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INDIA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

India is a multiparty, federal, parliamentary democracy with a bicameral legislature. The president, elected by an electoral college composed of the state assemblies and parliament, is the head of state, and the prime minister is the head of government. Under the constitution, the country's 28 states and nine union territories have a high degree of autonomy and have primary responsibility for law and order. Electors chose President Ram Nath Kovind in 2017 to serve a five-year term, and Narendra Modi became prime minister for the second time following the victory of the National Democratic Alliance coalition led by the Bharatiya Janata Party (BJP) in the 2019 general election. Observers considered the parliamentary elections, which included more than 600 million voters, to be free and fair, although with isolated instances of violence.

The states and union territories have primary responsibility for maintaining law and order, with policy oversight from the central government. Police are under state jurisdiction. The Ministry of Home Affairs (MHA) controls most paramilitary forces, the internal intelligence bureaus and national law enforcement agencies, and provides training for senior officials from state police forces. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: unlawful and arbitrary killings, including extrajudicial killings perpetrated by police; torture by prison officials; arbitrary arrest and detention by government authorities; harsh and life-threatening prison conditions; political prisoners in certain states; restrictions on freedom of expression and the press, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, use of criminal libel laws to prosecute social media speech, censorship, and site blocking; overly restrictive rules on nongovernmental organizations (NGOs); frequent reports of widespread corruption at all levels of government; violence and discrimination targeting minorities based on religious affiliation or social status; and forced and compulsory child labor, including bonded labor.

Despite government efforts to address abuses, a lack of accountability for official misconduct persisted at all levels of government, contributing to widespread impunity. Investigations and prosecutions of individual cases took place, but lax enforcement, a shortage of trained police officers, and an overburdened and under-resourced court system contributed to a small number of convictions.

Separatist insurgents and terrorists in Jammu and Kashmir, the Northeast, and Maoist-affected areas committed serious abuses, including killings and torture of armed forces personnel, police, government officials, and civilians, and recruited and used child soldiers.

On August 5, the government announced major changes to the constitutional status of Jammu and Kashmir, converting the state into two separate union territories. In the ensuing security crackdown, authorities detained thousands of residents, including local political leaders; shut down mobile and internet services; and imposed restrictions on movement. As of December the government had taken steps to restore normalcy, including partial restoration of telephone and mobile services, but had not yet announced a timeline for local assembly elections.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings of suspected criminals and insurgents.

On February 6, then minister of state for home affairs Hansraj Gangaram Ahir presented in the upper house of parliament data from the National Human Rights Commission (NHRC), noting that 22 alleged “fake encounters” with police occurred between January 2018 and January 20, 2019. Ahir stated that 17 of these alleged encounters occurred in the state of Uttar Pradesh. An “encounter death” is a term used to describe any encounter between the security or police forces and alleged criminals or insurgents that results in a death. The NHRC reported a similar number of cases in 2017-2018. Until January 20, the NHRC recommended 14.5 million rupees (\$203,000) as monetary compensation for 15 “fake encounter” cases. On January 19, four UN human rights experts expressed concern about allegations of at least 59 extrajudicial killings by police in Uttar Pradesh since 2017. The experts sent “detailed information” to the government on 15 of the cases, most deaths involving individuals from Muslim communities.

The South Asian Terrorism Portal, run by the nonprofit Institute for Conflict Management, reported the deaths of 110 civilians, 12 security force members, and 272 terrorists or insurgents throughout the country as of September 16.

Reports of custodial death cases, in which prisoners or detainees were killed or died in police and judicial custody, continued. On July 16, MHA Minister of State G. Kishan Reddy told the lower house of parliament that the NHRC registered 1,933 cases of custodial deaths between 2018 and 2019, of which 1,797 were deaths in judicial custody, while 136 deaths occurred under police custody.

On March 7, Gufran Alam and Taslim Ansari were found in a police station in Dumrah, Bihar State, with nails hammered into their bodies. They had been taken into police custody for allegedly stealing motorcycles. Both died before they reached the hospital; on March 12, media accounts noted the suspension of five police officers for involvement in the deaths. In April the NGO Citizens against Hate petitioned the Supreme Court, alleging that the Bihar police and the doctors who conducted the postmortem colluded to cover up the crime. In June the Supreme Court heard the plea but issued no decision. The Bihar Human Rights Commission started a case on its own motion that confirmed custodial torture. On October 1, the commission ordered the Bihar government to pay compensation to the families of Alam and Ansari.

On the night of March 18-19, Rizwan Pandit, a schoolteacher from the Pulwama District in Jammu and Kashmir, died in police custody. Police were investigating Pandit in a militancy-related case. The victim's relatives alleged that he was tortured in custody. The police started a magisterial inquiry into the death.

There were several reports of killings by terrorist groups. On March 22, terrorists from Lashkar-e-Taiba, a U.S.-designated terrorist organization, killed 12-year-old Atif Mir in Shopian District in Jammu and Kashmir. The terrorists allegedly held Mir hostage during a gunfight with Indian security forces. There were reports in late 2019 of militants in Jammu and Kashmir intimidating businesses and killing migrant laborers in order to constrain economic activity.

On July 3, the Crime Branch of Kerala police arrested seven police officers in connection with the torture and subsequent death of Rajkumar, a financier from Idukki District, while he was in police custody. Law enforcement officials had arrested Rajkumar on June 12 on charges of financial fraud. According to the NGO Human Rights Law Network, police did not record Rajkumar's arrest, and he died in a hospital on June 21. The Kerala government set up a judicial commission to investigate the death and announced financial compensation of 1.6 million rupees (\$23,000).

The trial regarding the custodial death of Rakbar Khan continued. Rajasthan police filed charges in September 2018 and arrested a fourth suspect in August. In July 2018 authorities suspended a senior police officer in Rajasthan after cattle trader Rakbar Khan died in police custody. Villagers reportedly assaulted Khan on suspicion of cow smuggling before authorities picked him up. Police took four hours to transport Khan to a local hospital 2.5 miles away, reportedly stopping for tea along the way, according to media sources. Doctors declared Khan dead upon arrival. State authorities arrested three individuals in connection with the assault and opened a judicial inquiry into the incident.

Killings by government and nongovernment forces, including insurgents and terrorists, were reported in Jammu and Kashmir, northeastern states, and Maoist-affected areas of the country (see section 1.g.). In Jammu and Kashmir, the Institute for Conflict Management reported 137 killings by security forces from January 1 to September 9. The institute also recorded 75 fatalities on the side of the security forces and 25 civilian fatalities during this period.

Formal charges have yet to be filed in the 2018 killing of *Rising Kashmir* editor in chief Shujaat Bukhari and his two police bodyguards. In June 2018 unidentified gunmen in Srinagar shot and killed Bukhari and the two bodyguards as they departed the office. A police investigation alleged that terrorists belonging to Lashkar-e-Tayyiba targeted Bukhari in retaliation for his support of a government-backed peace effort; the prime suspect was killed a shootout with police.

In January the Central Bureau of Investigation (CBI) filed charges against 10 Manipur police personnel for their alleged involvement in a fake encounter incident in 2009. This was the eighth time the CBI filed charges while probing 87 of the 1,528 cases of extrajudicial killings allegedly perpetrated by the army, paramilitary forces, and Manipur police between 1979 and 2012. In 2018 the CBI filed charges against 20 Manipur police personnel; the Supreme Court has not held a hearing in the case since September 2018.

Under the Armed Forces Special Powers Act (AFSPA), a central government designation of a state or union territory as a “disturbed area” authorizes security forces in the state to use deadly force to “maintain law and order” and arrest any person “against whom reasonable suspicion exists” without informing the detainee of the grounds for arrest. The law also provides security forces immunity from civilian prosecution for acts committed in regions under the AFSPA, although in 2016 the Supreme Court stated that every death caused by the armed forces in a

disturbed area, whether of a civilian or a terrorist, should be thoroughly investigated, adding that the law must be equally applied.

The AFSPA remained in effect in Nagaland, Manipur, and Assam, and a version of the law was in effect in Jammu and Kashmir. It was renewed in Nagaland and Assam during the year and partially withdrawn from three of the nine districts of Arunachal Pradesh. On July 8, the Office of the UN High Commissioner for Human Rights (OHCHR) published its second report on the situation of human rights in Jammu and Kashmir, covering the period May 2018 to April 2019. The report noted that, in the nearly three decades AFSPA remained in force, the central government had not sanctioned any prosecution of its armed forces personnel. The report called for the repeal of the AFSPA in all states. The call for AFSPA repeal also received public support, including from human rights organizations, particularly in areas that experienced a significant decrease in insurgent attacks.

According to the OHCHR's second *Report on the Situation of Human Rights in Kashmir*, security forces committed 1,081 extrajudicial killings of civilians between 2008 and 2018. Of these, 160 were killed in 2018 alone, including 71 by the Indian security forces; 43 by armed terrorist groups and unidentified gunmen; and 29 allegedly by Pakistani troops. According to the Jammu and Kashmir Coalition of Civil Society, 21 civilians were killed by Indian and Pakistani security forces, armed terrorist groups, and unknown gunmen in the first three months of the year.

Nongovernmental forces, including organized insurgents and terrorists, committed numerous killings and bombings in Jammu and Kashmir, the northeastern states, and Maoist-affected areas (see section 1.g.). Maoists in Jharkhand and Bihar continued to attack security forces and key infrastructure facilities, such as roads, railways, and communication towers. On April 17, government official Sanjukta Digal died in a Maoist attack on a team of government officials involved in conducting general elections in Kandhamal District of Odisha.

b. Disappearance

There were allegations police failed to file required arrest reports for detained persons, resulting in hundreds of unresolved disappearances. Police and government officials denied these claims. The central government reported state government screening committees informed families about the status of detainees. There were reports, however, that prison guards sometimes required bribes from families to confirm the detention of their relatives.

Disappearances attributed to government forces, paramilitary forces, and insurgents occurred in areas of conflict during the year (see section 1.g.).

In July the UN Working Group on Enforced or Involuntary Disappearances released its annual report on cases examined between May 2018 and May 2019. The working group informed the government of one urgent appeal and one general allegation concerning individuals who were arrested, detained, or otherwise deprived of rights. It also noted 494 cases of enforced or involuntary disappearances from 1980 to 2019, of which 414 cases were outstanding.

There were allegations of enforced disappearance by the Jammu and Kashmir police. Although authorities denied these charges and claimed no enforced disappearance cases had occurred since 2015, the Association of Parents of Disappeared Persons submitted inquiries for 639 cases of alleged disappearance in Jammu and Kashmir. In July 2018 the Jammu and Kashmir State Human Rights Commission ordered its police wing to investigate these cases. No further information was provided about this investigation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture, but there were reports that police forces allegedly employed such practices.

Police beatings of prisoners resulted in custodial deaths (see section 1.a.).

According to 2017 NCRB data, the latest year for which data is available, as many as 100 custodial deaths occurred that year, with five deaths being ascribed to torture by police.

The law does not permit authorities to admit coerced confessions into evidence, but NGOs and citizens alleged authorities used torture to coerce confessions. Authorities allegedly also used torture as a means to extort money or as summary punishment. According to human rights experts, the government continued to try individuals arrested and charged under the since-repealed Prevention of Terrorism Act and Terrorist and Disruptive Activities Act. Under the repealed laws, authorities treated a confession made to a police officer as admissible evidence in court.

In the state of Haryana, there were reports of abuse in prisons at the hands of guards and inmates. On August 25, the Haryana State Legal Services Authority released a study by the NGO Commonwealth Human Rights Initiative of all 19 prisons in the state. The NGO spoke with 475 prisoners between December 2017 and May 2018 and found that nearly 50 percent of inmates, both men and women, were allegedly subjected to degrading and inhuman treatment in police custody. The prisoners reported being assaulted with electric shocks, water boarding, and sleep deprivation.

On June 25, the Karnataka State Human Rights Commission ordered an investigation by the Criminal Investigation Department into the death of Syed Fairoz, an inmate at Parappana Agrahara Central Prison (Bengaluru). Fairoz died January 23 in a hospital while undergoing treatment for the injuries he sustained while in custody. The commission directed the Karnataka government to provide financial compensation of one million rupees (\$14,500) to Fairoz's family and fined responsible prison officials the same amount.

On April 27, Abdul Mannan, a migrant street vendor from Uttar Pradesh, died in police custody in Warangal District of Telangana. The police picked up Mannan and five others from the street and allegedly subjected him to physical and mental torture, besides denying medical help. The Telangana State Minority Commission issued a notice to the Warangal District police commissioner to submit a report on this case.

On March 17, police in the Jajpur District of Odisha picked up human rights activist Tapan Padhi from his residence close to midnight and allegedly tortured him in police custody for two days. Police filed cases against him under several sections, including Section 66A of the Information Technology Act that was struck down by the Supreme Court, charging him with posting derogatory comments against police on Facebook. The Odisha Human Rights Commission sought a report from police on the incident.

There were continued reports that police raped female and male detainees. The government authorized the NHRC to investigate rape cases involving police officers. By law the NHRC may also request information about cases involving the army and paramilitary forces, but it has no mandate to investigate those cases. NGOs claimed the NHRC underestimated the number of rapes committed in police custody. Some rape victims were unwilling to report crimes due to social stigma and the possibility of retribution, compounded by a perception of a lack of

oversight and accountability, especially if the perpetrator was a police officer or other official. There were reports police officials refused to register rape cases.

Victims of crime were sometimes subjected to intimidation, threats, and attacks, including by government officials. On July 28, a rape survivor from Uttar Pradesh's Unnao District was critically injured in a head-on road collision. The survivor had accused state BJP lawmaker Kuldeep Sengar of rape in 2017; the BJP later expelled Sengar from the party. The girl's family alleged Sengar planned the crash to kill her. On August 1, the Supreme Court directed the state government to pay compensation to the victim and transferred all litigation related to the victim to Delhi. Sengar's brother allegedly tortured the victim's father after she came forward with the allegation, and the victim's father died in police custody a day later. The victim attempted self-immolation outside the Uttar Pradesh chief minister's home to protest significant delays in arresting Sengar. Sengar has been in prison since April 2018 and was convicted of rape and kidnapping on December 16. Kuldeep Sengar was sentenced to life in prison and ordered to pay 2.5 million rupees (approximately \$35,000) as compensation.

In July, Madhya Pradesh police suspended five police officers and ordered a judicial inquiry into the death of 20-year-old Shivam Mishra, who was arrested for drunk driving. Mishra's family alleged he was beaten to death.

Prison and Detention Center Conditions

Prison conditions were frequently life threatening, most notably due to inadequate sanitary conditions, lack of medical care, and extreme overcrowding.

Physical Conditions: Prisons were often severely overcrowded, and food, medical care, sanitation, and environmental conditions frequently were inadequate. Potable water was not universally available. Prisons and detention centers remained underfunded, understaffed, and lacked sufficient infrastructure. Prisoners were physically mistreated.

