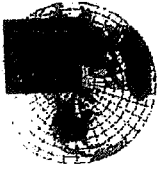


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97



Human Rights Watch

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In 2001, India held steadfast to its distinction as the region's most stable and vibrant democracy even as its neighbors underwent dramatic and often

violent shifts in power. With the onset of the war in Afghanistan, and as relations with Pakistan deteriorated and violence in Kashmir and elsewhere escalated, the Indian government faced heightened national security concerns. Some measures taken in response, including the cabinet approval of the Prevention of Terrorism Ordinance, came under sharp attack by various sectors of Indian civil society for opportunistically curtailing civil liberties in the name of fighting terrorism. Increased violence in the state of Uttar Pradesh, where the Hindu nationalist Bharatiya Janata Party (BJP) hopes to achieve a comeback election victory early in 2002, highlighted the dangerous results of exploiting communal and caste tensions for political ends.

Police violence, attacks on the country's minority communities including Muslims, Christians, Dalits and tribals, and violence against women continued to be serious problems, though some positive steps were taken to help better ensure women's and children's rights. Human rights defenders came under legislative assault through changes to laws and procedures aimed at restricting their ability to travel, hold conferences, and receive foreign funds. The U.N. World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), held in South Africa from August 31 to September 8, paved the way for unprecedented international as well as national scrutiny of the problem of caste discrimination.

Human Rights Developments

On January 26, a devastating earthquake rocked the northwest state of Gujarat, the country's worst natural disaster in recent history. Within days at least 30,000 were declared dead and over one million were left homeless. While the government allocated equal amounts of monetary compensation and food supplies to members of all communities, Dalit (so-called untouchable) and Muslim populations did not have the same access to adequate shelter, electricity, running water, and other supplies available to others. Upper-caste families in Kutch refused to live alongside Dalits in temporary settlements built by Rapid Action Forces. As a result, hundreds of tents lay empty while Dalits were required to live in makeshift shelters. Even relief kitchens for the two communities had to be kept separate as the higher castes refused to share resources with those they considered "diseased." According to local NGOs, several thousand Dalit homes were also left out of government reconstruction surveys. In October, Gujarat Chief Minister Keshubhai Patel resigned, in

part because of criticism about the slow pace of relief and rehabilitation following the earthquake.

Dalit communities continued to suffer systemic discrimination and violence. In a number of cases, police were complicit in the attacks or used excessive force against Dalits when they organized to respond to the attacks, rendering legal protections meaningless. Violence was particularly acute in Uttar Pradesh and Bihar, and those responsible were rarely brought to justice by the authorities.

On February 19, a group of Thakurs (an upper-caste community) in Lucknow, Uttar Pradesh, assaulted a Dalit laborer following a wage dispute. The perpetrators entered the victim's home and pinned him down while the employer urinated in his mouth. On June 12, assailants beat a Dalit man and then pushed his wife into a fire, burning her to death. The incident was quickly followed by a spate of violence, including a June 14 rampage led by seven Thakurs who killed five members of a Dalit family, including three women and a ten year-old girl. In Aligarh, Uttar Pradesh in June a Dalit woman and her five children were burnt alive, allegedly by the staff of a brick kiln operating unit which had employed the woman and her husband as bonded laborers.

Conditions in Bihar continued to be marred by a caste war involving rival leftist factions and upper-caste private militias. In January, fifty houses were set ablaze and four Dalits were killed in a gun battle. On February 3, rival gangs gunned down twelve Dalit youths, killing nine of them, and subsequently set their homes on fire; on April 18, militants belonging to the Maoist Communist Center killed fourteen Dalits. In August, a village in Patna was attacked, killing six Dalit women and children.

Dalits also continued to face considerable opposition in exercising their political rights. On October 16 in Dharmapuri district, Tamil Nadu, an entire Dalit village was razed after Dalits dared to nominate their own candidate to the post of village council president. More than 140 houses were destroyed by members of the upper-caste community in the area, rendering eight hundred Dalits homeless. Many were also physically assaulted during the attacks. One pregnant woman was kicked in the stomach, aborted her child, and died later that day. Police charged protesting Dalit villagers with batons and arrested more than twenty-two Dalits while the upper-caste attackers remained at-large.

