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State of the World's Minorities and Indigenous Peoples 2010 - India

The first half of 2009 was dominated by parliamentary elections in India. In July, the coalition led by the Congress Party was declared to have won and invited to form a government. Throughout the year, there were a number of cases of human rights violations against ethnic and religious minorities, indigenous communities and Dalits.

In the run-up to the polls, Dalit human rights groups reported that Dalit communities were attacked and otherwise severely affected by election-related violence. In April 2009, MRG stated that political groups used violence and intimidation against Dalits to forcibly take their votes. Dalit villages also faced boycotts for failing to vote for particular parties or candidates.

In April 2009, the UN High Commissioner for Human Rights, Navi Pillay, in a speech to the National Human Rights Commission in Delhi, said that, although India enjoys an array of laws and institutions designed to combat all forms of discrimination, religious and caste-based prejudices remain entrenched. 'Of particular concern is caste-based discrimination, which is still deplorably widespread, despite efforts by the government and the judiciary to eradicate this practice,' Pillay said.

At the international level, India continued to remain a major obstacle to efforts to recognize caste-based discrimination as a human rights violation. In March 2009, the UN Human Rights Council (HRC) took a significant step in deciding to publish all of the reports of the former UN Sub-commission on discrimination and descent. India voted against this decision. At year's end, Dalit human rights organizations were lobbying for the HRC to put in place a UN framework to eliminate caste-based discrimination. According to the International Dalit Solidarity Network, the EU and Nepal support the framework. International human rights groups say India continues to oppose this and remains the biggest obstacle to effective international action on the issue.

Dalits and Adivasis, indigenous or tribal communities, are among the poorest in India. MRG research during the last several years shows that they barely enjoy basic socio-economic rights and face entrenched and endemic discrimination, including outlawed practices such as having to clean dry latrines by hand and without protective equipment. Tribal communities, in particular, are affected by land disputes and armed conflicts. In its 2009 report, the NGO Asian Human Rights Centre warned that one of the biggest challenges facing the Indian government was the growing security problem arising out of the Naxalite conflict. According to the report, Naxals, or Maoist rebels, are recruited from among marginalized communities, including several indigenous groups, and are now active in 13 Indian states. Violence during the 2009 elections was dominated by Naxalite incidents, and the Asian Human Rights Centre accused Indian political elites of not taking substantive action to resolve the conflict, which is rooted in discrimination, marginalization and exclusion. Indigenous peoples have suffered immensely in the Naxalite conflict, as they face brutal human rights violations perpetrated by the

militants and are targeted by the Indian military on the assumption that they are supporting the rebels.

In April 2009, the Indian authorities gave Sterlite Industries India Ltd, a subsidiary of the UK-based Vedanta Resources plc and the state-owned Orissa Mining Corporation, permission to mine bauxite in the traditional homeland of an indigenous community called the Dongria Kondh, international media reported. The two companies stated that they have drawn up proposals to develop the indigenous community's land during the 25-year period that they have permission to mine. However, indigenous leaders were quoted in the media as saying that they were not consulted in the process.

In the tribal areas of Manipur, continuous incidents of violence were reported. In August and September 2009, tensions rose in Imphal, Manipur, over the killing of a young boy by the military, supposedly during a shoot-out. International and Asian human rights groups have, however, accused the army of targeted killings, which the military then attempts to portray as accidental. At least 17 militant groups are fighting the Indian military in this region, claiming that the government exploits indigenous community resources while preventing the communities from benefiting from them. The military has been accused by international human rights organizations, including Amnesty International (AI), of committing human rights violations against civilians, including extra-judicial killings, abductions, arbitrary arrests and detentions in the guise of counter-terrorism.

In June 2009, at least 12 people were killed and dozens of houses set ablaze when an armed group from the Dimasa tribe attacked people belonging to the Naga community in Assam's remote mountainous region. The area is constantly affected by separatist and tribal insurgencies, and over 50 people were killed in several separate incidents of violence in the three months leading up to this incident. The continuing conflict between indigenous groups, such as Dimasa and Naga, is just one example of the Indian state's failure to tackle competing territorial claims made by the country's many different communities.

The year also saw mixed fortunes for two of India's prominent linguistic and ethnic minorities in the south and south-east of the country. Violence broke out in the southern Tamil Nadu state from January to May 2009 over the military offensive that was taking place in neighbouring Sri Lanka. Several major towns were disrupted by strike actions that on many occasions led to incidents of violence and arson, injuring scores. The response from the ruling party was tardy and limited. The incidents, and Tamil Nadu's concern for the plight of Tamils in Sri Lanka, eased with the conclusion of the conflict there.