According to the NCRB's *Prison Statistics India 2015* report, there were 1,401 prisons in the country with an authorized capacity of 366,781 persons. The actual incarcerated population was 419,623. Persons awaiting trial accounted for more than two-thirds of the prison population. The law requires detention of juveniles in rehabilitative facilities, although at times authorities detained them in adult prisons, especially in rural areas. Authorities often held pretrial detainees along with convicted prisoners. In Uttar Pradesh, occupancy at most prisons was two-, and

sometimes three-, times the permitted capacity, according to an adviser appointed by the Supreme Court.

In May 2018 the NHRC issued notices to all states and union territories seeking statistical reports on the number of children who lived with their mothers in jails. The commission issued notices based on a media report that 46 children, including 25 boys and 21 girls, were in jails with their mothers.

NHRC data cited in a news report on May 30 indicated that 14 deaths occurred in prisons in Telangana during 2017-2018, which was a decline from 29 deaths during 2016-2017. An official in the Telangana prisons department attributed the decline in numbers to various measures, including better provision of medical care and fixing accountability for deaths on the prison superintendent and resident doctor.

On April 25, the Bombay High Court refused bail to the jail warden and five prison officials arrested for the 2017 death of Manjula Shetye, a female convict in Mumbai. In June 2018 prosecutors filed murder, conspiracy, criminal intimidation, and destruction of evidence charges against these individuals for Shetye's death. The officials were arrested in 2017 for allegedly assaulting Shetye following her complaint about inadequate food. A government doctor who signed the death certificate was suspended.

Administration: Authorities permitted visitors limited access to prisoners, although some family members claimed authorities denied access to relatives, particularly in conflict areas, including Jammu and Kashmir.

Independent Monitoring: The NHRC received and investigated prisoner complaints of human rights violations throughout the year, but civil society representatives believed few prisoners filed complaints due to fear of retribution from prison guards or officials.

Authorities permitted prisoners to register complaints with state and national human rights commissions, but the authority of the commissions extended only to recommending that authorities redress grievances. Government officials reportedly often failed to comply with a Supreme Court order instructing the central government and local authorities to conduct regular checks on police stations to monitor custodial violence.

In many states the NHRC made unannounced visits to monitor state prisons, including training workshops and seminars for officials, but NHRC jurisdiction does not extend to military detention centers. An NHRC special rapporteur visited state prisons to verify that authorities provided medical care to all inmates. The rapporteur visited prisons on a regular basis throughout the year but did not release a report to the public or the press.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but both occurred during the year. Police also used special security laws to postpone judicial reviews of arrests. Pretrial detention was arbitrary and lengthy, sometimes exceeding the duration of the sentence given to those convicted.

According to human rights NGOs, some police used torture, mistreatment, and arbitrary detention to obtain forced or false confessions. In some cases police reportedly held suspects without registering their arrests and denied detainees sufficient food and water.

On August 5, the government abrogated a special constitutional provision for Jammu and Kashmir that had provided a degree of autonomy to the state and shut or severely hindered internet and communication services. Authorities used a public safety law to detain local politicians without trial. The government gradually relaxed restrictions in some areas. The government detained between 3,200 and 4,000 persons after August 5, and while most detainees were released in the following months, a few hundred remained in detention as of December. Those released were made to sign bonds agreeing not to engage in any political activity. Beginning August 5, the government also imposed a shutdown of landline and mobile phones. Media accounts noted landlines were restored in early September while postpaid mobile telephones were restored in October. Local authorities in Jammu and Kashmir stated text messaging would be restored on January 1, 2020. Prepaid mobile telephones and internet access remained limited.

Arrest Procedures and Treatment of Detainees

In cases other than those involving security risks, terrorism, insurgency, or cases arising in Jammu and Kashmir, police may detain an individual without charge for up to 30 days, although an arrested person must be brought before a judge within 24 hours of arrest. Lengthy arbitrary detention remained a significant problem due to overburdened and under-resourced court systems and a lack of legal safeguards.

Arraignment of detainees must occur within 24 hours unless authorities hold the suspect under a preventive detention law. The law allows police to summon individuals for questioning, but it does not grant police prearrest investigative detention authority. There were incidents in which authorities allegedly detained suspects beyond legal limits. By law authorities must allow family members access to detainees, but this was not always observed.

Other than in Jammu and Kashmir, the National Security Act allows police to detain persons considered security risks without charge or trial for as long as one year. The law allows family members and lawyers to visit national security detainees and requires authorities to inform a detainee of the grounds for detention within five days, or 10 to 15 days in exceptional circumstances. Nonetheless, rights activists noted provisions allowing detainees to meet family or lawyers were not followed in practice, especially in the states of Odisha, Manipur, Andhra Pradesh, and Maharashtra.

The Public Safety Act (PSA), which applies only in Jammu and Kashmir, permits authorities to detain persons without charge or judicial review for up to two years without visitation from family members. Authorities in Jammu and Kashmir allowed detainees access to a lawyer during interrogation; in some instances authorities allegedly denied detainees access to lawyers as well as medical attention. In July 2018 the Jammu and Kashmir government amended the PSA to remove the prohibition on detaining permanent residents of Jammu and Kashmir outside its borders. Between August 5 and 30, authorities used this amendment to detain approximately 285 individuals in Uttar Pradesh.

Authorities must promptly inform persons detained on criminal charges of the charges against them and of their right to legal counsel. By law a magistrate may authorize the detention of an accused person for a period of no more than 90 days prior to filing charges. Under standard criminal procedure, authorities must release the accused on bail after 90 days if charges are not filed. NCRB data from 2015 showed most individuals awaiting trial spent more than three months in jail before they could secure bail, and nearly 65 percent spent between three months and five years before being released on bail.

The law also permits authorities to hold a detainee in judicial custody without charge for up to 180 days (including the 30 days in police custody). The Unlawful Activities Prevention Act (UAPA), which gives authorities the ability to detain persons without charge in cases related to insurgency or terrorism for up to 180

days, makes no bail provisions for foreign nationals and allows courts to deny bail in the case of detained citizens. The UAPA presumes the accused to be guilty if the prosecution can produce evidence of the possession of arms or explosives or the presence of fingerprints at a crime scene, regardless of whether authorities demonstrate criminal intent. State governments also reportedly held persons without bail for extended periods before filing formal charges under the UAPA.

On March 23, the MHA declared the Jammu and Kashmir Liberation Front (JKLF), led by Mohammed Yasin Malik, an unlawful organization for five years under the UAPA. An MHA statement accused Malik and the JKLF of participating in the “genocide” of Kashmiri Hindu Pandits in 1989 as well as the murder of Indian Air Force personnel, kidnappings, and funding terrorism.

On August 2, the parliament passed the Unlawful Activities (Prevention) Amendment Bill, 2019. The amendment allows the government to designate individuals as terrorists and provides new authorities to the National Investigation Agency to investigate cases relating to narcotics, terrorism, and trafficking in persons.

On August 8, the Bombay High Court granted temporary bail to Sudha Bharadwaj, permitting her to attend post-funeral rites for her deceased father. Bharadwaj is one of the five human rights activists that Maharashtra police arrested in 2018 in connection with an alleged plot to overthrow the government and assassinate the prime minister. All five asserted wrongful arrest and detention and further claimed that the arrests were intended to muzzle voices of dissent, as all five were active in protesting arrests of other human rights defenders.

Arbitrary Arrest: The law prohibits arbitrary arrest or detention, but in some cases, police reportedly continued to arrest citizens arbitrarily. There were reports of police detaining individuals for custodial interrogation without identifying themselves or providing arrest warrants.

Pretrial Detention: NCRB data reported 308,718 prisoners were awaiting trial at the end of 2017, comprising 68.5 percent of the country’s prison population. In 2017 Amnesty International released a report on pretrial detention, which noted that shortages of police escorts, vehicles, and drivers caused delays in bringing prisoners to trial. According to the Amnesty report, the pretrial population is composed of a disproportionate number of Muslims, Dalits, and Adivasis, who made up 53 percent of prisoners awaiting trial. Media reported the high numbers of pretrial detainees contributed to prison overcrowding. Based on 2018 data from

the National Legal Services Authority, media sources estimated prisons were at 115 percent capacity nationally and at 227 percent capacity in Delhi.

The government continued efforts to reduce lengthy detentions and alleviate prison overcrowding by using “fast track” courts, which specified trial deadlines, provided directions for case management, and encouraged the use of bail. Some NGOs criticized these courts for failing to uphold due process and requiring detainees unable to afford bail to remain in detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence, but the judicial system was plagued by delays, capacity challenges, and corruption.

The judicial system remained seriously overburdened and lacked modern case management systems, often delaying or denying justice. According to Department of Justice statistics released in January, there were 414 judicial vacancies out of 1,079 judicial positions on the country’s 24 high courts.

Trial Procedures

The law provides for the right to a fair and public trial, except in proceedings that involve official secrets or state security. Defendants enjoy the presumption of innocence, except as described under UAPA conditions, and may choose their counsel. The constitution specifies the state should provide free legal counsel to defendants who cannot afford it to ensure that opportunities for securing justice are not denied to any citizen, but circumstances often limited access to competent counsel. An overburdened justice system resulted in lengthy delays in court cases, with disposition sometimes taking more than a decade.

There were reported cases in which police denied suspects the right to meet with legal counsel as well as cases in which police unlawfully monitored suspects’ conversations and violated their confidentiality rights.

While defendants have the right to confront accusers and present their own witnesses and evidence, defendants sometimes did not exercise this right due to lack of proper legal representation. Defendants have the right not to testify or confess guilt. Courts must announce sentences publicly, and there are effective channels for appeal at most levels of the judicial system.

Political Prisoners and Detainees

There were reports of political prisoners and detainees. According to NGOs and several media reports, the government detained between 3,200 and 4,000 individuals in Jammu and Kashmir, including more than 100 mainstream politicians under the Public Safety Act. The government did not officially confirm these large-scale detentions except those of prominent politicians, including former chief ministers Farooq Abdullah, Omar Abdullah, and Mehbooba Mufti.

Suruj Ali, a 77-year-old man from Assam's Nagaon District, died at the Tezpur detention center for declared foreigners. According to media reports, Ali and his wife Golap Jaan were sent to the detention center after a Foreigners' Tribunal declared them to be noncitizens in 2017. Assam's Border Police registered cases against them in 1989.

Civil Judicial Procedures and Remedies

Individuals, or NGOs on behalf of individuals or groups, may file public-interest litigation petitions in any high court or directly to the Supreme Court to seek judicial redress of public injury. Grievances may include a breach of public duty by a government agent or a violation of a constitutional provision. NGOs credited public-interest litigation petitions with making government officials accountable to civil society organizations in cases involving allegations of corruption and partiality.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

While the constitution does not contain an explicit right to privacy, the Supreme Court ruled in 2017 that privacy is a "fundamental right."

The law, with some exceptions, prohibits arbitrary interference. The government generally respected this provision, although, at times, authorities infringed upon the privacy rights of citizens. The law requires police to obtain warrants to conduct searches and seizures, except for cases in which such actions would cause undue delay. Police must justify warrantless searches in writing to the nearest magistrate with jurisdiction over the offense.

Both the central and state governments intercepted communications under legal authority. A Group of Experts on Privacy convened in 2018 by the central government under Justice Srikrishna noted that the country lacks a comprehensive consumer data-protection framework to “protect individuals against such harm.”

In addition, the UAPA also allows use of evidence obtained from intercepted communications in terrorist cases. In Jammu and Kashmir, Punjab, and Manipur, security officials have special authorities to search and arrest without a warrant.

g. Abuses in Internal Conflict

The country’s armed forces, the security forces of individual states, and paramilitary forces engaged with insurgent groups in several northeastern states, and with Maoist insurgents in the northern, central, and eastern parts of the country, although the intensity of these conflicts continued to decrease significantly. The armed forces and police forces also engaged with separatist insurgents and terrorist groups in Jammu and Kashmir.

The use of force by all parties to the conflicts resulted in deaths and injuries to both conflict participants and civilians. There were reports government security forces committed extrajudicial killings, including staging encounter killings. Human rights groups claimed police refused to release bodies in cases of alleged “encounters.” Authorities did not require the armed forces to report custodial deaths to the NHRC.

According to the second UN OHCHR publication, *The Report on Situation of Human Rights in Kashmir*, civil society estimated up to 21 civilians were killed by Indian and Pakistani security forces and other armed groups in the first three months of the year. Media reported in May that the central government had refused to respond to inquiries from three UN special rapporteurs seeking further information on “76 cases of torture and arbitrary killing in Jammu and Kashmir since 1990.”

There were few investigations and prosecutions of human rights violations or abuses arising from internal conflicts. In the past, central and state governments and armed forces investigated some complaints and punished some violations committed by government forces, but no investigation was reported during the year. Authorities arrested and tried insurgents under terrorism-related legislation.

Killings: Various domestic and international human rights organizations continued to express serious concern at the use of pellet guns by security forces for crowd-control purposes in Jammu and Kashmir. Human Rights Watch (HRW) reported that, according to official government figures, 17 individuals died from pellet-gun injuries between July 2016 and August 2017. According to several media reports, many persons who participated in protests against the government's actions in the state sustained pellet-gun injuries. On September 4, 17-year-old Asrar Ahmed Khan died in a hospital in Srinagar from injuries he sustained during a protest. While police claimed Khan was injured by a rock thrown by protesters, his family cited the postmortem report, which mentioned death due to pellet injuries.

On February 14, more than 40 members of the security forces were killed in a suicide bombing carried out by Jaish-e-Mohammed in Pulwama on the Srinagar-Jammu highway.

In Maoist-affected areas, there were reports of abuses by insurgents and security forces. In May 2018, seven police officers were killed when their vehicle ran over an improvised explosive device (IED) allegedly planted by Maoist insurgents along the road in the Dantewada District in southern Chhattisgarh.

On May 28, cadres affiliated to the Communist Party of India (Maoists) reportedly triggered a series of IED blasts at Rai Sindri hills of Jharkhand's Sarikela-Kharsawan District. According to media reports, 26 personnel of the CoBRA battalion of the Central Armed Police Force and Jharkhand state police were injured.

On August 1, the NGO Human Rights Forum described the alleged encounter killing of a Maoist rebel, Poonam Lingayya, in Bhadrachalam District of Telangana as a "cold blooded murder," based on its investigation and interviews with eyewitnesses. The NGO alleged police killed Lingayya from close range, although he was incapacitated after being wounded in police firing; the NGO called for registering murder charges against police officials allegedly responsible for the killing.

On March 15, two members of indigenous groups, Batti Bhushanam and Sidaari Jamadhar, died in an alleged exchange of fire between police and Maoists in Visakhapatnam District of Andhra Pradesh. The NGO Human Rights Forum, however, rejected the police explanation and reported the killings resulted from "unprovoked and unilateral firing" by police.

