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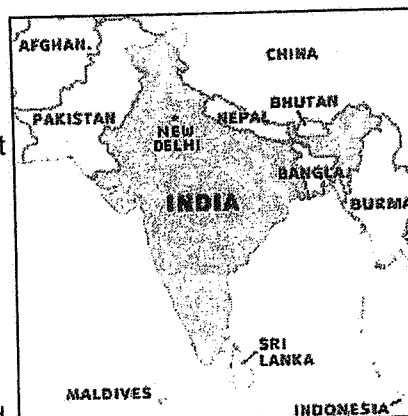
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In 2002, India witnessed its worst episode of communal violence in over a decade, demonstrating the increasingly volatile consequences of a broad and government-supported Hindu nationalist agenda in the country. In February and March state-supported anti-Muslim violence in the northwestern state of Gujarat claimed at least two thousand lives. As in Gujarat, attacks against historically discriminated groups in other parts of the country, including Christians, Dalits (or so-called untouchables), and tribals, were carried out with virtual impunity. Attacks by militants continued to claim many civilian lives in the disputed region of Kashmir and in the northeast.



The conflict in Kashmir persisted throughout 2002, as the safety of civilians and political leaders came under regular attack by militant groups. Hundreds were killed during, and in the weeks preceding, state assembly elections in September and October. Moreover, heightened tensions between India and Pakistan once again raised concerns of armed conflict, especially as both countries rapidly deployed troops and refused diplomatic negotiation. Elections in Kashmir offered some hope for a resolution to the crisis in the state. The new coalition government's action plan included a commitment to investigate allegations of human rights violations by Indian security forces, and a proposal to urge Delhi to hold peace talks with Kashmiri groups.

The controversial passage of the draconian Prevention of Terrorism Act raised concerns that, like its predecessor, the act would be used to target political opponents and minorities in the name of the war against terrorism. HIV/AIDS continued to spread rapidly around the country, while efforts by nongovernmental organizations (NGOs) to promote education and awareness were stymied by extensive police harassment and abuse of outreach workers.

The United Nations increasingly recognized caste-based discrimination as a violation of international law, calling for states parties to adopt legislative and constitutional measures that would protect and uplift affected communities.

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HUMAN RIGHTS DEVELOPMENTS

On February 27, in the town of Godhra in Gujarat, a Muslim mob attacked a train on which Hindu activists were traveling. The activists were returning from Ayodhya, a town in Uttar Pradesh where they had supported the Vishwa Hindu Party (World Hindu Council, VHP) campaign to build a Hindu temple on the same site where Hindu militants had destroyed a mosque in 1992. Two train cars were set on fire, killing at least fifty-eight people. In July, results of an official investigation by the Ahmedabad-based Forensic Science Laboratory stated that the fire could not have been set by the mob from the outside as had been alleged; the fire, it claimed, was set from inside the train. Investigations into the attack were ongoing at this writing.

The Godhra massacre was immediately followed by a four-day retaliatory killing spree, in which over two thousand people, mostly Muslim, fell victim to mobs that looted and burned their homes, destroyed places of worship and Muslim-owned businesses, and gang-raped and sexually mutilated Muslim women and girls. In some cases, pregnant women's bellies were cut open and fetuses were pulled out before the women were killed. In addition to the children who were direct victims of the mobs, children were witnesses to horrifying violations and deaths of family members.

Human Rights Watch's investigations, and those of Indian human rights groups, revealed that much of the violence was planned well in advance of the Godhra attack and was carried out with state approval and orchestration. Gujarat is headed by the Bharatiya Janata Party (BJP), a Hindu nationalist party that also heads a coalition government at the center. State officials and the police were directly involved in the violence: In many cases, the police led the charge, using gunfire to kill Muslims who got in the mobs' way. The groups most directly responsible for this violence against Muslims included the VHP, the Bajrang Dal (the militant youth wing of the VHP), and the Rashtriya Swayamsevak Sangh (National Volunteer Corps, RSS), collectively forming the *sangh parivar* (or "family" of Hindu nationalist groups).

