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2022 Country Report on Human Rights Practices: India

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. The constitution gives the country's 28 states and eight union territories a high degree of autonomy and primary responsibility for law and order. Electors chose President Droupadi Murmu in July to serve a five-year term; she is the first president from the country's tribal community. Narendra Modi became prime minister for the second time following the victory of the National Democratic Alliance coalition led by the Bharatiya Janata Party in the 2019 general election. Observers considered the presidential and parliamentary elections, which included more than 600 million voters, to be free and fair.

The states and union territories have primary responsibility for maintaining law and order, with policy oversight from the central government. Police are within state jurisdiction. The Ministry of Home Affairs 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. Members of the security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful and arbitrary killings, including extrajudicial killings by the government or its

agents; torture or cruel, inhuman, or degrading treatment or punishment by police and prison officials; harsh and life-threatening prison conditions; arbitrary arrest and detention; political prisoners or detainees; arbitrary or unlawful interference with privacy; restrictions on freedom of expression and media, including violence or threats of violence, unjustified arrests or prosecutions of journalists, and enforcement of or threat to enforce criminal libel laws to limit expression; restrictions on internet freedom; interference with the freedom of peaceful assembly and freedom of association; restrictions on freedom of movement and on the right to leave the country; refoulement of refugees; serious government corruption; harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence, including domestic and intimate partner violence, sexual violence, workplace violence, child, early, and forced marriage, femicide, and other forms of such violence; crimes involving violence or threats of violence targeting members of national/racial/ethnic and minority groups based on religious affiliation, social status or sexual orientation; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons; and existence of forced and compulsory labor.

A lack of accountability for official misconduct persisted at all levels of government, contributing to widespread impunity. Lax enforcement, a shortage of trained police officers, and an overburdened and underresourced court system contributed to a low number of convictions.

Terrorists in Jammu and Kashmir, northeastern states, and Maoist terrorism-affected areas committed serious abuses, including killings and torture of armed forces personnel, police, government officials, and civilians; kidnapping; and recruitment and use of child soldiers.

Section 1. Respect for the Integrity of the Person

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

There were reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings of suspected criminals and terrorists. There were reports that prisoners or detainees were killed or died in police and judicial custody. The 2021 Prison Statistics of India (PSI) report from the National Crime Records Bureau (NCRB) documented 2,116 inmate deaths in judicial custody in 2021, which was an increase of 12 percent compared with 2020. The report attributed most prison deaths to natural causes and stated the highest number of custodial deaths occurred in Uttar Pradesh and Bihar.

In April the army initiated court-martial proceedings against one officer indicted in the 2020 extrajudicial killing of three persons. The police filed charges against the officer and two civilian accomplices in 2021 after a

separate inquiry. The court proceeding in the case was still underway at the end of December.

On April 19, Vadivel Vignesh, a Dalit person, died in police custody in Chennai, Tamil Nadu. Vignesh was charged with possessing marijuana. According to media reports, police officials Sub-Inspector Puglalum Perumal, Head Constable Pavanraj, and Home Inspector Guard Deepak allegedly pressured Vignesh's brother to withdraw the complaint he filed against them, in return for the police agreeing to withdraw earlier charges filed against the brother. Authorities suspended Perumal, Pavanraj, and Deepak from duty, and they were subsequently arrested several weeks later.

On May 20, media reported a panel of three independent investigators appointed by the Supreme Court recommended criminal charges, including homicide, against 10 Telangana police officers. The police officers were allegedly involved in the "encounter killings" of four suspects in the 2019 rape and murder of a woman. An "encounter" death is a term to describe any death that occurs because of an encounter between the security or police forces and alleged criminals or insurgents. The commission, headed by retired Supreme Court judge V.S. Sirpukar, rejected the police claim that they fired in self-defense after the suspects tried to attack them. The Supreme Court deferred to the Telangana High Court to proceed with a trial against the police officers accused of the killing. The Telangana High Court was scheduled to hear the case in January 2023. Killings by government forces and nongovernment entities were reported in Jammu and Kashmir, northeastern states, and Maoist-affected areas of the country (see section 1.g.). The South Asia Terrorism Portal reported 412 fatalities through December 29 because of terrorism throughout the country. In Jammu and Kashmir, terrorists killed 30 civilians through December in targeted attacks against Kashmiri Hindus, Sikhs, and migrant laborers; Kashmiri Muslims were also killed in these attacks. On May 12, terrorists belonging to U.S.-designated terrorist organization Jaish-e-Mohammad shot and killed Kashmiri Hindu Pandit Rahul Bhat, a government employee, inside his office in the Chadoora area of Budgam District in Jammu and Kashmir. On May 25, terrorists belonging to U.S.-designated terrorist organization Lashkar-e-Taiba killed television artist and anchor Amreen Bhat in Budgam district of Jammu and Kashmir.