Abductions: Human rights groups maintained that military, paramilitary, and insurgent forces abducted numerous persons in Manipur, Jharkhand, Jammu and Kashmir, and Maoist-affected areas.

Physical Abuse, Punishment, and Torture: There were reports government security forces tortured, raped, and mistreated insurgents and alleged terrorists in custody and injured demonstrators. Human rights activists alleged some prisoners were tortured or killed during detention.

A May report by the Jammu and Kashmir Coalition of Civil Society and the Association of Parents of Disappeared Persons alleged that police, military, and paramilitary forces in Jammu and Kashmir used torture against civilians and opposition over the past four decades. The association documented 430 testimonies from individuals who claimed to have been tortured. There were continued allegations of physical abuse and torture following the government's enhanced security measures in Jammu and Kashmir after the August 5 move to abrogate Article 370 of the Indian constitution.

Child Soldiers: Insurgent groups reportedly used children to attack government entities. In June 2018 the annual UN *Children and Armed Conflict* report found that children continued to be affected by violence between armed groups and the government, particularly in Chhattisgarh, Jharkhand, and Jammu and Kashmir. Maoist groups, particularly in Chhattisgarh and Jharkhand, allegedly continued to recruit children and reportedly used a "lottery system" to conscript children in Jharkhand. Three incidents of child recruitment and conscription by separatist groups were reported in Jammu and Kashmir; unverified reports also indicated children were used as informants and spies by national security forces.

In addition, nonstate armed groups reportedly forced children to serve as spies, couriers, and soldiers in the states of Bihar, Chhattisgarh, Jharkhand, Maharashtra, West Bengal, and Odisha and as soldiers in Jammu and Kashmir. According to government sources, Maoist groups sometimes used children as human shields in confrontations with security forces. Some female child soldiers reported that commanders recruited and used them in part for sexual exploitation.

Although the United Nations was not able to verify all allegations of child soldiers, NGO observers reported children as young as 12 were members of Maoist youth groups and allied militia. The children reportedly handled weapons and IEDs. Maoists reportedly held children against their will and threatened severe reprisals, including the killing of family members, if the children attempted to escape. The

government claimed, based on statements of several women formerly associated with Maoist groups, that sexual violence, including rape and other forms of abuse, was a practice in some Maoist camps. NGOs quoting police contacts stated that children employed by Maoist groups in Jharkhand were made to carry IED triggers with them.

Attacks on schools by Maoists continued to affect children's access to education in affected areas. There were continued reports on the use of schools as military barracks and bases. The deployment of government security forces near schools remained a concern. There were reports armed groups recruited children from schools in Chhattisgarh.

In January the Observer Research Foundation think tank released the report *Children as combatants and the failure of state and society: The case of the Kashmir conflict*. Building on a 2018 UN report describing the recruitment of juveniles by militant groups in Kashmir, the report highlighted the conditions that encouraged minors in Jammu and Kashmir to join such groups. The report discussed the involvement of children in acts of violence, such as stone pelting and arson, which was then followed by a heavy-handed crackdown by security forces. It stated that, in the absence of a juvenile justice mechanism, the law-and-order apparatus failed to differentiate between children and adults, in turn provoking an ever greater degree of anger among the populace.

Other Conflict-related Abuse: During August the Associated Press conducted an investigation into alleged abuses by Indian forces in Jammu and Kashmir. The investigation, which included more than 50 interviews with residents, found allegations of routine nighttime raids, slaughter of livestock, and destruction or contamination of foodstuffs. An army spokesperson based in Srinagar denied these allegations. Another investigation carried out by the Indian NGO People's Union for Civil Liberties highlighted allegations of torture being played on loudspeakers during its fact-finding mission to Jammu and Kashmir.

In the central and eastern areas, armed conflicts between Maoist insurgents and government security forces over land and mineral resources in tribal forest areas continued. According to the South Asian Terrorism Portal's existing-conflict map, Maoist-affected states included Madhya Pradesh, Maharashtra, Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, Telangana, Odisha, Chhattisgarh, Jharkhand, West Bengal, Bihar, Uttar Pradesh, and Assam. Human rights advocates alleged the government's operations sought not only to suppress the Maoists, but also to force tribal populations from their land, allowing for its purchase by the private sector.

Internally displaced person (IDP) camps continued to operate in Chhattisgarh for tribal persons displaced during the 2005 fighting between Maoists and the subsequently disbanded state-sponsored militia Salwa Judum.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, but it does not explicitly mention freedom of the press. The government generally respected this right, although there were several instances in which the government or actors considered close to the government allegedly pressured or harassed media outlets critical of the government, including through online trolling. There were also reports of extremists perpetrating acts of killing, violence, and intimidation against journalists critical of the government.

Freedom of Expression: Individuals routinely criticized the government publicly and privately. According to HRW, however, sedition and criminal defamation laws were used to prosecute citizens who criticized government officials or opposed state policies. In certain cases, local authorities arrested individuals under laws against hate speech for expressions of political views. Freedom House, in its most recent report, asserted that freedom of expression was weakening in the country and noted the government's silence regarding direct attacks on free speech. The report stated authorities have used security, defamation, and hate speech laws, as well as contempt-of-court charges, to curb critical voices in media outlets. In some instances the government reportedly withheld public-sector advertising from media outlets that criticized the government, causing some outlets to practice self-censorship.

On January 8, a trial court in Bengaluru ordered the closure of a sedition case filed against Amnesty India after a Hindu nationalist student group, Akhil Bharatiya Vidyarthi Parishad (ABVP), protested Amnesty's "Broken Families" event for Kashmiri families. The event invited Kashmiri families to narrate personal stories of strife in the Kashmir Valley, which the ABVP claimed was anti-Indian.

On January 10, Assam's prominent academic Hiren Gohain, activist Akhil Gogoi, and journalist Manjit Mahanta were arrested in Guwahati and charged with sedition for their comments during a protest against the Citizenship (Amendment) Bill. On January 11, Gohan and Gogoi were awarded interim bail, and Mahanta

was awarded absolute bail. On February 15, Gohan and Gogoi were given absolute bail. Gogoi was later arrested on December 10 while protesting the enacted Citizenship (Amendment) Act; his case was referred to the National Investigation Agency for sedition, criminal conspiracy, unlawful association, and assertions prejudicial to national integration.

On March 10, filmmakers, artists, musicians, and intellectuals joined a protest in Kolkata against the “unofficial ban” on the Bengali feature film *Bhabishyater Bhoot* (Spirits of the Future), a political satire by director Anik Datta. Media reported that two days after the film’s release on February 15, most cinema halls in West Bengal refused to screen the film, citing unofficial pressure from authorities. The government’s film certification board had already cleared the film. Following an April 11 Supreme Court order, the West Bengal government paid a fine of two million rupees (\$30,000) to the film’s producer.

On April 28, police in Andhra Pradesh’s Vijayawada prevented film director Ram Gopal Varma from addressing a press conference in the city to promote his movie, *Lakshmi’s NTR*, which portrays the life of former state chief minister N.T. Rama Rao. Varma alleged that police acted under pressure from the ruling Telugu Desam Party, which opposed the movie’s release during national elections. Police claimed that Varma was not allowed to address a press conference as prohibitory orders were in force during the conduct of the elections.

In late April, BJP Party workers in Assam allegedly attacked journalists in the Nalbari, Tinsukia, and Jorhat Districts when the journalists were covering the national elections. On May 6, Trinamool Congress Party workers in West Bengal allegedly attacked journalists covering elections in several locations.

On July 21, Tamil Nadu police arrested a 24-year-old man in Nagapattinam District for consuming beef soup in a Facebook posting. Police filed charges against him for disturbing peace and communal harmony. Four others were arrested on July 11 for allegedly attacking the accused but were later granted bail.

On July 28, two men shot and killed Pradeep Mandal, a journalist with Hindi daily *Dainik Jagran* in Bihar’s Madhubani town. Media outlets reported that he was targeted for exposing bootleggers’ syndicates in the state. Bihar has imposed a prohibition on the sale and consumption of liquor.

Press and Media, Including Online Media: Independent media were active and generally expressed a wide variety of views. The law prohibits content that could

harm religious sentiments or provoke enmity among groups, and authorities invoked these provisions to restrict print media, broadcast media, and publication or distribution of books.

According to several journalists, press freedom declined during the year. There were several reports from journalists and NGOs that government officials, both at the local and national levels, were involved in silencing or intimidating critical media outlets through physical harassment and attacks, pressuring owners, targeting sponsors, encouraging frivolous lawsuits, and, in some areas, blocking communication services, such as mobile telephones and the internet, and constraining freedom of movement. Several journalists reported that the heavy deployment of security forces, accompanied by a communication blockade in Jammu and Kashmir from early August, severely hampered the freedom of the press in Jammu and Kashmir. Anuradha Bhasin, executive editor of the Srinagar-based newspaper the *Kashmir Times*, filed a petition in the Supreme Court in August stating that journalists were not allowed to move freely in Jammu and Kashmir. The petition also claimed the intimidation of journalists by the government and security forces. On September 1, authorities stopped another Kashmiri journalist, Gowhar Geelani, from flying to Germany to participate in a program organized by the German broadcaster Deutsche Welle.

The 2019 *World Press Freedom Index* identified physical attacks on journalists and “coordinated hate campaigns waged on social networks” as major areas of concern. Harassment and violence against journalists were particularly acute for non-English language journalists, those in rural areas, and female journalists. Journalists working in “sensitive” areas, including Jammu and Kashmir, continued to face barriers to free reporting through communications and movement restrictions, and local affiliates reported increased fears of violence. Attacks on journalists by supporters of Hindu nationalist groups increased prior to the May national elections, according to the report. Reports of self-censorship due to fear of official or public reprisal were common, including the use of Section 124a of the penal code, which includes sedition punishable by life imprisonment.

The Editors Guild of India claimed the government limited press freedom by exerting political pressure and blocking television transmissions. The guild separately called for authorities to restore communications in Jammu and Kashmir, where a prolonged communications shutdown limited media freedom.

On July 12, Hyderabad police arrested journalist Revathi Pogadadanda, reportedly in connection with a six-month-old case registered under the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act. Police allegedly did not produce an arrest warrant at the time of arrest and released her on bail a week later. Pogadadanda alleged her arrest was part of the government's vindictive action against her mentor and senior journalist Ravi Prakash, who had published two interviews online accusing the Telangana chief minister, Kalvakuntla Chandrashekhar Rao, and a prominent industrialist, P.V. Krishna Reddy, of corruption in a multimillion dollar public transport scam. On October 5, Prakash was arrested on allegations of corporate fraud. The Committee to Protect Journalists denounced both arrests.

The government maintained a monopoly on AM radio stations, limiting broadcasting to the state-owned All India Radio, and restricted FM radio licenses for entertainment and educational content. Widely distributed private satellite television provided competition for Doordarshan, the government-owned television network. There were some accusations of political interference in the state-owned broadcasters. State governments banned the import or sale of some books due to material that government censors deemed could be inflammatory or provoke communal or religious tensions.

Violence and Harassment: There were numerous instances of journalists and members of media organizations being threatened or killed in response to their reporting. Police rarely identified suspects involved in the killing of journalists. According to the *2019 World Press Freedom Index*, at least six journalists were killed in connection with their work in 2018.

On April 8, the Manipur High Court ordered the release of television journalist Kishore Chandra Wangkhem. Police arrested Wangkhem in November 2018 under the National Security Act for criticizing the BJP and Prime Minister Narendra Modi in his social media posts.

On May 26, the Bengaluru police filed a "first information report"--a report prepared by police upon first receipt of information of a possible crime--against Vishweshwar Bhat, editor of Kannada daily *Vishwavani*, for allegedly publishing derogatory remarks against K. Nikhil, son of then Karnataka chief minister H.D. Kumaraswamy. Police did not make any arrests.

On May 29, six unidentified persons grievously injured journalist Pratap Patra in Balasore District of Odisha. Patra alleged he was attacked after publishing an investigative article on May 8 against a local sand miner, who had been illegally quarrying sand. The article led authorities to levy a fine of 1.6 million rupees

(\$23,000) on the sand-mining company. Police arrested three individuals on June 2.

On June 8, Uttar Pradesh police arrested and filed criminal charges against a freelance journalist for allegedly posting a video of a woman claiming to be in a relationship with state chief minister Yogi Adityanath. On June 11, the Supreme Court ordered the release of the journalist and chastised the Uttar Pradesh government for the arrest.

Online and mobile harassment was especially prevalent, and incidents of internet “trolling,” or making deliberately offensive or provocative online posts with the aim of upsetting someone, continued to rise. Journalists were threatened online with violence and, in the case of female journalists, rape.

Censorship or Content Restrictions: Citizens generally enjoyed freedom of speech, but the government continued to censor and restrict content based on broad public- and national-interest provisions under Article 19 of the constitution.

A right to information response by the Ministry of Electronics and Information Technology in 2017 revealed that at least 20,030 websites were blocked at that time. The government proposed rules in February that would give it broad latitude to demand content removal from social media sites, which civil society organizations felt could be used to stifle free speech.

Libel/Slander Laws: Individuals continued to be charged with posting offensive or derogatory material on social media.

Several individuals in Telangana were either arrested or disciplined during the year for making or posting critical comments through videos and social media platforms about Chief Minister K. Chandrashekhara Rao and other leaders of the ruling Telangana Rashtra Samithi Party. On April 24, Telangana police arrested Thagaram Naveen for producing and sharing a derogatory video about Rao. On April 30, Hyderabad police arrested Chirpa Naresh for posting abusive comments and sharing morphed images of Rao and then member of parliament K. Kavitha.

On May 25, police arrested tribal rights activist and academic Jeetrai Hansda for a Facebook post defending his community’s right to eat beef. Hansda was arrested in response to a complaint filed in 2017 by the Hindu nationalist students’ organization ABVP under charges that he violated sections of the Indian Penal

Code that govern insults to religious feelings and attempts to promote enmity between groups of people.

On August 14, police in Assam registered a complaint against Gauhati University research scholar Rehana Sultana over a two-year-old Facebook post, allegedly about the consumption of beef. According to media reports, police took note after the two-year-old post resurfaced.

National Security: In some cases government authorities cited laws protecting national interest to restrict media content. In August 2018 numerous outlets reported that the Indian Department of Telecom was seeking the views of telecom companies, industry associations, and other stakeholders on ways to block mobile apps, including Facebook, WhatsApp, Telegram, and Instagram, “in cases where national security or public order are under threat.”

Internet Freedom

There were government restrictions on access to the internet, disruptions of access to the internet, and censorship of online content. There were also reports the government occasionally monitored users of digital media, such as chat rooms and person-to-person communications. The law permits the government to block internet sites and content and criminalizes sending messages the government deems inflammatory or offensive. Both central and state governments have the power to issue directives for blocking, intercepting, monitoring, or decrypting computer information. The government continued to block telecommunications and internet connections in certain regions, often during periods of political unrest.

