Closing Civic Space in India  
Targeting Minorities amid Democratic Backsliding  

Citizens Against Hate, India¹

Introduction
Civic space—defined as the environment that allows civil society organisations to organise, participate, and communicate without hindrance—has been a contested but vibrant space in India. With an estimated three-million-plus civil society organisations (CSOs) and a multitude of social movements working to advance socio-economic and political rights, and holding governments to account, India has historically boasted of an active and vibrant civil society. These have gone hand in hand with and nurtured stable democracy. It is this civil society vibrancy, in addition to its massive population size, that accounts for India’s ‘world’s largest democracy’ label.

Since 2014, these claims have begun to tarnish. The Hindu nationalist Bharatiya Janata Party’s (BJP) ascension to power that year, led by Prime Minister Narendra Modi, has adversely impacted civic space in India, which, we will demonstrate, is shrinking, particularly for the country’s minorities and groups working with them. India’s civil society actors—its human rights lawyers, activists, protesters, academics, journalists, liberal intelligentsia, and others who have spoken out against government excess and majoritarianism—have increasingly been under attack. By almost every internationally measured parameter of civic space

¹ Citizens Against Hate is a Delhi-based collective of individuals and groups committed to a secular, democratic and caring India. Its members are drawn from a wide range of backgrounds—academia, law, business, media and the social sector. See: http://citizensagainsthate.org/.
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and dissent, India’s performance has regressed since 2014, often substantially (Table 1).

The situation turned graver in 2019, when the BJP was re-elected to power despite its previous assaults on civil liberties and its heightened targeting of minorities. This is only partly reflected by CIVICUS’s downgrading of India’s civic space rating in December 2019 from ‘Obstructed’ to ‘Repessed’, and its decision in March 2020 to place India on its Watch List. In the meantime, the BJP government has continued its attempts to silence critics and quell dissent, especially those from minority backgrounds and those speaking on their behalf. Justice institutions, rather than standing as bulwarks against executive excess, might be aiding the process, most recently exemplified by the case of the Supreme Court charging senior advocate Prashant Bhushan with criminal contempt of court for his critical tweets against the Chief Justice of India.

Civic Space, Objectives, and Research

Civic Space and Its Meanings
Civic space has been described as the bedrock of any open and democratic society. When civic space is open, citizens and civil society organisations are able to organise, participate and communicate without hindrance. In doing so, they are able to claim their rights and influence the political and social structures around them. For civic space to be open, thus enabling citizens’ ability to engage in democratic dissent, states must uphold their duty to protect and facilitate citizens’ fundamental rights (i) to associate,

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(ii) assemble peacefully, and (iii) freely express views and opinions. These are the three critical rights that civil society depends upon.

The three rights, also called ‘basic freedoms’, are guaranteed by the Indian constitution.

Article 19(1)(a) guarantees all citizens the right to freedom of speech and expression. Art. 19 (1) (b) enjoins that all citizens have the right to assemble peacefully and without arms. And Art. 19 (1) (c) provides that all citizens have the right to form associations. Civic space rights are also guaranteed by Articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) (1976), to which India is a signatory. It is these rights of citizens that have been under particular attack in India in recent years, that signal India’s democratic backsliding. It is in these circumstances that India is now being called ‘the largest illiberal democracy’.

The three ‘basic freedoms’, and attacks on them, will be the focus of this chapter, as it explores the constricted civic space in India, especially for its religious minorities.

Objectives

This study attempts to explore and document trends in how civic space in India has regressed in recent years, and how that is impacting minorities particularly. Specifically, the study aims to:

- Map emerging trends of the shrinking civic space in India; analyse the reasons for the rapid backslide in recent years; identify measures that are deployed to repress dissent; and also examine how constitutional and legal safeguards built into democratic structures have broken down, enabling the backslide.
- In doing this, also identify the costs of the closing of civic space on minority groups in particular, and on the nation as a whole.

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Methodology and Research
This report on the narrowing civic space in India is exploratory, seeking to map the changing terrain of civic action and expression, especially as it concerns religious minorities, against the backdrop of the rising trend of majoritarian nationalism that also has elements of deepening authoritarianism. It seeks to examine, on each of the three ‘basic freedoms’ of association, peaceful assembly, and expression of opinion, the quality of civic space in the country, and then focus on the closing civic space for minorities, specifically for Muslims in recent months. The report concludes with an examination of the case of Muslim-majority Kashmir as one of near erasure of civic space.

Research for the study involved documenting the hardening of legislative and administrative provisions for regulating non-governmental organisations (NGOs) and their opportunities to finance their activities, including through foreign funding, besides a disproportionate scrutiny of NGO leaders and human rights and information activists. It also explored restrictions placed on citizens’ rights to peaceful assembly and dissent, the use of excessive force, including lethal force to quell protests, and reprisals against human rights defenders (HRD) and dissenters. Research also involved tracking restrictions placed on the press and intimidation of journalists and also restrictions on citizens’ rights to information and transparency. This mapping was conducted along with an examination of how state and society have been mobilised by the ruling dispensation to target democratic dissent and India’s minorities, besides creating a legitimising discourse in support of the anti-democratic measures. Finally, a key informant survey was conducted in August 2020 among key stakeholders—journalists, academics and researchers, retired bureaucrats, rights lawyers and activists, and political commentators—on their perceptions of recent trends in India concerning the three ‘basic freedoms’ (See Annex A at the end of the chapter).

Data collection involved review of the literature—media accounts mostly—but also primary research, examining administrative and court orders, and some interviews with key informants. The key informants were mostly thematic experts as well as NGO and
civic society actors and grassroots HRDs. Accounts of the impact of restrictions on minority groups and defenders, too, relied on a review of the literature, including reports of recent episodes of violence, besides media accounts and interviews.

This introductory section is followed by Section 3, which provides, as background, a broad-brush picture of the narrowing of civic space in the country on the three counts of association, peaceful assembly, and expression. Section 4 is more to the point, seeking to provide an in-depth account of the groundswell of the anti-Citizenship Amendment Act (CAA) protests from late December 2019 and the use of excessive force by authorities to quell it, the former being the high point of civic action by Indian Muslims, with newfound confidence and vigour, and the latter emblematic of harsh measures by the central and some state governments to try to nip in the bud democratic dissent by minorities. These provide lessons for how religious minorities have been a particular target of the narrowing civic space in India. Section 5, on the case of Muslim-majority Kashmir, provides a close look at the travails of civic space in the restive region, historically limited, and since August 2019 experiencing near erasure, with authorities enforcing a months-long communication blackout, resorting to mass detentions, and using excessive force, all to crush dissent. Section 6 concludes with lessons and a set of recommendations.

Narrowing Civic Space in India

Civic space—the space for civil society—in India has, especially since 2014, been under stress with the coming to power of the BJP, a right-of-centre grouping, that has since the late 1980s vocally espoused a Hindumajoritarian vision for the country, striking at the secular and inclusive character of the constitution and polity. It has also driven a neo-liberal agenda, favouring pro-business policies, and is often accused of promoting crony capitalism. In 2014, BJP was voted to power with a clear majority—the first time ever—under Narendra Modi, former chief minister of the western state of Gujarat. Modi has been a controversial figure, accused by civil society groups and minorities for his role in the mass violence in the state in 2002 that resulted in over 2000 deaths, mostly of Muslims.
Gujarat under Modi was also seen as a pro-business bastion. BJP rule since 2014 has seen the parallel strengthening of authoritarian tendencies in India, marked by executive overreach and a weakening of ‘checks and balance’ institutions. A CIVICUS report in 2017 noted how this was impacting citizen’s ability to engage in democratic dissent, concluding that the quality of democracy had shrunk. CSOs that contested the state’s authoritarian practices, the report had noted, were subjected to attacks. These took various forms from denial of registration to CSOs to the withdrawal of permits to others to operate. Targeting the funding of NGOs, CIVICUS found, was a common theme, especially preventing NGOs from receiving foreign funding and suspending accounts of others to prevent them from accessing funds. Groups that stood up to the government’s restrictions faced serious risks: surveillance, threats, and physical attacks, including instances of killings, in attempts to silence them, and send a chilling signal to others. The report also found that the media had often been used to demonise particularly those engaging internationally with smear campaign against activists accused of promoting an anti-national agenda. Journalists were not spared either. Those reporting on government excesses and failures faced intimidation, harassment, and physical attacks. Laws were also often used to restrict freedoms of expressions and online freedoms.

BJP’s attacks against civil society began early in its first term, especially against groups and individuals defending freedoms, standing up to the government’s antipeople policies and practices and majoritarian mobilisation and for the rights of vulnerable groups. In June 2014, the Intelligence Bureau was reported to have submitted a report, titled ‘Impact of NGOs on Development’, to the Prime Minister’s Office where it claimed foreign-funded NGOs

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had impacted GDP growth negatively by 2-3 percentage points. The report particularly named Greenpeace, describing its work as ‘a threat to national economic security’. In February 2016, Prime Minister Modi claimed that he was a victim of an NGO-led conspiracy. Speaking at a public meeting, he complained:

They conspire from morning to night on ‘how do we finish Modi, how do we remove his government, how do we embarrass Modi?’. But my friends, you have voted me to rid the country of these diseases.

These early attacks against civil society actors had raised concerns among UN agencies, who voiced their worry. Authorities have, however, continued to see civil society as a threat, rather than a partner in the democratic process. The targeting has continued. In August 2019, the central government was reported to be ‘quietly’ launching a drive against ‘subversive’ NGOs to tackle dangers of suspicious foreign investments. Authorities were reported to be questioning the issues raised by NGOs as ‘fourth generation warfare’, even insinuating that Pakistan’s spy agencies were ‘targeting civil society groups’ in India. In September 2020, the central government enacted changes to the existing rules for foreign funding of NGOs, in a move that has been described as sounding the ‘death knell’ for the country’s non-profit sector.

