
- ¹⁰⁶. Delhi riots: More than 50 members of Jamia coordination panel get police notice, The New Indian Express, 15 April 2020, <https://www.newindianexpress.com/cities/delhi/2020/apr/15/delhi-riots-more-than-50-members-of-jamia-coordination-panel-get-police-notice-2130296.html>
- ¹⁰⁷. Order dated 26.05.2020 in FIR No.59/2020 dated 06.03.2020 P.S Crime Branch (State versus Khalid & Ors.) passed by the Court of Additional Sessions Judge Dharmendra Rana, Patiala House Courts, New Delhi
- ¹⁰⁸. Order dated 26.05.2020 in FIR No.59/2020 dated 06.03.2020 P.S Crime Branch (State versus Khalid & Ors.) passed by the Court of Additional Sessions Judge Dharmendra Rana, Patiala House Courts, New Delhi
- ¹⁰⁹. Delhi Riots: ‘Vague’ FIR Names Umar Khalid, Police Arrests Jamia Student, Thewire.in, 4 April 2020; <https://thewire.in/rights/delhi-riots-fir-meeran-haider>
- ¹¹⁰. Delhi Riots: How the Police Is Using FIR 59 To Imprison Students And Activists Indefinitely, Huffingtonpost.in, 16 June 2020; https://www.huffingtonpost.in/entry/delhi-police-riots-students-anti-kaa-activists-arrest_in_5ec7ab99c5b651a404b0591a?utm_hp_ref=in-politics
- ¹¹¹. Umar Khalid not alone, 7 more students were arrested under anti-terror law for Delhi riots, The Print, 16 September 2020, available at: <https://theprint.in/india/umar-khalid-not-alone-7-more-students-were-arrested-under-anti-terror-law-for-delhi-riots/503185/>
- ¹¹². Sharjeel Imam booked under stringent UAPA, Hindustan Times, 29 April 2020; <https://www.hindustantimes.com/delhi-news/sharjeel-imam-booked-under-stringent-uapa/story-fdpJMsFdcXG8yZrkLdtmeL.html>
- ¹¹³. Umar Khalid not alone, 7 more students were arrested under anti-terror law for Delhi riots, The Print, 16 September 2020, available at: <https://theprint.in/india/umar-khalid-not-alone-7-more-students-were-arrested-under-anti-terror-law-for-delhi-riots/503185/>
- ¹¹⁴. Now, Pinjra Tod Activist Natasha Narwal Booked Under UAPA, The Wire, 30 May 2020, <https://thewire.in/government/delhi-riots-natasha-narwal-uapa-pinjra-tod>
- ¹¹⁵. Delhi Riots: Days after being granted bail, Pinjra Tod activist Devangana Kalita booked under UAPA, Indiatoday, 7 June 2020, available at: <https://www.indiatoday.in/india/story/delhi-riots-pinjra-tod-activist-devangana-kalita-booked-under-uapa-1686307-2020-06-06>
- ¹¹⁶. Umar Khalid not alone, 7 more students were arrested under anti-terror law for Delhi riots, The Print, 16 September 2020, available at: <https://theprint.in/india/umar-khalid-not-alone-7-more-students-were-arrested-under-anti-terror-law-for-delhi-riots/503185/>
- ¹¹⁷. Backgrounder: What is Delhi Police’s riots conspiracy case? Scroll, 8 October 2020, available at: <https://scroll.in/article/974904/backgrounder-what-is-delhi-polices-riots-conspiracy-case>