In 2015 the Supreme Court overturned some provisions of the information technology law that restricted content published on social media, but it upheld the government’s authority to issue orders to block online content “in the interest of sovereignty and integrity of India, defense of India, security of the State, and friendly relations with foreign states or public order” without court approval. In 2017 the Ministry of Communications announced Temporary Suspension of Telecom Services Rules allowing the government to shut telephone and internet services temporarily during a “public emergency” or for “public safety.” According to these rules, an order for suspension could be made by a “competent authority” at either the federal or state level.

According to NGO Software Freedom Law Center, the central and state governments shut down the internet in different locations 134 times in 2018, the

highest annual figure ever recorded. The NGO also reported that, through August, the central and state governments on 77 occasions temporarily shut down the internet in different locations across the country. The government continued to block telecommunications and internet connections in certain regions during periods of political unrest. In February mobile internet connections were blocked for four days in Manipur after protests occurred in the state. Landline connections remained offline for more than one month in parts of the state, while mobile telephone, mobile data, and internet connections took longer to be restored. The government frequently curtailed internet access during periods of violence and curfew in Jammu and Kashmir and occasionally in other parts of the country, particularly Rajasthan, West Bengal, and Uttar Pradesh. In December, in response to protests concerning the passage of the Citizenship (Amendment) Act, internet shutdowns were again used throughout the country. NGOs maintained that local officials often used Section 144 (1) of the Code of Criminal Procedure that empowers authorities to maintain public peace and stability, as the legal basis for internet shutdowns.

From August to mid-October, the government imposed severe restrictions on communications in Jammu and Kashmir, citing security concerns. On August 4, the government suspended all communications, including internet, mobile telephones, and landlines, across Jammu and Kashmir. Several petitions were filed in the Supreme Court protesting the government's actions, including a plea by social activist Tehseen Poonawalla, who maintained that the communications shutdown amounted to a suspension of freedom of speech and deprivation of personal liberty under the constitution. On August 13, the Supreme Court granted the government additional time to keep the restrictions in place, noting that the situation was "sensitive." NGOs maintained that the suspension of communications adversely affected the daily lives of residents, preventing them from reaching loved ones and accessing health care as well as causing financial stress to businesses reliant upon it. Landlines were restored in September. On October 14, postpaid mobile telephone access was restored; government authorities noted text messaging would be restored on January 1. Prepaid mobile telephones and the internet mostly remained blocked.

NGOs asserted that this approach bypassed some safeguards in the Temporary Suspension of Telecom Services Rules, including oversight by a review committee. A UNESCO report stated that one-half of the shutdowns were reported from Jammu and Kashmir, where in the first four months of the year, there were 25 reported cases of internet shutdown.

Requests for user data from internet companies continued to rise. According to Facebook's transparency report, the government made 37,385 data requests in 2018, a 70 percent rise from 2017. Google also highlighted an increase in government requests for user data in its 2018 *Transparency Report*, receiving 24,404 user-data disclosure requests. Twitter reported 777 account information requests from the government during the same period.

In its *Freedom in the World 2019* country report for India, Freedom House noted that central and state governments frequently suspended mobile internet services to curb collective action by citizens. NGOs also asserted that the legal basis for internet shutdowns was not always clear, creating issues of accountability and legal remedy.

Press outlets reported several instances in which individuals were arrested or detained for online activity. In January an Indian politician from Tamil Nadu was arrested for posting an altered picture of Prime Minister Modi with a begging bowl. Several media outlets reported on a spate of arrests of individuals in connection with social media posts following the February 14 attack on Indian troops in Pulwama District in Jammu and Kashmir. Press outlets reported that police continued to arrest individuals under section 66A of the Information Technology Act for sending offensive messages, despite a Supreme Court ruling striking down the statute.

The Central Monitoring System (CMS) continued to allow governmental agencies to monitor electronic communications in real time without informing the subject or a judge. The CMS is a mass electronic surveillance data-mining program installed by the Center for Development of Telematics, a government-owned telecommunications technology development center. The CMS gives security agencies and income tax officials centralized access to the telecommunication network and the ability to hear and record mobile, landline, and satellite telephone calls and Voice over Internet Protocol, to read private emails and mobile phone text messages, and to track geographical locations of individuals in real time. Authorities can also use it to monitor posts shared on social media and track users' search histories on search engines, without oversight by courts or parliament. This monitoring facility was available to nine security agencies, including the Intelligence Bureau, the Research and Analysis Wing, and the Ministry of Home Affairs. The law governing interception and monitoring provides an oversight mechanism to prevent unauthorized interceptions. Punishment for unauthorized interception includes fines, a maximum prison sentence of three years, or both.

Academic Freedom and Cultural Events

The government occasionally applied restrictions on the travel and activities of visiting foreign experts and scholars. Academics continued to face threats and pressure for expressing controversial views.

On April 3, Odisha Tourism Department authorities canceled a book reading session by noted historian William Dalrymple, which was originally scheduled for April 5-8 at the Mukteswar heritage temple in Bhubaneswar. The cancellation followed a police complaint filed by a Hindu nationalist who claimed that the reading would hurt the sentiments of Hindus. The activist, Anil Dhir, alleged that ritualistic worship happens in the temple, and it would hurt the sentiments of Hindus if the temple were “misused.” Police, however, cited the ongoing elections and enforcement of a model code of conduct as justification for canceling the event.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The law provides for freedom of assembly. Authorities often required permits and notification before parades or demonstrations, and local governments generally respected the right to protest peacefully. Jammu and Kashmir was an exception, where the state government sometimes denied permits to separatist political parties for public gatherings, and security forces reportedly occasionally detained and assaulted members of political groups engaged in peaceful protest (see section 1.g.). During periods of civil unrest in Jammu and Kashmir, authorities used the law to ban public assemblies and impose curfews.

Security forces, including local police, often disrupted demonstrations and reportedly used excessive force when attempting to disperse protesters.

There were sometimes restrictions on the organization of international conferences. Authorities required NGOs to secure approval from the central government before organizing international conferences. Authorities routinely granted permission, although in some cases the approval process was lengthy. Some human rights

groups claimed this practice provided the government tacit control over the work of NGOs and constituted a restriction on freedoms of assembly and association.

NGO Human Rights Forum alleged that police routinely denied permission to the Communist Party of India-Marxist Leninist New Democracy to organize a public meeting on June 10 against the Supreme Court decision on eviction of forest dwellers. The NGO criticized police for failing to provide justification for their decision. Many indigenous persons who came to participate in the public meeting were arrested, and many others were prevented from reaching Hyderabad, the NGO alleged.

Freedom of Association

The law provides for freedom of association. While the government generally respected this right, the government's increased monitoring and regulation of NGOs that received foreign funding caused concern. In certain cases the government required "prior approval" for some NGOs to receive foreign funds, suspended foreign banking licenses, or froze accounts of NGOs that allegedly received foreign funding without the proper clearances or that mixed foreign and domestic funding. In other instances, the government canceled or declined to renew Foreign Contributions (Regulation) Act (FCRA) registrations. Further FCRA requirements announced in September require NGOs to file an additional affidavit declaring that, among other things, the entity has not been prosecuted or convicted in engaging in propagation of sedition. The government has used sedition laws to prosecute those critical of government.

Some NGOs reported an increase in random FCRA compliance inspections by MHA officials who they said were purportedly under pressure to demonstrate strict enforcement of the law. FCRA licenses were also reportedly canceled periodically based on nonpublic investigations by the Intelligence Bureau.

Some NGOs alleged they were targeted as a reprisal for their work on "politically sensitive" issues, such as human rights or environmental activism. The Center for Promotion of Social Concerns and its partner program unit People's Watch continued court proceedings against the nonrenewal of their FCRA license. In June, acting on an MHA complaint, the CBI filed a first information report against Supreme Court advocate Anand Grover and the NGO Lawyers Collective, an organization run by Supreme Court advocate Indira Jaising, alleging discrepancies in the utilization of foreign funds. On July 11, the CBI accused Grover and Jaising of violating FCRA provisions and raided their home and offices. On July 25, the

Bombay High Court stated the CBI allegation against Lawyers Collective--about mixing FCRA funds with domestic funding--was “vague and arbitrary,” and it directed the CBI not to take any coercive steps in relation to the first information report until August 19. Civil society groups, including HRW and the International Commission of Jurists, criticized the CBI action as “dubious” and politically motivated.

In October 2018 the Enforcement Directorate, a government agency that investigates financial crimes, raided the premises of Amnesty International India’s Bengaluru office and froze its bank accounts on suspicion it had violated foreign funding guidelines. On July 25, media outlets reported that after the completion of the directorate’s probe, the agency issued a show-cause notice to Amnesty International India for alleged contravention of Foreign Exchange Management Act provisions for an amount of more than 510 million rupees (\$7 million).

Amnesty International India disputed the validity of the charges and alleged the harassment and intimidation of its staff. The 2018 raid on Amnesty came days after the Enforcement Directorate searched the premises of environmental nonprofit Greenpeace India in Bengaluru, also for allegedly violating foreign funding rules. In February a letter by three UN special rapporteurs to the government expressed serious concerns at the “smear campaign” and actions taken against Amnesty International India and Greenpeace, saying the ability to access foreign funding is an integral part of the right to freedom of association.

On February 28, the government outlawed the religious-political organization Jamaat-e-Islami in Jammu and Kashmir under the UAPA for alleged support of extremism and militancy. On March 22, the government similarly banned another Kashmiri organization, Jammu Kashmir Liberation Front, which supports the independence of the union territory. Political parties and civil society groups in the state described these bans as an attack on civil liberties.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights. In 2015 the

implementation of a land-boundary agreement between India and Bangladesh enfranchised more than 50,000 previously stateless residents, providing access to education and health services.

The country hosts a large refugee population, including 80,000 Tibetan refugees and approximately 95,230 refugees from Sri Lanka. The government generally allowed the Office of the UN High Commissioner for Refugees (UNHCR) to assist asylum seekers and refugees from noncontiguous countries and Burma. In many cases refugees and asylum seekers under UNHCR's mandate reported increased challenges regularizing their status through long-term visas and residence permits. Excluding Tibetan and Sri Lankan refugees, all other refugees were registered by UNHCR; however, they were not granted legal status by the government.

In-country Movement: The central government relaxed restrictions on travel by foreigners to Arunachal Pradesh, Nagaland, Mizoram, Manipur, and parts of Jammu and Kashmir, excluding foreign nationals from Pakistan, China, and Burma. The MHA and state governments required citizens to obtain special permits upon arrival when traveling to certain restricted areas.

Foreign Travel: The government may legally deny a passport to any applicant for engaging in activities outside the country “prejudicial to the sovereignty and integrity of the nation.”

The trend of delaying issuance and renewal of passports to citizens from Jammu and Kashmir continued, sometimes up to two years. The government reportedly subjected applicants born in Jammu and Kashmir, including children born to military officers deployed there, to additional scrutiny and police clearances before issuing them passports.

Citizenship: On May 28, Assam Border Police arrested 52-year-old Mohammed Sanaullah, a war veteran and 2017 army retiree, and put him in Goalpara detention center for illegal immigrants after declaring him a foreigner following Assam's National Register of Citizens (NRC) exercise. The Gauhati High Court released him on June 8.

In July a Foreigners' Tribunal in Assam's Jorhat District declared Indian Border Security Force officer Muzibur Rahman and his wife Jargin Begum as foreigners.

On December 12, the Citizenship Amendment Act received assent from the president. The act provides an expedited path to citizenship for Hindu, Sikh,

Buddhist, Jain, Parsi, and Christian religious minorities from Afghanistan, Bangladesh, and Pakistan. The act makes no provision for Muslims. The act does not apply to the tribal areas of Assam, Meghalaya, Mizoram, or Tripura. Following passage of the act, wide-scale protests against its passage and exclusion of Muslims occurred throughout the country, leading to arrests, targeted communications shutdowns, bans on assembly, and deaths in a few reported instances.

e. Internally Displaced Persons

Authorities located IDP settlements throughout the country, including those containing groups displaced by internal armed conflicts in Jammu and Kashmir, Maoist-affected areas, the northeastern states (see section 1.g.), and Gujarat. Estimates from January to June suggested that conflicts and violence displaced 6,800 persons, while natural disasters displaced 2.17 million persons.

Estimating precise numbers of those displaced by conflict or violence was difficult, because the government does not monitor the movements of displaced persons, and humanitarian and human rights agencies had limited access to camps and affected regions. While authorities registered residents of IDP camps, an unknown number of displaced persons resided outside the camps. Many IDPs lacked sufficient food, clean water, shelter, and health care (see section 1.g., Other Conflict-related Abuse).

National policy or legislation did not address the issue of internal displacement resulting from armed conflict or from ethnic or communal violence. The welfare of IDPs was generally the purview of state governments and local authorities, allowing for gaps in services and poor accountability. The central government provided limited assistance to IDPs, but it had access to NGOs and human rights organizations, although neither access nor assistance was standard for all IDPs or all situations.

On July 2, the Union Ministry of Tribal Affairs assured the National Commission for Scheduled Tribes that the tribal persons displaced from Chhattisgarh due to Maoist violence would be provided land in other states, but the land would be provided only after the ministry completed a comprehensive survey and verified identification of all IDPs. According to the Raipur-based NGO CGNet Swara Foundation, approximately 30,000 tribal persons were displaced from Chhattisgarh and were living mainly in Telangana and Andhra Pradesh.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: The law does not contain the term “refugee,” treating refugees like any other foreigners. Undocumented physical presence in the country is a criminal offense. Persons without documentation were vulnerable to forced returns and abuse. The country has historically treated persons as refugees based on the merits and circumstances of the cases coming before them.

The courts protected refugees and asylum seekers in accordance with the constitution.

Refugees reported exploitation by nongovernment actors, including assaults, gender-based violence, fraud, and labor and sex trafficking. Problems of domestic violence, sexual abuse, and early and forced marriage also continued. According to NGOs, gender-based violence and sexual abuse were prevalent in the Sri Lankan refugee camps. Most urban refugees worked in the informal sector or in occupations, such as street vending, where they suffered from police extortion, nonpayment of wages, and exploitation.

NGOs observed an increase in antirefugee (specifically anti-Rohingya) rhetoric throughout the year in advance of state and national elections, which reportedly led to an increased sense of insecurity in refugee communities. In October 2018 the Supreme Court rejected a plea to stop the deportation of seven Rohingya immigrants from Assam. The court noted the individuals, held in an Assam jail since 2012, were arrested by Indian authorities as illegal immigrants and that Burma was ready to accept them as their nationals. According to media reports, the nationality of the immigrants was confirmed after the Burmese government verified their addresses in Rakhine State. Rights groups said the government’s decision to deport them placed them at risk of oppression and abuse. According to HRW, the government deported the seven ethnic Rohingya Muslims to Burma where “they are at grave risk of oppression and abuse.” HRW further noted, “The Indian government has disregarded its long tradition of protecting those seeking refuge within its borders.”