Mobs arrived by the thousands in trucks, chanting slogans of incitement to kill, and armed with swords, tridents, sophisticated explosives, and gas cylinders. They were guided by computer printouts listing the addresses of Muslim families and their properties. While army troops had been flown in to quell the violence, state officials refused to deploy them until after the worst violence had ended. In the weeks that followed the massacres, Hindu homes and places of business were also destroyed in retaliatory violence by Muslims.

In the aftermath of the violence, authorities embarked upon a cover-up of their own role, and that of the *sangh parivar*, in the attacks against Muslims. While numerous police reports filed by eyewitnesses specifically named local VHP, BJP, and Bajrang Dal leaders as instigators or participants in the violence, the police, reportedly under instructions from government officials, faced pressure not to arrest them, or to reduce the severity of the charges filed. Top police officials who had sought to protect Muslims were removed from positions of command. Gujarat's Chief Minister Narendra Modi, formerly a RSS volunteer and propagandist, came under severe scrutiny for his role in the attacks.

At the time of this writing, efforts to bring perpetrators to justice were virtually nonexistent. To the contrary, the state government appeared to have been emboldened by the violence, calling for early Gujarat legislative assembly elections in October that would have swept the BJP back into

power, on a rising sentiment of Hindu nationalism. The Electoral Commission, however, prohibited such a move, noting that Gujarat was still devastated by the communal violence, and set December 12 as the election date.

The destruction, as well as enmity and insecurity left by the communal violence, caused the forcible displacement of over one hundred thousand Muslims into over one hundred makeshift relief camps throughout Gujarat, some located in Muslim graveyards. The majority of these camps only remained open until June, when the government unilaterally began to close them, forcing thousands of victims to either enter unofficial relief camps or to return to villages where their security was continually threatened. In October the government announced that the few remaining camps would be disbanded by October 30. Throughout this period, the state government failed to provide adequate and timely humanitarian assistance to the internally displaced. Problems included serious delays in government assistance reaching relief camps, inadequate state protection, and failure to provide medical and food supplies and build sanitation facilities. Moreover, nongovernmental relief workers seeking to assist victims of violence were limited by a lack of access and protection.

On September 24, the violence began anew when gunmen stormed the Swaminarayan Hindu temple in Gandhinagar, Gujarat, killing at least twenty-eight people and injuring fifty-three. The Indian government responded swiftly, taking appropriate steps to maintain law and order by deploying approximately three thousand army personnel during a nationwide strike called by the VHP to protest the attack. Critics of the government remarked that had it acted as quickly following the Godhra massacre, many deaths could have been prevented. Indian officials also called on citizens to end the cycle of violence by refraining from taking the law into their own hands. The incident once again heightened tensions with Pakistan, blamed by India for the attack.

The violence in Gujarat underscored the volatile consequences of rising Hindu nationalist sentiment, propagated by the *sangh parivar*. Training camps known as shakhas continued to spread throughout the country, providing extensive physical and ideological training to men as well as young boys targeted in recruitment drives. This revivalist campaign included the "Hinduization" of education, including the revision of history books to include hate propaganda against Islamic and Christian communities. In September 2002 the National Council of Educational Research and Training released new textbooks for Indian children in implementation of a new educational framework, following the lifting of a stay by the Indian Supreme Court. The Supreme Court had rejected public interest litigation that argued the new framework would violate the constitutional requirement of secularism given the introduction of "value education" into the curriculum, seen by many as a means of injecting religious instruction into education. Connections between the drafters of the new textbooks and Hindu nationalist organizations, revealed only once the stay had been lifted, increased these concerns.

Member organizations of the *sangh parivar* also continued to distribute hate literature, direct violent attacks, and mount conversion efforts against other minority communities, most notably Christians and tribals. Attacks against Christians included violence against nuns, priests, and missionaries, and the destruction of religious sites.

On February 17, in the southern state of Karnataka, a church in the town of Hinkal was attacked during morning mass. Seventy men, draped in the

Hindu nationalist signature saffron flags, descended on the church, armed with clubs and hurling bricks and stones at the congregation. The police eventually arrived at the scene, but did not protect the worshipers or immediately arrest the perpetrators (the police later reported having arrested nine of the assailants). A similar incident took place in the Koraput district of the eastern state of Orissa on April 29, when a church with twenty worshippers was torched by fifty assailants.

