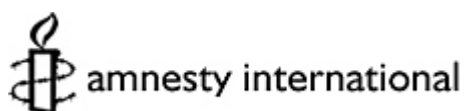


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Amnesty International Annual Report 2012 - India

Head of state: Pratibha Patil
 Head of government: Manmohan Singh
 Death penalty: retentionist
 Population: 1,241.5 million
 Life expectancy: 65.4 years
 Under-5 mortality: 65.6 per 1,000
 Adult literacy: 62.8 per cent

The government maintained its focus on economic growth, at times at the cost of protecting and promoting human rights within the country and abroad. Around 250 people were killed in ongoing clashes between armed Maoists and security forces in several central and eastern states. At least 40 people were killed in bomb attacks in Mumbai and Delhi. Anna Hazare's campaign for comprehensive laws against corruption scored initial successes; however, Parliament failed to enact the proposed legislation. Adivasi (Indigenous) communities intensified their protests against corporate-led moves to acquire and mine their lands without free, prior and informed consent, resulting in suspension of some industrial projects. Authorities introduced new legal frameworks to reform land acquisition, rehabilitation and mining. Human rights defenders faced the ire of both state and non-state agencies, with sedition and other politically motivated charges levelled against some. Many were threatened, harassed and intimidated, and at least four activists were killed. Authorities extended a standing invitation to all UN Special Procedures to visit the country. However, torture and other ill-treatment, extrajudicial executions, deaths in custody and administrative detentions remained rife in a number of states. New legal initiatives to outlaw torture had yet to yield results. Institutional mechanisms meant to protect human rights remained weak, and judicial processes were slow in ensuring justice for victims of past violations including extrajudicial executions and mass killings. This was despite new legislation introduced to ensure justice and reparations for victims of past communal violence. Past violations and abuses continued to remain outside the purview of ongoing peace initiatives on Nagaland and Assam. Courts sentenced at least 110 people to death, but, for the seventh successive year, no executions took place.

Background

Rapid economic growth in key urban sectors slowed down, in part as a result of the global downturn and rising inflation. The recent growth left large parts of rural India relatively untouched, with communities living in endemic poverty aggravated by a stagnant agricultural sector and problems of food security. According to official estimates, India's poor accounted for between 30 and 50 per cent of the country's population. At least 15 per cent of the population were leading a precarious existence in urban slums without proper access to health care, water, food and education.

India's election to the UN Security Council and the UN Human Rights Council underscored its growing international and regional status. The country took positive steps to co-operate with UN Special Procedures. In January, the UN Special Rapporteur on the situation of human rights defenders visited India on official invitation. In September, in an unprecedented move, the authorities issued a standing invitation to all thematic UN Special Procedures.

Authorities were reluctant to speak out on human rights crises in the region and elsewhere. India was silent on violations committed during the dramatic changes in the Middle East and North Africa, as well as on those committed by neighbouring Myanmar. It failed to support demands for Sri Lanka to be held accountable for the violations committed at the end of that country's war in 2009.

Violence between security forces, militia and Maoists

In Chhattisgarh state, clashes continued between armed Maoists and security forces supported by the state-sponsored Salwa Judum militia. Both sides routinely targeted civilians, mainly Adivasis, and engaged in killings, abductions and arson. In Chhattisgarh alone, more than 3,000 people, including combatants, had been killed in the clashes since 2005. Around 25,000 people remained displaced; about 5,000 were living in camps and 20,000 were dispersed in neighbouring Andhra Pradesh and Orissa.

Similar clashes between Maoists and state forces took place in Adivasi areas of Orissa, Jharkhand and West Bengal. The suspension of anti-Maoist operations in West Bengal since May was marred by political violence and arrests; peace initiatives collapsed in November after the death of Maoist leader Koteswar "Kishenji" Rao, who was allegedly extrajudicially executed.

In July, India's Supreme Court issued a landmark judgement to disband all Chhattisgarh state-sponsored anti-Maoist militias alleged to have committed serious human rights violations. The state authorities responded by disbanding and incorporating them into a 6,000-strong auxiliary force, ignoring allegations of their involvement in such violations.