Rohingya migrants continued to be detained in Assam, Manipur, and Mizoram. States such as Mizoram grappled with the detention of Rohingya migrants with little guidance from the central government on care and repatriation issues. Police in Mizoram rescued a dozen Rohingya refugees from a suspected trafficking operation in May.

Refoulement: The government advocated for the return of Rohingya refugees, including potential trafficking victims, to Burma; at least 17 Rohingya were returned since September 2018, according to UNHCR. At least 26 non-Rohingya refugees have been deported since late 2016 out of an estimated 40,000.

The identity card issued by UNHCR is the only formal legal document available for Rohingya migrants in the country. As the expiration date for these cards approached, several Rohingya migrants abandoned their temporary shelter. Some relocated to other parts of India, while others fled the country.

In July 2018 the MHA instructed state governments to identify Rohingya migrants through the collection of biometric data. The MHA directed state governments to monitor Rohingya and restrict their movements to specific locations.

In August the government finalized the NRC in Assam. The NRC is a Supreme Court-ordered citizenship list containing names of Indian citizens in an effort to identify foreign nationals living in the state. The NRC found nearly two million persons ineligible for citizenship in Assam. The government has established procedures for appeals against the NRC decisions in individual cases. News reports indicated the government was in the process of constructing 10 centers to detain illegal immigrants. On December 23, Prime Minister Modi denied any intention by the central government to implement a nationwide NRC process outside of Assam, despite widespread speculation of the government's intention to do so.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. Absent a legal framework, the government sometimes granted asylum on a situational basis on humanitarian grounds in accordance with international law. This approach resulted in varying standards of protection for different refugee and asylum-seeker groups. The government recognized refugees from Tibet and Sri Lanka and generally honored UNHCR decisions on refugee status determination for individuals from other countries, including Afghanistan.

UNHCR did not have an official agreement with the government but maintained an office in New Delhi where it registered refugees and asylum seekers from noncontiguous countries and Burma, made refugee status determinations, and provided some services. The office's reach outside of New Delhi was limited. Nonetheless, the government permitted UNHCR staff access to refugees in other

urban centers and allowed it to operate in Tamil Nadu to assist with Sri Lankan refugee repatriation. Authorities did not permit UNHCR direct access to Sri Lankan refugee camps, Tibetan settlements, or asylum seekers in Mizoram, but it did permit asylum seekers from Mizoram to travel to New Delhi to meet UNHCR officials. Authorities did not grant UNHCR or other international agencies access to Rohingyas detained in Kolkata or Aizawl (Mizoram), nor were they granted access to any refugees or asylum seekers in detention. Refugees outside New Delhi faced added expense and time to register their asylum claims.

The government generally permitted other NGOs, international humanitarian organizations, and foreign governments access to Sri Lankan refugee camps and Tibetan settlements, but it generally denied access to asylum seekers in Mizoram. The government denied requests for some foreigners to visit Tibetan settlements in Ladakh.

After the end of the Sri Lankan civil war, the government ceased registering Sri Lankans as refugees. The Tamil Nadu government assisted UNHCR by providing exit permission for Sri Lankan refugees to repatriate voluntarily. The benefits provided to Sri Lankan Tamil refugees by the state government of Tamil Nadu were applicable only within the state. The central government approved the extension of funding to run the camps until 2020.

Employment: The government granted work authorization to many UNHCR-registered refugees, and others found employment in the informal sector. Some refugees reported discrimination by employers.

Access to Basic Services: Although the country generally allowed recognized refugees and asylum seekers access to housing, primary and secondary education, health care, and the courts, access varied by state and by population. Refugees were able to use public services, although access became more complicated during the year because many refugees were unable to acquire the digitized national identity (Aadhaar) card necessary to use some services. In cases where refugees were denied access, it was often due to a lack of knowledge of refugee rights by the service provider. In many cases UNHCR was able to intervene successfully and advocate for refugee access. The government allowed UNHCR-registered refugees and asylum seekers to apply for long-term visas that would provide work authorization and access to higher education, although the rate of renewal for long-term visas slowed significantly. For undocumented asylum seekers, UNHCR provided a letter upon registration indicating the person was under consideration for UNHCR refugee status.

The government began issuing long-term visas to refugees from other countries in 2014, but UNHCR reported that the government did not regularly issue long-term visas during the year.

According to UNHCR and an NGO working with Rohingya in Hyderabad, government of Telangana authorities provided food supplies through public distribution system, postnatal care for mothers, periodic immunization, and a bridge school for children along with three meals a day. Further, the Telangana Open School Society waived the Aadhaar card requirement for Rohingya students to appear for high school examination.

The government did not fully comply with a 2012 MHA directive to issue long-term visas to Rohingya. It has reportedly slowed renewals for those with long-term visas significantly, limiting access to formal employment in addition to education, health services, and bank accounts.

Sri Lankan refugees were permitted to work in Tamil Nadu. Police, however, reportedly summoned refugees back into the camps on short notice, particularly during sensitive political times, such as elections, and required refugees or asylum seekers to remain in the camps for several days.

Government services, such as mother and child health programs, were available. Refugees were able to request protection from police and courts as needed.

The government did not accept refugees for resettlement from other countries.

g. Stateless Persons

By law parents confer citizenship, and birth in the country does not automatically result in citizenship. Any person born in the country on or after January 26, 1950, but before July 1, 1987, obtained Indian citizenship by birth. A child born in the country on or after July 1, 1987, obtained citizenship if either parent was an Indian citizen at the time of the child's birth. Authorities consider those born in the country on or after December 3, 2004, citizens only if at least one parent was a citizen and the other was not illegally present in the country at the time of the child's birth. Authorities considered persons born outside the country on or after December 10, 1992, citizens if either parent was a citizen at the time of birth, but authorities do not consider those born outside the country after December 3, 2004, citizens unless their birth was registered at an Indian consulate within one year of

the date of birth. Authorities can also confer citizenship through registration under specific categories and via naturalization after residing in the country for 12 years. Tibetans reportedly sometimes faced difficulty acquiring citizenship despite meeting the legal requirements.

On August 20, the MHA announced that “noninclusion of a person’s name in the NRC does not by itself amount to him or her being declared as a foreigner” and that it would allow 120 days for individuals to appeal against their exclusion from the list. The MHA assured that those excluded from the NRC would be given adequate opportunity to present their case before foreigners’ tribunals in Assam with legal assistance from the state government. In addition to 100 existing tribunals, the Assam government planned to establish 200 foreigners’ tribunals immediately to deal with cases of individuals who would be excluded. Addressing concerns regarding the four million residents excluded from the draft NRC, the Assam government on August 1 claimed that the rate of exclusion in the districts bordering Bangladesh was lower than the state average. The government’s earlier request for fresh verification of a segment of the population included in the NRC was rejected by the court on July 23. In August the office published the final version of the list excluding about 1.9 million persons.

According to UNHCR and NGOs, the country had a large population of stateless persons, but there were no reliable estimates. Stateless populations included Chakmas and Hajongs, who entered the country in the early 1960s from present-day Bangladesh and groups affected by the 1947 partition of the subcontinent into India and Pakistan. In September 2017 the central government stated it would appeal to the Supreme Court to review its 2015 order to consider citizenship for approximately 70,000 Chakma and Hajong refugees. Media outlets quoted then minister of state for home affairs Kiren Rijiju as saying the Supreme Court order was “unimplementable.”

Children born in Sri Lankan refugee camps received Indian birth certificates. While these certificates alone do not entitle refugees to Indian citizenship, refugees may present Indian birth certificates to the Sri Lankan High Commission to obtain a consular birth certificate, which entitles them to pursue Sri Lankan citizenship.

UNHCR and refugee advocacy groups estimated that between 25,000 and 28,000 of the approximately 95,230 Sri Lankan Tamil refugees living in Tamil Nadu were “hill country” Tamils. While Sri Lankan law allows “hill country” refugees to present affidavits to secure Sri Lankan citizenship, UNHCR believed that until the

Sri Lankan government processes the paperwork, such refugees were at risk of becoming stateless.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The Election Commission of India is an independent constitutional body responsible for administering all elections at the central and state level throughout the country. During the year voters re-elected the BJP-led National Democratic Alliance in the country's general elections, which involved more than 600 million eligible voters. During the year the seven states of Andhra Pradesh, Arunachal Pradesh, Odisha, Sikkim, Maharashtra, Haryana, and Jharkhand held elections for their state assemblies. Observers considered these elections free and fair, although with isolated instances of violence.

Political Parties and Political Participation: The constitution provides for universal voting rights for all citizens 18 and older. There were no restrictions placed on the formation of political parties or on individuals of any community from participating in the election process. The election law bans the use of government resources for political campaigning, and the Election Commission effectively enforced the law. The commission's guidelines ban opinion polls 48 hours prior to an election, and exit poll results may not be released until completion of the last phase (in a multiphase election).

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they freely participated. The law reserves one-third of the seats in local councils for women. Religious, cultural, and traditional practices and ideas prevented women from proportional participation in political office. Nonetheless, women held many high-level political offices, including positions as cabinet ministers, members of parliament, and state chief ministers.

The constitution stipulates that, to protect historically marginalized groups and provide for representation in the lower house of parliament, each state must reserve seats for Scheduled Castes and Scheduled Tribes in proportion to their population

in the state. Only candidates belonging to these groups may contest elections in reserved constituencies. While some Christians and Muslims were identified as Dalits, the government limited reserved seats for Dalits to Hindus, Sikhs, and Jains. Members of minority populations have previously served as prime minister, president, vice president, cabinet ministers, Supreme Court justices, members of parliament, and state chief ministers.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials at all levels of government. Officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: Corruption was present at all levels of government. On July 10, minister of state in the Prime Minister's Office Jitendra Singh informed parliament's lower house that the CBI registered 412 corruption-related cases from January until May 1. Between 2016 and June 30, the CBI registered 61 corruption cases against 86 government officials and achieved convictions against 26 persons in 20 cases. Singh also stated that 1,889 cases of corruption were referred to the CBI in 2018 through an internal government mechanism and that 43,946 corruption-related complaints were received by the Central Vigilance Commission in 2018 and 2019, of which 41,755 were dismissed. NGOs reported the payment of bribes to expedite services, such as police protection, school admission, water supply, and government assistance. Civil society organizations drew public attention to corruption throughout the year, including through demonstrations and websites that featured stories of corruption.

Media reports, NGOs, and activists reported links among politicians, bureaucrats, contractors, militant groups, and security forces in infrastructure projects, narcotics trafficking, and timber smuggling in the northeastern states.

In July multiple complaints of criminal corruption were lodged against opposition party leader and Member of Parliament Azam Khan alleging that he illegally obtained farmers' land for the Mohammad Ali Jauhar University, which he founded in 2006. Khan was a cabinet minister in Uttar Pradesh at the time. In November criminal charges were filed against Khan's wife and son as well, both of whom were opposition members of the state's Legislative Assembly. More than 84 cases have been registered against Khan, and probes have been conducted by central government authorities into money laundering as well. The cases remained under investigation at year's end.

In several sex trafficking cases in government-funded shelter homes uncovered in 2018, victims alleged in a few cases that government officials facilitated the trafficking and, in three cases, were clients of shelter residents exploited in sex trafficking.

In Deoria, despite multiple letters from the district government to cease sending vulnerable women and children to a shelter operating without proper registration, three police superintendents sent at least 405 girls to the shelter over two years, where shelter employees exploited many in sex trafficking. The Uttar Pradesh state government requested a report from all shelter homes in the state, initiated investigations, and arrested the owner of the shelter.

In a separate case in Agra in October 2018, a judge sentenced a government-run shelter warden to life imprisonment on conviction of selling shelter residents into sex trafficking.

Financial Disclosure: The law mandates asset declarations for all officers in the Indian Administrative Services. Both the Election Commission and the Supreme Court upheld mandatory disclosure of criminal and financial records for candidates for elected office.

In September 2018 a five-judge bench of the Supreme Court ruled unanimously that the judiciary could not disqualify politicians facing charges related to serious offenses and stop them from contesting elections. The court asked parliament to frame laws to bar those accused of crimes from being able to run for elected office.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Most domestic and international human rights groups generally operated without government restriction, investigating, and publishing their findings on human rights cases. In some circumstances, groups faced restrictions (see section 2.b, Freedom of Association). There were reportedly more than three million NGOs in the country, but definitive numbers were not available. The government generally met with domestic NGOs, responded to their inquiries, and took action in response to their reports or recommendations. The NHRC worked cooperatively with numerous NGOs, and several NHRC committees had NGO representation. Some human rights monitors in Jammu and Kashmir were able to document human rights violations, but periodically security forces, police, and other law

enforcement authorities reportedly restrained or harassed them. Representatives of certain international human rights NGOs sometimes faced difficulties obtaining visas and reported that occasional official harassment and restrictions limited their public distribution of materials.

On February 8, the Gujarat High Court granted anticipatory conditional bail to activists Teesta Setalvad and Javed Anand, who faced charges of corruption and misappropriation of funds. In 2017 the Supreme Court had rejected their relief plea. Additional charges were filed in May 2018 for allegedly securing and fraudulently misusing 14 million rupees (\$200,000) worth of government funds for educational purposes between 2010 and 2013. The activists claimed authorities filed the case in retaliation for their work on behalf of victims of the 2002 Gujarat riot. The case continued at year's end. On August 7, the Gujarat High Court quashed complaints registered against Setalvad in 2014, which alleged she had uploaded objectionable images of Hindu deities on a social media platform.

On July 4, unidentified gunmen shot a human rights activist's daughter in Imphal, Manipur. The activist's organization advocated for indigenous people's rights, and the activist claimed that security agencies have persecuted the NGO since 2006. He also claimed police refused to register a complaint.

The United Nations or Other International Bodies: The government continued to deny the United Nations access to Jammu and Kashmir and limited access to the northeastern states and Maoist-controlled areas. The government refused to cooperate with the special rapporteurs of the UN Human Rights Council following a June 2018 OHCHR publication, *Report on the Human Rights Situation in Kashmir*, which cited impunity for human rights violations and lack of access to justice as key human rights challenges in Jammu and Kashmir. The government rejected OHCHR's report as "false, prejudicial, politically motivated, and [seeking] to undermine the sovereignty of India."

Government Human Rights Bodies: The NHRC is an independent and impartial investigatory and advisory body, established by the central government, with a dual mandate to investigate and remedy instances of human rights violations and to promote public awareness of human rights. It is directly accountable to parliament but works in close coordination with the MHA and the Ministry of Law and Justice. It has a mandate to address official violations of human rights or negligence in the prevention of violations, intervene in judicial proceedings involving allegations of human rights violations, and review any factors (including acts of terrorism) that infringe on human rights. The law authorizes the NHRC to

issue summonses and compel testimony, produce documentation, and requisition public records. The NHRC also recommends appropriate remedies for abuses in the form of compensation to the victims or their families.