On July 20, Nityanand Rai, Minister of State in the Union Ministry of Home Affairs, told the Rajya Sabha (Upper House of the Parliament) that incidents of Left-Wing Extremist violence decreased from 2,258 in 2009 to 509 in 2021. Similarly, deaths (civilians plus security force members) decreased from 1,005 in 2010 to 147 in 2021. The number of districts reporting this type of violence also decreased from 96 districts in 2010 to 46 in 2021.

b. Disappearance

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

Disappearances attributed to government forces, paramilitary forces, and terrorists occurred in areas with violence during the year (see section 1.g.).

In March 2021, UN special rapporteurs asked the central government to provide details regarding allegations of arbitrary detention, extrajudicial killings, and disappearances in Jammu and Kashmir, including the status of Naseer Ahmad Wani, who disappeared in 2019 after being questioned by army soldiers. The location of Wani was still unknown at year's end.

On July 29, the Working Group on Enforced or Involuntary Disappearance and UN special rapporteurs expressed concern over continued allegations of lack of identification, protection, and preservation of large numbers of unmarked single and mass burial sites in Kashmir, including the failure to conduct proper forensic investigations, efforts to search for the forcibly disappeared, and the lack of progress in identifying the remains of individuals buried therein in accordance with international standards. The rapporteurs stated they were concerned by reports of intimidation and harassment against individuals and civil society organizations, including human rights defenders and journalists, who called for investigation and accountability.

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

The law prohibits torture and other abuses, but there were credible reports that government officials employed them. The law does not permit authorities to admit coerced confessions into evidence, but some nongovernmental organizations (NGOs) reported authorities used torture to coerce confessions. Authorities allegedly also used torture to extort money or as summary punishment. The government authorized the National Human Rights Commission (NHRC) to investigate rape cases involving police officers. By law the NHRC may also request information regarding cases involving the army and paramilitary forces, but it has no mandate to investigate those cases. NGOs reported NHRC statistics undercounted the number of rapes committed in police custody. Some rape victims were unwilling to report crimes due to social stigma and fear of retribution if the perpetrator was a police officer or official. There were reports police officials also refused to register rape cases.

There were reports that police beatings of prisoners resulted in custodial deaths (see section 1.a.). There were reports of abuse in prisons by guards and inmates, as well as reports of rape of detainees by police.

According to human rights NGOs, police used torture, other 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.

In April police filed criminal charges against Station House Officer Tilak Dhari Saroj under the Prevention of Children from Sexual Offences Act and suspended him from duty for the custodial rape of a minor in Uttar Pradesh. The victim was at the police station to register a rape complaint against four individuals when she was allegedly raped by Saroj. The girl's aunt allegedly trafficked her to four individuals who took her to neighboring Madhya Pradesh where they sexually assaulted her. Police arrested Saroj, the survivor's aunt, and the four individuals accused of assaulting her.

In June five policemen were charged for the custodial abuse of Rehan Shah in Uttar Pradesh. Police were interrogating Shah regarding his alleged involvement in a cow slaughter case. Shah's family alleged police severely beat him, administered electric shocks, and inserted a plastic pipe in his rectum, releasing him to the family only after a bribe of 5,000 Indian Rupees (INR) (\$60). According to media, police were not arrested in this case.

Prison and Detention Center Conditions

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

Abusive Physical Conditions: Prisons were often severely overcrowded. According to the PSI 2021 report, there were 1,319 prisons in the country with a total authorized capacity of 425,609 persons. The actual incarcerated population was 554,034. Persons awaiting trial accounted for approximately 77 percent of the prison population. The law requires detention of juveniles in rehabilitative facilities, but at times authorities detained juveniles in adult prisons, especially in rural areas. Authorities often held pretrial detainees with convicted prisoners. According to the *India Justice Report*, as of December 2021, 19 of 36 states and union territories had overcrowding ranging from 185 percent to 100 percent of capacity.

Food, medical care, sanitation, and environmental conditions frequently were inadequate in prisons. Potable water was not universally available. Prisons and detention centers remained underfunded and understaffed

and lacked sufficient infrastructure. Prisoners were sometimes physically mistreated.

In July the Supreme Court ordered prisoners who were released during the COVID-19 pandemic not to surrender to authorities until ordered by the Supreme Court.

Administration: Authorities permitted prisoners to register complaints with state and national human rights commissions, but the authority of the commissions extended only to making recommendations. Police and prison 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.

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

Authorities permitted visitors limited access to prisoners, but some family members claimed authorities denied access to relatives, particularly in areas experiencing high levels of violence, including Jammu and Kashmir.

Independent Monitoring: The NHRC made unannounced visits to monitor state prisons in multiple states. NHRC special rapporteurs visited state prisons on a regular basis throughout the year to verify that authorities provided medical care to all inmates. The NHRC did not publicly release reports on their findings. NHRC jurisdiction does not extend to military detention centers.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of persons to challenge the lawfulness of their arrest or detention. The government generally observed these laws. There were reports of arbitrary arrest and several instances when police used special security laws to postpone judicial reviews of arrests.

None of the politicians arrested following the 2019 abrogation of autonomous status for Jammu and Kashmir remained in detention.

Arrest Procedures and Treatment of Detainees

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

Arrestment 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 several incidents in which authorities allegedly detained suspects beyond legal limits. By law authorities must allow family member access to detainees, but this law was not always observed.