Social prohibitions on marriages between higher and lower-caste community members remained in place and were often reinforced through the threat of social ostracism and punitive violence. On August 6, 2001, an upper-caste Brahmin boy and a lower-caste Jat girl in Uttar Pradesh were dragged to the roof of a house and publicly hanged by members of their own families as hundreds of spectators looked on. The public lynching was punishment for refusing to end an inter-caste relationship. Also in August, a forty-year-old Dalit woman was paraded naked in Bellary, Karnataka after being accused of helping a fifteen-year-old upper-caste girl elope with her lower-caste fiancé.

Dalits were often beaten or fined for participating in religious ceremonies. On April 3 in Bargarh, Orissa, for example, a Dalit was fined Rs. 4,000 (U.S. \$83.42) and beaten for entering a Hindu temple. On June 2 in Bhadkiyan, Rajasthan, an upper-caste man beat to death a sixty-five-year-old Dalit man with an iron bar for daring to pray outside the temple of the village deity.

Attacks on churches and members of the Christian clergy by members of

right wing Hindu groups including the Bajrang Dal, the Vishwa Hindu Parishad (VHP), and the Rashtriya Swayamsevak Sangh (RSS), collectively known as the *sangh parivar* continued, peaking in July and August. Christians in Orissa, Gujarat, Rajasthan, Maharashtra, Uttar Pradesh and Madhya Pradesh were hardest hit.

On November 26, 2000, four hundred VHP activists in Gujarat desecrated and took over a church, replacing the church's cross with Hindu idols and hoisting their signature saffron flag. The mob also drove out eighty Christian families from the area, confining them to a nearby forest until they embraced Hinduism.

At St. Anna High School in Bokaro district, Bihar, a dozen armed men assaulted the principal and three nuns, and raped the school cook on December 3, 2000. In Tamil Nadu a nun was murdered on January 21, 2001, in the state's Salem district. On January 23, in Rampur district, Uttar Pradesh, a nun was hospitalized after sustaining serious head injuries. Two simultaneous attacks on Christian missionaries on August 6 in Madhya Pradesh and Maharashtra drew sharp condemnation from the All India Christian Council and the Catholic Bishops' Conference of India.

From March 16-18, Muslim youth in Kanpur, Uttar Pradesh clashed with state police during protests over the burning of a Koran in New Delhi by Hindu radicals. When protesters began to burn an effigy of Prime Minister Atal Bihari Vajpayee, police responded with tear gas and the crowd turned violent. Police then opened fire as rioters began burning shops and hurling crude bombs. By the end of three days of riots, fourteen people were dead, dozens injured, and eighty-nine arrested. Six mosques were damaged, Muslim homes were looted, and the authorities had imposed a round-the-clock curfew. In the wake of the violence, human rights groups charged the police with using excessive force against Muslim demonstrators and looting and plundering Muslim shops and homes.

In the hopes of achieving a comeback victory in assembly elections scheduled for early 2002 in Uttar Pradesh, India's most populous state, the BJP and its allies amplified calls to build a temple to the Hindu god Ram at the site of the Babri Masjid, a mosque in the city of Ayodhya whose demolition sparked the infamous 1992-1993 Bombay riots in which thousands of people, most notably Muslims, were killed. In 2001, many feared that the re-energized Ram temple campaign would lead to more violence and bloodshed between the state's Hindu and Muslim communities.

In July, a crowd of three hundred people demolished a sixteenth century mosque at Asind near Bhilwara, Rajasthan and built a makeshift Hindu temple in its place. The mob was encouraged by VHP and RSS activists.

The government took some positive steps to prosecute perpetrators of violence against members of minority religious communities. In May, the Jhabua district court in Madhya Pradesh sentenced ten men to life in prison for the September 1998 gang-rape of four Christian nuns. Prosecution of Dara Singh, accused in the 1999 murder of Australian missionary Graham Staines and his two sons in Orissa, also continued, with several witnesses testifying that Singh played a key role in instigating the murder.

There was little progress, however, in many other cases, including those of individuals indicted by the Srikrishna Commission for their role in the 1992-93 Bombay riots. One exception occurred in August, however,

when a special task force filed charges against former police commissioner R.D. Tyagi and seventeen policemen for their role in 1993 riots in the city.