The NHRC has neither the authority to enforce the implementation of its recommendations nor the power to address allegations against military and paramilitary personnel. Human rights groups claimed these limitations hampered the work of the NHRC. Some human rights NGOs criticized the NHRC's budgetary dependence on the government and its policy of not investigating abuses that are older than one year. Some claimed the NHRC did not register all complaints, dismissed cases arbitrarily, did not investigate cases thoroughly, rerouted complaints back to the alleged violator, and did not adequately protect complainants.

Of 28 states, 24 have human rights commissions, which operated independently under the auspices of the NHRC. In six states, the position of chairperson remained vacant. Some human rights groups alleged local politics influenced state committees, which were less likely to offer fair judgments than the NHRC. In the course of its nationwide evaluation of state human rights committees, the Human Rights Law Network (HRLN) observed most state committees had few or no minority, civil society, or female representatives. The HRLN claimed the committees were ineffective and at times hostile toward victims, hampered by political appointments, understaffed, and underfunded.

The Jammu and Kashmir commission does not have the authority to investigate alleged human rights violations committed by members of paramilitary security forces. The NHRC has jurisdiction over all human rights violations, except in certain cases involving the army. The NHRC has authority to investigate cases of human rights violations committed by the MHA and paramilitary forces operating under the Armed Forces Special Powers Act (AFSPA) in the northeast states and in Jammu and Kashmir. According to the 2018 OHCHR *Report on the Human Rights Situation in Kashmir*, there has been no prosecution of armed forces personnel in the nearly 28 years that the AFSPA has been in force in Jammu and Kashmir.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape in most cases, although marital rape is not illegal when the woman is older than 15. Official statistics pointed to rape as one of the country's fastest-growing crimes, prompted at least in part by the increasing willingness of victims to report rapes, although observers believed the number of rapes remained vastly underreported. According to one study, based on the government's National Family Health Survey, an estimated 99 percent of rape cases went unreported.

Law enforcement and legal recourse for rape victims were inadequate, and the judicial system was overtaxed and unable to address the problem effectively. Police sometimes worked to reconcile rape victims and their attackers; in some cases they encouraged female rape victims to marry their attackers. The NGO International Center for Research on Women noted that low conviction rates in rape cases was one of the main reasons sexual violence continued unabated. The NGO Lawyers Collective noted the length of trials, lack of victim support, and inadequate protection of witnesses and victims remained major concerns. Doctors continued to carry out an invasive "two-finger test" to speculate on sexual history, despite the Supreme Court's ruling that the test violated a victim's right to privacy.

Incidents of rape continued to be a persistent problem, including gang rape, rape of minors, and rape by government officials. On July 12, the NHRC notified the government of Haryana of the alleged rape of a student by her teacher in Haryana's Panipat District. The teacher threatened the girl to keep quiet after she became pregnant. Police were conducting an investigation.

In August 2018 parliament passed the Criminal Law (Amendment) Bill to increase the minimum mandatory punishments for rape from seven years' to 10 years' imprisonment. The minimum sentence for the rape of a girl younger than 16 increased from 10 years' to between 20 years' and life imprisonment; the minimum sentence of gang rape of a girl younger than 12 was punishable by either life imprisonment or the death penalty. On February 19, the MHA launched the Investigation Tracking System for Sexual Offences, an online analytic tool for states and union territories to monitor and track time-bound investigations in sexual assault cases in accordance with Criminal Law (Amendment) Act 2018.

Incidents of gang rape of minors remained prevalent. On June 9, six individuals, including four police officials, were convicted for a 2018 gang rape and murder of a girl in Jammu and Kashmir. Another accused was a minor and is to be tried in a juvenile court.

On November 28, the burned body of a woman was found in Shadnagar, a town in Telangana State. The woman, a 27-year-old veterinary student, had been approached by a group of men in Hyderabad when her motorbike had a flat tire. The men agreed to assist her and lured her to a secluded spot where they gang-raped and killed her. Her body was subsequently wrapped in a blanket, doused with kerosene, and set ablaze in an underpass. Four men were arrested on November 28. Nationwide protests erupted in response to the incident, calling for an end to violence against women, and in some cases, protesters asked for the accused to be handed over to them. On December 6, all four of the accused were shot and killed by police as they purportedly tried to flee during a crime scene reconstruction.

Women in conflict areas, such as in Jammu and Kashmir, the Northeast, Jharkhand, and Chhattisgarh, as well as vulnerable Dalit or tribal women, were often victims of rape or threats of rape. National crime statistics indicated Dalit women were disproportionately victimized compared with other caste affiliations. After the abrogation of Article 370 canceled the region's autonomy, removing provisions that blocked non-Kashmiris from owning land, Uttar Pradesh BJP Legislative Assembly member Vikram Saini was quoted as saying, "Muslim Party workers should rejoice in the new provisions. They can now marry the white-skinned women of Kashmir." Media reports related instances of soldiers threatening Kashmiri families with taking away their daughters for marriage.

Domestic violence continued to be a problem. The latest available NCRB data estimated the conviction rate for crimes against women was 23 percent. Acid attacks against women continued to cause death and permanent disfigurement. In February 2018 the Delhi government announced it would cover 100 percent of the medical expenses for victims of acid attacks in all private hospitals within the National Capital Territory of Delhi. In May 2018 the Supreme Court approved assistance for victims of acid attacks under the Compensation Scheme for Women Victims, Survivors of Sexual Assault, and Other Crimes 2018. The scheme outlined a maximum assistance of 800,000 rupees (\$11,500) for injuries from acid attacks.

The government made efforts to address the safety of women. In August 2018 the minister of state for women and child development told the lower house of parliament the government allocated 29 billion rupees (\$410 million) toward enhancing women's safety in eight cities, including New Delhi, Mumbai, and Chennai. Projects included increased surveillance technology, capacity building, and awareness campaigns. In August the Tamil Nadu government began the

“Amma Patrol,” a dedicated 40-vehicle unit to provide rapid response to prevent violence against women and girls. The state cofunds the program with the Ministry of Women and Child Development and the MHA.

On June 28, the minister for women and child development, Smriti Irani, told the lower house of parliament that 462 one-stop crisis centers for women were set up during the previous three years, including 291 since 2018. More than 220,000 women sought support from the centers. The centers provide medical, legal, counseling, and shelter services for women facing violence. In September 2018 the government launched an online National Database on Sexual Offenders. The registry included accused and convicted sexual offenders. Only police and legal authorities had access to data.

On April 23, the Supreme Court directed the Gujarat government to pay five million rupees (\$70,400) compensation to Bilkis Bano, a rape survivor of the Gujarat 2002 riots. During the communal riots, a pregnant Bano was gang-raped, and 14 members of her family, including her two-year old daughter and mother, were killed. After the court trial, the 12 persons accused were convicted and sentenced to life imprisonment. On September 30, the Supreme Court gave the Gujarat government two weeks to pay Bano, besides providing her a job and government accommodation. The court passed the order after it was apprised by Bano’s legal counsel that the amount had not been paid to her, despite the court’s April order.

The Muslim Women (Protection of Rights on Marriage) Bill 2019 banned the practice of “triple *talaq*” or instant divorce effective August 1. Some women seeking relief under this law experienced domestic violence. For example, on August 19, a 22-year-old woman in Shravasti District of Uttar Pradesh was burned alive by her husband and in-laws for approaching police after the man gave the woman “triple *talaq*.” Criminal charges were filed against the family on August 22.

Female Genital Mutilation/Cutting (FGM/C): No national law addresses the practice of FGM/C. According to human rights groups and media reports, between 70 and 90 percent of Dawoodi Bohras, a population of approximately one million concentrated in the states of Maharashtra, Gujarat, Rajasthan, and Delhi, practiced FGM/C.

In July 2018 the Supreme Court heard a public interest case seeking to ban the practice of FGM/C. The government, represented by Attorney General K. K.

Venugopal, told the court that it supports the petitioners' plea that the practice be punishable under the provisions of the Indian Penal Code and the Protection of Children from Sexual Offenses Act. Days after a September 2018 meeting between the prime minister and the spiritual head of the Dawoodi Bohra community, who supports the practice of FGM/C, the government reportedly reversed its position, and the attorney general stated the matter should be referred to a five-member panel of the Supreme Court to decide on the issue of religious rights and freedom.

Other Harmful Traditional Practices: The law forbids the acceptance of marriage dowry, but many families continued to offer and accept dowries, and dowry disputes remained a serious problem. NCRB data showed that authorities arrested 20,545 persons for dowry deaths in 2016. Most states employed dowry prohibition officers. A 2010 Supreme Court ruling makes it mandatory for all trial courts to charge defendants in dowry-death cases with murder.

“Sumangali schemes” affected an estimated 120,000 young women. This labor scheme, named after the Tamil word for “happily married woman,” is a form of bonded labor in which young women or girls work to earn money for a dowry to be able to marry. The promised lump-sum compensation is normally withheld until the end of a contractual agreement to work three to five years of employment and sometimes goes partially or entirely unpaid. While in bonded labor, employers reportedly subjected women to serious workplace abuses, including severe restrictions on freedom of movement and communication, sexual abuse, sexual exploitation, and sex trafficking.

So-called honor killings remained a problem, especially in Punjab, Uttar Pradesh, and Haryana; they were usually attributable to the victim's marrying against his or her family's wishes. In March 2018 the Supreme Court ordered state governments to identify districts, subdivisions, and villages that witnessed incidents of honor killings to take remedial, preventive, and punitive measures to stop these crimes. In addition, the Supreme Court ruled that state governments must create special cells in all districts for individuals to report harassment and threats to couples of intercaste marriage.

On August 27, a court issued Kerala's first-ever conviction in an honor-killing case and sentenced 10 individuals to “double imprisonment” for the killing of a 24-year-old Dalit, Christian Kevin Joseph. The man had eloped with a woman from another caste and married her despite her family's rejection of the relationship. The woman's brother was among those convicted, while her father was among four

others acquitted for lack of evidence. In its ruling the court noted the continuing prevalence of caste prejudice in Indian society.

There were reports women and girls in the *devadasi* system of symbolic marriages to Hindu deities (a form of so-called “ritual prostitution”) were victims of rape or sexual abuse at the hands of priests and temple patrons, including sex trafficking. NGOs suggested families exploited some girls from lower castes in sex trafficking in temples to mitigate household financial burdens and the prospect of marriage dowries. Some states have laws to curb sex trafficking and sexual abuse of women and girls in temple service. Enforcement of these laws remained lax, and the problem was widespread. Some observers estimated more than 450,000 women and girls were exploited in temple-related prostitution.

On August 20, the Andhra Pradesh High Court acting chief justice, C. Praveen Kumar, expressed concern over the poor implementation of the Andhra Pradesh Devadasi (Prohibition of Dedication) Act, 1988, noting that there were no convictions in the state under the act. In Telangana, about 2,000 women remained bound under the *Jogini* system, as the devadasi system is known in the state.

No federal law addresses accusations of witchcraft; however, authorities may use other legal provisions as an alternative for a victim accused of witchcraft. Most reports stated villagers and local councils usually banned those accused of witchcraft from the village. Bihar, Odisha, Chhattisgarh, Rajasthan, Assam, and Jharkhand have laws criminalizing persons who accuse others of witchcraft. In 2018 a total of 73 cases of witchcraft, including 18 deaths, were reported from Odisha.

On March 17, Adarmani Hansda, a tribal woman from Ishwarpur village in West Bengal, was killed and four others injured after a village court accused them of practicing witchcraft. According to media reports, Hansda allegedly used “black magic” to cause several individuals to become ill in the village. Police rescued the four other women and admitted them to the hospital.

Sexual Harassment: Sexual harassment remained a serious problem. Authorities required all state departments and institutions with more than 50 employees to operate committees to prevent and address sexual harassment, often referred to as “eve teasing.” By law sexual harassment includes one or more unwelcome acts or behavior, such as physical contact, a request for sexual favors, making sexually suggestive remarks, or showing pornography. Employers who fail to establish complaint committees face fines of up to 50,000 rupees (\$700).

Coercion in Population Control: There were reports of coerced and involuntary sterilization. The government has promoted female sterilization as a form of family planning for decades and, as a result, it made up 86 percent of contraceptive use in the country. Some women, especially poor and lower-caste women, reportedly were pressured by their husbands and families to have tubal ligations or hysterectomies. The government provided monetary compensation for the wage loss, transportation costs, drugs and dressing, and follow-up visits to women accepting contraceptive methods, including voluntary sterilization. There were no formal restrictions on access to other forms of family planning; however, despite recent efforts to expand the range of contraceptive choices, voluntary sterilization remained the preferred method due to the costs and limited availability of alternative contraceptive choices.

Policies penalizing families with more than two children remained in place in seven states, but some authorities did not enforce them. There were reports that these policies created pressure on women with more than two children to use contraception, including permanent methods such as sterilization, or even termination of subsequent pregnancies. Certain states maintained government reservations for government jobs and subsidies for adults with no more than two children and reduced subsidies and access to health care for those who have more than two. According to the NGO Lawyers Collective, such policies often induced families to carry out sex selection for the second birth to assure they have at least one son without sacrificing future eligibility for political office.

To counter sex selection, almost all states introduced “girl child promotion” schemes to promote the education and well-being of girls, some of which required a certificate of sterilization for the parents to collect benefits.

Discrimination: The law prohibits discrimination in the workplace and requires equal pay for equal work, but employers reportedly often paid women less than men for the same job, discriminated against women in employment and credit applications, and promoted women less frequently than men.

Many tribal land systems, including in Bihar, deny tribal women the right to own land. Other laws or customs relating to the ownership of assets and land accord women little control over land use, retention, or sale.

Gender-biased Sex Selection: According to the most recent census (2011), the national average male-female sex ratio at birth was 106 to 100. On June 27,

Minister for Women and Child Development Smriti Irani informed the upper house of parliament that reports from the Health Management Information System of the Ministry of Health and Family Welfare revealed the male/female sex ratio at birth improved from 108.3 to 100 to 107.4 to 100. The law prohibits prenatal sex selection, but authorities rarely enforced it. In March 2018 the government announced the expansion of the Beti Bachao Beti Padhao (Save the Daughter, Educate the Daughter) project in all 640 districts across the country. The Ministry of Finance, also in 2018, issued a report that indicated 63 million women were statistically “missing” due to sex-selective abortions. The government launched the program in 2015 to prevent gender-biased sex selection, promote female education, and ensure the survival and protection of girls. Government data revealed sex ratio at birth showed improving trends in 104 out of 161 districts between 2015 and 2017. In January media outlets quoted government figures declared in parliament by Minister of State for Women and Child Development Virendra Kumar to report that more than 56 percent of funds for the program were utilized in media and advertisement-related activities, and less than 25 percent were distributed to states and districts for program implementation. The reports alleged the government failed to release more than 19 percent of the funds.