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12 Ibid.

13 ‘Why NGOs Fear the New FCRA Regulations’, *India Today*, September 24,
Limiting Right to Association

**NGO Registration**

Authorities have increasingly used a series of measures to target CSOs and limit their activities. The CIVICUS report from 2017 had found that the regulatory regime for CSOs was disproportionate and discriminatory, far stricter than for commercial enterprises. Registration of CSOs had already been an area where restrictions were common. The trend has worsened since 2014 and was noted by 90 per cent of the respondents in the South Asia Collective’s key informant survey conducted in August 2020 (See Annex A at the end of the chapter). In several cases, licences of CSOs have been suspended or revoked, and applications for renewal rejected.

CSOs providing legal aid and support to excluded groups and those experiencing human rights violations, including minorities, Dalits, Adivasi, women and human rights defenders, are the ones targeted the most. Those engaging with international human rights mechanisms to highlight the human rights situation in India have particularly been at the receiving end of the government’s restrictive actions, demonstrating BJP’s scant regard for international human rights regimes, many of which India is a signatory to.

Early in 2020, the central government introduced new regulations providing a shelf life to NGO registration under the Income Tax (IT) Act, making the registration of NGOs under the IT Act valid only for five years, rather than permanently, as was the case before. This implies that the charitable status for registered NGOs—allowing for relaxation in taxation matters, both for the organisation and for donors—was no longer going to be a one-time act, and that NGOs would now need to apply every five years to regain their charitable status for tax purposes, subjecting them to bureaucratic discretion. Under this dispensation, all non-profit organisations in the country were required to apply for fresh registrations under the IT Act by 31 August 2020.

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**Foreign Contribution Registration Act (FCRA)**

Of particular concern to most CSOs has been the working of the FCRA to regulate their right to association.\(^{14}\) Originally enacted in 1976 to curb foreign funding in domestic politics, a more draconian version of the regulation was passed by the Congress-led government in 2010, putting the focus squarely on NGOs, signalling how foreign funding of NGOs has always been targeted in India. The new legislation, which made FCRA registration mandatory for NGOs to receive foreign funding, was put in place after several high-profile environmental organisations came under the scanner for allegedly organising protests against developmental projects. The new FCRA required registrations to be renewed every five years, and also put a cap on the proportion of foreign funds permissible for administrative expenses, essentially allowing authorities to control how NGOs spend their money. The uncertainty and inconsistencies surrounding the procedure for renewal of the FCRA licence has been a major concern for most CSOs.

Since 2014 under the BJP rule, authorities have used the periodic renewal requirement selectively against NGOs working for citizen’s rights and freedoms and seen as working to hold the government to account. Many NGOs have lost their licenses solely due to expiration. CIVICUS reported that between 5 May and 9 June 2015, the government cancelled the registration of 4,470 CSOs for violating the FCRA, on grounds that the CSOs had failed to submit their tax returns.\(^ {15}\) In April 2016, a further 9,000 CSOs had their licences cancelled for FCRA violations.\(^ {16}\) The authorities also

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14 90% of the respondents in the SAC’s key informant survey noted that CSOs have faced further restrictions on the receipt of foreign funds since 2014 (See Annex A at the end of the chapter). Also, G. Sampath, 'Time to Repeal the FCRA', *The Hindu*, December 27, 2016, https://www.thehindu.com/opinion/lead/Time-to-repeal-the-FCRA/article16946222.ece.


indicated that they had handed notices to 10,343 CSOs to submit tax returns dating back to 2009 to 2012, and only 229 had responded to this order.

Particularly targeted have been NGOs at the forefront of human rights work with vulnerable minorities and in defence of freedoms, with foreign funding freezes being the weapon of choice, all in the guise of FCRA regulations. These include Navsarjan Trust, working on caste issues; ANHAD on secularism; Greenpeace India, working on land and forest rights and climate change; and Lawyers Collective, Centre for Promotion of Social Concerns (CPSC), Indian Social Action Forum (INSAF), and Amnesty International, all defending civil and political rights.

The targeting has continued. In December 2019, the government informed parliament that as many as 14,500 NGOs had been barred from accessing foreign funding since 2014. The amount of funds raised by Indian NGOs via FCRA also fell from around USD 2.2 billion in 2018 to USD 295 million in 2019.17 The same year, the central government further tightened the FCRA rules, introducing further restrictions, requiring individual office-bearers of NGOs to declare every five years that they had not been prosecuted or convicted for promoting religious conversions and that they were not likely to engage in ‘propagating sedition’.18 Previously, this was only required of the applicant organisation.

Similar unreasonable elements of the statute had, in 2016, led the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association to note that FCRA was ‘not in conformity with international law, principles and standards’.19

In September 2020, central government enacted further hardening of the FCRA. The new provisions, among other things,

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prohibit the sharing of foreign funds with other organisations or individuals—a move that will hamper the functioning of grassroots organisations—and further restricts the proportion of foreign funds that can be used for administrative expenses, a move that is likely to hit salaries of those engaged in the non-profit sector. It also raises the bar on renewal of registration.

Using Enforcement Agencies to Intimidate
The government has often used its criminal investigative powers—including the Enforcement Directorate (ED), which investigates financial crimes, and the Central Bureau of Investigation (CBI), the country’s premier criminal investigative agency—to target specific NGOs. These have included Lawyers Collective, Centre for Justice and Peace (CJP), and Centre for Protection of Social Concerns (CPSC), all vocal voices against authoritarianism and in support of individual freedoms (See Annex C at the end of the chapter). The ED and CBI have often been misused by governments in power to target political and ideological adversaries, leading the Indian Supreme Court to once term the CBI as a ‘caged parrot’.20 For the government to deploy criminal investigation agencies against NGOs working to uphold freedoms and liberty, to implicate them in fabricated cases, with the intention to browbeat them says much about authorities’ intentions and methods. These ‘raids’ as they are termed, by elite investigation agencies, in leaked reports to a compliant media have the intended chilling effect on the rest of civil society, besides the effect they have on the NGOs and activists in question.

A Climate of Fear for Human Rights Workers
Along with attempts to prevent groups working on critical needs, human rights workers have also reported being subject to a campaign of threats and intimidation, by state agencies and ideological groups aligned to them. Prominent activists and human rights workers have faced threats. These have included Soni Sori

(2016) working on Adivasi rights and Bela Bhatia (2017) also working with Adivasis in Chattisgarh state, and Teesta Setalvad, since 2014, for her work with the survivors of communal violence in Gujarat. Surveillance has been a common tool. Snooping attempts against journalists, lawyers, academics, and activists by possible government-backed actors were recently revealed by Amnesty, Google, and WhatsApp. Digital forensic examinations revealed that such operations have possibly led to the remote planting of evidence for use during fabricated prosecutions. Ordinary provisions in the Information Technology Act and the Telegraph Act also empower authorities to engage in widespread surveillance, with a recent report revealing that more than 100,000 phone interception orders are issued every year. India’s surveillance regime, the report noted, is ‘opaque’, ‘run solely by the Executive’ and contains ‘no provisions for independent oversight’.

Curtailing Freedom of Expression and Opinion

**Attacks on Journalists and Activists**

India’s performance in global press freedom indices has historically been among the worst in the democratic world (Table 1). In 2020, the Paris-based media network Reporters Sans Frontier (RSF) noted that Prime Minister Modi had ‘tightened his grip’ over the media.

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24 Ibid.
and forced it to ‘toe the Hindu nationalist government’s line’.\textsuperscript{25} India has seen a number of violent attacks against journalists who have reported against powerful state and corporate interests. These have resulted in at least 18 killings since 2014, including that of Gauri Lankesh, a high-profile critic of right-wing Hindu extremism.\textsuperscript{26} Lankesh’s assassins, who shot her dead outside her home, were later linked to at least one other high-profile assassination of critics of Hindu nationalism.\textsuperscript{27}

India’s journalists have increasingly been the targets of doctored prosecutions as well. A recent report revealed that during the national Covid-19 lockdown between 25 March and 31 May 2020, at least 55 Indian journalists faced arrest, physical assaults, destruction of property, threats, or registration of FIRs.\textsuperscript{28} On 13 May, the Editors Guild of India condemned a ‘growing pattern of misuse of criminal laws to intimidate journalists in different parts of the country’. This included Sidharth Vardarajan, the editor of The Wire—an electronic media platform seen to be critical of government—\textsuperscript{29} and most recently, Prashant Kanojia, who was arrested for allegedly tweeting objectionably against a Hindutva leader.\textsuperscript{30} Journalists who do not toe the government line, especially women, are frequently the victims of online harassment campaigns. Rana Ayyub, a reporter who has written on Modi’s and Home Minister Amit Shah’s alleged


\textsuperscript{26} Ibid.


culpability in the 2002 Gujarat riots, found herself on a global list of 10 journalists presently in danger.  
There was unanimous agreement among the journalists who participated in the SAC’s key informant survey that Indian journalists now largely engage in self-censorship while reporting on politically sensitive issues (See Annex A at the end of the chapter).