Control over natural resources continued to be the source of violence against tribal communities in Orissa. On December 16, 2000, three tribals were killed in Maikanch village, Rayagada district, in clashes with the police over the villagers' opposition to a proposed private aluminum plant in the area. A fact-finding team, which included retired Chief Justice D.S. Tewatia, claimed that the attack was pre-planned and demanded a judicial probe, alleging that an administrative inquiry ordered by the state government was a "cover-up operation." On October 30, 2001, in Rangabhathi village, three tribals were killed and over fifty were injured when police reportedly opened fire on a gathering of four hundred tribals. The tribals were protesting against the June 24 killing of two people by an armed mob of 3,000 in Jambodora, a Dalit village. Two more people were killed by police in Raigarhar, Nabrangpur district on November 11, when over 8,000 women held a rally to protest the October 30 incident.

Violence against women, including rape, kidnapping, dowry deaths, domestic violence, female foeticide, sexual harassment, and trafficking continued unabated, though authorities did take some positive steps in response.

In April, the Supreme Court directed prosecutors to enforce existing laws banning the use of prenatal diagnostic techniques to determine the sex of the fetus and authorities warned doctors that their names would be removed from the register of the Medical Council of India if they were found to be practicing female foeticide. In June, authorities announced new legislative measures to safeguard women's rights, including a new Domestic Violence Prevention Bill.

There were also positive developments for children's rights. In September, the government announced that a seven-member national commission for children, headed by a retired Supreme Court judge, would be established to implement protections for children enshrined in the Indian constitution. A meeting between Indian and Bangladeshi border guards in October resulted in agreements to strengthen cooperation to stop the trafficking of women and children across the border. According to human rights groups, about 20,000 women and children were trafficked to India from Bangladesh annually. Also in October, the state government of Rajasthan, in an attempt to make child marriage illegal, approved legislation requiring all couples to register marriages with authorities.

In mid-November, the government was considering enacting a modified version of the Terrorist and Disruptive Activities (Prevention) Act (TADA), notorious for facilitating tens of thousands of politically motivated detentions, torture, and other human rights violations against Muslims, Sikhs, Dalits, trade union activists, and political opponents in the late 1980s and early 1990s. The new proposed Prevention of Terrorism Ordinance (POTO) set forth a broad definition of terrorism that included acts of violence or disruption of essential services carried out with "intent to threaten the unity and integrity of India or to strike terror in any part of the people." It also made it a crime not to provide authorities with "information relating to any terrorist activity," and allowed for up to three months of preventive detention without charge. The ordinance came under sharp attack from civil rights groups, academics, lawyers, opposition parties, media organizations, and both religious and secular

institutions. The National Human Rights Commission also maintained that existing laws were sufficient to fight the threat of terrorism.

Freedom of assembly nationwide suffered following the beginning of U.S.-led air strikes in Afghanistan on October 7, with student groups and organizations protesting India's backing of the U.S.-led campaign facing increased harassment from the police. On October 28, seven anti-U.S. protestors were killed when police opened fire on demonstrators in Malegaon, Maharashtra. Local police reportedly had tried to prevent a small group of Muslim protestors from distributing leaflets calling on people to boycott U.S.-made goods and to oppose air strikes in Afghanistan. Authorities claimed that protestors began throwing stones, leading first to a police baton-charge and then police shooting. Three more people were killed the following night when protestors tried to block the main road connecting Malegaon to the capital, Delhi. Police said they used baton charges and tear gas to disperse the crowd and only fired at protestors when that failed.

The government drew sharp criticism from numerous minority groups for selectively banning the Students Islamic Movement of India (SIMI) as part of its post-September 11 actions to counter terrorism while ignoring the "anti-national" activities of right-wing Hindu groups. At least four people were killed when police opened fire on a protest in Lucknow on September 27 following the arrest of some SIMI activists.

Insurgency and increased ethnic violence took a heavy toll in Assam and other northeastern states. In January, the United Liberation Front (ULFA) of Assam that advocates the establishment of a "sovereign socialist Assam" by armed force was blamed for a number of killings and bombings to disrupt elections and protest Republic Day celebrations. The group was also believed responsible for killing a ruling party leader, ten activists, and six political leaders in the run-up to elections in May. Indian federal troops killed at least five ULFA militants in response. In June, protestors opposed to any concessions to Naga rebels in Manipur burned the state legislature building and a former chief minister's home after the government extended a truce with the rebels.