According to media reports, the taboo and fear of giving birth to a girl child drove some women toward sex-selective abortion or attempts to sell the baby. Dowry, while illegal, carried a steep cost, sometimes bankrupting families. Women and girl children were ostracized in some tribal communities.

In July the Uttarakhand government ordered a probe after media reports highlighted that not a single girl child was born among 65 children in 16 villages in the last six months. Authorities suspected that health facilities were conducting illegal sex determination tests and abortions.

Children

Birth Registration: The law establishes state government procedures for birth registration. UNICEF estimated authorities registered 58 percent of national births each year. Children lacking citizenship or registration may not be able to access public services, enroll in school, or obtain identification documents later in life.

Education: The constitution provides free education for all children from ages six to 14, with a compulsory education age up through age 15, but the government did not always comply with this requirement. The World Economic Forum’s 2018 *Gender Gap Report* revealed that enrollment rates for both male and female

students dropped by nearly 30 percent between primary and secondary school. Additionally, the report found that, while girls had a slight lead in primary and secondary education enrollment rates, boys had greater educational attainment at all levels. The NGO Pratham's 2018 *Annual Status of Education Report* noted in January that the percentage of out-of-school girls decreased in the 11-14 age group and the 15-16 age group: 4.1 percent of girls in the 11-14 age group dropped out of school in 2018, compared with 10.3 percent in 2006. For girls in the 15-16 age group, the percentage dropped to 13.5 percent in 2018 from 22.6 percent in 2006. Children from marginalized groups also faced barriers to accessing education. Teachers sometimes subjected these children to discrimination and harassment.

According to UNICEF more than 60 percent of secondary-school-age children with disabilities did not attend school. Additionally, as the minimum age for work is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education.

Child Abuse: The law prohibits child abuse, but it does not recognize physical abuse by caregivers, neglect, or psychological abuse as punishable offenses. Although banned, teachers often used corporal punishment. The government often failed to educate the public adequately against child abuse or to enforce the law.

On September 26, a Supreme Court-appointed juvenile justice committee released a report stating that since August 5, police in Jammu and Kashmir had detained 144 children younger than 18, including a nine-year-old. The children were often detained because of allegations they were throwing stones at law enforcement officers. Many of the detained children were reportedly from the city of Srinagar in Kashmir. Police reportedly informed the committee that all children arrested and lodged in police stations were released on the same day, apart from two children who remained in juvenile homes. One of those two juveniles was reportedly released in mid-October while, as of early November, the other remained detained.

The government sponsored a toll-free 24-hour helpline for children in distress.

Early and Forced Marriage: The law sets the legal age of marriage for women at 18 and men at 21, and it empowers courts to annul early and forced marriages. The law does not characterize a marriage between a girl younger than 18 and a boy younger than 21 as "illegal," but it recognizes such unions as voidable. The law also sets penalties for persons who perform, arrange, or participate in child

marriages. Authorities did not consistently enforce the law nor address girls who were raped being forced into marriage.

According to international and local NGOs, procedural limitations effectively left married minors with no legal remedy in most situations. According to the Ministry of Home Affairs' 2015-2016 *National Family Health Survey*, 27 percent of women between 20 and 24 married before the age of 18, and 2017 UNICEF data revealed 7 percent of the same group of women married before the age of 15.

The law establishes a full-time child-marriage prohibition officer in every state to prevent child marriage. These individuals have the power to intervene when a child marriage is taking place, document violations of the law, file charges against parents, remove children from dangerous situations, and deliver them to local child-protection authorities.

In June the Karnataka government formed a committee to study the status of child brides who were younger than 18 at the time of their marriage and to prepare a standard operating procedure to work toward their protection, rehabilitation, and empowerment. In 2017 the Karnataka government declared child marriages *void ab initio* (void from the beginning).

Sexual Exploitation of Children: The law prohibits child pornography and sets the legal age of consent at 18. It is illegal to pay for sex with a minor, to induce a minor into prostitution or any form of "illicit sexual intercourse," or to sell or buy a minor for the purposes of prostitution. Violators are subject to 10 years' imprisonment and a fine.

Special courts to try child sexual abuse cases existed in all six Delhi courts. Civil society groups observed, however, that large caseloads severely limited judges' abilities to take on cases in a timely manner. Lack of training in handling forensic evidence also adversely affected case handling.

NGOs noted a significant increase of death penalty sentences for those convicted of egregious cases of sexual assault of children. In 2018 trial courts sentenced 162 persons to death, which was the highest in two decades. At the same time, the Supreme Court commuted death sentences in 11 out of 12 cases that came before it. Supreme Court justice Kurian Joseph expressed concern about the constitutionality of the death penalty in an opinion, highlighting that the death penalty lacks deterrent and reformatory purpose. NGOs suggested within a dominantly punitive environment, the Supreme Court judge's views were

indicative of the understanding of how punitive justice may not be as effective as is widely presumed.

In May the Delhi High Court examined the extended delays of child sexual abuse cases in Delhi, numbering 6,414 cases, and directed the Delhi government to establish 18 more fast-track courts to address pending cases.

The movement toward harsher punishments for child sexual abuse continued. On August 1, parliament passed the Protection of Children from Sexual Offences (Amendment) Bill, 2019. The act seeks to protect children from offenses such as sexual assault, sexual harassment, and pornography and provides stringent punishment for sexual crimes against children and death penalty in cases of aggravated sexual assault.

The June 20 UN Security Council *Children and Armed Conflict* report highlighted allegations of sexual violence perpetrated against children by security forces in Kashmir.

Child Soldiers: No information was available on how many persons younger than 18 were serving in the armed forces. The UN *Children and Armed Conflict* report outlined allegations that at least five children were recruited by, and joined, militant groups in Jammu and Kashmir and at least two of these children were killed in encounters with security forces. NGOs estimated at least 2,500 children were associated with insurgent armed groups in Maoist-affected areas as well as insurgent groups in Jammu and Kashmir.

Displaced Children: Displaced children, including refugees, IDPs, and street children, faced restrictions on access to government services (see also section 2.d.).

Institutionalized Children: Lax law enforcement and a lack of safeguards encouraged an atmosphere of impunity in a number of group homes and orphanages.

The National Commission for the Protection of Child Rights estimated that 1,300 of the country's approximately 9,000 shelters for vulnerable individuals were not registered with the government and operated with little or no oversight. In several cases government-funded shelter homes continued to operate despite significant gaps in mandatory reporting and allegations of abuse, at times due to alleged political connections. Police documented at least 156 residents, including sex

trafficking victims, missing from six shelters as of March; at least one shelter owner had reportedly sold some of the women and girls for prostitution.

A 2018 report by the Tata Institute of Social Sciences documented abuse “varying in forms and degrees of intensity” that was reported to be prevalent in almost all 110 government-funded women- and child-care institutions surveyed in Bihar State. The report noted “grave concerns” in 17 institutions that required immediate attention. NGOs commended the Bihar government for undertaking the study and allowing the investigator full authority and independence to report on all institutions in the state. The Supreme Court was overseeing investigations into the shelter-home abuse cases. NGOs reported some subsequent positive actions by some state governments to address these reports. As of January the CBI had only initiated investigations into nine of the 17 homes.

The Calcutta Research Group reported police sometimes separated families detained at the India-Bangladesh border in the state of West Bengal by institutionalizing children in juvenile justice homes with limited and restricted access to their families.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

Jewish groups from the 4,650-member Jewish community cited no reports of anti-Semitic acts during the year.

The Gujarat government accorded the Jewish community minority status, making the community eligible for government entitlements for faith minorities in 2018.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution does not explicitly mention disability. The law provides equal rights for persons with a variety of disabilities, and the Rights of Persons with Disabilities Act 2016 increased the number of recognized disabilities, including persons with Parkinson's disease and victims of acid attacks. The law set a two-year deadline for the government to provide persons with disabilities with unrestricted free access to physical infrastructure and public transportation systems.

The law also reserves 3 percent of all educational places and 4 percent of government jobs for persons with disabilities. The government allocated funds to programs and NGOs to increase the number of jobs filled. In 2017 a government panel decided that private news networks must accompany public broadcasts with sign language interpretations and closed captions to accommodate persons with disabilities.

Despite these efforts, problems remained. Private-sector employment of persons with disabilities remained low, despite governmental incentives. Discrimination against persons with disabilities in employment, education, and access to health care was more pervasive in rural areas, and 45 percent of the country's population of persons with disabilities were illiterate. There was limited accessibility to public buildings.

The Ministry of Health and Family Welfare estimated 25 percent of individuals with mental disabilities were homeless. Mainstream schools remained inadequately equipped with teachers trained in inclusive education, resource material, and appropriate curricula. Patients in some mental-health institutions faced food shortages, inadequate sanitary conditions, and lack of adequate medical care. HRW reported women and girls with disabilities occasionally were forced into mental hospitals against their will.

On February 11, the government of Andhra Pradesh issued an order increasing the quota for recruitment and promotion for persons with disabilities from the existing 3 percent to 4 percent. The new order defined persons with disabilities to include persons with autism, mental disorders, multiple disabilities, and intellectual disabilities.

In Odisha participation of persons with disabilities in the works the state government executed under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) increased during the year ending in March, compared with the preceding 12 months. While 83 persons with disabilities secured 100 days

of employment during 2017-2018, 105 persons secured employment in 2018-2019. According to state government officials, a coordinator has been appointed at different levels of administration in each district to work toward increasing the participation of persons with disabilities and other vulnerable groups in the MGNREGA program.

National/Racial/Ethnic Minorities

The constitution prohibits caste discrimination. The registration of castes and tribes continued for the purpose of affirmative action programs, as the federal and state governments continued to implement programs for members of lower-caste groups to provide better-quality housing, quotas in schools, government jobs, and access to subsidized foods. Data published in the UN's 2019 *Multidimensional Poverty Index* showed a "positive trend" between 2006 and 2016 that lifted 271 million people out of poverty. Previous reports showed Muslims, members of the Scheduled Tribes, and Dalits experienced the greatest reduction in poverty. Discrimination based on caste, however, remained prevalent, particularly in rural areas. Critics claimed many of the programs to assist the lower castes suffered from poor implementation, corruption, or both.

The term *Dalit*, derived from Sanskrit for "oppressed" or "crushed," refers to members of what society regarded as the lowest of the Scheduled Castes (SC). According to the 2011 census, SC members constituted 17 percent of the population (approximately 200 million persons).

Although the law protects Dalits, there were numerous reports of violence and significant discrimination in access to services, such as health care and education, access to justice, freedom of movement, access to institutions such as temples, and marriage. Many Dalits were malnourished. Most bonded laborers were Dalits, and those who asserted their rights were often victims of attacks, especially in rural areas. As agricultural laborers for higher-caste landowners, Dalits reportedly often worked without monetary remuneration. Reports from the UN Committee on the Elimination of Racial Discrimination described systematic abuse of Dalits, including extrajudicial killings and sexual violence against Dalit women. Crimes committed against Dalits reportedly often went unpunished, either because authorities failed to prosecute perpetrators or because victims did not report crimes due to fear of retaliation.

Dalit rights activists in Telangana decried the role that village development committees (VDCs) played in the state. Activists alleged that upper-caste

individuals--who controlled most VDCs, which acted as parallel institutions to democratically elected village councils--often resorted to social boycott of Dalits who questioned decisions taken by the VDCs. According to a February 25 news report, Dalits of a village in Nizamabad District faced social boycott for 62 days on the orders of a VDC dominated by upper-caste individuals. The VDC ordered the boycott following a dispute over construction of a library on a piece of land given to the Dalits.

A study conducted by researchers at the University of California, Berkeley, found home-based garment workers consisted almost entirely of women and girls from historically oppressed ethnic communities and earned approximately 10 rupees (\$0.15) per hour. Titled *Tainted Garments: The Exploitation of Women and Girls in India's Home-based Garment Sector*, the study found about 99.3 percent of the workers were Muslims or belonged to Scheduled Castes and received no medical care when injured at work. The research was based on interactions with 1,452 home-based garment workers in parts of northern and southern India from October 2017 to April 2018.

NGOs reported Dalit students were sometimes denied admission to certain schools because of their caste, required to present caste certification prior to admission, barred from morning prayers, asked to sit in the back of the class, or forced to clean school toilets while being denied access to the same facilities. There were also reports teachers refused to correct the homework of Dalit children, refused to provide midday meals to Dalit children, and asked Dalit children to sit separately from children of upper-caste families.

Manual scavenging--the removal of animal or human waste by Dalits--continued despite its legal prohibition. HRW reported that children of manual scavengers faced discrimination, humiliation, and segregation at village schools. Their occupation often exposed manual scavengers to infections that affected their skin, eyes, respiratory, and gastrointestinal systems. Health practitioners suggested children exposed to such bacteria were often unable to maintain a healthy body weight and suffered from stunted growth.

On June 14, seven persons, including four sanitation workers, died of asphyxiation while cleaning a septic tank in a hotel in Dabhoi town of Vadodara District in Gujarat. Police arrested the hotel owner on charges of murder and violation of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act. The Gujarat government announced financial assistance for the families of the victims.

Indigenous People

The constitution provides for the social, economic, and political rights of disadvantaged groups of indigenous persons. The law provides special status for indigenous individuals, but authorities often denied them their rights.

In most of the northeastern states, where indigenous groups constituted the majority of the states' populations, the law provides for tribal rights, although some local authorities disregarded these provisions. The law prohibits any nontribal person, including citizens from other states, from crossing a government-established inner boundary without a valid permit. No one may remove rubber, wax, ivory, or other forest products from protected areas without authorization. Tribal authorities must also approve the sale of land to nontribal persons.

On February 13, the Supreme Court ordered the eviction of forest dwellers in 21 states. Media reported more than 1.3 million land claims, each potentially representing a household, had been rejected. Experts estimated that the legal order could result in more than eight million tribal people leaving forest areas that their ancestors have inhabited for centuries. The Supreme Court later stayed the eviction order until November 26 and ordered the 21 states to file affidavits with details on how they had processed claims.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

In September 2018 the Supreme Court decriminalized same-sex relations in a unanimous verdict. Activists welcomed the verdict but stated it was too early to determine how the verdict would translate into social acceptance, including safe and equal opportunities at workspaces and educational institutions.

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced physical attacks, rape, and blackmail. LGBTI groups reported they faced widespread societal discrimination and violence, particularly in rural areas. Activists reported that transgender persons continued to face difficulty obtaining medical treatment. Some police committed crimes against LGBTI persons and used the threat of arrest to coerce victims not to report the incidents. With the aid of NGOs, several states offered education and sensitivity training to police.