**Restricting Access to Information**
Access to information has also been affected, with the Delhi-based Software Freedom Law Centre reporting that India has seen a dramatic rise in yearly internet shutdowns, from six times in 2014 to 106 in 2019.  
The Indian government has also been noted to make the most number of content takedown requests to social media platforms, and at least 50 people—mostly Muslims—were arrested for social media posts in just 2017 and 2018 alone.  
In July 2019, India’s vaunted Right to Information (RTI) Act—ranked the seventh strongest in the world—was tampered with, with the tenures and salaries of the Chief Information Commissioner (CIC) and the State Information Commissioners brought under the control of the central government, a move that could potentially

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32 'Internet Shutdown Tracker', Software Freedom Law Center, accessed July 16, 2020, [https://internetshutdowns.in](https://internetshutdowns.in).
make them susceptible to political pressure. Regardless of the robustness of the legislation, India’s information activists continue to operate in a highly hostile environment. A Commonwealth Human Rights Initiative (CHRI) tracker recorded 86 murders of India’s RTI activists since its enactment in 2005, with 44 (51 per cent) occurring since the assumption of power by the BJP in 2014.\footnote{Hall of Shame—Mapping Attacks on RTI Users, Commonwealth Human Rights Initiative, accessed July 16, 2020, http://attackonrtiusers.org/Home/Issue/} 

\textbf{Censoring Inconvenient Platforms, Providing Free Ride to Hate Amplifiers}

Instances of censorship of TV news channels have also come to light, the most recent example being the temporary bans on two Kerala-based channels for being ‘critical towards Delhi Police and RSS’ during its coverage of the anti-Muslim violence in Delhi in February 2020. Earlier, in 2016, the Indian government ordered a one-day ban on NDTV India—a Hindi news channel known for being critical of the BJP—for revealing ‘strategically sensitive information’ during its coverage of a militant attack on an Indian army base.\footnote{Why Was NDTV India Banned and What Does the Law Say? Hindustan Times, November 5, 2016, https://www.hindustantimes.com/india-news/why-was-ndtv-india-banned-and-what-does-the-law-say/story-Rp7ovyYz0MFzbV6omyMnbO.html.} All three bans were revoked, but there have not been any instances of similar actions being taken against pro-BJP channels that regularly broadcast hateful content. Despite their often violating broadcast norms, no restrictions have been placed on these media houses by authorities, rather they have been rewarded, with, among other things, increased access in the form of ‘exclusive interviews’ and increased government advertisement spending.\footnote{Praveen Donthi, ‘The Image Makers: How ANI Reports the Government’s Version of Truth, The Caravan, March 1, 2019, https://caravanmagazine.in/reportage/ani-reports-government-version-truth.} Critical media on the other hand, such as NDTV, saw four residences and offices connected to its owners being raided in 2017 over financial fraud allegations. Earlier, NDTV was reportedly forced to lay off a fourth of its staff after government advertisements—a significant chunk of most news outlets’ revenue—were withdrawn. Withholding of government advertisement has been used to target other critics. 


as well. With critics facing pushback and friendly media outlets being rewarded, observers have noted that the major players in India’s print and broadcast media landscape no longer represent a wide range of political perspectives (See Annex A at the end of the chapter).

**Attacks on Academic Freedoms**

Universities, especially those with a reputation for fostering enquiry and independence, too, have been targeted. An academic and observer noted that the BJP government has made a concerted attempt to curb academic freedom:

Universities have been under attack, especially those engaged in critical thinking and research—particularly universities like JNU whose faculty and students have criticised the ruling dispensation.  

Another teacher at a publicly funded university said that university teachers who refuse to toe the government line have faced other forms of pushback:

At central universities that have off-campuses, teachers are often threatened with the possibility of transfers to far-off places like Kashmir, Kerala and Lucknow. Promotions are also withheld.

The academic pointed out that beyond such overt targeting, the government has also heavily slashed funding for higher education, from 0.6 per cent of GDP in 2013-14 to 0.2 per cent in 2018-19. This has coincided with the continuing rise of the Akhil Bharatiya Vidyarthi Parishad (ABVP), the student wing of the ruling BJP and

38 An academic and observer, email interview, New Delhi, June 24, 2020.
39 <name withheld>, personal interview, New Delhi, June 25, 2020.
40 An academic and observer, email interview, New Delhi, June 24, 2020.
the Hindu nationalist Rashtriya Swayamsevak Sangh (RSS). ABVP has often been reported to have unleashed violence in university campuses. 41

Curtailing Freedom of Assembly and Protest

Although the right to peaceful assembly and protest has been guaranteed under Article 19(1)(b) of the Indian constitution, it is not unqualified. The ‘reasonable restriction’ provision, followed by court rulings, have historically allowed authorities to impose checks, including by resorting frequently to penal code provisions (Section 144 of the Code of Criminal Procedure 1973) to prevent free exercise of the constitutional right. Right to protest today is an endangered right in India. Since 2014, India has seen several examples of the state—particularly in states where the BJP is in power, or where the BJP has control over police forces—preventing peaceful protests, and cracking down on dissenters even where those were peaceful. These included country-wide protests by workers against repressive labour laws and economic policies. In July 2016, Dalits protested against the lynching of seven Dalit persons by cow-vigilante groups in Una city in Gujarat. In April 2018, country-wide protests were held against the Supreme Court’s order diluting the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, the principal hate and atrocity crime law in the country. In November 2019, Adivasis protested in Delhi against the Supreme Court’s decision ordering the eviction of more than a million forest-dwellers from forest land. Earlier, in January 2018, a celebratory gathering by Dalits in Bhima Koregaon in Maharashtra came under attack allegedly by a Hindutva mob, and subsequent protests resulted in one death and over 300 arrests. 42 And in May 2018, in Thoothukudi district in Tamil Nadu,


13 persons were shot dead and hundreds injured by the police while peacefully protesting against a copper smelting plant owned by a subsidiary of industrial giant Vedanta. Authorities, especially in BJP-ruled states, have followed a pattern across these protests to try to prevent this exercise of freedom of peaceful assembly. Prohibitory orders on gatherings were regularly coupled with blanket internet shutdowns, before unleashing excessive force on protesters, resulting in much violence, including fatalities.

Observers say that although no new laws have been enacted, there is now a greater inclination towards the abuse of existing laws that have historically allowed governments to crack down on dissent. Courts interpreting the constitutional rights of free expression, association, and peaceful assembly as all being subject to ‘reasonable restrictions’ have aided in this restriction. ‘In its second term, after being voted back to power in 2019, with a bigger majority, the BJP government seems to have sharpened the securitisation of laws, frameworks and policies’, noted an academic, a point echoed by a Delhi-based lawyer, who concurs, ‘...there is a definite policy shift. There is an unspoken directive to use the law in a particular way that results in the consolidation of power.’ Some of the oft-used and abused laws are discussed next.

Section 144 is a colonial-era provision of the Code of Criminal Procedure (CrPC), providing officials the authority to prohibit the assembly of five or more persons within their jurisdiction in exigent circumstances. This provision, which is authorities’ go-to provision to prevent protests, was used heavily to crack down on protests against CAA and in Kashmir to silence protests against the revocation of autonomy.

Prohibitory orders under Section 144 have increasingly been imposed in conjunction with internet shutdowns—a phenomenon

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44 An academic and observer, email interview, New Delhi, June 24, 2020.

45 A Supreme Court lawyer, email interview, New Delhi, June 23, 2020.
that received procedural backing in 2017.\textsuperscript{46} Despite experts and studies warning that internet shutdowns, in fact, ‘encourage a tactical shift to (protest) strategies that are less orderly, more chaotic and more violent’,\textsuperscript{47} India continues to impose more internet shutdowns than any other democracy in the world.

Authorities often use serious provisions of the penal code to quell dissent. India’s colonial-era sedition law (Section 124A of the Indian Penal Code), once described by Gandhi as ‘the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen’,\textsuperscript{48} has been consistently used to suppress dissent. An analysis in 2019 showed a spike in sedition arrests since the beginning of 2014, with 58, 73, and 48 fresh instances recorded in 2014, 2015 and 2016 respectively.\textsuperscript{49} More recent examples of sedition arrests include that of Sharjeel Imam and Amulya Leone, both students who had made speeches against the CAA (See Annex B at the end of the chapter).

There are other draconian laws often deployed by authorities against dissidents and human rights workers, most notably the Unlawful Activities (Prevention) Act (UAPA) and the National Security Act (NSA), and sedition provisions of the Indian Penal Code (IPC), all potentially inviting life imprisonment. The UAPA particularly has draconian procedural provisions, including extended police and judicial custody, no right of bail, and reversal of burden of proof. Authorities have of late been increasingly resorting to the UAPA—India’s principal anti-terror law—to


\textsuperscript{47} Jan Ryzdak, ‘In Times of Unrest, Social Media Shutdowns Endanger Public Safety’, \textit{The Wire}, May 2, 2019, \url{https://science.thewire.in/culture/media/crisis-social-media-shutdowns-public-safety/}.


‘exterminate both dissent and dissenters’. An amendment to the law in 2019 gives the state the authority to declare individuals terrorists and seize their properties even before their guilt has been established by a court of law. UAPA provisions have been invoked to detain dissenters protesting atrocities against Dalit and Adivasi, as well as against the CAA, among others, often just for making peaceful speeches.

Elsewhere, dissenters have faced the NSA, a preventive detention law against disrupting national security and public order, that allows police to detain one without charge for up to a year. In recent times, Kafeel Khan, a prominent Muslim voice, and Chandra Sekhar Azad, a Dalit leader, have both been held under the NSA, both in BJP-ruled Uttar Pradesh. Amnesty International recently noted that those charged under these anti-democratic laws are rarely convicted. However, the judicial process itself is considered punishment enough. By the time the accused are acquitted or discharged, ‘their lives and careers have long been ruined, given their prolonged incarceration and persecution at the hands of the state’.

The Closing of Civic Space for Minorities

If civic space has been narrowing for citizens as a whole, for religious minorities, especially Muslims and those working with them, there seems to have been attempts recently to effectively close it off. This was confirmed nearly unanimously by participants in the key informant survey (See Annex A at the end of the chapter). Participation, including in the political and economic spheres,

among Muslims has historically been limited. This is attributed to various causes, among them the poor ability of Muslim citizens and Muslim-focused CSOs to organise, participate and communicate without hindrance. This has resulted in their limited ability to claim rights as equal citizens and influence the political and social structures around them. Part of the problem has been the narrow policy focus for ‘Muslim’ outcomes, despite ample evidence to show poor performance on all counts of development, including by the government-appointed Sachar Committee in 2006. The upshot of these barriers has been the poor access to resources and capacity for Muslim citizens and groups. Often, policy-making has also been hostile to a Muslim focus. The result of these ambiguous efforts has been along the expected lines—with little improvement in the condition of marginalised Muslims.