Individuals were also the targets of religious violence. On June 5, in the western state of Maharashtra, a pastor known for his active involvement with the Christian Revival Center was assaulted in his home, along with his family, by a gang of *sangh parivar* members who were reportedly upset with the regular Sunday worship services in the area. The State Minority Commission subsequently ordered police protection for the pastor, and the police were successful in apprehending the assailants.

Human Rights Watch continued to receive reports of Dalits falling victim to caste-based violence, most often at the hands of upper castes who perpetrated these crimes with almost complete impunity. In May three Dalits in the southern state of Tamil Nadu were tortured by a village leader: two were branded with a hot iron rod and forced to feed human feces to each other. The incident occurred after the three victims publicly announced that the village president had yet to return money she owed one of them. One of the victims was subsequently strangled and beaten by the president's husband and son. While the police eventually charged the perpetrators with crimes under the Indian Penal Code and the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (1989), Dalits complained that as a result of the incident local upper-caste community members refused to give them work.

In September, the Center for Dalit Human Rights in Rajasthan, a northern state, organized a two-day march, protesting community policies in the village of Chakwara that barred Dalits from using public ponds or entering village shops. An upper-caste mob descended on the march, pelting stones and attacking both the demonstrators and the police, injuring fifty people. The policies were put in place in December 2001 when the village's upper-caste community imposed a fine on two Dalits who had used public bathing facilities. Despite lodging a complaint with state authorities, Dalits continued to be excluded and to face threats of violence.

On October 16 in Jhajjar district, Haryana, five Dalit youths were lynched by a mob, reportedly led by members of the VHP in the presence of local police officials, following false rumors that the Dalits had killed a cow—an animal regarded as sacred in the Hindu religion. Nearly a month later five people were arrested, prompting a backlash by villagers who pelted police with stones and blocked off roads for nearly a week. The VHP reportedly also forced shops, businesses, and schools to close in protest of the arrests. The local leader of the VHP, Acharya Giriraj Kishore, said he had no regrets over the incident and that the life of a cow was worth more than that of five Dalits.

Dalit women and girls were often subject to sexual harassment and violence. For example, on April 5 four upper-caste men abducted a fourteen-year-old Dalit girl from her home just outside Jaipur, Rajasthan, and gang-raped her over a period of three days. Upon her return to her village, the village's upper-caste community threatened to remove her family from the village if they reported the incident. On November 3 a Dalit woman in Kishanganj, Bihar was paraded half-naked by a group of people who wanted to teach a lesson to her family for not relinquishing their claim

to a piece of land.

The controversial Prohibition of Forcible Conversion of Religion Bill was passed in the state of Tamil Nadu on October 31. The new law attracted widespread criticism because it was feared it would make it more difficult for poor people, persecuted minorities, and others ostracized under the caste system to convert from Hinduism to another religion. Ordered by the AIADMK-ruling government of Chief Minister Jayalalitha Jayaram, the bill found support with the federal government, led by the BJP.

In a positive development, on May 9, Gujarat's Allahabad High Court dismissed a private action brought by a father against a man who had married his daughter in an inter-caste marriage. The defendant claimed that his wife's parents threatened to kill him and his wife if they did not divorce. Although only reaffirming existing laws on caste discrimination, the court's ruling used strong language against the caste system and such killings, and urged the police to intervene when such situations arise.

In January, the state government of Madhya Pradesh adopted the landmark Bhopal Declaration following a two-day conference titled "Charting a New Course for Dalits for the 21st Century," which was organized with the support of the National Campaign for Dalit Human Rights. The declaration's twenty-one point agenda included the enforcement of living wages for agricultural laborers, the restoration of alienated land for tribals, strict enforcement of the Bonded Labour System (Abolition) Act (1976), honest implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989) and Rules (1985), and the elimination of the caste-based practice of manual scavenging.

The Indian government continued to exploit rhetoric surrounding the global "war against terrorism" in order to target religious minorities and political opponents. Most notably, the long debated anti-terrorism legislation, the Prevention of Terrorism Act (POTA), was pushed through parliament on March 26. Its close resemblance to the much misused and now lapsed Terrorists and Disruptive Activities (Prevention) Act (TADA) of 1985 (amended 1987) foreshadowed a return to the widespread and systematic curtailment of civil liberties.