On August 28, the Tamil Nadu state government issued an order banning sex-reassignment surgeries on intersex infants and children, except under life-threatening circumstances. The order follows a ruling from the Madras High Court in April, in which the court observed that a parent's consent could not be considered the consent of the child. The April ruling acknowledged a World Health Organization report, which referred to sex-reassignment surgery of intersex individuals as "intersex genital mutilation." As part of the court direction, Tamil Nadu's director of medical education has to constitute a four-member committee to assess individual cases before determining whether reassignment surgery falls under the life-threatening circumstances exception.

Three transgender candidates contested the elections to the Odisha state legislature in April. Although none of them won, activists stated their presence was a step forward in the political empowerment of the transgender community after the 2014 Supreme Court verdict recognized the transgender community.

HIV and AIDS Social Stigma

The number of new HIV cases decreased by 57 percent over the past decade. According to official government records, there were 191,493 newly diagnosed cases in 2017. The epidemic persisted among the most vulnerable and high-risk populations that include female sex workers, men who have sex with men, transgender persons, and persons who inject drugs. UNAIDS 2018 data indicated that new HIV infections were declining among sex workers and men who have sex with men, although stigma related to key populations continued to limit their access to HIV testing and treatment. The data showed 79 percent of individuals were aware of their HIV status and that 71 percent living with HIV were on HIV treatment.

The National AIDS Control Program prioritized HIV prevention, care, and treatment interventions for high-risk groups and advocated for the rights of persons living with HIV. Antiretroviral drug stock outages in a few states led to treatment interruption. The National AIDS Control Organization worked actively with NGOs to train women's HIV/AIDS self-help groups. Police engaged in programs to strengthen their role in protecting communities vulnerable to human rights violations and HIV.

In September 2018 the Ministry of Health announced the creation of rules to implement the HIV and AIDS (Prevention and Control) Bill, 2017 in response to a public interest litigation filed with the Delhi High Court. The bill was designed to

prevent discrimination in health care, employment, education, housing, economic participation, and political representation for those with HIV and AIDS.

Other Societal Violence or Discrimination

Societal violence based on religion and caste and by religiously associated groups continued to be a serious concern. Muslims and lower-caste Dalit groups continued to be the most vulnerable. MHA data for 2016-2017 showed that 703 incidents of communal (religious) violence occurred in which 86 persons were killed and 2,321 injured. According to the NHRC, there were 672 cases of discrimination and victimization against Scheduled Castes and 79 cases against minorities in 2018-2019.

On June 18, a mob attacked 24-year-old Tabrez Ansari in Jharkhand for allegedly stealing a motorcycle. The police rescued Ansari from the mob, but he died of his injuries in the hospital. The police arrested 11 persons and suspended two police officials, but police dropped murder charges against the accused, contending that Ansari had died of cardiac arrest due to stress. In September, after allegations of attempted tampering of the case, police reversed their request and submitted supplementary charges in September, seeking punishment for the accused.

On July 17, the Madhya Pradesh state assembly passed the Anti-Cow Slaughter Amendment Act of 2019 that includes imprisonment of six months to three years and a fine of 25,000-50,000 rupees (\$350-\$700) for those convicted of committing violence in the name of cow protection. The amended law allows cattle transportation from Madhya Pradesh to other states with special permission, a reversal from earlier provisions.

Media outlets reported more than 20 instances of mob lynching of individuals believed to be child abductors. On August 27, two brothers taking their nephew to a doctor were attacked by a mob in Sambhal, Uttar Pradesh, on the suspicion of being child abductors. One of the men died in the attack. Police arrested five persons who led the attack.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right to form and join unions and to bargain collectively, although there is no legal obligation for employers to recognize a union or engage

in collective bargaining. In the state of Sikkim, trade union registration was subject to prior permission from the state government. The law limits the organizing rights of federal and state government employees.

The law provides for the right to strike but places restrictions on this right for some workers. For instance, in export processing zones (EPZs), a 45-day notice is required because of the EPZs' designation as a "public utility." The law also allows the government to ban strikes in government-owned enterprises and requires arbitration in specified "essential industries." Definitions of essential industries vary from state to state. The law prohibits antiunion discrimination and retribution for involvement in legal strikes and provides for reinstatement of employees fired for union activity. In October, 48,000 workers of the Telangana State Road Transport Corporation (TSRTC) went on strike. The unions were demanding that the TSRTC be merged with the state government, so workers were able to obtain full benefits. After almost 45 days, the transport workers returned to work with no resolutions reached between labor unions and the state government of Telangana State.

Enforcement of the law varied from state to state and from sector to sector. Enforcement was generally better in the larger, organized-sector industries. Authorities generally prosecuted and punished individuals responsible for intimidation or suppression of legitimate trade union activities in the industrial sector. Civil judicial procedures addressed abuses because the Trade Union Act does not specify penalties for such abuses. Specialized labor courts adjudicate labor disputes, but there were long delays and a backlog of unresolved cases.

Employers generally respected freedom of association and the right to organize and bargain collectively in the formal industrial sector but not in the larger, informal economy. Most union members worked in the formal sector, and trade unions represented a small number of agricultural and informal-sector workers. Membership-based organizations, such as the Self-Employed Women's Association, successfully organized informal-sector workers and helped them to gain higher payment for their work or products.

An estimated 80 percent of unionized workers were affiliated with one of the five major trade union federations. Unions were independent of the government, but four of the five major federations were associated with major political parties.

State and local authorities occasionally used their power to declare strikes illegal and force adjudication. Labor groups reported that some employers continued to

refuse to recognize established unions, and some, instead, established “workers’ committees” and employer-controlled unions to prevent independent unions from organizing. EPZs often employed workers on temporary contracts. Additionally, employee-only restrictions on entry to the EPZs limited union organizers’ access.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but forced labor, including bonded labor for both adults and children (see section 7.c.), remained widespread.

Enforcement and compensation for victims is the responsibility of state and local governments and varied in effectiveness. The government generally did not effectively enforce laws related to bonded labor or labor-trafficking laws, such as the Bonded Labor System (Abolition) Act. On August 27, the Madras High Court found a rice mill owner guilty of holding six workers, including three women, under bondage in his mill, and the court sentenced the owner to a three-year prison term. The workers were each awarded compensation of 50,000 rupees (\$700). When inspectors referred violations for prosecution, court backlogs, inadequate preparation, and a lack of prioritization of the cases by prosecuting authorities sometimes resulted in acquittals. In addition, when authorities did report violations, they sometimes reported them to civil courts to assess fines and did not refer them to police for criminal investigation of labor trafficking.

Penalties under law varied based on the type of forced labor and included fines and prison terms; not all were sufficiently stringent. For example, bonded labor was specifically criminalized under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, which prescribes sufficiently stringent penalties, and the Bonded Labor System (Abolition) Act, which prescribes penalties that were not sufficiently stringent.

The Ministry of Labor and Employment reported the federally funded, state-run Centrally Sponsored Scheme assisted in the release of 2,289 bonded laborers during the period from April through December 2018. Many NGOs reported delays of more than one year in obtaining release certificates for rescued bonded laborers. Such certificates were required to certify that employers had held them in bondage and entitled them to compensation under the law. The NGOs also reported that in some instances, they failed to obtain release certificates for bonded laborers at all. The distribution of initial rehabilitation funds was uneven across states. The majority of bonded labor victim compensation cases remained tied to a

criminal conviction of bonded labor. As authorities often registered bonded labor cases as civil salary violations in lieu of bonded labor, convictions of the traffickers and full compensation for victims remained rare.

Estimates of the number of bonded laborers varied widely. Media reports estimated the number at 18 million workers in debt bondage. Most bonded labor occurred in agriculture. Nonagricultural sectors with a high incidence of bonded labor were stone quarries, brick kilns, rice mills, construction, embroidery factories, and *beedi* (hand-rolled cigarettes) production.

Bonded labor continued to be a concern in many states.

On August 19, police and civil officials in Kolar District of Karnataka rescued 10 tribal workers, including two girls and a boy, from a construction site. Nine of the 10 rescued persons belonged to two families and had worked as bonded laborers for three years. State officials stated that the workers were denied wages to account for a loan of 60,000 rupees (\$845) each that they took from labor agents. In Tamil Nadu release certificates were not handed to bonded labor from Odisha, who were rescued from Tiruvallur District in 2018. This deprived them of interim compensation and rehabilitation.

Bonded laborers from Odisha were rescued from brick kilns in Andhra Pradesh and Karnataka during the year. In March, 96 workers were rescued in Koppal and Yadgir Districts of Karnataka, while 40 workers, including nine children, were rescued in Krishna District of Andhra Pradesh in April.

Scheduled Caste and Scheduled Tribe members lived and worked under traditional arrangements of servitude in many areas of the country. Although the central government had long abolished forced labor servitude, these social groups remained impoverished and vulnerable to forced exploitation, especially in Arunachal Pradesh.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

All of the worst forms of child labor were prohibited. The law prohibits employment of children younger than 14. The law also prohibits the employment of children between the ages of 14 and 18 in hazardous work. Children are

prohibited from using flammable substances, explosives, or other hazardous material, as defined by the law. In 2017 the Ministry of Labor and Employment added 16 industries and 59 processes to the list of hazardous industries where employment of children younger than 18 is prohibited, and where children younger than 14 are prohibited from helping, including family enterprises. Despite evidence that children work in unsafe and unhealthy environments for long periods of time in spinning mills, garment production, carpet making, and domestic work, not all children younger than 18 are prohibited from working in occupations related to these sectors. The law, however, permits employment of children in family-owned enterprises involving nonhazardous activities after school hours. Nevertheless, child labor remained widespread.

Law enforcement agencies took actions to combat child labor. State governments enforced labor laws and employed labor inspectors, while the Ministry of Labor and Employment provided oversight and coordination. Nonetheless, gaps existed within the operations of the state government labor inspectorate that might have hindered adequate labor law enforcement. Violations remained common. The law establishes penalties that are insufficient to deter violations, and authorities sporadically enforced them. The fines collected are deposited in a welfare fund for formerly employed children.

The Ministry of Labor and Employment coordinated its efforts with states to raise awareness about child labor by funding various outreach events, such as plays and community activities.

The majority of child labor occurred in agriculture and the informal economy, in particular in stone quarries, in the rolling of cigarettes, and in informal food service establishments. Commercial sexual exploitation of children occurred (see section 6, Children).

In July, Telangana police rescued 67 children younger than 14, all hailing from Bihar, from bangle-making factories in Hyderabad. Six persons were arrested. The children were locked in a tiny room and lived in inhuman conditions, besides being made to work for nearly 17 hours a day. The children were given “release certificates” recognizing them as bonded laborers, which qualified them to receive 25,000 rupees (\$350) as interim relief and 300,000 rupees (\$4,200) as compensation. The children were sent back to Bihar in August.

During Operation Smile in July, Telangana police and other government officials rescued 3,470 children from bonded labor and begging schemes. Police fined 431

employers 1.87 million rupees (\$26,300) and registered cases against seven employers. It was unclear if police filed any trafficking or bonded labor charges.

In August the International Labor Organization commenced a three-year project in partnership with the Telangana government covering the entire cotton supply chain from farm to factory, to identify the presence of child labor, bonded labor, and gender discrimination.

In Telangana, local groups cited flaws in the implementation of a bridge-school program meant for rescued child laborers under the government's National Child Labor Project, noting that the state has no way of knowing if rescued child laborers have dropped out of school and returned to work. State government officials agreed that, following the 2016 amendments to the Child Labor (Prohibition and Regulation) Act, 1986, state surveys no longer identified the number of children working in family enterprises, bonded labor, and nonhazardous work environments.

Forced child labor, including bonded labor, also remained a serious problem. Employers engaged children in forced or indentured labor as domestic servants and beggars, as well as in quarrying, brick kilns, rice mills, silk-thread production, and textile embroidery.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

Provisions in the constitution and various laws and regulations prohibit discrimination based on race, sex, gender, disability, language, sexual orientation, gender identity, or social status with respect to employment and occupation. A separate law prohibits discrimination against individuals suffering from HIV/AIDs. The law does not prohibit discrimination against individuals with communicable diseases or based on color, religion, political opinion, national origin, or citizenship.

The government effectively enforced the law and regulations within the formal sector. Penalties were not sufficient to deter violations. The law and regulations, however, do not protect those working within the informal sector (industries and

establishments that do not fall under the purview of the Factories Act), who made up an estimated 90 percent of the workforce.

Discrimination occurred in the informal sector with respect to Dalits, indigenous persons, and persons with disabilities. Gender discrimination with respect to wages was prevalent. Foreign migrant workers were largely undocumented and typically did not enjoy the legal protections available to workers who are nationals of the country.

e. Acceptable Conditions of Work

Federal law sets safety and health standards, but state government laws set minimum wages, hours of work, and additional state-specific safety and health standards. The daily minimum wage varied but was more than the official estimate of poverty-level income. State governments set a separate minimum wage for agricultural workers. Laws on wages, hours, and occupational health and safety do not apply to the large informal sector. On December 9, a building fire in New Delhi killed 43 persons. The building did not have appropriate fire licenses and was illegally operating as a factory.

The law mandates a maximum eight-hour workday and 48-hour workweek as well as safe working conditions, which include provisions for restrooms, cafeterias, medical facilities, and ventilation. The law mandates a minimum rest period of 30 minutes after every four hours of work and premium pay for overtime, but it does not mandate paid holidays. The law prohibits compulsory overtime, but it does not limit the amount of overtime a worker can perform. Occupational safety and health standards set by the government were generally up to date and covered the main industries in the country.

State governments are responsible for enforcing minimum wages, hours of work, and safety and health standards. The number of inspectors generally was insufficient to enforce labor law. State governments often did not effectively enforce the minimum wage law for agricultural workers. Enforcement of safety and health standards was poor, especially in the informal sector, but also in some formal-sector industries. Penalties for violation of occupational safety and health standards were not sufficient to deter violations.

Violations of wage, overtime, and occupational safety and health standards were common in the informal sector. Small, low-technology factories frequently exposed workers to hazardous working conditions. Undocumented foreign

workers did not receive basic occupational health and safety protections. In many instances workers could not remove themselves from situations that endangered health or safety without jeopardizing their employment.

On April 10, a total of 10 female workers employed under the National Rural Employment Guarantee Act program in the Narayanpet District of Telangana died in a landslide. Civil society activists cited unsafe work conditions as leading to the fatal accident, noting that the workers were resting in the shade of a mud mound, which collapsed and killed them. The Telangana government announced that cash compensation, housing, employment, and education would be provided to the immediate family members of the deceased.

At least 50 individuals died cleaning sewers in the first six months of the year, according to data collated by the National Commission for *Safai Karamcharis* (manual waste workers). The data covered 15 states, and it cited 620 such cases from 1993 to June 2019, with 144 deaths in Tamil Nadu, 131 in Gujarat, and 75 in Karnataka.

On April 28, two persons died of asphyxiation while cleaning a contaminated well in Bengaluru. The police arrested three individuals for “culpable homicide” under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.