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The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Human Rights Council and has the honour to refer to the Communication No. AL IND 10/2020 dated 11 June 2020 from the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment regarding detention of 11 human rights defenders for their participation in protest against the Citizenship (Amendment) Act (CAA).

The Permanent Mission of India would request the Special Procedures Branch of the Human Rights Council to bring the following information to the attention of the Special Rapporteurs:

Meeran Haider, Gulfisha Fatima Safoora Zargar, Shifa-ur-Rehman and Asif Iqbal Kahlid Saifi have been arrested by Delhi Police in the matter of riots in Delhi on February 24-25, 2020 as a result of conspiracy hatched to incite and execute widespread communal riots. In these riots, arson and damage to life and property by use of acid and petrol bombs and other dangerous weapons were resorted to, under the garb of protest. More than 50 people including 2 Government officials were killed and over a hundred police officers/men were injured while preventing the riot incidents.

The above named persons have been arrested after thorough investigation, and collection of evidence admissible in courts of law as per provisions of law. They have been arrested on the charges of serious offences under the Indian Penal Code, the Arms Act and the Unlawful Activities (Prevention) Act, 1967 and Prevention of

Damage to Public-Property Act, etc. The investigation is being carried out by special investigation teams under the overall supervision of senior officers.

Dr. Kafeel Khan delivered a highly inflammatory speech at Aligarh Muslim University with an intention to create religious dis-harmony. As his act was detrimental to the peace and public order and in order to maintain public tranquility, it was found to be expedient by the State Government of Uttar Pradesh to detain him under National Security Act, 1980. He was also booked under various sections of the Indian Penal Code. Under the statutory remedies available under the National Security Act, he was afforded an opportunity to make a representation. His representation was carefully considered by the competent authority and it was found that he failed to justify his unlawful act and could not bring out any material cause which necessitated revocation of his detention under National Security Act.

Shirjil Imam was booked under various Sections of Indian Penal Code, Prevention of Damage of Public-Property Act, and Arms Act which are under investigation in connection with the anti-Citizenship Amendment Act (CAA) protests and violence in Jamia Milia Islamia University. Mr. Shirjil has also been booked under Unlawful Activities (Prevention) Act, 1967 for inciting people against the State and causing disruption.

It is, therefore, evident that action against all the persons as mentioned by the Subcommittee has been taken by the concerned investigation agencies as per the provisions of law and after following due process of law. They all have access to judicial remedies and it is well-known that India has strong, robust and independent judiciary where every accused gets best possible opportunity to defend himself/herself.

India was one of the first countries to raise alert on COVID 19 and with the highest level of political commitment, took all necessary and timely steps through strengthening of points of entries, isolation and treatment facilities, community surveillance and evacuation of our nationals *inter alia*. As a result of graded, preventive and pro-active approach, India has been able to contain the death rate at one per thousand of population, as opposed to global average of 6.04.

The Government of India is committed to the values of democracy, socio-economic and political justice for all; freedom of speech and expression of people and worship; equity of status and opportunity to all. The Government of India is also committed to assuring dignity of individuals and also human rights. India has a proud history of religious tolerance and human rights to all.



India is committed to ensuring a safe working environment for people engaged in promoting and protection of human rights. The National Human Rights Commission also treats the protection of Human Rights Defenders as a priority issue and has set up a platform for reporting rights violations and providing them compensation. At the same time, India believes that the activities of the human rights defenders should be in conformity with the legal framework of the land and the rights guaranteed by our Constitution.

The Government of India and its agencies function within the framework of law and executive functioning is subject to scrutiny by courts of law. The Unlawful Activities (Prevention) Act, 1967 (UAPA) is an act to provide for effective prevention of certain unlawful activities of individuals and associations, dealing with terrorist activities and for matters connected therewith. This Act was enacted in accordance with various resolutions passed by the United Nations Security Council that require States to take action against terrorists and terrorist organizations etc. This Act is in place since 1967 and has stood the scrutiny of the Courts of Law over a period of time.

The National Investigation Agency of India (NIA) is an investigation agency created under the National Investigation Agency Act 2008 to investigate offences affecting the sovereignty, integrity and security of India, relations with foreign States etc., and also to investigate offences under various Acts to implement International Treaties and Conventions, Resolutions of the United Nations and its agencies and for matters connected therewith or incidental thereto.

The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Human Rights Council, the assurances of its highest consideration.

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