- In January, the Orissa police and security forces claimed to have shot dead 25 Maoist suspects in six separate combat operations, but human rights activists uncovered evidence suggesting that two of the victims were anti-mining campaigners, and the others were unarmed Maoist sympathizers detained during search operations and extrajudicially executed.
- In February, the Maoists held two district officials hostage for nine days in Malkangiri, Orissa, and exchanged them for five jailed Maoist leaders who were released on bail by the authorities.
- In March, more than 300 police and Salwa Judum personnel involved in anti-Maoist operations attacked Mopalli, Timmapuram and Tadmetla villages in Chhattisgarh state, killing three villagers, sexually assaulting three women and burning down 295 houses. The Maoists retaliated by killing four special police officers and injuring five others. Adivasi activist Lingaram, who brought the violations to light, and another activist, Soni Sori, were arrested in October on several charges, including transferring funds from Essar Steel, a corporate firm, to the armed Maoists. Soni Sori was tortured in police custody. Both were prisoners of conscience.
- In March, Maoists in Jharkhand state killed Niyamat Ansari and threatened his associate Bhukan Singh after they exposed corruption involving Maoists, local contractors and forest officials. In July, Maoists also issued a threat – later

withdrawn – to four well-known activists, including Jean Dreze and Aruna Roy, after they criticized the Maoists for the murder.

- In September, armed Maoists shot dead Jagabandhu Majhi, a legislator belonging to the ruling Biju Janata Dal, and his security officer in Nabrangpur district, Orissa. They justified the killing, saying that the legislator was indulging in corruption and extortion.
- In October, security forces engaged in anti-Maoist operations sexually assaulted 29-year-old Shibani Singh of West Midnapore district, West Bengal, while attempting to rearrest her husband who was out on bail.

Corporate accountability

In several states, protests by Adivasi and other marginalized communities blocked ongoing and proposed extractive, irrigation and other corporate projects affecting their rights over their traditional lands. In response, the authorities proposed to reform outdated legal frameworks and ad hoc practices for land acquisition and mining, offering monitored rehabilitation and benefit-sharing arrangements to the communities. Nevertheless, the protests continued, with the communities complaining that recent legislation guaranteeing their rights over forest lands was not being properly implemented, and alleging that the new laws did not address the issue of their free, prior and informed consent for the projects.

- In June, July and November, peaceful protests by farmers foiled several attempts by police to forcibly evict farmers from common lands acquired for South Korean Pohong Steel Company's (POSCO) proposed steel project in Jagatsinghpur district, Orissa, following which two leaders, Abhay Sahoo and Narayan Reddy, were detained on false charges.
- In July, the Orissa high court upheld the Indian authorities' 2010 decision to reject Vedanta Aluminium's (a subsidiary of UK-based Vedanta Resources) bid to expand its Lanjigarh alumina refinery. The Indian authorities made the decision after concurring with Amnesty International's findings that the refinery's activities violated the communities' right to water, health and a healthy environment, and that the expansion would perpetrate further abuses against Adivasi communities. The court ordered the company to re-apply for mandatory clearances for expansion, but the company challenged this decision.

Excessive use of force

In several instances, police used excessive force to quell protests by marginalized local communities, including small farmers, Adivasis and Dalits. The authorities also failed to carry out impartial and timely inquiries into most of these incidents.

- In September, seven Dalits were killed when police opened fire on protesters demanding the release of Dalit leader John Pandyan, who was arrested on his way to Paramakkudi town, Tamil Nadu, to commemorate anniversary of the death of another Dalit leader, Immanuel Sekaran.
- In September, eight people, all Muslims, were killed when police and members of a Gujjar militia opened fire inside a mosque and set fire to it in Gopalgarh village near Bharatpur in Rajasthan.
- In February, two people were killed and five wounded when police fired at those protesting against the takeover of their lands for a thermal power plant run by East Coast Energy in Vadditandra village, Andhra Pradesh.
- In April, one person was killed and another injured when police fired at villagers protesting against the harmful effects of the proposed French Areva firm's nuclear project at Jaitapur town in Maharashtra. Subsequently, the police enforced night-time detentions for peaceful protesters on a four-day march from Mumbai.
- In May, two protesters and two policemen were killed after police fired at farmers at Bhatta Parsaul village. The farmers had kidnapped three officials in protest

against the authorities' decision to forcibly acquire their land to build an expressway near Noida on the outskirts of Delhi. The police sexually assaulted seven women and looted the village. A Noida court later charged 30 police officials with rape and robbery, and a Supreme Court order declared part of the land acquisition illegal.

- In May, two people were shot dead by police during forced evictions at Jamshedpur town in Jharkhand. At least 100,000 people were forcibly evicted in Jamshedpur, Ranchi and Bokaro towns.

Human rights defenders

People defending the rights of Adivasis and other marginalized communities, and those using recent legislation to obtain information to protect their rights, were targeted by state and non-state agencies. Activists demanded special legislation to protect them from such attacks – a fact highlighted by the UN Special Rapporteur on human rights defenders in January.

