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Laws and policies that were passed without adequate public and legislative consultation eroded the rights of human rights defenders and religious minorities. The government selectively and viciously cracked down on religious minorities, and explicit advocacy of hatred by political leaders and public officials towards them was commonplace and went unpunished. Punitive demolitions of Muslim family homes and businesses were carried out with impunity. Peaceful protesters defending minority rights were presented and treated as a threat to public order. Repressive laws including counterterrorism legislation were used rampantly to silence dissent. Authorities intimidated human rights defenders using digital technologies, including unlawful surveillance. Adivasis and marginalized communities including Dalits continued to face violence and entrenched discrimination.

Freedom of expression and association

In a welcome step, on 11 May the Supreme Court suspended the enforcement of Section 124a of the Penal Code, a 152-year-old provision that penalizes sedition, until the government re-examines it.

In a continuing pattern of harassment and intimidation, unlawful and politically motivated restrictions were placed on civil society organizations and human rights defenders including activists, journalists, students and academics.

On 14 July the lower house of parliament banned a number of ordinary words from being spoken during parliamentary debates including, among others, “corrupt”, “sexual harassment”, “criminal”, “eyewash”,

“incompetent” and “hypocrisy”. The ban was an attempt to police the speeches of opposition members of parliament.

On 7 September the Income Tax Department conducted coordinated raids – presented as “surveys” – on the offices of NGOs including Oxfam, the Independent and Public-Spirited Media Foundation and the Centre for Policy Research, for alleged contraventions of the Foreign Contribution (Regulation) Act.

On 27 and 28 September, mass raids were carried out against the NGO Popular Front of India (PFI) and its affiliates across India. More than 300 of PFI’s senior leaders and members were arrested. Subsequently, the Ministry of Home Affairs declared PFI to be an “unlawful association” under the Unlawful (Activities) Prevention Act (UAPA), a counterterrorism law, for its alleged involvement in the “funding of terrorism and terrorist activities”, despite there being no charges brought against those arrested and no trials conducted.

On 27 July the Supreme Court upheld provisions of the Prevention of Money Laundering Act (2002) relating to the powers of arrest, confiscation of property and search and seizure conferred on the Enforcement Directorate, India’s primary agency for investigating financial crimes. These powers have been repeatedly abused to repress civil society and limit dissent.

Throughout the year the authorities routinely used international travel bans to stifle independent voices including the human rights activist and former head of Amnesty International India, Aakar Patel, journalist Rana Ayyub and at least two Kashmiri journalists who were scheduled to speak abroad on India’s human rights situation.

Arbitrary arrests and detentions

Arbitrary arrests

The government cracked down on critics by resorting to arbitrary arrests, including without following due process, under draconian and repressive laws.

On 25 April, Jignesh Mevani, an independent Dalit member of the Gujarat Legislative Assembly, was re-arrested immediately after he was granted bail by a court in the state of Assam. His first arrest came after he posted on Twitter calling on Prime Minister Narendra Modi to maintain peace in the state of Gujarat, which was witnessing religious violence.

On 25 June, prominent human rights defender Teesta Setalvad and former police officials Sanjeev Bhatt and RB Sreekumar were arrested and detained by the authorities for charges including committing forgery and

fabricating evidence. The charges appeared to be in reprisal for their work with victims of the 2002 Gujarat riots.

On 28 June, Mohammed Zubair, co-founder of the independent fact-checking website ALT News, was arrested by police in the capital, New Delhi, for allegedly “hurting religious sentiments” and “promoting enmity” on Twitter for denouncing discrimination against minorities and criticizing increased censorship.

On 10 June, police detained human rights activist Javed Mohammed, his wife and their daughter, along with many others, for allegedly being the “key conspirators” of communal violence that erupted in Prayagraj, Uttar Pradesh state.

Prolonged detention

Eleven human rights activists continued to be detained without trial in Maharashtra state under the UAPA. They were academics Shoma Sen and Hany Babu; tribal rights activist Mahesh Raut; poet Sudhir Dhawale; lawyer Surendra Gadling; civil rights activists Rona Wilson, Arun Ferreira and Vernon Gonsalves; and three members of the cultural group Kabir Kala Manch – Ramesh Gaichor, Jyoti Jagtap and Sagar Gorkhe. They were arrested between 2018 and 2020 by the National Investigation Agency, India’s main counterterror agency, for their alleged involvement in violence during the Bhima Koregaon celebrations near the city of Pune in 2018.