Similarly, Muslim representation in state structures has always been poor. A stock-taking of Muslim representation in decision-making positions across several sectors makes for a depressing reading. Against a 14 per cent share of the national population, Muslim representation in the lower house of the parliament is currently 4.9 per cent. Similar is the situation among the permanent


55 A study of over 350 NGOs working with Muslims from across eight states revealed that while over 70 per cent of NGOs headed by non-Muslims had access to international funds, only 30.5 per cent of those headed by Muslims had similar access. Likewise, nearly 50 per cent of NGOs headed by non-Muslims had accessed Indian donor agencies, while just over 21 per cent of Muslim-headed NGOs have this access. See Farah Naqvi, Working With Muslims: Beyond Burqa and Triple Talaq (Gurgaon: Three Essays Collective, 2018).

56 Research has shown, for instance, that implementation of Multi-sectoral Development Programme (MSDP)—the flagship minority development programme created out of the Sachar Committee process—is seen to be labouring between seeking to fill development gaps suffered by Muslims/Muslim concentrated pockets and the desire of authorities not to be seen to cater exclusively to Muslim needs.

See Centre for Equity Studies, Promises to Keep—Investigating Government’s Response to Sachar Committee Recommendations (New Delhi: Centre for Equity Studies, 2011.

bureaucracy: only 3.7 per cent successful entrants to the central civil service in its last round of recruitment were Muslim, while none of the over 28 state police chiefs and state chief secretaries, the senior-most state-level civil servant, currently, is Muslim. Only one of the 33 judges of the Supreme Court is Muslim, whilst there is no Muslim member on the board of governors of India’s top professional colleges (Indian Institutes of Technology, Indian Institutes of Management, and All India Institute of Medical Sciences). There is similar zero Muslim representation on the board of top corporations, banks, public sector enterprises, as well as media houses (print as well as TV).\(^5\) As data on representation in the parliament and public sector jobs shows, these current trends are more the norm, historically, than exception.

Poor participation and representation have negatively impacted realisation of democracy among and for Muslims. Citizen activism, public vigilance, informed public opinion, and social associations among Muslims—all markers of robust civic space—have historically been poor as a result. Mobilisation against authoritarianism too has been weak, despite long-standing discrimination and a history of violence, targeting Muslims.\(^5\)

BJP’s assuming power nationally in 2014 unveiled a new and now frontal attack on religious minorities and other vulnerable groups. This has had a chilling effect on civic space for Muslims and Muslim-community-based organisations and activists specifically. Hate crimes against minorities have seen a spike—taking the form of mob lynching and vigilante violence against Muslims, Christians, and Dalits. BJP also strengthened and expanded a series of discriminatory laws and measures that target religious minorities. These include anti-conversion laws, blamed by human rights groups for empowering Hindutva groups to ‘conduct campaigns of harassment, social exclusion and violence against Christians,


Muslims, and other religious minorities across the country’. Laws ostensibly meant for the protection of cows continue to provide institutional backing for similar campaigns against Muslims and Dalits. In Assam, the publication of the draft National Register of Citizens (NRC) in July 2018—through an administrative process rife with discriminatory procedures and practices, aimed at weeding out ‘foreigners’—left over 1.9 million persons facing the possibility of mass disenfranchisement. Muslims were feared to be its principal victims.

The situation has exacerbated significantly since BJP returned to power with a ‘brute majority’ in May 2019. In quick succession, it enacted a slew of measures aimed at signalling to Muslims particularly its will to brutally subjugate. First was the outlawing of a form of instant divorce, which in the process made it easier to criminalise Muslim men. Next was the abrogation of Article 370 of the constitution, taking away the autonomy of Jammu and Kashmir, the only Muslim-majority state in the country. Soon after, final NRC for Assam was published in August 2020, leaving out 1.9 million persons, ratcheting up fears of mass statelessness in Assam. BJP leaders also claimed credit for the final judgement delivered by the Supreme Court in the long-standing dispute to a claim to the site of the demolished Babri mosque in the city of Ayodhya in Uttar Pradesh, having been settled in favour of Hindu parties that had demolished the mosque in 1992. These discriminatory measures were accompanied by authorities signalling that they would not tolerate any expressions of opposition against the measures that were patently illiberal. The Babri Masjid verdict of the Supreme

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61 Triple talaq, a form of unilateral divorce that allowed Muslim men to divorce their wives by uttering the word ‘talaq’ thrice, was declared unconstitutional by the Supreme Court in 2017. A law enacted in 2019 went a step further and criminalised triple talaq, prescribing a jail term for up to 3 years for men who engage in the practice.

62 It was claimed that the Babri Mosque had been built centuries ago by demolishing a structure of Hindu significance at the exact site of Lord Rama’s birth place. In its judgement the Supreme Court of India held the demolition illegal.
Court was followed by days of imposition of curfews in large parts of Uttar Pradesh, invoking the colonial era Section 144 CrPC, to prevent protests.

In December 2019, an amendment in the Citizenship Act was passed, which opened a pathway for a category of illegal immigrants from neighbouring countries, but specifically leaving out Muslims. In the run up to the legislation, the government also announced plans to create a National Register of Indian Citizens (NRIC)—essentially an extension of the Assam NRC to the whole of the country—with senior functionaries and party leaders making much of their assurance to those who would be excluded from the NRIC to make use of the provisions of the Citizenship Amendment Act 2019 (CAA), towards reclaiming Indian citizenship, whilst ‘Muslim infiltrators’ would be detained and deported. The CAA has been described by the UN as ‘fundamentally discriminatory’ besides falling foul of India’s secular constitution. It has been identified as having the potential to cause mass statelessness.

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63 Hindus, Buddhists, Jains, Sikhs, Parsis and Christians from three Muslim majority community Pakistan, Afghanistan and Bangladesh.

among India’s 200-million-strong Muslim community, when worked together with the NRIC.65

The potential dangers of the CAA-NRIC nexus galvanised India’s Muslims and led to widespread protests against the measures across the country. Sparked by anti-CAA/NRIC protests by students in Delhi that were met with brute force by authorities, mass demonstrations soon spread to the rest of India. Shaheen Bagh, a poor Muslim ghetto in capital Delhi, where a spontaneous sit-in protest was first organised in December 2019, became the proverbial bastion of resistance against CAA-NRIC, with women leading the effort, inspiring similar sit-ins in Muslim concentrations across the country. Many hailed the anti-CAA/NRIC mass resistance as a ‘political awakening’,66 and Shaheen Bagh as ‘the beating heart of India’s democracy’.67 These Muslim-led protests, with majority of participants being women, in towns big and small and villages, supported by a coalition of progressive student and civil society groups and opposition parties, became—for as long as they lasted anyway—occasions for citizens to reclaim the idea of India as a secular democratic republic, amid the majoritarian upsurge. Claiming their Indian citizenship in the most visible manner, as Muslims and as Indians, protesters not just demanded abrogation of the CAA, but also their rights as equal citizens to participate in the political process. Shaheen Bagh was celebrated as the moment when Indian Muslims dared to find their voice, against further marginalisation. It was also hailed as ‘India’s civil society moment’.68

Using Excessive Force to Shut Down Dissent

These assertions by and outpourings of support of Muslim rights saw swift and violent retaliation by the state, demonstrating the traditional hostility against Muslim assertion, only without any mitigation now. In Assam, the first state to witness anti-CAA protests, at least five persons were killed in police firings. Internet services were also blocked for over a week. In Karnataka, two protesters were shot dead by the police, who also reportedly lobbed tear gas shells inside a hospital. The BJP is in power in both Assam and Karnataka. At the same time, student protesters were also targeted. On 15 December 2019, police forces in the states of Uttar Pradesh (UP) and Delhi—where the police is under the control of the BJP-ruled central government—almost simultaneously stormed the campuses of Aligarh Muslim University (AMU) and Jamia Millia Islamia, the country’s two premier Muslim universities that have been the vanguard of the national movement against the CAA/NRIC. After attacking students with batons, tear gas shells, and live bullets, resulting in scores injured at both universities, the police detained hundreds of protesters. And then, all over UP, the Muslim community became the target of a brutal campaign.


to ‘silence’ opponents of the CAA. Protesters faced a heavy-handed police response with excessive use of force that resulted in numerous deaths and injuries. The closing of civic space in Uttar Pradesh was a textbook case.

**Restrictions on Information, Expression, and Assembly**

Just after CAA 2019 was passed on 12 December 2019, large parts of UP, especially its Muslim concentrations in western and central districts of Bijnor, Firozabad, Kanpur, Meerut, Muzaffarnagar, Rampur, Sambhal, and the capital Lucknow were put under communication lockdown. Restrictions on assembly and movement were imposed, through orders passed under Section 144 of CrPC. Internet services were suspended in various districts. Protests at AMU, and later in Lucknow, were met with disproportionate brutal force. Public warnings, house arrests, and preventive detentions were then carried out against persons the authorities accused of coordinating the protests.

On and after 20 December 2019, the first Friday after the CAA 2019 became law, and when nation-wide peaceful protests were planned, police reprisals against protesters in UP was swift and led to violent consequences. The UP Police ordered checking and frisking around mosques, resorted to baton charge without provocation, and used tear gas shells and stun grenades indiscriminately. According to eyewitness and survivor testimonies, police personnel shot live bullets at protesters. Police firing resulted in at least 22 deaths and several grievous injuries across several districts. A recently released police investigation has given a ‘clean chit’ to the policemen.

