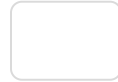


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India: Authorities Revoke Visa Privileges of Diaspora Critics

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Government Targets Overseas Indians Opposing Ruling Party Policies

(New York) – [Indian](#) authorities are revoking visa privileges [to overseas critics of Indian origin](#) who have spoken out against the ruling Bharatiya Janata Party (BJP)-led government's policies, Human Rights Watch said today. Prime Minister Narendra Modi often attends mass gatherings of diaspora party supporters in the [United States, Europe, Australia, and elsewhere](#) to celebrate Indian democracy, while his government has targeted people it claims are "[tarnishing the image](#)" of the country.

The [Overseas Citizens of India](#) (OCI) status is available to foreign citizens of Indian origin or foreigners married to Indian nationals to obtain broad residency rights and bypass visa requirements, but does not amount to citizenship. Many of those whose OCI visa status was revoked are [Indian-origin academics, activists, and journalists](#) who have been vocal critics of the BJP's Hindu majoritarian ideology. Some have [challenged their exclusion in Indian courts on constitutional grounds](#) seeking protection of their rights to speech and livelihood.

"Indian government reprisals against members of the diaspora who criticize the BJP's abusive and discriminatory policies show the authorities' growing hostility to criticism and dialogue," said [Elaine Pearson](#), Asia director at Human Rights Watch. "The authorities seem intent on expanding politically motivated repression against Indian activists and academics at home to foreign citizens of Indian origin beyond India's borders."

The BJP-led government has in recent years become more cautious about the visa status for overseas Indians. In 2021, the government downgraded the privileges of the 4.5 million OCI cardholders by re-categorizing them as “foreign nationals,” and [requiring them](#) to seek special permission to carry out research and journalism, or visit any area in India listed as “protected.”

Over the past decade, the government has [canceled over 100 permits](#) and deported some status holders for allegedly showing “[disaffection towards the Constitution](#).” This has [heightened concerns](#) for OCI cardholders whether living in India or abroad, many of whom have older parents and other strong personal ties to India.

In 2022, after the authorities revoked his status, [Ashok Swain](#), an Indian-origin Swedish academic, appealed to the Delhi High Court, which [quashed the order](#), stating that the government had not provided any reasons for its action. In July 2023, the Indian consulate in Sweden sent Swain a fresh order [canceling his OCI status](#) because of his social media posts “hurting religious sentiments” and “attempting to destabilize the social fabric of India,” without providing specific evidence to substantiate those allegations.

When Swain [challenged the order](#) in September 2023, the authorities claimed they had received “secret” inputs from security agencies. In February 2024, Swain’s X (formerly Twitter) account was [blocked](#) in India and [subsequently hacked](#).

“My case has been used as an example to scare or to force other academics outside India to not be critical of the regime,” Swain told Human Rights Watch. “They want to create fear because people want the opportunity to go back to the country.”

Indian authorities have also prevented academics who are OCI cardholders from entering the country. On February 23, the authorities barred [Nitasha Kaul](#), a British professor at the University of Westminster in London, from entering India to attend a conference on the constitution. Kaul said immigration authorities [did not provide any reasons](#) but a Ministry of External Affairs spokesperson later said in response to questions about her case that “the entry of foreign nationals into our country is a sovereign decision.” Unidentified government officials also told the media that Kaul had “[shown animus](#)” toward India, [which she has denied](#). Kaul has been [a vocal critic](#) of the BJP and its affiliated groups, and in 2019 she [testified](#) before the United States House Committee on Foreign Affairs about human rights violations in Jammu and Kashmir.

Kaul told Human Rights Watch that she has received numerous rape and death threats online from pro-BJP trolls in India and overseas. “In addition to this, they have called me jihadi and a terrorist,” she said. “There has

been a vast amount of deliberate disinformation suggesting that because my work is critical of the ruling party in India, that makes me pro-Pakistani.”

In some cases, the authorities have openly cited criticism of BJP government policies as evidence to revoke the visa status. In response to [a petition](#) by a British activist, Amrit Wislon, challenging her cancellation, the government cited [her social media posts](#) about Kashmir and her [article](#) condemning the police’s excessive use of force against protesting farmers in 2020 and 2021.

Indian authorities are increasingly using what appear to be politically motivated tactics against the around 25 [foreign reporters with OCI status](#) working in India as of January 2024, embroiling them in opaque bureaucracy or simply denying them permission to continue reporting.

Vanessa Dougnac, a French journalist who had lived in India for 22 years, said she left the country after the Ministry of Home Affairs sent her a [“show cause” notice](#) in January, saying it intended to cancel her OCI card because she did not have a permit to work as a journalist and her news reports created a “biased negative perception of India.” Dougnac was denied permission to work as a journalist in 2022, and said the ministry had not responded to her “repeated requests” for an explanation or review of its decision.

In 2023, the authorities revoked the OCI status of an American journalist shortly after the journalist published a report about criminal actions by an Indian company. The journalist, who did not wish to be identified, told Human Rights Watch: “No specific allegation was made against me, and no evidence has been produced despite several requests.”

In 2022, the authorities [deported](#) the American-Sikh journalist Angad Singh. After Singh brought a lawsuit challenging the decision, the [government](#) told the Delhi High Court that he “presented a very negative view of India’s secular credentials” in a 2020 documentary about the 2019-20 [protests](#) against the country’s amended citizenship law.

Foreign writers, [journalists](#), academics, and activists have been increasingly denied access to India for seemingly political reasons, Human Rights Watch said. In March 2022, [British anthropologist Filippo Osella](#), who had visited India regularly for over 30 years, [was turned away](#) by immigration authorities despite holding a valid research visa. Others denied entry include an Australian writer, [Kathryn Hummel](#); a Pakistani academic, [Annie Zaman](#); a former Swiss diplomat and activist, [Kurt Vogeley](#); [Mukunda Raj Kattel](#), director of Asian Forum for Human Rights and Development; and [Aaron Gray-Block](#) and [Ben Hargreaves](#), both Greenpeace activists.

The International Covenant on Civil and Political Rights (ICCPR), to which India is a party, addresses in article 13 the rights of aliens lawfully in a country, and non-discrimination against “all persons,” including non-nationals, in article 26. The Covenant does not recognize non-nationals having a right to enter or reside in a country, a decision left to the state. However, the United Nations Human Rights Committee, the international expert body that monitors compliance with the ICCPR, has stated in its General Comment No. 15 on the status of aliens, that, “in certain circumstances an alien may enjoy the protection of the Covenant even in relation to entry or residence, for example, when considerations of non-discrimination ... arise.”

The General Comment further provides that if the legality of an alien's “stay is in dispute, any decision on this point leading to his expulsion or deportation ought to be taken in accordance with article 13. It is for the competent authorities ... in good faith and in the exercise of their powers, to apply and interpret the domestic law, observing, however, such requirements under the Covenant as equality before the law” in accordance with article 26. Distinctions are permissible only when based on reasonable and objective criteria.

“Foreign governments eager to partner with India on trade and security should take note that the Indian government is increasing repression to hide a deteriorating human rights situation,” Pearson said. “These governments should press the Modi administration to interact with its critics to bring about reform instead of intimidating them into silence.”

CORRECTION

The news release was updated to reflect that Professor Nitasha Kaul had sought to visit India to attend a conference on the constitution and had denied any allegations of animosity towards India.

ecoi.net description:

Authorities revoke visa privileges of overseas Indians who are critical of the government

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