- ¹¹⁸. Delhi Riots: High Court vacates stay on trial of ‘larger conspiracy’ case under UAPA, Livelaw.com, 24 March 2021, available at: <https://www.livelaw.in/news-updates/delhi-riots-high-court-vacates-stay-on-trial-of-larger-conspiracy-case-under-uapa-171684>
- ¹¹⁹. Delhi riots: court takes cognisance of sedition charge against 18 people, <https://www.thehindu.com/news/cities/Delhi/delhi-riots-court-takes-cognisance-of-sedition-charge-against-18-people/article33974809.ece>
- ¹²⁰. Delhi Riots: High Court vacates stay on trial of ‘larger conspiracy’ case under UAPA, Livelaw.com, 24 March 2021, available at: <https://www.livelaw.in/news-updates/delhi-riots-high-court-vacates-stay-on-trial-of-larger-conspiracy-case-under-uapa-171684>
- ¹²¹. Delhi High Court judgment dated 15 June 2021 in CRL.A. 39/2021 (Asif Iqbal Tanha vs. State of NCT of Delhi); http://164.100.69.66/jupload/dhc/AJB/judgement/15-06-2021/AJB15062021CRLA392021_105447.pdf
- ¹²². Delhi High Court judgment dated 15 June 2021 in CRL.A. 82/2021 (Natasha Narawal vs. State of NCT of Delhi); http://164.100.69.66/jupload/dhc/AJB/judgement/15-06-2021/AJB15062021CRLA822021_105732.pdf
- ¹²³. Delhi High Court judgment dated 15 June 2021 in CRL.A. 90/2021 (Devangana Kalita vs. State of NCT of Delhi); http://164.100.69.66/jupload/dhc/AJB/judgement/15-06-2021/AJB15062021CRLA902021_110154.pdf
- ¹²⁴. NIA arrests RTI activist Akhil Gogoi amid Assam unrest, charges him under amended UAPA, Print, 15 December 2019, available at: <https://theprint.in/india/nia-arrests-rti-activist-akhil-gogoi-amid-assam-unrest-charges-him-under-amended-uapa/335484/>
- ¹²⁵. Assam: KMSS leaders sent to judicial custody again, Northeastnow, 27 January 2020; available at: <https://nenow.in/north-east-news/assam/assam-kmss-leaders-sent-to-judicial-custody-again.html>
- ¹²⁶. CAA protests: Akhil Gogoi linked to Maoists, claims NIA, Northeastnow, 16 December 2019, available at: <https://nenow.in/top-news/caa-protests-akhil-gogoi-linked-to-maoist-claims-nia.html>
- ¹²⁷. Spl NIA Court grants bail to KMSS leader Bittu Sonowal, Outlook, 15 July 2020, available at: <https://www.outlookindia.com/newscroll/spl-nia-court-grants-bail-to-kmss-leader-bittu-sonowal/1895980>
- ¹²⁸. Assam: NIA Court Grants Bail to KMSS Leader Dharjya Konwar, Wire, 17 July 2020, available at: <https://thewire.in/rights/assam-nia-court-grants-bail-to-kmss-leader-dharjya-konwar>
- ¹²⁹. Akhil Gogoi gets bail in NIA case related to protests over CAA, Hindu, 1 October 2020, available at: <https://www.thehindu.com/news/national/other-states/akhil-gogoi-gets-bail-in-nia-case-related-to-protests-over-cao/article32745840.ece>
- ¹³⁰. Gauhati High court rejects bail plea of peasant leader Akhil Gogoi, Indiatoday, 7 January 2021, available at: <https://www.indiatoday.in/india/story/gauhati-high-court-rejects-bail-plea-peasant-leader-akhil-gogoi-1756942-2021-01-08>
- ¹³¹. Supreme Court Rejects Assamese Peasant Leader Akhil Gogoi’s Bail Plea, Wire, 11 February 2020; available at: <https://thewire.in/rights/supreme-court-rejects-akhil-gogoi-bail>
- ¹³². Akhil Gogoi released from jail, NIA court clears all charges, Indian Express, 1 July 2021, <https://www.youtube.com/watch?v=tGCC4gcUWNU>
- ¹³³. 2 years, 3 charge sheets & 16 arrests — Why Bhima Koregaon accused are still in jail, Print, 31 October 2020, available at: <https://theprint.in/india/2-years-3-charge-sheets-16-arrests-why-bhima-koregaon-accused-are-still-in-jail/533945/>