POTA created an overly broad definition of terrorism, while expanding the state's investigative and procedural powers. Moreover, under POTA, suspects can be detained for up to three months without charge, and up to three months more with the permission of a special judge. Since its passage, POTA has been implemented against political opponents in various parts of the country. On July 11 in the state of Tamil Nadu, Vaiko, a leader of the political party Marumalarchi Dravida Munetra Kazhakam (MDMK), was arrested for making remarks in support of the banned terrorist group, the Liberation Tigers of Tamil Eelam (LTTE). Only two weeks after Vaiko's arrest, P. Nedumaran, a leader of the Tamil Nationalist Movement, was also arrested under POTA for making pro-LTTE remarks at a conference on April 13.

In Kashmir, the Jammu and Kashmir Liberation Front (JKLF) chairman, Yasin Malik, was held under POTA on March 26, on charges of receiving smuggled money from a Pakistan-based separatist group. Malik was released on bail for medical reasons, but was immediately rearrested under a Jammu and Kashmir preventive detention law, the Public Safety Act (PSA), for anti-national activity.

The former chairman of the All-Party Hurriyat Conference (APHC), Syed Ali

Geelani, suspected of funneling money to Pakistan's Inter Services Intelligence, was arrested and detained in the eastern state of Bihar following raids on his residence, and charged under POTA and PSA on June 9. Both the JKLF and the APHC are separatist parties that have advocated Kashmir's independence from India, raising concerns that the charges against their leaders were politically motivated.

Insurgency attacks and counterattacks by Indian troops continued to threaten security and stability in the northeastern states. On August 20, twenty Indian paramilitary soldiers were killed in an ambush in the state of Tripura. According to the police, the ambush was carried out by the separatist group, the National Liberation Front of Tripura (NLFT).

Civilians in the northeast also came under direct attack. On August 13, in a pre-Independence Day attack, militants executed fifteen passengers traveling on a bus through the state of Assam, and injured twenty other people. The strike was suspected to be a joint attack by separatist groups, the United Liberation Front of Assam (ULFA), the National Democratic Front of Bodoland (NDFB), and the Achik National Volunteer Council (ANVC). Indian soldiers also participated in violence, raiding separatist hideouts, and in some cases summarily executing separatist leaders.

On December 13, 2001, a five-man assault team, believed to be part of Lashkar-e Taiba, an Islamic guerrilla group based in Pakistan, stormed Parliament in New Delhi, killing fourteen people. The Indian government issued a sharp rebuke, accusing Pakistan of failing to reign in the activities of terrorist organizations. Military deployment following the attack included the emplacement of large numbers of anti-personnel and anti-vehicle mines along the border—apparently one of the largest mine-laying operations worldwide in many years. The Indian press cited numerous reports of civilian casualties along the border, as well as the killing and injuring of Indian army personnel and border security troops as they planted the mines.

In May, three gunmen hijacked a bus, killing seven passengers, and then raided the residential quarters of a Kashmiri army base in Kaluchak. At least eighteen civilians were killed in the raid on the residential compound. State police identified the gunmen as residents of Pakistan's Punjab province. In the days that followed the attack, both India and Pakistan fully deployed army troops along the border, and as exchange of artillery became heavier, the countries' conflict was escalating.

On July 13, gunmen suspected to be part of the Lashkar-e Taiba launched an attack on a shantytown in Jammu. Disguised as Hindu holy men, the group threw grenades at a shop in Qasim Nagar, a migrant laborer colony, and then fired on civilians who were standing nearby. The attack killed twenty-seven civilians, and severely injured thirty more.

On May 21, Abdul Ghani Lone, a moderate Kashmiri separatist leader, was assassinated by unidentified assailants during a memorial rally in Srinagar, the summer capital of Jammu and Kashmir. Lone belonged to the APHC, but was largely perceived as a pragmatist and peace advocate.

State assembly elections were held in Jammu and Kashmir in four phases from September 16 to October 8. The election, which was marked by widespread violence and allegations of vote rigging, left no party with a clear majority but resulted in a decisive defeat for the National Conference party, which had held power in the state for most of the preceding five decades. The People's Democratic Party (PDP) and the Congress party

together won thirty-six seats and formed a coalition government, headed by PDP leader Mufti Mohammad Sayeed. In a hopeful move, Sayeed announced that the government would investigate all cases of custodial killings and human rights abuses and punish offenders. He also committed to opening dialogue for peace and to fighting cross-border and indigenous militancy. On November 11, a week after Sayeed was sworn in as chief minister, separatist leader Yasin Malik was released from prison—one of numerous political prisoners whose release was ordered.