Due to delays in completing repatriation procedures, foreign nationals often remained incarcerated beyond the expiration of their sentences, including those charged under the immigration act for irregular entry or stay. The PSI 2021 report noted 547 prisoners pending release categorized as "other"; experts analyzing the previous editions of the PSI report stated this category most likely represented those who had completed sentences but had not yet been released.

The law requires every arrested person to be produced before a judicial magistrate within 24 hours of arrest. 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, human rights activists noted instances where these provisions were not followed in Odisha, Manipur, Andhra Pradesh, and Maharashtra.

The law dictates that 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 the PSI 2021 report showed 70 percent of those individuals awaiting trial spent more than three months in jail before they could secure 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 for up to 180 days without charge in cases related to insurgency or terrorism, makes no bail provisions for foreign nationals, and it allows courts to deny bail in the case of detained citizens. The UAPA can be applied if the prosecution can produce evidence of the possession of firearms 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. Civil society organizations expressed concern that the central government sometimes used UAPA to detain human rights activists and journalists.

The NCRB *Crime in India 2021* report released in August revealed that 814 new UAPA cases were registered in 2021. Nityanand Rai, Minister of State in the Union Ministry of Home Affairs, reported in August that between 2018 and 2020, 4,690 persons were arrested under the UAPA, and 149 were convicted. The minister also said the highest number of persons arrested under the UAPA between 2018 and 2020 was in Uttar Pradesh (1,338), followed by Manipur (943), and Jammu and Kashmir (750). Under the UAPA the government can designate individuals as terrorists and the National Investigation Agency (NIA) can seize properties acquired from proceeds of terrorism.

Under the Armed Forces Special Powers Act (AFSPA), the central government may designate a state or union territory as a “disturbed area,” authorizing security forces in the state to use deadly force to “maintain law and order” and to 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. Human rights organizations asserted the law is in violation of Article 21 of the constitution and continued to call for its repeal, citing alleged human rights violations.

The designation as a disturbed area under the AFSPA remained in effect in Nagaland, parts of Arunachal Pradesh, Manipur, and Assam, and a version of the law was in effect in Jammu and Kashmir. On March 31, the government reduced the number of areas considered “disturbed” in parts of the Northeast Indian states of Nagaland, Manipur, and Assam after coordination and consultation with those states, who requested a reduction in the jurisdiction of AFSPA.

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. In April, the press reported that more than 500 persons remained in detention under the PSA in Jammu and Kashmir.

In April the Supreme Court suspended a colonial-era sedition law that criminalized acts or attempts “to bring into hatred or contempt, or...excite disaffection toward the government.” The ruling made hundreds of individuals detained under the law eligible for bail and forbade law enforcement from filing new cases under the law. Civil society organizations celebrated the ruling, stating that the government used the sedition law to deter critical speech against the government. On October

31, the Supreme Court granted additional time for the central government to take “appropriate steps” to review the provision.

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

Kashmiri human rights defender Khurram Parvez, who was arrested by the NIA for “terror funding” and “conspiracy” in November 2021, continued in detention. His pretrial detention has been extended at least five times by the NIA Special Court in New Delhi.

On May 18, Assam police arrested undergraduate student Barshashree Buragohain on several charges, including provisions of the UAPA, for writing a poem on Facebook that allegedly supported the banned militant organization United Liberation Front of Asom-Independent (ULFA-I). Police said the poem was an implicit endorsement of the banned ULFA-I and pointed towards a larger criminal conspiracy and intent to wage war against the government. Assam’s Chief Minister Himanta Biswa Sarma said Buragohain was arrested due to her intention of joining the ULFA-I. On July 21, the Guwahati High Court granted her bail.

In 2020, former Jawaharlal Nehru University student leader Umar Khalid was arrested under the UAPA for making a speech during protests against the Citizenship Amendment Act, 2019. In April, Khalid appealed to the High Court against a trial court order denying him bail. In December a Delhi court issued an order for interim bail for one week to attend a family event.

Multiple courts denied bail to the majority of the 16 activists incarcerated on conspiracy charges related to the Elgaar Parishad Bhima Koregaon protests that resulted in several deaths. The accused claimed the charges were politically motivated. In 2021, human rights activist and Jesuit priest Father Stan Swamy, age 84, died in a private hospital after contracting COVID-19 in prison and after being denied bail on medical grounds by an NIA special court. On August 10, the Supreme Court granted bail on medical grounds to Varvara Rao, age 82, a poet and human rights activist, and directed that he should not leave Mumbai without the court’s permission. On November 26, the Supreme Court affirmed the Bombay High Court’s order to release Anand Teltumbde, age 73, on bail on the condition that he remain within the Mumbai jurisdiction until the trial concludes. Additionally, activist Sudha Bharadwaj was released on bail in December 2021.

In December the Allahabad High Court granted journalist Siddique Kappan bail on money laundering charges; the Supreme Court also granted him bail on separate charges filed under UAPA in September.