- ¹³⁴. 2 years, 3 charge sheets & 16 arrests — Why Bhima Koregaon accused are still in jail, Print, 31 October 2020, available at: <https://theprint.in/india/2-years-3-charge-sheets-16-arrests-why-bhima-koregaon-accused-are-still-in-jail/533945/>
- ¹³⁵. 2 years, 3 charge sheets & 16 arrests — Why Bhima Koregaon accused are still in jail, Print, 31 October 2020, available at: <https://theprint.in/india/2-years-3-charge-sheets-16-arrests-why-bhima-koregaon-accused-are-still-in-jail/533945/>
- ¹³⁶. A poet, a lawyer, a professor: These are the five activists held for sparking Bhima Koregaon clashes, Scroll, 8 June 2018, available at: <https://scroll.in/article/881849/a-poet-a-lawyer-a-professor-these-are-the-five-activists-held-for-sparking-bhima-koregaon-clashes>
- ¹³⁷. Among those raided in Bhima Koregaon case: A poet, a management professor, a business journalist, Scroll, 29 August 2018; available at: <https://scroll.in/article/892284/among-those-raided-in-bhima-koregaon-case-a-poet-a-management-professor-a-business-journalist>
- ¹³⁸. Charge sheet filed against five activists in Bhima-Koregaon case, Hindu, 16 November 2018, available at: <https://www.thehindu.com/news/cities/mumbai/charge-sheet-filed-against-five-activists-in-bhima-koregaon-case/article25510671.ece>
- ¹³⁹. Bhima Koregaon chargesheet: Focus on plot to kill Modi, silence on caste violence, Scroll, 16 November 2018, available at: <https://scroll.in/article/902374/bhima-koregaon-chargesheet-focus-on-plot-to-kill-modi-silence-on-caste-violence>
- ¹⁴⁰. Bhima Koregaon case: Pune police file supplementary chargesheet against five activists, Scroll, 21 February 2019; <https://scroll.in/latest/914135/bhima-koregaon-case-pune-police-file-supplementary-chargesheet-against-five-activists>
- ¹⁴¹. NIA takes over Koregaon-Bhima probe, Maharashtra minister Anil Deshmukh hits out at Centre, Indiatoday, 25 January 2020, available at: <https://www.indiatoday.in/india/story/nia-bhima-koregaon-case-elgar-parishad-maharashtra-anil-deshmukh-1639956-2020-01-25>
- ¹⁴². NIA Files 10,000-Page Supplementary Chargesheet in Elgar Parishad Case, The Wire, 9 October 2020, available at: <https://thewire.in/rights/nia-elgar-parishad-supplementary-chargesheet>
- ¹⁴³. NIA files supplementary charge sheet in Bhima Koregaon case, Economic Times, 9 October 2020, available at: <https://economictimes.indiatimes.com/news/politics-and-nation/nia-files-supplementary-charge-sheet-in-bhima-koregaon-case/articleshow/78579054.cms>
- ¹⁴⁴. 2 years, 3 charge sheets & 16 arrests — Why Bhima Koregaon accused are still in jail, The Print, 31 October 2020, <https://theprint.in/india/2-years-3-charge-sheets-16-arrests-why-bhima-koregaon-accused-are-still-in-jail/533945/>
- ¹⁴⁵. Lawyer-Activist Sudha Bharadwaj Released After 3 Years In Jail, NDTV, 22 December 2021, <https://www.ndtv.com/india-news/sudha-bharadwaj-released-from-jail-in-elgar-parishad-bhima-koregaon-case-2643670>
- ¹⁴⁶. Lawyer-Activist Sudha Bharadwaj Released After 3 Years In Jail, NDTV, 9 December 2021, <https://www.ndtv.com/india-news/sudha-bharadwaj-released-from-jail-in-elgar-parishad-bhima-koregaon-case-2643670>
- ¹⁴⁷. The life and death of Father Stan Swamy, The Hindustan Times, 12 July 2021; <https://www.hindustantimes.com/india-news/the-life-and-death-of-father-stan-swamy-101626061660105.html>

5. Violations of press freedom

Freedom of opinion and expression has been under severe strains in India in recent years. During 2021, a total of 121 journalists and media houses/newspapers were targeted across the country including 108 journalists and 13 media houses/newspapers. Among the States/Union Territories (UTs), the highest number of journalists/media organisations targeted was in Jammu and Kashmir (25), followed by Uttar Pradesh (23); Madhya Pradesh (16); Tripura (15); Delhi (8); Bihar (6); Assam (5); Haryana and Maharashtra (4 each); Goa and Manipur (3 each); Karnataka, Tamil Nadu and West Bengal (2 each); and Andhra Pradesh, Chhattisgarh and Kerala (1 each). Six journalists were killed in the country while eight female journalists faced arrest, summon, FIRs and sexual harassment.¹⁴⁸