The elections sparked an escalation of violence throughout the region, carried out by both militants and Indian security forces. Between August 2, when the elections were announced, and September 24, when the second phase of elections came to an end, over five hundred people were killed. State Minister Mushtaq Ahmed Lone was assassinated on September 11 while campaigning for re-election. On September 19, gunmen stormed a high school north of Jammu, killing a teacher and a student, while security forces and militants engaged in a series of standoffs. The third phase of elections brought renewed and heightened violence as well. On October 1, as polls opened, three gunmen hurled grenades at a bus in the town of Hiranagar, killing nine people and injuring ten others, while militants launched grenade and rocket attacks at polling stations throughout the district of Anantnag. Despite the violence, voter turnout was significantly higher than for national elections in 1999.

Throughout India, women continued to be victimized by rape, trafficking, sexual harassment, and domestic violence, often with little recourse to justice. Although the government passed the Protection from Domestic Violence Bill (2002), women's groups asserted that it fell short of achieving meaningful reform.

In 2002, at least fifteen million children, most of them Dalits, worked as bonded laborers in conditions of forced servitude. Most worked in agriculture; others picked rags, rolled beedi cigarettes, packaged firecrackers, cleaned hotels, or wove silk saris and carpets. Human Rights Watch investigations in 2002 revealed that in the silk industry, bonded children worked twelve or more hours a day, six-and-a-half or seven days a week, producing silk thread and helping weave silk handloom fabric. Both boys and girls suffered injuries and disease from fumes, machinery, sharp threads, boiling water, or handling dead worms, as well as verbal and physical abuse from their owners.

Despite increased public awareness about child labor, the child labor law continued to be poorly enforced, with high-level officials advocating nonenforcement. Certain states, the central government, and NGOs advanced schools to rehabilitate child workers, a positive step but one that reached only a small fraction of working children. Although the National Human Rights Commission (NHRC) continued with some success to pressure local and state governments to enforce laws outlawing bonded labor and certain forms of child labor, the commission's limited resources and power required it to focus on only a few areas and industries. Elsewhere, caste bias, sympathy to employers, corruption, and apathy contributed to the government's failure to free bonded laborers, rehabilitate them, and prosecute their owners.

In 2002, the lower house of Parliament passed the 93rd Constitutional Amendment giving all children ages six to fourteen a fundamental right to free and compulsory education provided by the state. The amendment also placed a constitutional obligation on parents and guardians to provide educational opportunities to these children. Activists strongly objected to

the exclusion of children falling outside the age range prescribed by the amendment, and to the obligation placed on parents. At this writing, the amendment was awaiting the president's endorsement.

DEFENDING HUMAN RIGHTS

Given the absence of government-coordinated relief efforts, NGOs and community groups assumed much of the responsibility for delivering supplies and aid to victims in Gujarat's relief camps and establishing rehabilitative services such as schools, trauma counseling, and legal assistance. In doing so, they faced limited access to the relief camps and serious threats to personal safety. Police and members of the city administration obstructed the work of NGOs and other organizations attempting to deliver supplies to relief camps, denying access to transport services and refusing the use of their own trucks. Moreover, government officials refused to provide aid workers with the security and protection that they needed to provide assistance. The National Human Rights Commission also highlighted the need for rehabilitation and justice efforts in Gujarat, sending a team to monitor the situation shortly after the riots and issuing a set of recommendations to the central and state governments.

Activists battling India's growing HIV/AIDS epidemic also met considerable resistance to their work, which included direct attacks on their security. India is home to one of the largest and fastest-growing HIV/AIDS epidemics in the world. As the epidemic has spread, the longstanding practice of stigmatizing high-risk groups, such as women in prostitution and men who have sex with men, assumed deadly proportions. NGOs conducting HIV/AIDS prevention programs for high-risk populations reported severe harassment of their workers by the police.