- In April, prisoner of conscience Dr Binayak Sen, sentenced to life by a Chhattisgarh district court in 2010 after being convicted of sedition charges and collaborating with armed Maoists, was released on bail by India's Supreme Court after a vigorous national and international campaign.
- In June, environmental activists Ramesh Agrawal and Harihar Patel were jailed on false charges after trying to protect local communities from industrial pollution in Raigarh district, Chhattisgarh.
- In August, environmental activist Shehla Masood was shot dead in Bhopal city. She had sought to expose environmental violations by urban infrastructure projects and had challenged mining plans in Madhya Pradesh.
- In November, Nadeem Sayed, a witness in the Naroda Patiya massacre case, was stabbed to death after he testified at the hearing. Ninety-five people had been killed in the massacre during the Gujarat anti-Muslim riots of 2002.
- In November, Valsa John, an activist nun who had worked to protect the rights of Adivasis, was murdered after she received death threats allegedly from illegal mining outfits in Jharkhand.

Impunity

Impunity for abuses and violations remained pervasive. Despite ongoing protests in the north-east and Jammu and Kashmir, the authorities remained unwilling to repeal the Armed Forces Special Powers Act 1958, or revoke the Disturbed Areas Act, which grant security forces in specified areas the power to shoot to kill even where they are not at imminent risk.

Perpetrators of past enforced disappearances, extrajudicial executions and other human rights violations in Punjab (in 1984 and 1994), Assam (in 1998 and 2001), Nagaland and Manipur continued to evade justice. Members of Dalit communities in several states faced attacks and discrimination. There was little political will to use existing special laws to prosecute perpetrators of such violence.

Communal violence

Almost a decade after the 2002 riots which killed about 2,000 Muslims in Gujarat, the first convictions were announced.

- In March, a Gujarat special court sentenced 11 people to death and 20 others to life for an arson attack on the Sabarmati express train which killed 59 Hindu pilgrims and triggered the riots.
- In November, a Gujarat special court sentenced 31 of the 73 accused of the Sardarpura massacre – which killed 33 Muslims – to life imprisonment. This was the first of 10 major cases being monitored directly by India's Supreme Court.

Those working to ensure justice for the victims of past violations in Gujarat continued to face harassment.

- In January, Teesta Setalvad of the Centre for Justice and Peace and a team of lawyers defending the rights of victims and their families were harassed by Gujarat police, who charged them with concocting evidence about a mass grave of victims.

Jammu and Kashmir

Impunity prevailed for violations in Kashmir, including unlawful killings, torture and the disappearance of thousands of people since 1989 during the armed conflict there. A majority of the killings of more than 100 youths by the security forces during protests in 2010 also went unpunished.

- In March, 15 years after the murder of human rights lawyer Jaleel Andrabi, the state authorities urged the federal government to extradite Major Avtar Singh, charged with the killing, from the USA to face trial in a Srinagar court. The federal authorities had yet to respond.
- In September, the state human rights commission identified over 2,700 unmarked graves in north Kashmir. Despite the local police's claims that these contained bodies of "unidentified militants", the commission identified 574 bodies as those of disappeared locals and asked the state authorities to use DNA profiling and other forensic techniques to identify the remaining bodies. The authorities had yet to act on this recommendation.

In March, Amnesty International published a report in Srinagar, calling for an end to administrative detentions there and for the repeal of the Public Safety Act (PSA). Following this, the state authorities proposed to amend the PSA to limit the period of detention, and amend the state juvenile justice law to ban the detention of anyone below the age of 18. However, detentions under the PSA continued on a regular basis and a number of political leaders and activists remained held without charge or trial. Several children were released after Amnesty International's intervention.

- In May, 17-year-old Murtaza Manzoor was released after being detained for the second time. Earlier in the month, he had been released on the orders of the Jammu and Kashmir high court which quashed his four-month-long detention.

Arbitrary arrests and detentions

More than 50 people were detained without charge, for periods of one week to a month, in connection with bomb attacks in Mumbai and Delhi. Security legislation, tightened after the November 2008 attacks in Mumbai, was used to detain suspects. However, investigations and trial proceedings relating to a majority of past cases of terror attacks made little progress.

- In November, seven Muslim men, accused of a 2006 bomb attack in Malegaon town, Maharashtra, were freed on bail after five years in jail in Mumbai. The release came after a Hindu leader, Aseemananda, confessed to the involvement of a Hindu right-wing armed group in the bomb attack.

Death penalty

At least 110 people were sentenced to death. However, for the seventh successive year, no executions took place. Nevertheless, fears grew that executions would be revived with the authorities rejecting mercy petitions of five death row inmates, including three people convicted for the assassination of former Prime Minister Rajiv Gandhi.

New laws, passed in December, provided for the death penalty for those convicted of "terrorist" attacks on oil and gas pipelines that result in death, and in Gujarat state, for those found guilty of making and selling illicit liquor.