5.1 Targeting by the State actors

The laws that were mostly invoked against the journalists and media houses during 2021 included Section 124A (sedition), Section 153 (wantonly giving provocation with intent to cause riot), Section 153A (promoting enmity between religious groups), Section 153B (imputations, assertions prejudicial to national integration) defamation, as well under the UAPA, the Information and Technology Act including Section 66A and Section 66E, the Epidemic Diseases Act, 1897 etc. In 2021, at least 17 journalists were arrested in various States/UTs. Jammu and Kashmir reported the highest cases of arrest/ detention with five journalists; followed by Delhi (3); Maharashtra, Manipur and Tripura (2 each); and Assam, Chhattisgarh and Haryana (1 each). Journalists were arrested/detained for reasons such as publishing a video news report critical of a chief minister; publishing misleading and defamatory information; misbehaving with personnel on duty; covering the eviction drive; mentioning “incorrect place” of arrest of a suspected terrorist in a news report; getting caught with hand grenades; being an active member of an organised crime syndicate trying to extort money from a businessman; attempting to bring hatred/ contempt/ disaffection against government; criminal conspiracy and statements conducting to public mischief with common intention by being sympathiser of unlawful organization punishable; spreading communal disharmony for reporting on vandalism at mosque; and conspiracy to commit crime, collecting arms and concealing with intent to facilitate, designs to wage war and relating to membership to a terrorist organization. During 2021, First Information Reports were registered against 44 journalists and two media organisations. In some cases, multiple FIRs were lodged against some journalists in different states, for example, FIRs were registered against

six prominent journalists - Rajdeep Sardesai, Mrinal Pande, Zafar Agha, Paresch Nath, Vinod K Jose and Anant Nath in Delhi, Uttar Pradesh, Haryana, Karnataka and Madhya Pradesh. Uttar Pradesh reported the highest registration of FIRs with nine; followed by six each in Delhi and Jammu and Kashmir; and three in Bihar; among others. Out of the 44 journalists, FIRs were filed against 21 journalists under Section 153 of the IPC for promoting enmity. In 2021, at least six journalists were summoned by police of Jammu and Kashmir and Tripura for their journalistic works. In 2021, at least 24 journalists were allegedly physically attacked, threatened, harassed and obstructed from doing their professional works by public officials including police across the country. Out of the 24 journalists, 17 were allegedly beaten by police. Physical attacks on journalists by police were mainly reported from Jammu and Kashmir. In 2021, the Enforcement Directorate (ED) and Income Tax (IT) raided offices of media houses/newspapers and houses of journalists who were critical of policies and functioning of the Government. The media houses and their officials raided included Newslick in February, Dainik Bhaskar and Bharat Samachar in July, Newslaundry in September.

On 25 February 2021, the Government of India notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021. The Rules, issued under the Information Technology Act, 2000, fundamentally alter how publishers of news operate over the Internet and have the potential to seriously undermine media freedom in India. The Rules empower the Union Government to block, delete, or modify published news anywhere in the country without any judicial oversight and require all publishers to establish a grievance redressal mechanism. Various provisions in these rules can place unreasonable restrictions on digital news media, and consequently media at large. On 5 March 2021, the Editor Guild of India (EGI) expressing deep concern stated that the Government did not consult stakeholders before notifying these far-reaching rules and urged the Government to put the rules in abeyance and conduct meaningful consultation with all stakeholders. A number of writ petitions had been filed challenging the constitutional validity of the Rules.

The spotlight on the denial of media freedom continued to be on Jammu and Kashmir where journalists often found themselves summoned to police stations, accused in FIRs registered, their houses being raided, being manhandled and/or being beaten by the security forces. On 22 February 2021, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression flagged the “allegations of intimidations, searches and confiscations” faced by the

human rights groups and journalists in Jammu and Kashmir. On 8 March 2021, the EGI stated that journalists in Kashmir are intimidated for merely doing their jobs and that it was “shocked by the casual manner in which the editors of Kashmir-based publications are routinely detained by security forces for reporting or for their editorials”. On 6 April 2021, Vijay Kumar, Inspector General of Police, Kashmir allegedly warned journalists against covering operations at gun-fire sites in the real-time and printing content that “promotes anti-national sentiment”.