**Reprisals and Subversion of Justice**

Following the protests in several UP towns, policemen, allegedly accompanied by right-wing activists belonging to the RSS and

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its affiliates, ransacked homes and destroyed private property in Muslim neighbourhoods in a number of cities to target what they called were violent protesters.\textsuperscript{73} In Muzaffarnagar, they also attacked an Islamic seminary, ransacked the property, beat up its staff members and students, and arrested 55 persons. At least 14 were minors, all under the age of 18. Across the state, the police also arbitrarily detained several individuals, including children, and allegedly tortured them. Several prominent HRDs were arrested and booked under various charges.\textsuperscript{74}

In post-violence crackdown, purportedly to exact ‘revenge’,\textsuperscript{75} as the UP Chief Minister (CM) Yogi Adityanath had publicly promised, the UP Police detained individuals arbitrarily, followed by invoking serious charges against them. This included, in several instances, children, in complete violation of provisions of the Juvenile Justice Act 2015. There has been widespread complaint of custodial torture and inhumane treatment, including beatings as well as food, water, and sleep deprivation. Authorities also sealed shops and properties of those accused of involvement in protests and issued notices for the recovery of damages from others accused of having destroyed public property. Authorities are trying to intimidate citizens in an effort to prevent further protests against CAA 2019, and to cover up police’s crimes, most recently in Lucknow.\textsuperscript{76}

\textbf{Delhi: Criminalising Peaceful Dissent}

In Delhi, with its large civil society and student bodies, anti-CAA protests continued well after the crackdown in Uttar Pradesh, despite authorities’ efforts to quell them. Elections to the Delhi


\textsuperscript{74} Citizens Against Hate, \textit{Everyone Has Been Silenced}.


state assembly in February 2020, provided BJP an opportunity to target anti-CAA protests by trying to delegitimise the protests, through communal polarisation. Throughout the campaign period, from mid-January 2020 onwards, BJP leaders, including senior ministers and parliamentarians, resorted to crude ‘dog whistles’, seeking votes for the party by reviling Muslims and those protesting against CAA 2019, calling them ‘anti-nationals’, ‘traitors’, and ‘terrorists’. Though the party lost the state elections badly, the Islamophobic tenor of the campaign created a fertile ground for subsequent targeting of Muslims. Media and social networks were used extensively.

The spark that triggered the violence in the North East district of Delhi soon after in February 2020 was lit in the form of a public threat by a BJP leader Kapil Mishra to Delhi Police to physically vacate an anti-CAA protest site in the district, or face consequences. Mishra’s workers, with support of the police, attacked anti-CAA protesters at several sites, triggering the violence beginning on 23 February 2020. Several media reports have revealed the active complicity of Delhi Police in targeting of Muslims. The three-day frenzy, marked by widespread rioting, arson, looting and property destruction, resulted in at least 53 deaths, including that of 34 Muslims, and several places of worship destroyed. Anti-CAA protests continued till late March 2020, when security forces used the opportunity provided by the Covid-19 pandemic to dismantle the protest sites.

**Crackdown Against Activists and CSOs**

In almost all the above instances, the use of excessive force has been followed by fabricated prosecutions under various sections of the law, including anti-terror and sedition laws. This was most

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obviously evident in Delhi violence, with hundreds of working-class Muslims and several youth activists—including women and students, even doctors and community kitchen operators involved in providing humanitarian assistance—being arrested, charged in fabricated cases, including for terror-related offences. At the time of finishing this report, at least nine activists are in custody, all have been denied (See Annex B at the end of the chapter).

Authorities are able to do this by abusing the criminal justice system and forgoing due process. Connecting all Delhi arrests is the First Information Report # 59/2020 of the Delhi Police’s Crime Branch, registered a good two weeks after the violence. The account in the FIR seeks to attribute the violence to a pre-planned conspiracy by Muslim youth and their organisations spearheading the anti-CAA protests, including the Jamia Coordination Committee (JCC), Pinjra Tod, and Popular Front of India (PFI).80 There is a clear intent to criminalise the peaceful anti-CAA protests while whitewashing the well-documented role of BJP legislators and Hindu extremist groups in the violence. Armed with the fabricated FIR and a complicit judiciary, authorities have been arresting and detaining activists under harsh penal provisions such as the UAPA and ‘sedition’ provisions of the IPC. By systematically targeting Muslim youth and using harsh penal provisions that allow indefinite detention without conviction, authorities are seeking to silence the democratic voice that had emerged among Muslims and civil society in India to challenge the democratic backsliding that the CAA-NRIC nexus represented.

The targeted detainees are mostly students from prestigious universities that have, amid the anti-CAA 2019 protests since late December 2019, grown as pro-democracy youth icons, speaking out against discrimination and targeting of beleaguered minorities. All were exercising their democratic right to peaceful assembly and expression, when they led protests and made speeches against CAA 2019 and other discriminatory laws and programmes that seek to deny Muslims rights at par with the rest of citizens. In their speeches they called for Gandhian resistance of non-cooperation

80 The first is an anti-CAA protest coordination group; the second a women’s rights group; and the third a Muslim rights group.
to prevent authorities implementing CAA 2019 and the planned NRIC. They invoked constitutional provisions of equality, non-discrimination, and secularism.

Similar targeting is taking place in Uttar Pradesh. Student X, a student leader and anti-CAA protest organiser at Aligarh Muslim University, who faces more than 70 charges in four different criminal cases for his involvement in anti-CAA protests, noted:

For a long time, the varsity [AMU] has been targeted by the members of the ruling party. Several elected BJP members of parliament hailed our university as ‘nursery of terrorism’. This ‘nursery of terrorism’ pretext was used to launch several attacks by Hindu right-wing groups over the years.81

Following the anti-CAA protests, authorities have targeted office-bearers of the AMU Students’ Union, invoking sedition and murder charges for anti-CAA protests at the university. Student X was arrested shortly after being interviewed for this report and remains in custody as this report is being finalised.82 Other groups that have borne police brutality in UP for their anti-CAA protests include Rihai Manch and Popular Front of India,83 with leaders of the group and other HRDs arrested, and several tortured in custody.

Senior BJP leaders visibly complicit in instigating violence in UP in December 2019 and Delhi in February 2020,84 on the other hand,

81 <name withheld>, email interview, New Delhi, June 17, 2020.
have suffered no retribution. The police refused to even register an FIR against some of the named ones. Further, a police investigation in Delhi has failed to take note of several instances of hate speech by senior BJP leaders that preceded the violence. Authorities have continued to act in violation of rule of law, also because higher courts have refused to rein them in, when approached by victims and affected citizens. This carte blanche has also allowed the police to re-script the account of the anti-Muslim violence in Delhi, in their official recording of it, and resist attempts at transparency in criminal proceedings. Described by independent experts as a pogrom against Muslims, the North East Delhi violence of February 2020 is now being portrayed as a conspiracy by anti-CAA activists and Muslim groups. This criminalisation of the peaceful protests in Delhi and elsewhere that led the mass movement against the discriminatory CAA has had the upshot of effectively silencing dissent.

Chilling Effect on Civil Society Actors—the Closing of Civic Space

The blatant and unabashed targeting of dissidents has had a chilling effect on Indian civil society, especially minority-focused actors. In many ways, this has fundamentally transformed the way in which Indian civil society functions. A journalist and human rights activist who has been recording authoritarian tendencies for almost 50 years, says that what is different now from India’s previous brushes with authoritarianism is the rampancy of impunity:

People are terrified. There is now fear of the state. There is fear of police, fear of CCTVs, fear of Aadhaar, fear of the tower that captures your movement through the movements of your phone. You are to an extent self-immobilised.85

A human rights researcher at a Delhi-based research and advocacy centre, concurs:

Delhi Riots’, HuffPost, July 14, 2020, https://www.huffingtonpost.in/entry/kapilmishra-delhi-police-no-evidence-riots_in_5f0d5509c5b6df6cc0b0aa45.

The threat of criminalisation and the threat of torture has come very close now. It has forced us to think and spend time in securing our behaviour and ourselves. Not just mental resources that are being utilised in terms of anxiety, but also on technology to secure our work. It is quite draining.  

Another human rights researcher noted that there have also been more subtle changes in the dynamics of civic action:

The organising capacity required to carry out even simple things like small fact-finding missions for human rights violations—the simplest things have become not impossible, but more difficult to work with.  

**Courts Failing to Protect ‘Basic Freedoms’**

Observers have noted that the extensive architecture of justice institutions in India—the High Courts and the Supreme Court of India and the National Human Rights Commission (NHRC)—have largely failed to protect both the right to peaceful protest or adequately shield peaceful protestors from excessive force and brutality by the police, in the course of protests across India against the CAA. With a few notable exceptions, neither the courts intervened on their own to restrain the use of excessive force, ensure protests could continue unimpeded, nor held the police personnel accountable. When pushed to intervene, the response was not in keeping with upholding of fundamental rights and holding the state authorities to account. This lethargy by justice institutions has acted as a shield of impunity for authorities and police, encouraging them to brazenly target students, HRDs, and scores of people engaged in peaceful community-led protests.

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87 A human rights researcher, personal interview, New Delhi, June 29, 2020.
88 71% of the respondents in the SAC’s key informant survey disagreed with the assertion that since 2014, Indian courts have issued progressive judgements relating to the freedom of peaceful assembly (See Annex A at the end of the chapter).
Erased Civic Space in Kashmir

Abrogating Laws and Social Contracts
The case of Muslim-majority Kashmir—where regressive constitutional changes in August 2019 were accompanied by a communication blackout, mass detentions, and a movement lockdown—demonstrates how civic space can be sought to be completely erased, within a formal democratic framework. UN experts, raising the issue of the shutdown with the government of India, urged it to ‘end the crackdown on freedom of expression, access to information and peaceful protests’ that they characterised as ‘inconsistent with the fundamental norms of necessity and proportionality’ amounting to ‘a form of collective punishment of the Kashmiri people...without even the pretext of a precipitating offence’.