An example was the abuse faced by SANGRAM/VAMP, a collective of women in prostitution. The organization suspended its anti-AIDS operations in February when violent thugs drove its members out of their homes in Nippani, Karnataka, with the complicity of a local police official. Before this disruption, SANGRAM/VAMP built up a program that delivered 350,000 condoms per month. By year end, it managed to reestablish most of this work, but harassment by the police remained a concern for many Indian NGOs working with women in prostitution to fight back against AIDS. In November 2002, Human Rights Watch honored Meena Seshu, the general secretary of SANGRAM, for her work in exposing and stemming India's growing HIV/AIDS crisis. In Kolkata, the sex worker organization Durbar Mahila Samanwaya Committee (DMSC) faced similar abuse and intimidation. When the DMSC filed a complaint about the beating of one of their members, local thugs publicly beat up DMSC president Swapna Gayen in the presence of police who had been called for help. This and other instances of intimidation led to mass demonstrations by sex workers, and the arrest of two of the perpetrators. At this writing, however, other key perpetrators remained at large, and abuses against sex workers in Kolkata persisted.

The situation was equally challenging for organizations seeking to assist men who have sex with men. Police harassment of these organizations, including outreach workers focusing on HIV/AIDS prevention, is a chronic problem, but worsened in early 2002. After the December 2001 attack on Parliament in New Delhi, AIDS outreach workers from Naz Foundation (India) Trust (NFIT) reported increased police scrutiny on the streets of the capital. Groups in Chennai and Bangalore told Human Rights Watch that

various security incidents, some perhaps related to communal violence in other parts of the country, made the police nervous and prone to harass AIDS workers.

Men who have sex with men are not only stigmatized but are effectively criminalized by the "unnatural offenses" provision of the Indian Penal Code (section 377) that bans sex between men. In late 2001, NFIT, with the assistance of the Lawyers Collective of Mumbai and New Delhi, brought a petition to the Delhi High Court for the repeal of section 377. An affirmative ruling on the petition would dramatically improve the climate for AIDS prevention work among men who have sex with men in India. At this writing, the case was ongoing.

Individual human rights workers also came under direct threat. On June 19 Navleen Kumar, a land rights activist who helped tribals regain their land from builders, was fatally stabbed. Kumar had long fought for the land rights of tribals as builders expanded development efforts to the outskirts of Mumbai, and was repeatedly threatened for her continued work. On July 8 P.B. D'Sa, vice president of the Karnataka state branch of the People's Union for Civil Liberties, was stabbed and sustained serious injuries. Police personnel reportedly were involved in the attack. This was the second attempt on D'Sa's life; the first was in 1988. The long-awaited State Human Rights Commission was formed in Uttar Pradesh with the governor's approval of its five members on October 7.

THE ROLE OF THE INTERNATIONAL COMMUNITY

The communal violence in Gujarat and the conflict in Kashmir took center stage in the international community's political dealings with India. In April, British officials in India issued a scathing internal report stating that the violence in Gujarat was planned, possibly months in advance of the Godhra attack, with the support of the state government. Responding to growing international scrutiny into the violence, the Indian government stated that it "does not appreciate interference in [its] internal affairs."

United Nations

Despite strong international reaction to the communal violence in Gujarat, the Indian government refused to solicit or accept the assistance of U.N. agencies, only exacerbating already dismal conditions in relief camps. In September however, the then U.N. High Commissioner for Human Rights, Mary Robinson, issued a statement asking the Indian government to ensure the protection of internally displaced persons as they returned to their homes and to initiate prosecutions against those who perpetrated the violence.

Following the momentum and mobilization that Dalit organizations achieved at the 2001 U.N. World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in Durban, South Africa, the U.N. focused on the issue of caste discrimination. In August, the sixty-first session of the Committee on the Elimination of Racial Discrimination (CERD) included a thematic discussion on descent-based discrimination. The Committee recognized caste-based discrimination as a form of descent-based discrimination and strongly condemned its practice as a direct violation of the Convention on the Elimination of all forms of Racial Discrimination. It further recommended that states parties adopt

RELEVANT HUMAN RIGHTS WATCH REPORTS:

Epidemic of Abuse: Police Harassment of HIV/AIDS Outreach Workers in India, 6/02

"We Have No Orders to Save You," State Participation and Complicity in Communal Violence In Gujarat, 4/02

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