Uttar Pradesh police detained both Kappan and activist Atikur Rahman after both were traveling to Hathras in Uttar Pradesh to investigate the gang rape of a Dalit woman in 2020. Rahman remained under detention as of the end of the year despite reports of severe medical conditions.

Pretrial Detention: Pretrial detention was arbitrary and lengthy, sometimes exceeding the duration of the sentence given to those convicted. NCRB data reported 427,165 prisoners were awaiting trial at the end of 2021, totaling 77 percent of the country's prison population. Media reported the high numbers of pretrial detainees contributed to prison overcrowding.

e. Denial of Fair Public Trial

The law provides for an independent judiciary and the government generally respected judicial independence and impartiality, but the judicial system experienced delays, capacity problems, and corruption at lower levels.

The judicial system remained seriously overburdened and lacked modern case management systems, often leading to delaying or denying justice. According to the Ministry of Law and Justice, there were 381 judicial vacancies out of 1,108 positions on the 25 high courts as of July.

Trial Procedures

The law provides for the right to a fair and public trial, except in proceedings that involve official secrets or state security, and the judiciary generally enforced that right.

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.

Defendants have the right to confront accusers and present their own witnesses and evidence, but defendants sometimes did not exercise this right due to lack of proper legal representation.

Political Prisoners and Detainees

There were isolated reports of political prisoners and detainees. Former Jammu and Kashmir Chief Minister Mehbooba Mufti, who was released in 2020, alleged that she was subjected to periods of house arrest through the year, which security officials at times denied. Chairman of the

separatist Hurriyat Conference Mirwaiz Umar Farooq continued to be under house arrest, and political parties called for his release.

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.

Property Seizure and Restitution: There were some reports the government evicted persons from their places of residence, seized their property, or bulldozed homes without due process or adequate restitution citing illegalities in the construction of the buildings. Human rights activists reported the government was allegedly targeting vocal critics from the Muslim community and using the bulldozers to destroy their homes and livelihoods.

On June 11, Uttar Pradesh police arrested Muslim activist Javed Mohammad for planning protests that turned violent. On June 12, the Prayagraj Development Authority, a local government agency, demolished Mohammad's house after it was identified as an "illegal" property, a claim his family denied. On June 11, police also detained Mohammad's wife Parveen Fatima and younger daughter Sumaiya for several hours before releasing them on June 12.

After an incident of communal violence in Delhi's Jahangirpuri District, North Delhi Municipal Corporation authorities demolished the homes of Hindus and Muslims in that district on April 20. Civil society advocates attributed the demolitions as retaliation for the religious violence a few days earlier. The North Delhi Municipal Corporation denied these allegations. The Supreme Court ordered the corporation to halt the demolitions on the same day.

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

The law, with some exceptions, prohibits such actions, and there were reports that the government failed to respect these prohibitions. 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 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 legally intercepted communications. A Group of Experts on Privacy convened in 2018 by the central government noted the country lacked a comprehensive consumer data-protection framework.

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

There were reports that government authorities accessed, collected, or used private communication arbitrarily or unlawfully or without appropriate legal authority and developed practices that allow for the arbitrary or unlawful interference with privacy, including the use of technology to arbitrarily or unlawfully surveil or interfere with the privacy of individuals.

Laws permit the government to intercept calls to protect the sovereignty and integrity of the country, the security of the state, friendly relations with foreign states, for public order, or for preventing incitement to the commission of an offense. The government denied conducting surveillance activities that violated laws or formally established procedures.

g. Conflict-related Abuses

The country's armed forces, the security forces of individual states, and paramilitary forces engaged with terrorist groups in several northeastern states and Jammu and Kashmir, and with Maoist terrorists in the northern, central, and eastern parts of the country. The intensity of violence in these areas continued to decline. The army and security forces remained stationed in the northeastern states, Jharkhand, and Bihar. The armed forces and police also engaged with terrorist groups in Jammu and Kashmir.

The use of force by all involved resulted in deaths and injuries. There were reports that government security forces committed extrajudicial killings. According to human rights groups, police sometimes refused to release bodies. Authorities did not require the armed forces to report custodial deaths to the NHRC. There were few investigations and prosecutions of human rights violations or abuses arising from these situations.

Killings: Terrorists used violence against the state, including killings, while government security forces conducted operations against these groups sometimes leading to the deaths of intended targets or nonparticipants.

On January 4, Maoists killed two police officers and stole three AK-47 rifles.

On February 9, land mines allegedly planted by Maoists killed journalist Rohit Kumar Biswal and Pranayaranjan Kanharin in Odisha. Maoists allegedly planted the land mines to enforce a boycott of elections to rural local bodies.

On August 19, suspected National Liberation Front of Tripura militants killed a Border Security Force soldier in an exchange of gunfire at the India-Bangladesh border in northern Tripura.

The South Asia Terrorism Portal reported 25 civilian deaths in 122 incidents of killings involving terrorists or security personnel in Jammu and Kashmir.

Abductions: Human rights groups maintained that insurgent groups abducted persons in Chhattisgarh, Manipur, Jharkhand, and Jammu and Kashmir.