At least eight Muslim students, councillors and human rights activists continued to be detained without trial under the UAPA for allegedly orchestrating religious violence in Delhi in February 2020 that killed at least 53 people, mostly Muslims.

Journalist Siddique Kappan and three others remained detained under laws on sedition and the UAPA. At the time of his arrest in October 2020, Siddique Kappan was on his way to Hathras District in Uttar Pradesh to report on the gang rape and murder of a young Dalit woman.

Unlawful attacks and killings

Between April and June, communal violence broke out in Gujarat, Madhya Pradesh, Jharkhand, Delhi, Rajasthan and West Bengal during the festivals of Ram Navami and Ramzan. Shortly after the violence, various political leaders and public officials in Madhya Pradesh made statements threatening the demolition of protesters’ properties. They included the deputy inspector general of police of Khargone and the commissioner of police and the home minister of Madhya Pradesh. The latter was quoted as saying: “Whichever houses were involved in stone pelting, we will ensure they are turned into piles of stones themselves”. These statements were followed by the authorities’ unlawful demolition of private property

of people suspected of rioting, reportedly without notice or other due process requirements, in Madhya Pradesh, Gujarat, Delhi and Uttar Pradesh. Most of the demolished properties were owned by economically disadvantaged Muslims.

On 10 June the media reported an incident in which police personnel used batons against protesters, threw stones and shot bystanders during protests in Ranchi, Jharkhand state. One bystander was shot six times by the police while returning from the market. Two protesters, including a 15-year-old boy, were fatally shot in the head by the police.

Freedom of assembly

Restrictions on the right to protest

The authorities imposed new restrictions on freedom of expression and peaceful assembly. On 3 March the High Court of Karnataka upheld a state order restricting all protests to a designated area in the state capital, Bengaluru.

On 26 September the Gujarat state police detained human rights activist Sandeep Pandey along with seven others who were due to participate in a march demanding a public apology to gang-rape survivor Bilkis Bano. Those convicted of raping Bilkis Bano had been released from prison by the Gujarat government.

Excessive use of force

The police used unlawful force and committed other human rights violations, including abusing laws to intimidate people and silence dissent.

On 10 June, in a video reported by multiple media outlets, police officers repeatedly hit detained male protesters with batons in Saharanpur, Uttar Pradesh. One protester complained of a fractured arm. Instead of criticizing the use of force, it was celebrated by former police officers and politicians of the ruling Bharatiya Janata Party on social media.

On 4 October, Gujarat state police tied nine men to a pole in Kheda city for allegedly throwing stones at a Hindu festival celebration and publicly flogged them with *lathis* (batons) while spectators cheered.

Freedom of religion

Criminal laws were used disproportionately against religious minorities, particularly Muslims. The police routinely arrested Muslims for allegedly “promoting enmity between groups” and “outraging religious feelings” for acts including offering *namaz* (prayers), conducting legitimate business transactions, consensually marrying Hindu women and eating beef.

In May, July and August, scores of Muslims were either charged in criminal cases or with administrative penalties for offering *namaz* in public spaces and private homes.

In the states of Haryana, Uttar Pradesh, Madhya Pradesh, Kerala and Gujarat, public calls were made by some Hindu groups for the economic boycott of Muslim businesses. On 23 March the minister of law, parliamentary affairs and legislation in Karnataka state said that non-Hindus cannot engage in any kind of trade near Hindu temples and institutions. Calls were also made in Karnataka to boycott meat shops owned by Muslims during the Hindu festival of Dussehra. On 4 April the mayor of South Delhi ordered the closure of all meat shops, which were predominantly owned by Muslims, during the Hindu festival of Navratri.

Explicit incitement to violence against Muslims, including to rape and murder Muslim women, were made with impunity by Hindu priests in Uttar Pradesh and Delhi.

On 17 May, Karnataka state government passed a law, without public or legislative consultation, criminalizing marriages where there is an allegation of forced religious conversion by relatives or colleagues of the alleged victim. The law made these conversions punishable by up to 10 years' imprisonment. On 11 November, five people were arrested in Karnataka on allegations of forced conversion. Uttar Pradesh, where a similar law was passed in 2021, witnessed attacks and violence against Christians on allegations of forced conversion.