On 24 August 2021, the Jammu and Kashmir High Court cancelled the FIR registered against journalist Asif Iqbal Naik for a news report on alleged custodial torture of a man in 2018 terming it “undoubtedly an attack on the freedom of press”. On 29 September 2021, the Press Council of India (PCI) constituted a three-member fact finding Committee to investigate incidents of intimidation and harassment of journalists in Jammu and Kashmir based on a complaint filed by former Jammu and Kashmir Chief Minister Ms Mehbooba Mufti. In her letter on 26 September 2021, Mehbooba Mufti had urged the PCI to send a fact-finding team to look into the “systematic harassment” of journalists in Jammu and Kashmir and take corrective measures. In her letter titled “Intimidation, snooping and harassment of journalists in Jammu and Kashmir”, she mentioned cases of police raids at the homes of journalists besides coercing them to fill forms that sought “personal and bizarre information”.

Journalists faced restrictions for access to information. On 24 July 2021, the District Magistrate of Kupwara District banned the operation of unauthorised and unregistered media persons citing the misuse of social media platforms by circulating fake and baseless news items for their own interests and directed such unauthorised/ unregistered journalists to complete their registration or obtain approval before they can be allowed to perform their professional duties. In May 2021, the Chief Media Coordinator of the Delhi government removed seven journalists from the Hindustan Times from its WhatsApp group on which it shares daily updates. The reason for this was allegedly a report published on 6 May 2021 that detailed five things that the Delhi government had failed to do to avert the oxygen crisis.

5.2 Targeting by non-State actors

Journalists also faced attacks from the non-State actors, mainly political party activists, mafia and online trolls. During 2021, at least 34 journalists/media houses were attacked by the non-State actors such as mob, unidentified miscreants, members/ supporters of political parties

etc or harassed online across the country. Of these, six journalists were killed and at least 28 journalists/media houses were physically attacked or harassed/ threatened online by the non-state actors during the year.

Of the six journalists killed, Uttar Pradesh and Bihar reported two deaths each while Andhra Pradesh and Maharashtra reported death of one journalist each. Out of 28 journalists/media houses physically attacked or harassed/ threatened online by the non-state actors during the year, the maximum number of attacks took place in Tripura with attacks on 10 journalists and five media houses followed by Uttar Pradesh (3) and Tamil Nadu (2). In July 2021, journalist Fatima Khan, who covered the 2020 riots in northeast Delhi, was among the women who were targeted by an online application called “Sulli Deals”, where photos of Muslim women were uploaded online, implying that these women were “up for sale”. ‘Sulli’ or ‘Sulla’ is a derogatory word used to refer to Muslims. On 8 July 2021, the Delhi Police registered a complaint against unknown creators of the “Sulli Deals” app. By the year end, none of the accused was arrested.

¹⁴⁸. India Press Freedom Report 2021, Acian Centre for Human Rights (ACHR), New Delhi

6. Repression on the academics and academic freedom

Academic freedom is a universal right and essential to quality education, teaching and research. It is a driver of innovation, enhances the capacity of scholars and students to acquire and generate knowledge, and thereby protects societies' capacity for self-reflection. While states and universities throughout the world have long committed to respecting academic freedom, in India, academic freedom came under severe attack.

Many academics operate under strain for not following the ideology of the ruling party. The Indian government occasionally applied restrictions on the travel and activities of visiting foreign experts and scholars.

Case 1: Arrest of Assistant Professor Abdul Bari Naik in Kashmir

On 5 March 2021, the Jammu and Kashmir police arrested Dr. Abdul Bari Naik, an assistant professor at government Degree College Udhampur in Jammu and Kashmir under the UAPA from the college itself. According to his brother Rauf Naik, an advocate, his brother was booked and arrested in an old case lodged in Police Station Kulgam under FIR NO. 191/2018 U/S 153, 353, 13 under the UAPA and was kept in detention in Kulgam district.¹⁴⁹ The case relates to alleged pelting of stones at a group of armed forces after they entered the premises of Government Degree College in Kulgam and fired tear smoke shells inside the college premises in 2018. Dr. Bari was posted at the college at that time and he was booked for “inciting violence” on the college campus by the Jammu Kashmir Police. Infact, it was Dr. Bari who persuaded the students not to pelt stone and counselled them to always fight through non-violent means.¹⁵⁰