On February 10, suspected National Socialist Council of Nagaland-Khaplang militants abducted two truck drivers in Manipur's Tamenglong district and seized their vehicles.

Other Conflict-related Abuse: Tens of thousands of Hindus, known as Kashmiri Pandits, fled the Kashmir Valley after 1990 because of violent intimidation that included murders, destruction of temples, and rapes by Islamic terror group members and other militants. In its 2020-21 annual report, the Ministry of Home Affairs reported there were approximately 43,618 registered Kashmiri migrant families across the country, which included members of the Kashmiri Hindu population. In the central and eastern areas, violence between Maoist insurgents and government security forces over land and mineral resources in tribal forest areas continued. According to the South Asia 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 reported the security operations sought not only to suppress terrorism but also to force tribal populations from their land.

On February 18, a special court appointed in a trial related to a 2008 series of terrorist bombings in Ahmedabad sentenced 38 individuals to death and 11 to life imprisonment, while acquitting 28 others who had served 13 years in prison while awaiting the verdict.

On March 14, a Chhattisgarh court acquitted tribal teacher and activist, Soni Sori, tribal journalist, Lingaram Kodopi, and a senior Essar company (a steel and mining business) official who were arrested in 2011 on charges of paying protection bribes to Maoist insurgents on behalf of the Essar Group. The individuals had attempted to safeguard Essar's mining

operations in Chhattisgarh and had been charged under the UAPA and the Chhattisgarh Special Public Security Act, as well as for sedition.

On July 15, a NIA court in Chhattisgarh acquitted 121 local tribal individuals. Law enforcement arrested them under the UAPA in the wake of an April 2017 ambush, during which Maoist insurgents killed 25 security personnel in Chhattisgarh.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, but it does not explicitly mention freedom of the press. Individuals routinely criticized the government publicly and privately via online platforms, television, radio, or in print media. The government generally respected freedom of expression, but there were 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 terrorists and extremists perpetrating killings, violence, and intimidation against journalists critical of the government.

According to the Human Rights Watch *World Report 2022*, “Authorities continued to intimidate and harass journalists and news outlets critical of the government through politically motivated lawsuits and tax raids.”

Freedom of Expression: 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; digital media platforms, including streaming services; and publication or distribution of books.

There were reports from journalists and NGOs that government officials at both the local and national levels intimidated 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. Some NGOs alleged criminal prosecutions and investigations were used to intimidate journalists critical of the government.

The Reporters without Borders *2022 World Press Freedom Index* described the country as “dangerous for journalists,” with “repeated violations” by police, political activists, criminal groups, and local officials. The report also identified “coordinated campaigns of hatred and calls for murder” on social media, calling them “even more violent” when they target women journalists. The report noted journalists working in Jammu and Kashmir

continued to face barriers to free reporting through communications and movement restrictions.

In 2021, the names and telephone numbers of 40 Indian journalists appeared in a leaked database identifying potential targets of cybersurveillance through Pegasus hacking software. Several journalists listed in this database were arrested on various charges.

Agra-based journalist Gaurav Bansal was detained from March 15 to March 21 and allegedly abused in custody after reporting on electoral malpractices in the Uttar Pradesh assembly elections. Bansal's lawyer alleged his client was physically abused by police.

As of July 21, two journalists from *The Kashmir Walla*, an online newspaper, remained in detention. In June, the State Investigation Agency in Jammu and Kashmir arrested Abdul Alaa Fazili, a one-time contributor to *The Kashmir Walla*, under the UAPA for a November 2011 article. The State Investigation Agency arrested other journalists associated with the website including interim editor, Yashraj Sharma, who did not work for the publication when the article was published.

In January the Ministry of Information and Broadcasting suspended the broadcaster MediaOne TV for unspecified "security reasons." While the Kerala High Court upheld the suspension in March, the Supreme Court stayed the central government's decision later that month and allowed MediaOne TV to resume broadcasting.

Kashmiri journalist, Aasif Sultan, detained since 2018, under the UAPA, was rearrested before his release on bail in April under the Jammu and Kashmir Public Safety Act (PSA), which allows for detention for up to two years without trial.

In Jammu and Kashmir, police arrested journalists Fahad Shah and Sajad Gul under the UAPA and PSA. According to Human Rights Watch, at least 35 journalists had faced assaults, police interrogations, raids on their places of work, fabricated cases, and restrictions on movement in Jammu and Kashmir since 2019.

Violence and Harassment: On May 14, Mumbai police arrested actor Ketki Chitale for reposting an allegedly derogatory poem about Maharashtra Nationalist Congress Party chief Sharad Pawar on Facebook. Charges filed against Chitale included defamation, public mischief, and promoting hatred. She was released after a district court granted bail on June 24.

On June 27, Delhi police arrested fact-checker and journalist Mohammed Zubair, whose tweet highlighting a Bharatiya Janata Party (BJP) spokesperson's alleged remarks insulting Prophet Mohammed went viral.

Police charged Zubair with inciting hatred related to a tweet from 2018. The Supreme Court granted interim bail to Zubair on July 20.