In December 2009, the government responded to months of protests and strikes by announcing that it would create a separate state for the country's Telegana people. The new state is expected to be carved out of Andhra Pradesh, but following the statement the government said that more consultations were required before a final decision would be taken.

In 2009, India suffered a major blow to its reputation for fostering religious pluralism, after the country was put on the USCIRF watch-list of countries with violations of freedom of religion. The large-scale violent incidents in 2008 against Christians in Orissa and the climate of impunity towards violations of religious rights contributed towards this decision.

In February 2009, the Indian Supreme Court ruled that the state authorities in Orissa should provide security for the thousands of Christians who had fled their homes during the religious violence the previous year. The court barred the government from withdrawing troops from violence-prone areas. The same month a Christian man was found dead in the Rudangia village, Orissa, allegedly killed by Hindu extremist groups, media reported.

Christians in India can face threats and intimidation and be forcibly made to convert to Hinduism. According to national newspaper reports in February 2009, 18 Catholic

families were forcibly taken to a Hindu temple, where they were made to convert and perform Hindu rituals, as well as then sign statements that they had voluntarily converted.

In May 2009, US-based NGO International Christian Concern reported that a gang set fire to the Holy Spirit Church of God Ministry Church in Andhra Pradesh. This was just one of several incidents where churches were attacked by radical groups. The Evangelical Fellowship of India, which monitors and reports on attacks against Christians, said there was a rise in incidents in the south of the country. Of the 152 incidents against Christians during 2009, 86 happened in southern states, mainly in Karnataka (with 48) and Andhra Pradesh (29). In February, the UN Special Rapporteur on freedom of religion or belief came down strongly on India for its 'pervasive climate of fear and intolerance', and asked the government to provide greater protection for religious minorities, particularly Christians and Muslims.

The situation for Muslims in some parts of India remains tense. Particularly since the Mumbai attacks in 2008, the Indian government has used counter-terrorism measures to arrest and detain large numbers of Muslims arbitrarily. In 2009, the UN High Commissioner for Human Rights urged India to counter suspicion against Muslims in the country and warned that anti-terrorism laws threatened human rights. In January 2009, thousands of people took to the streets to protest against the imprisonment and killing of two Muslims accused of being terrorists. The protesters were demanding a judicial investigation into the killings. Many of the protesters said that several Muslim youths had been arrested on minimal evidence in Uttar Pradesh on suspicion of terrorist links. After the Mumbai attacks, the government rushed through new laws, allowing police to hold suspects for up to 180 days without charge.

In April 2009, the Indian Supreme Court rejected a plea by a Muslim student who had been expelled from a Christian missionary school in Madhya Pradesh for refusing to shave off his beard. The presiding judge ruled that it was against India's secularism and associated sporting a beard with terrorism and extremist values.

In 2009, communal riots in India, mainly those conducted by Hindu extremist groups against religious minorities, claimed 23 lives, while 73 people were injured, according to an article written by Dr Asgar Ali Engineer, who heads the Centre for the Study of Secular Society. The article also stated that riots took place in Assam, Bihar, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan and Uttar Pradesh. However, there were no riots in Andhra Pradesh, Chattisgarh, Jharkhand, Kerala, Orissa, Tamil Nadu and West Bengal – all of which have significant minority populations and have seen incidents of violence and rioting in previous years.

The year 2009 saw a series of important court rulings and legal measures, which had a significant impact on issues facing religious minorities in India. April and May 2009 brought some positive developments for victims of the 2002 violence against Muslims in Gujarat. The Supreme Court ordered that cases be 'fast-tracked' or expedited in the Gujarat high court and also directed a 'Special Investigation Team', to investigate the role of the Bharatiya Janatha Party (BJP) Chief Minister Narendra Modi and 61 others in the riots. Two senior state politicians, the BJP's Maya Kodnani and Jaydeep Patel, leader of the Vishva Hindu Parishad (a Hindu extremist group), were arrested for their roles in the communal violence that saw the killing, rape and torture of several thousands of Muslims.

On 31 December 2009, Indian national media reported that the Governor of Delhi, Tajendra Khanna, gave the go-ahead for the prosecution of senior Congress Party politician Sajjan Kumar, who has been accused of instigating the 1984 anti-Sikh violence that resulted in more than 3,000 killed and several thousand injured.

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