The Kashmiriyat quoted Dr. Bari's brother Rauf saying that his brother has been vocal against corruption and other issues that affect the society at the large. Dr. Bari was booked in another case registered against him under the FIR No. 83/2019 U/S 252, 427 of the Ranbir Penal Code (RPC) read with Section 13, 18, 19, 38, 39 UAPA Act P/S Yaripora in Kulgam district¹⁵¹ for allegedly posting a video on social media purportedly showing Army soldiers vandalising a mosque and allegedly desecrating the Holy Quran at a local mosque following a public protest in Kulgam against the construction of an Army camp.¹⁵²

Case 2: Restrictions on conducting webinars with foreigners

On 15 January 2021, the Department of Higher Education, Ministry of Education, Government of India issued a new directive (No. 34-4/2020-ICC-II) making it mandatory for academicians, professors, scientists and doctors from public-funded universities and institutes to seek prior approval from the Ministry of External Affairs (MEA) for hosting virtual international seminars that are centered around India's 'internal matters'.¹⁵³

The directive provided that clearance from MEA is required for holding international conference/seminar/workshop/training etc (i) related to security of State, Border, North East States, J&K or any other issues which are clearly/purely related to India's Internal matter; (ii) having foreign funding and sponsorship; (iii) involving sensitive subjects [political, scientific, technical, commercial, personal) with provisions for sharing of data in any form; presentations etc. It was specifically provided that while seeking approval/ after approval, link to the online events should be shared by email at socoord@mea.gov.in.¹⁵⁴

Under the heading "Approval procedure in respect of holding online/virtual International Conferences/ Seminars/ Training etc" the guidelines require all Ministries or Departments, Public Sector Undertakings, Central Educational Institutions, Public Funded Universities or organizations owned and controlled by the Government of India/ State Government/ Union Territory, to take approval of its Administrative Secretary for hosting virtual international seminars as well as for the list of participants in such seminars. It was specifically directed that while giving permission, the Ministry should ensure that the subject matter for online events is not related to security of State, Border, North East States, UT of J&K Ladakh or any other issues which are clearly/ purely related to India's internal matter/s.¹⁵⁵

The guidelines also urge universities to make a "judicious selection of IT applications" for the virtual event. It said that preference should be given to apps whose servers are not hosted or controlled by "countries or agencies that are hostile to India". It further provided that "appropriate level of scrutiny" is to be exercised to identify the nature and "sensitivity of data" while examining the contents of the presentation to be made at the seminar.¹⁵⁶

Reacting to the revised guidelines Alka Acharya, professor at the Centre for East Asian Studies, School of International Studies, Jawaharlal Nehru University, New Delhi, and an expert on Chinese studies, said the new restrictions mean academics and research scholars would be under pressure

not to raise subjects or issues which could be construed as affecting ‘national security’.¹⁵⁷ Nandini Sundar, professor in the department of sociology at the Delhi School of Economics, said the government guidelines were “more than ridiculous”. Adding that everything in the social sciences is ‘sensitive’ and touches on India’s ‘internal matters’, Sundar cautioned that soon, no Indian academic will be allowed to log into a seminar or talk held elsewhere in the world without approval.¹⁵⁸

On 24 February 2021, the government withdrew the 15 January controversial order after a backlash from scientists.¹⁵⁹ India’s two largest and oldest science academies - Indian Academy of Sciences and the Indian National Academy of Sciences - have written to the Ministry of Education stating that its order mandating institutions to seek Government clearance for all webinars could “lead to a complete halt of all topical scientific discussions” and “impede” the interest of science among the young.¹⁶⁰

Case 3: Continued restrictions on all academic institutions and universities to enter into academic collaboration with Chinese universities/institution

However, the restrictions on all academic institutions and universities to enter into academic collaboration with Chinese universities/institution imposed in October 2019 remained in place.¹⁶¹

In October 2019, the Government of India made prior approval of the Ministries of Home Affairs and External Affairs mandatory for all academic institutions and universities before inking Memorandum of Understandings (MoUs), educational exchange programme, agreements, joint declaration of intent or letter of intent with Chinese institutions or universities. In a letter to the vice chancellors of all universities, the University Grants Commission administration notified them of a directive from the Human Resource Development Ministry which state: “In addition to other clearances, prior approval of the Ministry of Home Affairs and the Ministry of External Affairs must be taken by all the academic institutions and universities before signing of MoUs, educational exchange programme, agreements, joint declaration of intent or letter of intent with Chinese institutions or universities.” The University Grants Commission letter added that those universities — including private universities — which have already entered into MoUs must seek clearance from the Home ministry for operating the MoU.¹⁶²