On July 2, immigration authorities at the Indira Gandhi International Airport in New Delhi prevented Pulitzer-award winning photojournalist Sanna Irshad Mattoo from travelling to France, where she was scheduled to attend a book launch event. According to Mattoo, the immigration authorities did not state any reason for stopping her. In October, authorities prevented Mattoo again from boarding a plane on her way to the Pulitzer Prize ceremony in New York, despite her having a valid ticket and visa, without explanation according to media sources.

Online and mobile harassment was prevalent, and reports of internet “trolling” continued to rise. In some instances, police used information provided by anonymous social media users as a pretext to initiate criminal proceedings against journalists.

Censorship or Content Restrictions for Member of the Press and Other Media, including Online Media: Citizens generally enjoyed freedom of speech, but the government continued to restrict content based on broad public and national interest provisions. On August 5, the government stated that under the Information Technology Rules of 2021, it issued 94 directives to block content to YouTube between December 2021 and April, five to Twitter, and three each to Facebook and Instagram. In October, the government released new guidance related to the Information Technology Rules of 2021. Under these rules, tech companies are required to hire a grievance officer, content can be subject to judicial review as “defamatory” or “libelous,” and tech companies are legally obligated to prevent uploading of harmful or unlawful content.

The government maintained a monopoly on AM radio stations, limiting broadcasting to the state-owned All India Radio, and restricted FM radio licenses to entertainment and educational content. Widely distributed private satellite television provided competition for Doordarshan, the government-owned television network. State governments banned the import or sale of selected books that contained material government officials deemed as inflammatory or having potential to provoke communal or religious tensions.

Libel/Slander Laws: Libel and slander are criminal offenses. In July, media reported that the Maharashtra police filed more than 600 cases of libel and slander in the last two years against social media users for offensive religious content.

Nongovernmental Impact: On January 4, Hyderabad-based rights activist Khalida Parveen filed a police complaint after her photograph and name were posted on the internet with other women Muslim activists who were all listed “for sale” on the open-source platform GitHub. Parveen had

previously called for the arrest of religious leaders and others who publicly advocated for killing Muslim Indians to protect Hinduism at a gathering in December 2021 in Haridwar.

An investigation by *The Wire*, an Indian nonprofit news and opinion website, found women journalists, including *Washington Post* columnists Rana Ayyub and Barkha Dutt, NDTV's Nidhi Razdan, *The Wire*'s Rohini Singh, and others, were victims of online abuse through Tek Fog, an app to engineer social media trends and conduct trolling campaigns. The investigation report stated the app was used to target women and Muslims.

Internet Freedom

There were government restrictions on access to the internet, disruptions of access to the internet, and censorship of online content, and there were 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. Court rulings and laws specify conditions and procedures that must attend suspension of internet access. Some civil society organizations asserted that authorities did not consistently meet these requirements.

The government repeatedly imposed temporary internet shutdowns and blocked telecommunications, including the internet in certain regions, particularly during periods of political unrest. For example, on June 28, the Rajasthan government suspended mobile internet service across the state due to tensions between religious communities following the killing of a Hindu tailor in Udaipur. Internet services were also sometimes shut off to prevent exam cheating, such as when 25 states shut down mobile networks in August during recruitment exams for government jobs.

In some cases, government authorities cited laws protecting national interest to restrict media content. On August 16, the Ministry of Information and Broadcasting, using the emergency powers under the Internet Technology Rules of 2021, blocked eight YouTube channels for "spreading disinformation related to India's national security, foreign relations and public order."

NGO Software Freedom Law Center reported the central and state governments conducted localized internet shutdowns 67 times as of October, and 101 times in 2021. According to state-level data provided by the center, Jammu and Kashmir experienced 40 instances of internet shutdowns as of October.

The Central Monitoring System continued to allow government agencies to monitor electronic communications in real time, and while there are no requirements for a judicial order before monitoring can occur, an order from the Ministry of Home Affairs or the state-level Ministry of Home Affairs must be obtained. A review committee is required to meet every two months to review intercept orders granted under emergency provisions, which are limited to a maximum of 180 days. The monitoring system is an indigenous mass electronic surveillance data mining program installed by the Center for Development of Telematics, a government-owned telecommunications technology development center.

In July Twitter filed a petition with the Karnataka High Court challenging the legality of a series of blocking orders. At a hearing in September, Twitter indicated to the High Court that 50 to 60 percent of tweets the government requested to be taken down were innocuous.

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 peacefully assemble and express opinions. Jammu and Kashmir was an exception, where the state government sometimes denied permits to separatist political parties for public gatherings, and security forces reportedly 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.

Freedom of Association

The law provides for freedom of association. The government generally respected this right, and most domestic NGOs operated freely without interference. The government's increased monitoring and regulation of some NGOs that received foreign funding drew criticism from civil society. In certain cases, the government suspended foreign banking licenses or froze accounts of NGOs that allegedly received foreign funding without authorization or that unlawfully mixed foreign and domestic funding.