Civic space in conflict-affected Kashmir has always been restricted. Authorities have relied on extraordinary laws, including the Public Safety Act (PSA) and the UAPA, to detain activists and protesters, imposed Section 144 of CrPC indiscriminately, and frequently resorted to internet shutdowns, recording at least 180 instances of internet blockades since 2012. They have also used ‘less-lethal’ as well as lethal weapons, including pellet guns and live bullets, against protesters among whom were children as well. Extra-judicial executions and enforced disappearances of civilians have been common. All these measures have been aimed at crushing dissent. And authorities have resorted to Armed Forces Special Powers Act (AFSPA), and other regulations, to give themselves protection against any accountability. The most recent round of attacks on ‘basic freedoms’ were, however, quite unlike anything before in their being all-encompassing and systematic.

On 5 August 2019, the central government abruptly and unilaterally revoked Article 370 of the constitution, stripping Jammu

and Kashmir of its nominal autonomy and removed Article 35A, taking away guarantees for the state’s indigenous population.\(^{91}\) This has been a long-standing RSS-BJP agenda, for forcible integration of the restive state, over which India has fought several wars and the UN’s role has been invoked. Recently, several moves by the authorities point to attempts to change the demography of the Muslim-majority state.\(^{92}\) To give effect to the changes and prevent dissent, the authorities took a slew of measures that effectively erased civic space in the state. The revocation of the constitutional provisions, preceded by the mobilisation of thousands of Indian security forces into the region, was accompanied by suspension of all modes of communication, including landline and mobile phones, a press clampdown, largescale arrests and detentions, and lockdown of all movement. These measures led Freedom House in its 2020 report to rate Kashmir as ‘Not Free’ giving it a score of 28 out of 100 (compared to 49 in 2019 when it was marked ‘partly free’).\(^{93}\)

**Abrogating ‘Basic Freedoms’**

*Communication Blackout; Speech and Expression Restricted*

The changed administrative status was accompanied by an almost total communications blackout, including shutdown of telephone and internet services, as well as cable and television channels. Late in 2019, landline phone service and some mobile service were restored. Broadband and mobile data services were blocked for over four months.\(^{94}\) It was only in January 2020 that restricted access to internet was allowed, with some 1674 ‘whitelisted’ websites

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91 The former guaranteed a degree of autonomy for the state, the latter provided rights for indigenous residents of the state.
being made available to users. All social media sites including Facebook and WhatsApp were banned for common people. This was ostensibly to curb their misuse by ‘miscreants for propagating false information and rumours’. Any criminal charges under the misuse were under the draconian UAPA. Penal action continues to be taken for misusing social media, with two minors charged in March 2020, one under UAPA. Internet restrictions have been eased now, but access to high-speed mobile internet remains restricted to this day, with most areas only having 2G connectivity. Kashmir has earned the notoriety of experiencing the world’s longest internet shutdown in a democracy.

Restrictive measures also included frequent use of long curfews and movement restrictions, making it difficult for newspapers to operate. But press freedom has been restricted more directly as well. Journalists speak of extensive control by authorities of the material that is published, including scrutiny of content, occasional interrogations, as well as through leveraging of advertising revenue. There seems a concerted campaign by the authorities to prevent publication of any news that might be construed as being in opposition to the official line. Several journalists have been booked over the past months, all under UAPA provisions: for posting ‘incriminating material’, for publishing ‘fake news’, and for ‘glorifying terrorism’. Freedom of press has come under serious threat, with the government announcing a ‘media policy’


in June 2020 that seeks to regulate media reporting, empowering authorities to decide what is ‘anti-social’ and ‘anti-national’ news, and prescribing action against outlets deemed to be publishing ‘objectionable’ news. Once de-empanelled, outlets face restrictions on receiving government advertisement as well as potential criminal proceedings.99

Shutting Down Association and Assembly
Abrogation of Article 370 was followed by ‘preventive’ detention of thousands of persons, particularly politicians, community leaders, business associations, civil society members, and the youth. The idea, it seems, was to remove, at one go, the entire civic leadership of the state, and anyone able to influence public opinion, organise populations, and raise voice. This included three former elected Chief Ministers (CMs), members of ‘mainstream’ and ‘separatist’ political parties, bar association leaders, and heads of traders’ associations among others.100 Civil society groups claim the number of those detained since August 2019 is close to 8,000.101 Increasingly many arrested persons have been booked under PSA that allows for ‘preventive detention’ (merely on the suspicion of committing a crime), without charge or trial for up to two years.

A large number of youth, many of them minors (under 18), have also been detained periodically in police stations, without formal charge to prevent their participation in protests. According to the National Federation of Indian Women 13,000 children were

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detained in Kashmir in the early months of the lockdown.\textsuperscript{102} Other reports confirm these accounts.\textsuperscript{103} While many of those arrested in August 2019 have now been released, a large number continue to remain in detention, lodged in prisons including outside Kashmir,\textsuperscript{104} mostly in Delhi and Agra, far from home. The detention of Mehbooba Mufti, an ex-state CM and other senior politicians have also been recently extended.\textsuperscript{105}

Mass detention has resulted in the near-total suspension of all political activity in Kashmir. A senior politician and former state minister, recently released from preventive detention under the PSA after nine months, claimed he was repeatedly asked to quit political activity in exchange for freedom from detention.\textsuperscript{106} The months following the abrogation have also seen a ban on gatherings, both political and religious, the latter including Eid (August 2019), Muharram (September 2019), and Miladun Nabi (November 2019). In addition, apart from the usual restrictions on congregations and processions, authorities have also imposed late-night curfews. These amount to denial of rights of persons to practise their religion.

\textit{Excessive Force against Protesters (Non-Lethal and Lethal)}

Despite attempts to prevent dissent, when protests have been successfully conducted, authorities have cracked down, tear-gassing, pepper-spraying, beating and chasing away protesters.

\begin{itemize}
\item \textsuperscript{102} ‘Young Boys Tortured in Kashmir Clampdown as New Figures Show 13,000 Teenagers Arrested’, \textit{The Telegraph}, September 25, 2019, \url{https://www.telegraph.co.uk/news/2019/09/25/young-boys-tortured-kashmir-clampdown-new-figures-show-13000/}.
\item \textsuperscript{103} ‘Kashmir Caged’, \textit{NewsClick}, August 14, 2019, \url{https://www.newsclick.in/kashmir-caged}.
\end{itemize}
Pellet shotguns have been reported to be used, as security forces’ weapon of choice to contain the protests in the time since the clampdown in Kashmir. Pellet guns are considered ‘non-lethal’, but in reality cause serious injuries notably to the eyes, in a very large number of cases causing permanent blindness. These, besides other physical injuries, have been the cause of the mass injuries reported by protesters in Kashmir, especially since 2016. Soon after the lockdown, Governor Satyapal Malik admitted at a press meet that there were some pellet injuries caused in police action against protesters, the first admission of the use of pellet guns in Kashmir. Meanwhile, live bullets continue to take lives of protesting youth.

Absence of Judicial Relief
Notably, actions to deny ‘basic freedoms’—in effect, erasing of civic space—have been upheld by the judiciary, underlining the zone of exception that operates in Kashmir. Despite mass arbitrary detentions, both the High Court (HC) and the Supreme Court (SC) have been unenthusiastic about taking up habeas corpus applications filed by those seeking these freedoms. According to the Jammu and Kashmir Bar Association—the apex body of the state’s lawyers—of the over 600 habeas corpus petition filed before the HC, less than 1 per cent have been decided to date, resulting in protracted incarcerations. Courts, including the SC, have also not provided any relief on the matter of internet access.


108 In largescale protests across Kashmir following the killing of militant commander, Burhan Wani.


shutdowns. The SC responding to a Public Interest Litigation (PIL), with the hearing held after five months, deemed that access to internet was not an absolute right and could be restricted by the state, including ‘complete prohibition of speech in certain circumstances’.\textsuperscript{112} Similarly, the SC hearing a PIL seeking inquiry into the illegal incarceration of children by security forces since August 2019 dismissed the petition in December 2019, concluding that there had been no illegal detention at all. This was despite the widespread evidence to the contrary, including a report filed by the police that itself reported minors in detention.\textsuperscript{113} Earlier attempts by concerned citizens before the higher courts to ban the use by security forces of pellet guns against unarmed protesters have suffered similar fate in their quest for justice for victims and accountability of duty-bearers.\textsuperscript{114} Failure of the highest courts to act as check against executive overreach in Kashmir, and to defend rights of citizens, means that the people of Kashmir continue to be deprived of their ‘basic freedoms’ of speech and expression, association and assembly, besides their access to services and opportunities, without any hope of redress and justice.

## Conclusion

Civic space is under threat the world over. India’s case is unique in that the ‘unravelling’, as Freedom House recently called the ‘alarming setbacks’, has taken place at an extraordinary pace, over the span of a few years.\textsuperscript{115} That this is happening in ‘the world’s largest democracy’ is especially poignant. Traditionally, political scientists have tended to see the rise in authoritarianism as


\textsuperscript{113} Mahtab Alam, ‘J&K Police Denied Media Reports of Illegal Arrests of Minors. Its Own List is Proof to Contrary’, \textit{The Wire}, November 6, 2019, \url{https://thewire.in/rights/kashmir-minors-2}.


Closing Civic Space in India

reflective of multiple trends: undermining the democratic rules of the game, denial of legitimacy to political opponents, curtailing civil liberties, and deriding of toleration and encouragement to violence.\textsuperscript{116} These are exactly the sorts of democratic backsliding we notice taking place since Narendra Modi took power at the head of the BJP six years ago, hinting at a definite authoritarian drift. That the ‘alarming setbacks’ almost entirely concern India’s largest religious minority points to BJP’s preferred route to consolidating power by targeting minorities and dissenters, besides undermining the opposition and weakening key institutions. In this political project, PM Modi has embraced hardline Hindutva, a choice that has given him much electoral dividends. It is unlikely he will eschew this collaboration soon. This bodes ill for civic space in India and the health of its democracy, and for its minorities.