The conflict in Kashmir remained a flashpoint for violence, as all parties failed to protect civilian non-combatants. On November 19, 2000, Prime Minister Vajpayee declared a unilateral ceasefire, but, shortly thereafter, Jammu and Kashmir police chief A.K. Suri announced that the ceasefire would not affect police counterinsurgency operations. Indian security personnel continued to target Muslim citizens suspected of supporting guerrillas. Arbitrary arrests, torture, and staged "encounter killings" were reported throughout the year, both when the ceasefire was in effect and after it was lifted on May 23, 2001.

India, like Pakistan, continued to deny political rights and to restrict freedoms of expression and assembly in Jammu and Kashmir. At least six people were killed when security personnel opened fire on demonstrators in Haigam and Maisuma in February. On February 15 in Haigam, forty kilometers north of Srinagar, five people were killed when Indian troops opened fire on demonstrators protesting the alleged killing of pro-independence activist Jalil Ahmed Shah in police custody the day before. In Maisuma, Srinagar on February 16, one person was killed in a similar incident. In both cases the police maintained that they were firing in self-defense.

On May 10, seventeen journalists were beaten by troops of the Indian Border Security Force (BSF) in Magam. The assault took place while the

journalists were covering a suicide bomb attack against a BSF camp. The officers implicated were subsequently recalled from Kashmir but as of mid-November no disciplinary action had been taken against them.

July also witnessed a dramatic upsurge in violence in Kashmir with almost two hundred reported deaths in the week following the failed Agra summit between Prime Minister Vajpayee and Pakistani President Pervez Musharraf. On July 22, fifteen Hindu villagers were killed by suspected Islamic militants in Doda district. The attacks came a day after thirteen Hindus were killed while on pilgrimage.

Tensions flared up again after the September 11 attacks on the United States. On October 1, at least thirty-eight people were killed when a suicide attacker drove a hijacked government jeep to the main entrance of the state assembly in Srinagar and detonated explosives loaded in the car. The Pakistan-based Jaish-e Mohammad militant group claimed responsibility for the attack but then retracted the following day.

In the weeks that followed, numerous militants and security personnel were killed in tit-for-tat attacks while tensions heated up along the Line of Control between the Indian and Pakistan-controlled portions of the territory.

Defending Human Rights

The brutal killings of two members of the Andhra Pradesh Civil Liberties Committee (APCLC) within a period of four months sent shock waves throughout the human rights community. In November 2000, T. Puroshottam, Joint Secretary of APCLC was stabbed to death by a group of unidentified men. Puroshottam had been a leading monitor of police abuses. In February 2001, Azam Ali, the district secretary of the Nalgonda branch of APCLC, was hacked to death by two sword-wielding youth. Despite demands from human rights organizations and allegations that police hired former members of armed groups to carry out the attacks, by November 2001 the government had yet to conduct any judicial inquiry.

On July 7 police raided the offices of Bharosa Trust and the Naz Foundation International in Lucknow, organizations that work on HIV/AIDS prevention, arresting several staff members. Although subsequently released on bail, the staff members were charged under article 377 of the Indian Penal Code, a provision that prohibits "carnal intercourse against the order of nature." Article 377 has been used repeatedly to justify discrimination and police brutality against gay, lesbian, and bisexual individuals.

The Narmada Bachao Andolan (NBA), one of India's largest peoples' movements, continued to protest the construction of large dams on the Narmada river in central India. Protesters highlighting the impact of the project on millions of river valley residents and the government's failure to adequately rehabilitate affected families continued to face harassment, police abuse, and contempt charges.

The work of rights activists was also hindered by restrictive laws and regulations. In July, the Supreme Court upheld the validity of a Union Home Ministry order requiring that organizations obtain clearance from the ministry before holding international conferences, seminars or workshops if the subject matter was "political, semi-political, communal or religious in nature or is related to human rights." On October 23,

President K.R. Narayanan signed an ordinance empowering both central and state governments to suspend the passports and travel documents of any suspected terrorist, militant or "anti-national element," or any person suspected of having links with terrorist organizations. At this writing, a bill amending the Indian Passports Act, 1967 to reflect these changes was being considered during Indian parliament's winter session. Many human rights activists have been labeled by authorities as "anti-national elements."

The National Human Rights Commission continued to highlight the need for more effective implementation of laws on bonded labor and manual scavenging and issued several directives to state governments to compensate the victims of police and military atrocities. In total, the commission received 71,685 complaints alleging human rights violations in 2000-2001, 41,984 of which were from Uttar Pradesh. State human rights commissions were also set up in Maharashtra and Chattisgarh.