Minister of State for Union Ministry of Home Affairs Nityanand Rai told parliament the government cancelled registration certificates of 1,811 associations across the country under the provisions of the Foreign Contributions Regulation Act (FCRA) between 2019 and 2021, while 783 applications for renewals were denied. Some NGOs stated they were denied renewals as reprisal for their work on "politically sensitive" topics such as human rights or environmental activism. According to a media

report, 5,789 of these NGOs did not apply for renewal. Activists indicated some organizations found it difficult to comply with the stringent regulations laid down by the central government pursuant to the 2020 amendment to the FCRA.

Minister of State Rai told the lower house of parliament that Oxfam International's FCRA renewal application was refused as it did not fulfill the eligibility criteria. On September 7, the Income Tax Department conducted a survey at Oxfam's Delhi office. According to Oxfam International, the organization's servers were cloned, and senior representatives were not allowed to leave the premises. Think-tank Center for Policy Research, CARE India, and the Independent and Public-Spirited Media Foundation, which funds digital media entities, were also subjected to IT surveys at the same time.

The Ministry of Home Affairs approved the renewal of the FCRA license for Missionaries of Charity in January after it initially denied the request. Faith-based organizations criticized the initial denial as being motivated by religious considerations, which the Ministry of Home Affairs denied.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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

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 Ministry of Home Affairs and state governments required citizens to obtain special permits when traveling to certain states. Inner Line Permits are required in the states of Arunachal Pradesh, Nagaland, Mizoram, and Manipur.

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."

Citizenship: On February 8, media reported that the Ministry of Home Affairs sought more time from the parliamentary committees on legislation in the Rajya Sabha and Lok Sabha to frame the rules of the 2019 Citizenship Amendment Act (CAA), on the grounds that the consultation process continued, effectively meaning the law was not being implemented during the year. The CAA sought to grant an accelerated path for citizenship to Hindu, Jain, Sikh, Buddhist, Christian, and Parsi

minority groups from Pakistan, Bangladesh, and Afghanistan who entered India before 2015. The government argued that Muslims were not included in the law because there are a religious majority in those three countries, although critics argued considering religion as a criterion for citizenship is unconstitutional. On September 12, a two-judge bench of the Supreme Court announced that it would refer the petitions challenging the CAA to a larger three-judge bench. It asked the central government and the states of Assam and Tripura to file their response to the petitions. The next hearing was scheduled to take place in January 2023.

On August 5, the Manipur government unanimously adopted resolutions to establish a state population commission to implement the National Register of Citizens (NRC), a law previously implemented by the state of Assam to register legal citizens as distinct from illegal migrants. Some government and civil society proponents of the NRC process argued it would help protect the demographic and cultural identity of Indigenous ethnic groups within these states. Critics maintained the NRC process disadvantages poorer minorities who have difficulty verifying their citizenship through official documents, such as a birth certificate. Since 2019, when Assam compiled its NRC, other Northeast Indian states that share a border with Bangladesh and Burma sought similar exercises. The resolutions in the Manipur assembly claimed the state's tribal-dominated hill areas saw a population growth of 153 percent between 1971 and 2001, and it rose to 251 percent during 2001-11. The Meitei- and Manipuri-dominated valley areas also recorded a population growth of 95 percent from 1971-2001 and approximately 125 percent from 2001-11.

e. Protection of Refugees

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing minimal protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. While UNHCR does not have an official agreement with the government, it is generally able to assist asylum seekers and refugees from noncontiguous countries. UNHCR did not have direct access to newly arriving refugees on the country's border with Burma or long-term Sri Lankan refugees in Tamil Nadu. Additionally, UNHCR-recognized refugees and asylum seekers continued to lack government-recognized identity documentation, limiting their access to national social welfare programs.

UNHCR reported 3,700 Afghan asylum seekers registered with the agency since the Taliban takeover in August 2021. Most of the Afghan asylum seekers were already in India at the time and remained in the country as they could not return home, approaching UNHCR for registration. As of August, India was providing protection and assistance to 92,120 refugees from Sri Lanka, 73,404 Tibetans, 30,000 to 40,000 Burmese refugees, and

47,000 refugees of other nationalities registered by UNHCR. India also naturalized 84 Hindu and Sikh Afghans in 2021 and 76 in 2022.

Both central and state governments took steps to assist and provide protection for new refugees and asylum seekers. The Ministry of Home Affairs announced an emergency e-visa for Afghan nationals seeking emergency entry into India after the Taliban takeover and indicated that no Afghan national would be required to leave the country without prior approval from the Ministry of Home Affairs. The Mizoram Home Department issued identity cards to more than 30,000 Burmese refugees, which certified the recipients as sheltering in Mizoram. The Mizoram government also provided health facilities and COVID-19 vaccines, and it allowed the Burmese children to study in state-run schools. A protection working group consisting of civil society and humanitarian organizations provided basic humanitarian assistance to this population.

The courts protected refugees and asylum seekers in accordance with the constitution. On April 25, the Supreme Court stayed a 2021 order of the Manipur High Court that allowed seven members of the Rohingya community – including four journalists – a “safe passage” to Delhi to seek refugee status from UNHCR. The order came after the government filed a petition, which said that the seven persons could not be located and the human rights activist, who petitioned on behalf of the Burmese refugees, should be held responsible for their disappearance.