\textbf{Recommendations}

\textit{For the government of India}

i. Abide by guarantees of expression, assembly and association, contained on Article 19 (1) (a), 19 (1) (b) and 19 (1) (c) respectively of Indian Constitution.

ii. Abide by India’s commitment to relevant international human rights treaties and standards, including Universal Declaration for Human Rights, in particular Articles 19 (right to freedom of opinion and expression) and 20 (right to freedom of peaceful assembly and association) and ICCPR Article 19 (right to opinion and expression) and Article 21 (right to peaceful assembly, without restriction), specifically:

iii. Freedom of Association

- Stop arbitrarily cancelling registration of CSOs and restore those cancelled
- Stop suspending bank accounts of CSOs and freezing funds of CSOs that criticise government and on political grounds

– Amend FCRA to remove provisions that target CSOs arbitrarily and disproportionately.

iv. Protection of HRDs
– Stop harassing and targeting HRDs and activists and misusing the criminal justice system to punish HRDs
– Release all HRDs in detention without conditions
– Provide HRDs a safe environment to work in aid of democracy and for human rights
– Conduct impartial and thorough enquiry into each case of targeting of HRDs and bring perpetrators to account

v. Freedom of assembly
– Stop practice of arbitrary Section 144 orders/denial of permissions to hold protests
– Ban use of excessive force against peaceful protesters
– Ban use of ‘less’ lethal weapons against protesters
– Follow United Nations and Government of India’s guidelines and Ministry of Home Affairs Standard Operating Procedures on use of force against assemblies

vi. Freedom of speech and expression
– Review IPC Sections 124A (sedition) and IT Act to bring them in line with best practices in freedom of expression
– Take steps to protect journalists and ensure they work without fear
– Stop censoring media (traditional and social), and stop Internet shutdowns

For the international community
i. Encourage India to abide by its own constitutional guarantees and its commitments to ICCPR on ‘basic freedoms’ of association, peaceful assembly, and expression.

ii. Encourage India to stop harassing and targeting CSOs, HRDs, journalists, and human rights workers and activists

iii. Encourage India to objectively investigate harassment and targeting of HRDs, activists and journalists and prosecute officials responsible.
Annex A

Assessment of Civic Space in India: Survey Findings

In order to gauge perceptions about the scope for civic action in India since the Narendra Modi-led Bharatiya Janata Party (BJP) government came to power in 2014, a key informant survey was conducted among 41 active civil society actors. The respondents included journalists, academics and researchers, retired bureaucrats, human rights lawyers and activists, and political commentators. Seventy-six per cent of the respondents work or have worked on human- and minority-rights-related issues, 56 per cent identified as female, and 66 per cent as belonging to a minority group (religious, ethnic, or caste).

The respondents were asked a range of questions about recent trends (since 2014) concerning the three basic freedoms: association, expression, and peaceful assembly. Their responses were marked on a 5-point Likert scale. Overall, the survey results painted a troubling picture, with overwhelming agreement among the respondents that civic space in India was closing under Prime Minister Modi’s watch, particularly for the country’s minorities.

Freedom of Association
The survey result reflects a broad consensus among key informants that the BJP government has sought to interfere with the general functioning of civil society organisations (CSOs). The government has particularly resorted to deregistering or limiting registrations of CSOs, and the choking of foreign funds (See Figures 1 and 2).

CSOs have been allowed to receive foreign funding without restriction

<table>
<thead>
<tr>
<th>Percentage</th>
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<tr>
<td>10%</td>
</tr>
<tr>
<td>29%</td>
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<tr>
<td>61%</td>
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</tbody>
</table>

Neither agree or disagree  Disagree  Strongly disagree

Figure 1: Perceptions of Freedom of Association—CSO Functioning
The government has not used its authority to deregister, create issues with deregistering or interfere with the functioning of CSOs.

<table>
<thead>
<tr>
<th></th>
<th>Neither agree or disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>10%</td>
<td>44%</td>
<td>46%</td>
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</tr>
</tbody>
</table>

Figure 2: Perceptions of Freedom of Association—Access to Foreign Funding

**Freedom of Expression**

There was unanimous agreement that freedom of expression has deteriorated under the present government. There was also unanimous agreement that individuals in India are presently not free to express their personal views on sensitive topics (See Figure 3). While India has a large number of media outlets, 93 per cent of the respondents agreed that the country’s major print and broadcast media outlets do not represent a wide range of political perspectives. Ninety-seven per cent of the respondents, including all the journalists surveyed, agreed that there is evidence of self-censorship while reporting on politically sensitive issues.

There have been progressive court judgement relating to the freedom of peaceful assembly

<table>
<thead>
<tr>
<th></th>
<th>Disagree or strongly disagree</th>
<th>Agree or neutral</th>
</tr>
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<tbody>
<tr>
<td>71</td>
<td></td>
<td></td>
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There have been progressive court judgement relating to the freedom of expression

<table>
<thead>
<tr>
<th></th>
<th>Disagree or strongly disagree</th>
<th>Agree or neutral</th>
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<tr>
<td>80</td>
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There have been progressive court judgement relating to the freedom of association

<table>
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<tr>
<th></th>
<th>Disagree or strongly disagree</th>
<th>Agree or neutral</th>
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<tbody>
<tr>
<td>78</td>
<td></td>
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</table>

Figure 3: Perceptions of Freedom of Expression

**Freedom of Peaceful Assembly**

With stories of Indian security forces resorting to excessive force against protesters having emerged recently, all the respondents agreed that the state has not allowed peaceful protests and
demonstrations. All also noted that security forces have resorted to making illegal and arbitrary arrests.

**Judicial Defence of the Three Basic Freedoms**

Respondents generally agreed that the three basic freedoms are promised to Indian citizens by law but were largely disappointed with the Indian judiciary’s inability to defend recent encroachments on the freedoms. There seems to be particular concern about the erosion of freedom of expression, with only 10 per cent of the respondents agreeing that Indian courts have passed progressive judgements upholding these. Indian courts’ efforts to uphold the right to peaceful assembly were slightly more favourably evaluated, perhaps reflecting recent judgements by some lower-level courts upholding the rights of peaceful anti-CAA protesters.

![Figure 4: Perceptions of Judicial Defence of the Three Basic Freedoms](image)

No civil society groups have been specifically targeted because of their activism in support of women, gender and sexual minorities, religious minorities, ethnic minorities and or...

All social groups, as distinguished by religion, caste, ethnicity, race, language or region, enjoy the same level of civil liberties

**Minorities and Minority Rights Defenders Under BJP Rule**

There is Freedom of Religion in practice

![Figure 5: Perceptions of the State of Civil Rights Among Minorities and Minority Rights Groups](image)
The government has allowed religious organisations/groups to function unhindered

<table>
<thead>
<tr>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neither agree or disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>5%</td>
<td>2.5%</td>
<td>44%</td>
<td>44%</td>
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</table>

Figure 6: Perceptions of the State of Freedom of Religion

One hundred percent of respondents answered either strongly disagree or disagree to the following statements:

1. The state has granted media houses, CSOs, academics, human rights defenders or activists full freedom of expression, and
2. Individuals are free to express their personal views on political or other sensitive topics without fear of surveillance or retribution.

Figure 7: Perceptions of Government Interference in the Functioning of Religious Organisations

The respondents unanimously agreed that CSOs and human rights defenders (HRDs) working on minority-related issues have faced specific targeting, with all of them also noting a discernible increase in the number of attacks. The respondents also unanimously noted that India’s minorities have not enjoyed the same level of civil liberties under the present government. Only 10 per cent of the respondents agreed that there is freedom of religion in practice.
## Annex B

A select list of Indian HRDs still under incarceration or till recently under incarceration  
(in alphabetical order of names)