Discrimination

Hate crimes based on caste

Hate crimes including violence against Dalits and Adivasis were committed with impunity. More than 50,000 suspected crimes against members of Scheduled Castes and more than 9,000 crimes against Adivasi people were reported in 2021. More than three-quarters of India's prison population were in pretrial detention, with Dalits, Adivasis and members of other disadvantaged groups being disproportionately represented.

Throughout the year, media reports demonstrated that the Dalit community, including Dalit children, faced increasing oppression and violence from members of dominant castes, including loss of life for exercising their basic rights such as drinking water from a common well.

Despite a formal ban on manual scavenging, at least 19 sanitation workers suffocated to death after being forced to clean sewers and septic tanks by private businesses, political leaders and the police. Almost three-quarters of sanitation workers across India belonged to Scheduled Castes.

Indigenous peoples' rights

On 28 June the Ministry of Environment, Forest and Climate Change passed the Forest Conservation Rules, permitting private businesses to cut down forest without obtaining free, prior and informed consent from forest-dwellers, including Adivasi peoples, who self-identify as Indigenous.

On 17 July, independent journalist Rupesh Kumar Singh was arbitrarily detained by Jharkhand police in retaliation for his extensive reporting on the rights of Adivasi peoples in Giridih district, Jharkhand state.

More than 60 forest dwellers, environmental human rights defenders and Adivasi people were arrested during the year for protesting against a steel project by Jindal Steel Works in the village of Dhinkia, Odisha state, which was approved by the government based on a fraudulent environmental impact assessment.

Jammu and Kashmir

Freedom of expression

Several Kashmiri journalists were arrested, including Fahad Shah, Aasif Sultan and Sajad Gul. After being granted bail by local courts, they were re-arrested almost immediately under the UAPA. In a continuing crackdown on freedom of expression and movement, journalists Aakash Hassan and Sanna Irshad Mattoo were prevented from travelling abroad by the immigration authorities without a court order, warrant or even a written explanation. Human rights defender Khurram Parvez remained detained under the UAPA without trial since November 2021.

Unlawful killings

According to official data, Jammu and Kashmir accounted for the highest proportion of deaths involving the police in India between April 2020 and March 2022. Media reports suggested that at least 19 civilians were killed by armed groups during 2022, of which seven belonged to the regional Hindu minority community.

Right to privacy

On 6 April, parliament passed the Criminal Procedure (Identification) Act (2022) allowing police officers to collect signatures, handwriting samples, and biological samples including blood, semen, hair, swabs and DNA analyses of all convicts and arrested people including those under administrative detention. Under the Act, these could be stored for up to 75 years in a central database without a data protection framework in place.

On 25 August the Supreme Court refused to make public an investigatory report it had commissioned into allegations of unlawful surveillance of the mobile devices of journalists, politicians, scientists and human rights activists by government authorities using Pegasus spyware.

Women's rights

Perpetrators continued to commit sexual and domestic violence with impunity.

The government of the state of Karnataka imposed a ban on women and girls wearing headscarves (hijab) in public schools. The ban was upheld by the High Court of Karnataka in March. In October, the Supreme Court issued a split verdict and referred the case to a larger panel of judges. Meanwhile the ban remained in place, resulting in ongoing harassment of Muslim women and girls.

There was some progress on women's rights. On 26 May the Supreme Court upheld the right of sex workers and their children to live with dignity and ordered police officers to not abuse them verbally or physically. On 29 September the Supreme Court progressively interpreted the 1971 Medical Termination of Pregnancy (MTP) Act and granted the right to abortion to all women, notwithstanding their marital status. The Indian government had previously refused to criminalize marital rape and the judgment's recognition of it under the MTP Act was a step forward in recognizing marital rape as a form of violence against women.

Failure to tackle climate crisis

In August, India updated its NDC, strengthening its target to reduce greenhouse gas emissions by 2030. However, the Climate Action Tracker rated India's climate target and policies as "highly insufficient".

Environmental degradation

The government lacked adequate disaster preparedness policies and failed to effectively respond to floods and air pollution. The north-eastern state of Assam remained vulnerable to intense floods which affected more than 4.8 million people in July. From April onwards, India faced average temperatures of up to 4.5°C above the normal range, particularly affecting people living in poverty and those in certain professions such as daily wage labourers, farmers and street vendors. From October onwards, air quality seriously deteriorated in Delhi, largely due to stubble burning, the use of firecrackers during the Diwali festival and vehicle emissions, violating the human rights to life and health.

Associated documents

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28 March 2023 | [AI – Amnesty International](#) (Author)

India

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