The Role of the International Community

United Nations

The year saw a much-heightened international focus on the plight of India's 160 million Dalits. In August 2001, U.N. Subcommission on the Promotion and Protection of Human Rights expert R.K.W. Goonesekere presented a working paper on work and descent-based discrimination, or caste discrimination, to the subcommission's fifty-third session. The presentation of the paper, and the ensuing debate amongst subcommission experts that followed, marked the first time that caste discrimination worldwide was treated as a serious rights violation by a U.N. human rights body.

The WCAR held in Durban, South Africa in September, was a watershed for the Dalit movement and for the rights of "untouchables" and other so-called lower-caste communities worldwide. The Dalit contingent of more than 160 activists, led by India's National Campaign for Dalit Human Rights, was one of the largest at the conference and drew strong international support from governments, India's National Human Rights Commission, and U.N. Secretary-General Kofi Annan. Dalit NGO efforts met with considerable resistance from the Indian government, which maintained that caste discrimination was an internal matter and used its political and economic leverage to censor any mention of caste in WCAR documents. In the run up to the conference, journalists, anthropologists, political parties, and others in India joined an increasingly mainstream debate on caste discrimination as an issue of international concern. The conference also highlighted caste discrimination as a global phenomenon affecting many Asian and African countries.

United States

The U.S. walked a tightrope in its relations with India and Pakistan following the September 11 attacks. India lobbied hard to ensure that the U.S.' campaign against terrorism would include militants in Kashmir.

After September 11, the Bush White House accelerated the Clinton administration's moves towards closer political and economic relations with India. On September 22, the U.S. lifted the sanctions imposed against India and Pakistan in the wake of nuclear testing by both nations in May 1998, allowing resumption of military equipment sales. The administration planned to increase funding for international military

education and training (IMET) of Indian officers from \$500,000 to \$650,000 in the fiscal year 2002. It also planned a boost in bilateral economic assistance from \$5 million to \$7 million.

On November 9 President Bush met with Prime Minister Vajpayee. The U.S. renewed its offer to facilitate talks between India and Pakistan on Kashmir but made no public comments on the Prevention of Terrorism Ordinance.

The U.S. Commission on International Religious Freedom urged the Indian government in May 2001 to more swiftly and explicitly condemn and counteract increasing violence directed towards Christian populations. The panel voiced concern that the government's lack of decisive action created an atmosphere that invited inter-religious violence.

European Union

The E.U. welcomed the July Agra summit between India and Pakistan. Although the summit did not reach any resolution, the E.U. urged both countries to continue their dialogue – a dialogue that seemed far out of reach by mid-November.

In its annual Human Rights Report, the European Parliament called upon the E.U. to investigate the extent to which its policies "contribute to the abolition of caste discrimination and the practice of untouchability in India" and "to formulate strategies to counter the widespread practice [of caste discrimination]." A subsequent parliamentary resolution expressed regret that the final declaration of the World Conference Against Racism failed to highlight caste discrimination.

At this writing, the E.U. and India were preparing for a second annual summit to be held in New Delhi on November 23.

Japan

On October 26 Japan announced that it too would lift sanctions against India and Pakistan imposed after the 1998 nuclear tests, citing both countries' "efforts to contribute to strengthening the international coalition against terrorism" and increased instability in the region as a result of U.S.-led military strikes in Afghanistan.

World Bank

India continued to be the World Bank's largest borrower. In June 2001 the World Bank sanctioned four loans and credits to the government of India totaling U.S. \$913.8 million, for a total lending of U.S. \$2.5 billion for the fiscal year (FY) 2001.

The U.S. Foreign Aid Bill for the FY 2002 instructed the United States executive director at the World Bank to vote against any water or sewage project in India that did not prohibit the use of scavenger labor. Though prohibited by law, the government of India employs a majority of the country's estimated one million Dalit manual scavengers for the cleaning of non-flush public latrines.

In an August meeting in Delhi, Indian groups joined trade union leaders from Pakistan, Bangladesh, Sri Lanka, and Nepal to formulate a regional stance against IMF and World Bank policies that reduce jobs and increase

layoffs. Over 160 delegates took part in the four-day seminar that also focused on the impact of the World Trade Organization on the developing world.

Relevant Human Rights Watch Reports:

Caste Discrimination: A Global Concern, 8/01