<table>
<thead>
<tr>
<th>SN</th>
<th>Name</th>
<th>Details</th>
</tr>
</thead>
</table>
| 1  | Akhil Gogoi       | • Peasant leader and activist in Assam. Anti-CAA protester.  
|    |                    | • Arrested in December 2019 along with Bitu Sonowal, Dhaijjya Konwar, and Manas Konwar.  
|    |                    | • First person to be charged under the amended Unlawful Activities (Prevention) Act (UAPA).  
|    |                    | • Still in custody.                                                                                                                      |
| 2  | Anand Teltumbde   | • 69-year-old Dalit scholar, writer and activist. Part of the Bhima Koregaon 11.*  
|    |                    | • Arrested in April 2020 under the UAPA. Still in custody.                                                                               |
| 3  | Arun Ferreira     | • Human rights lawyer. Part of the Bhima Koregaon 11.*  
|    |                    | • Arrested in August 2018. Charged under the UAPA. Still in custody.                                                                        |
| 4  | Asif Iqbal Tanha  | • 24-year-old Jamia Milia Islamia student. Target of the Delhi Crackdown.**  
|    |                    | • Arrested in May 2020 and charged under the UAPA. Still in custody.                                                                         |
| 5  | Devangana Kalita  | • Scholar at JNU and women’s rights activist. Target of the Delhi Crackdown.**  
|    |                    | • Arrested in May 2020. Granted bail but re-arrested and charged under the UAPA. Still in custody.                                         |
| 6  | Gautam Navlakha   | • 67-year-old activist and journalist. Part of the Bhima Koregaon 11.*  
<p>|    |                    | • Arrested in August 2018. Charged under the UAPA. Arrest quashed by the Delhi High Court on 1 October 2018. Arrested again in April 2020. Still in custody. |</p>
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<tr>
<th>SN</th>
<th>Name</th>
<th>Details</th>
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</table>
| 7  | Gulfisha Fatima       | • Women’s rights activist. Target of the Delhi Crackdown.**  
|    |                       | • Arrested in April 2020 and charged under the UAPA. Still in custody.                                                              |
| 8  | Ishrat Jahan          | • Former Congress municipal councillor. Target of the Delhi Crackdown.**  
|    |                       | • Arrested in April 2020 and charged under the UAPA. Temporarily released on bail for her wedding. Back in custody.                 |
| 9  | Kafeel Khan           | • Doctor who was acquitted after being falsely accused of medical negligence in August 2017. Anti-CAA protester.  
|    |                       | • Accused of stoking violence at Aligarh Muslim University in December 2019. Granted bail but arrested again and charged under the NSA in February 2020. Released in September 2020 after his detention was declared illegal by the Allahabad High Court. |
| 10 | Khalid Saifi          | • Activist and co-founder of United Against Hate. Target of the Delhi Crackdown.**  
|    |                       | • Arrested in June 2020 and charged under the UAPA. Still in custody.                                                               |
| 11 | Mahesh Raut           | • Tribal rights activist. Part of the Bhima Koregaon 11.*  
|    |                       | • Arrested in June 2018. Charged under the UAPA. Still in custody.                                                                   |
| 12 | Meeran Haider         | • Scholar at Jamia Milia Islamia. Target of the Delhi Crackdown.**  
|    |                       | • Arrested in April 2020 and charged under the UAPA. Still in custody.                                                               |
| 13 | Natasha Narwal        | • Scholar at JNU and women’s rights activist. Target of the Delhi Crackdown.**  
|    |                       | • Arrested in May 2020. Granted bail but re-arrested and charged under the UAPA. Still in custody.                                    |
| 14 | Rona Wilson           | • Prisoners’ rights activist. Part of the Bhima Koregaon 11.*  
|    |                       | • Arrested in June 2018. Charged under the UAPA. Still in custody.                                                                   |
## Closing Civic Space in India

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<th>SN</th>
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| 15 | S.R. Darapuri         | • 77-year-old retired Dalit police officer and Ambedkarite activist. Anti-CAA protester.  
  • Arrested in December 2019. Charged with rioting among others. Released on bail in January 2020 after almost three weeks. |
| 16 | Sadaf Jafar           | • Social activist and actress.  
  • Arrested in December 2019. Charged with rioting among others. Released on bail in January 2020 after almost three weeks. |
| 17 | Safoora Zargar        | • Scholar at Jamia Millia Islamia. Anti-CAA protester.  
  • Target of the Delhi Crackdown. ** Arrested in April 2020 and charged under the UAPA, when she was three months’ pregnant.  
  • Released on bail in June 2020 after over two months in custody. |
| 18 | Sharjeel Imam         | • Scholar at JNU. Target of the Delhi Crackdown. **  
  • Arrested in January 2020 and charged under sedition, UAPA, and others. Still in custody. |
| 19 | Shifa-Ur-Rehman       | • President of the Jamia Millia Alumni Association. Target of the Delhi Crackdown. **  
  • Arrested in April 2020 and charged under the UAPA. Still in custody. |
| 20 | Shoma Sen             | • Professor and Dalit and women’s rights activist. Part of the Bhima Koregaon 11. *  
  • Arrested in June 2018. Charged under the UAPA. Still in custody. |
| 21 | Sudha Bhardwaj        | • Lawyer and tribal rights activist. Part of the Bhima Koregaon 11. *  
  • Arrested in August 2018. Charged under the UAPA. Still in custody. |
| 22 | Sudhir Dhawale        | • Journalist and Dalit rights activist. Part of the Bhima Koregaon 11. *  
  • Arrested in June 2018. Charged under the UAPA. Still in custody. |
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</table>
| 23 | Surendra Gadling         | • Lawyer and Dalit rights activist. Part of the Bhima Koregaon 11.*  
                                 • Arrested in June 2018. Charged under the UAPA. Still in custody.                                        |
| 24 | Thirumurugan Gandhi      | • Tamil rights activist.  
                                 • Arrested in August 2018 after addressing the UNHRC about the shooting of Tamil protesters in Thoothukudi in May 2018. Charged with sedition and under the UAPA. Released in October 2018. Also booked for organising an anti-CAA protest in February 2020. |
| 25 | Varavara Rao             | • 81-year-old activist and poet. Part of the Bhima Koregaon 11.*  
                                 • Arrested in August 2018. Charged under the UAPA. Still in custody.                                        |
| 26 | Vernon Gonsalvez         | • Part of the Bhima Koregaon 11.*  
                                 • Arrested in August 2018. Charged under the UAPA. Denied bail on medical grounds despite suffering from multiple ailments. Still in custody. |
| 27 | Detentions in Kashmir after the abrogation of Article 370 on 5th August 2019. | • The Government of India claimed in parliament on November 20, 2019, that a total of 5,161 persons were detained in Kashmir after the abrogation, out of which 609 remained under detention on that day.  
                                 • Kashmiri lawyers and CSO have contended that these numbers are almost certainly an undercount. An untold number—too many to list here - continue in detention to this day.  
                                 • Those who remained under prolonged detention included three former chief ministers of the erstwhile Jammu & Kashmir state, including a current member of parliament. One ex-Chief Minister remains in detention to this day, as the report goes to print. |

* Bhima Koregaon 11: a group of intellectuals and activists accused of stoking violence at Bhima Koregaon on 1 January 2018, and for hatching a plot to assassinate PM Modi. Since this report was drafted, four more arrests have been reported.

** Delhi Crackdown: an on-going campaign against anti-CAA protesters in Delhi, seeking to portray them as responsible for the violence in February 2020.
## Annex C

A select list of NGOs that have faced targeting in India since 2014

<table>
<thead>
<tr>
<th>SN</th>
<th>Name</th>
<th>Details</th>
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</table>
| 1  | Amnesty International                                  | • Human rights advocacy organisation.  
• Accused by the CBI of circumventing FCRA provisions and receiving foreign funding via its affiliated entities in India.  
• Bengaluru office raided and bank accounts frozen in October 2018.  
• Offices in Delhi and Bengaluru raided again in November 2019.  
• Announced the termination of operations in India in September 2020, citing government harassment. |
| 2  | Centre for Promotion of Social Concerns (People’s Watch) | • Human rights advocacy organisation.  
• Accused of using foreign funding to share information with UN special rapporteurs and embassies.  
• FCRA license renewal refused in October 2016. |
| 3  | Compassion International                               | • US-based Christian charity organisation.  
• Accused of funding non-FCRA-registered Indian NGOs and of promoting religious conversions via its affiliates Caruna Bal Vikas Trust and Compassion East India.  
• Subject to numerous raids in 2015 and barred from funding Indian NGOs without prior permission in 2016.  
• Closed down all Indian operations in May 2017. |
| 4  | Greenpeace India                                       | • Environmental organisation that has campaigned around climate change and land rights and organised protests against power and mining projects.  
• Called a ‘threat to national security’ by the Intelligence Bureau in 2014.  
• In January 2015, Priya Pillai, a Greenpeace activist, was prevented from travelling to London where she was scheduled to testify about coal-mining in India before a parliamentary group. |
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<th>Name</th>
<th>Details</th>
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<tr>
<td></td>
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<td>• FCRA license cancelled in September 2015 for allegedly mixing foreign and domestic funds.</td>
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<tr>
<td></td>
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<td>• Offices raided and bank accounts frozen in October 2018.</td>
</tr>
<tr>
<td>5</td>
<td>Jamia Alumni Association</td>
<td>• Alumni organisation of Jamia Millia Islamia, a premier Muslim university in Delhi that had been the centre of anti-CAA protests.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Several members including President Shifa-Ur-Rehman accused of inciting riots, arrested and charged under the UAPA.</td>
</tr>
<tr>
<td>6</td>
<td>Lawyers Collective</td>
<td>• Lawyer group led by Indira Jaisingh. Has represented several HRDs and advocated for human rights, women’s rights, and LGBTIQ+ rights.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• FCRA license cancelled in November 2019.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Homes and offices in Delhi and Mumbai raided in July 2019.</td>
</tr>
<tr>
<td>7</td>
<td>Pinjra Tod (Break the Cage)</td>
<td>• All-women collective of university students that began as a movement against regressive rules at university hostels.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Two founding members who had organised anti-CAA protests in Delhi were accused of inciting riots, arrested and charged under the UAPA.</td>
</tr>
<tr>
<td>8</td>
<td>Rihai Manch</td>
<td>• Human rights advocacy organisation in Uttar Pradesh that has documented and provided legal aid for state-led rights violations against vulnerable communities, including Muslims, Dalits, and other vulnerable groups.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Several senior Rihai Manch activists, including its president Mohammad Shoaib and member, retired police officer SR Darapuri who organised anti-CAA protests, were arrested and charged with inciting riots.</td>
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</tbody>
</table>
## Closing Civic Space in India

<table>
<thead>
<tr>
<th>SN</th>
<th>Name</th>
<th>Details</th>
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</table>
| 9  | Sabrang Trust & Citizens for Justice & Peace (CJP) | • NGOs run by social activist Teesta Setalvad, who campaigns for the victims of the anti-Muslim riots in Gujarat in 2002.  
• FCRA licenses cancelled in 2016.  
• Also faces numerous probes by CBI and Gujarat Police |
| 10 | United Against Hate          | • Delhi-based platform that began as a campaign in 2017 against the surge in religious hate crimes since 2014.  
• Operates a helpline for victims of hate crimes.  
• Raised the ire of several BJP leaders, including Home Minister Amit Shah, who blamed them in the parliament for provoking violence in the name of protests.  
• Co-founders Khalid Saifi and Umar Khalid have been charged under the UAPA and accused of inciting riots. |