¹⁴⁹. Kashmiri Assistant Professor booked under UAPA, arrested, Kashmirwala, 7 March 2021, available at <https://thekashmirwala.com/2021/03/kashmiri-assistant-professor-booked-under-uapa-arrested/>

¹⁵⁰. 'Implicated due to activism': Assistant Professor booked under Anti-Terror law, The Kashmiriyat, 7 March 2021, available at: <https://freepresskashmir.news/2021/03/07/implicated-due-to-activism-assistant-professor-booked-under-anti-terror-law/>

¹⁵¹. Kashmiri Assistant Professor booked under UAPA, arrested, Kashmirwala, 7 March 2021, available at <https://thekashmirwalla.com/2021/03/kashmiri-assistant-professor-booked-under-uapa-arrested/>

¹⁵². Sacked for 'Going Against Security of State', Kashmiris See Attempt to Spread Fear, Wire, 5 May 2021, <https://thewire.in/rights/jammu-and-kashmir-manoj-sinha-teacher-terminated-state-security>

¹⁵³. Prior approval now necessary for government-funded organisations wanting to host online international seminars, Opindia.com, 1 February 2021, available at: <https://www.opindia.com/2021/02/online-seminars-governemnt-approval-mea/>

¹⁵⁴. Office Memorandum No. 34-4/2020-ICC-II dated 15 January 2021 issued by the Department of Higher Education, Ministry of Education, Government of India; available at: <https://rgu.ac.in/wp-content/uploads/2021/02/Revised-guidelines.pdf>

¹⁵⁵. Office Memorandum No. 34-4/2020-ICC-II dated 15 January 2021 issued by the Department of Higher Education, Ministry of Education, Government of India; available at: <https://rgu.ac.in/wp-content/uploads/2021/02/Revised-guidelines.pdf>

¹⁵⁶. State officials now need Centre's permission to attend online seminars on India's 'internal matters', Scroll, 31 January 2021; <https://scroll.in/latest/985548/centre-says-universities-now-need-permission-to-hold-online-seminars-on-indias-internal-matters>

¹⁵⁷. University World News Asia Editor Yojana Sharma 'New ministry rules set curbs on academic freedom online, University World News, 03 February 2021, available at: <https://www.universityworldnews.com/post.php?story=20210203072713445>

¹⁵⁸. University World News Asia Editor Yojana Sharma 'New ministry rules set curbs on academic freedom online, University World News, 03 February 2021, available at: <https://www.universityworldnews.com/post.php?story=20210203072713445>

¹⁵⁹. Government withdraws order on online science meetings, Hindu, 24 February 2021; <https://www.thehindu.com/news/national/government-withdraws-order-on-online-seminars/article33926659.ece>

¹⁶⁰. Two top academies to Govt: new webinar rules could halt all scientific discussion, Indian Express, 20 February 2021; <https://indianexpress.com/article/india/new-webinar-rules-science-journals-7196351/>

¹⁶¹. Indo-Chinese educational tie-ups need nod from Home, foreign Ministries, Hindu, 3 October 2019, <https://www.thehindu.com/news/national/indo-chinese-educational-tie-ups-need-nod-from-home-foreign-ministries/article29587740.ece>

¹⁶². Indo-Chinese educational tie-ups need nod from Home, foreign Ministries, Hindu, 3 October 2019, <https://www.thehindu.com/news/national/indo-chinese-educational-tie-ups-need-nod-from-home-foreign-ministries/article29587740.ece>



ASIAN CENTRE FOR HUMAN RIGHTS

C-3/441-C, Janakpuri,
New Delhi-110058, India
Phone/Fax: +91-11-25620583
Email: director@achrweb.org
Website: www.achrweb.org

Asian Centre for Human Rights is dedicated to promotion and protection of human rights and fundamental freedoms in the Asian region by:

- providing accurate and timely information and complaints to the National Human Rights Institutions, the United Nations bodies and mechanisms as appropriate;
- conducting investigation, research, campaigning and lobbying on country situations or individual cases;
- increasing the capacity of human rights defenders and civil society groups through relevant trainings on the use of national and international human rights procedures;
- providing input into international standard-setting processes on human rights;
- providing legal, political and practical advice according to the needs of human rights defenders and civil society groups; and
- by securing the economic, social and cultural rights through rights-based approaches to development.