

# India: Arrests, Raids Target Critics of Government

## *Counterterrorism Law Misused to Harass Journalists, Activists*

(New York, October 13, 2023) – [Indian](#) authorities are misusing an abusive counterterrorism law, financial regulations, and other laws to silence journalists, human rights defenders, activists, and critics of the government, 12 international human rights groups said today.

On October 3, 2023, police in New Delhi [arrested the editor and an employee of the news portal NewsClick](#), and raided the homes of 46 journalists seemingly connected to the digital news platform over allegations of illegal foreign funding, which the outlet has [denied](#). Soon after the writer Arundhati Roy spoke out at a protest meeting that followed the raids, authorities said they would [prosecute her and a Kashmiri academic](#) for allegedly “promoting enmity between different groups,” “causing disharmony,” and “public mischief,” for a speech she had made 13 years ago, in 2010. A case was also registered under the [counterterrorism law, Unlawful Activities Prevention Act \(UAPA\)](#), against them.

The groups are Amnesty International, Asian Forum for Human Rights and Development (FORUM-ASIA), Christian Solidarity Worldwide (CSW), Committee to Protect Journalists, Front Line Defenders, Human Rights Watch, International Federation of Journalists (IFJ), International Service for Human Rights, PEN America, Reporters Without Borders, International Federation for Human Rights (FIDH), and World Organisation Against Torture (OMCT) in the framework of the Observatory.

The arrest and raids at NewsClick, an outlet known to criticize the Bharatiya Janata Party (BJP)-led government for failing to uphold human rights, are the latest attempts by authorities to harass and intimidate independent journalists, the groups said. The authorities sealed NewsClick’s Delhi office and seized several journalists’ electronic devices, including laptops and phones [without ensuring the integrity of their data](#), essential to ensuring due process.

Since the BJP government, led by Prime Minister Narendra Modi, came to power in 2014, Indian authorities have carried out an escalating crackdown on the media and civil society. They have arrested journalists on spurious terrorism and other criminal charges, and have [routinely targeted critics and independent news organizations](#) with allegations of financial irregularities. Similarly, they have used the counterterrorism law, national security laws, [foreign funding laws](#), and income tax regulations to target and prosecute human rights defenders and peaceful protesters. Journalists and activists from minority groups are particularly at risk, the groups said.

During the latest raids, the authorities also [searched the Mumbai home of a prominent human rights activist, Teesta Setalvad](#), in apparent retaliation for writing NewsClick articles criticizing the government. The government has repeatedly targeted Setalvad and jailed her on politically motivated charges of criminal conspiracy and forgery while she was pursuing accountability for the 2002 anti-Muslim violence in Gujarat state.

Regardless of the veracity of the allegations of foreign funding, raiding a media outlet and arresting its journalists on terrorism charges is a grossly disproportionate measure, the groups said.

In September 2021, tax and financial regulators raided journalists’ homes and offices of news websites NewsLaundry and NewsClick, an actor’s premises, and the home and office of the human rights activist Harsh Mander.

In February 2023, Indian [tax officials raided the BBC offices](#) in New Delhi and Mumbai in an apparent reprisal for a two-part documentary that highlighted Modi's record in failing to protect Muslims. The government [blocked the BBC documentary in India](#) in January, using emergency powers under the Information Technology Rules.

The government is increasingly using the counterterrorism law, [Unlawful Activities Prevention Act \(UAPA\)](#), to target its critics. The law defines terrorism in a vague and overbroad manner, reverses the presumption of innocence, allows for prolonged detention without trial or charge for up to 180 days, including up to 30 days in police custody, and creates a strong presumption against bail.

In November 2021, the authorities arrested a prominent Kashmiri human rights activist, [Khurram Parvez](#), under the UAPA. On March 22, 2023, the authorities [added another case of financing terrorism under UAPA against Parvez](#), while Irfan Mehraj, a journalist formerly associated with Parvez's human rights organization, was arrested in the same case.

The Kashmir Walla editor [Fahad Shah](#) and a reporter, [Sajad Gul](#), have been detained since early 2022. After being granted bail in separate cases, both were rearrested – without being released – under the Jammu and Kashmir Public Safety Act (PSA), a draconian preventive detention law that allows for up to two years in custody without trial. While the Jammu and Kashmir High Court [quashed](#) the PSA order against Shah, he remains jailed while [facing trial](#) in a separate UAPA case in relation to a 2011 article on his website, whose author, contributor [Abdul Aala Fazili](#), has been detained since April 2022. Similarly, another Kashmiri journalist, [Aasif Sultan](#), detained since August 2018, was granted bail in a UAPA case in April 2022, but rearrested under the PSA five days later.

The Indian government also used UAPA to arrest [16 prominent activists](#) who promoted the rights of India's most marginalized communities, accusing them of inciting violence that occurred during a Dalit meeting in January 2018. Eight are still detained without trial, and seven eventually were granted bail, while one died in custody. According to [reports](#) by the US-based forensic firm Arsenal Consulting, [malware was used to surveil and plant evidence](#) on the computers of two accused in this case, amplifying concerns surrounding the seizure of the NewsClick journalists' devices without due process.

The Delhi police filed [politically motivated charges of sedition and terrorism](#) against 18 activists, students, opposition politicians, and residents in relation to the communal violence in Delhi in February 2020. Several of those arrested were [involved in organizing peaceful protests](#) against the Citizenship (Amendment) Act. The [Delhi High Court, while granting bail in June 2021 to three activists booked under UAPA, stated](#) that “in its anxiety to suppress dissent, in the mind of the State, the line between the constitutionally guaranteed right to protest and terrorist activity seems to be getting somewhat blurred.”

An analysis of the latest crime data by Amnesty International found that [despite the increased use of UAPA](#), there have been very few convictions. Only 2.2 percent of cases registered under the law from 2016 to 2019 ended in a court conviction. Nearly 11 percent of cases were closed by the police for lack of evidence, while the rest remained pending. The delay in filing charges and several acquittals in these cases show that the counterterrorism law is used to keep critics locked up for years, and send a chilling message to others who speak out, making the judicial process itself a tool for persecution and punishment.

United Nations human rights experts have repeatedly condemned the use of UAPA [to target journalists](#),

[human rights defenders, and other critics.](#)

The Indian authorities should immediately and unconditionally release all journalists, human rights defenders, activists, and critics arrested in politically motivated cases, drop all charges against them, and stop threatening, harassing, and intimidating them, including through criminal prosecutions, the groups said. The government should also amend the Unlawful Activities Prevention Act to bring it in line with international human rights standards and, pending its amendment, the government should stop using it to target critics.