In many cases, refugees and asylum seekers under UNHCR’s mandate reported increased obstacles to regularizing their status through long-term visas and residence permits. According to UNHCR, 290 refugees and asylum seekers, primarily Rohingya, remained in detention as of August.

On August 12, the Madurai Bench of the Madras High Court interpreted Section 3 of the Citizenship Amendment Act (1955), which states that every person born in India between January 26, 1950, and July 1, 1987, is an Indian citizen, as also applicable to Sri Lankan Tamil refugees born in India during that timeframe. The case was brought by a Sri Lankan Tamil refugee who was born in the Mandapam refugee camp in Tamil Nadu in 1986, and whose 2021 application for an Indian passport was rejected. The court ordered state authorities to issue her an Indian passport, which they did on September 30. The Madras High Court decision was consistent with similar high court rulings applied to cases brought by Tibetan refugees born in India during this timeframe.

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 respected UNHCR decisions on refugee status determination for individuals from other countries.

Refoulement: The government advocated for the return of refugees to Burma. In August 2021, the Minister of State for Defence informed parliament that 5,796 of the 8,486 Burmese refugees who had entered the country following the February 2021 military coup were “pushed back” into Burma. According to UNHCR, at least 26 non-Rohingya refugees (of an estimated 40,000) had been deported since late 2016.

On March 22, Hasina Begum, a Rohingya detained in March 2021 from Jammu’s Bathindi, was deported to Burma through the Moreh border in Manipur, leaving behind her husband, Ali Johar, and three young children.

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

On May 29, police arrested 26 Rohingyas from Burma in Silchar, Assam, after they could not provide valid identification documents. Later, after a court hearing, they were sent to a detention center in Silchar. According to media reports, these individuals entered India seven years ago and were initially living in Jammu and Kashmir.

NGOs reported law enforcement officials harassed and intimidated Rohingya refugees, including by confiscating UNHCR-issued refugee cards and government identification documents. NGOs also alleged Delhi police handcuffed and physically abused refugees, including covering refugees’ heads with hoods while detaining them for routine questioning.

UNHCR continued to advocate for the release of detained refugees, for asylum seekers to freely move within the country and have their claims assessed, and for refugees to benefit from protection in the state where they arrived, and which has jurisdiction over them.

Freedom of Movement: There were no restrictions on the movement of Tibetan refugees. Sri Lankan refugees were permitted to work in Tamil Nadu. Police, however, reportedly sometimes required refugees to return temporarily to camps on short notice, particularly during elections. Media reports stated nearly 80 Sri Lankan Tamils conducted a protest for weeks demanding their release and alleging false detention. Tamil Nadu had 107 refugee camps across the state, including one detention camp for refugees with criminal records.

Employment: Most UNHCR-registered refugees found employment in the informal sector, similar to members of their host communities; however, some refugees reported discrimination by employers and landlords. According to UNHCR, obtaining formal employment was difficult for refugees because they did not possess government-issued documents such as long-term visas, which the government stopped issuing to refugees in 2017.

Access to Basic Services: Refugees and asylum seekers had access to housing, primary and secondary education, and health care. In cases where refugees were denied access, it was often due to a lack of knowledge of refugee rights by the service provider.

Durable Solutions: The government did not accept refugees for resettlement from other countries. A ferry project jointly proposed by the government and the government of Sri Lanka for the repatriation of refugees remained on hold. Departures for voluntary repatriation, third country resettlement, and complementary pathways continued. After assisting the voluntary repatriation of 96 Sri Lankan refugees, UNHCR paused its assistance due to the worsening economic crisis in Sri Lanka.

f. Status and Treatment of Internally Displaced Persons

Settlements of internally displaced persons (IDPs) existed throughout the country. According to the Internal Displacement Monitoring Center, 4.9 million persons were displaced by disasters in 2021 and 13,000 by political and other violence.

Precise numbers of those displaced by violence were difficult to obtain 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 matter of internal displacement resulting from armed clashes 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 allowed NGOs and human rights organizations access to IDPs; neither access nor assistance was standard for all IDPs or all situations.

According to an August 5 media report, more than 50 percent of the eligible Bru families received resettlement in eight selected areas of Tripura. According to Tripura government officials, a total of 6,159 families comprising 37,136 Bru individuals were eligible to be resettled in the state. Accordingly, 12 sites were identified for carrying out the

resettlement process and 3,232 families were resettled in eight of 12 locations.

On April 20, nearly 400 families of the Bru tribe left a temporary camp and relocated to permanent homes based on a 2020 agreement between the central government, the state governments of Tripura and Mizoram, and the leaders of the Mizoram Bru Displaced People's Forum that allowed Brus to settle permanently in Tripura. Other Bru migrants, however, were reluctant to vacate the relief camps, expressing reservations about permanently migrating out of the district.

g. Stateless Persons

The administration of nationality laws and challenges related to birth registration contribute to statelessness. 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 citizenship by birth. A child born in the country on or after July 1, 1987, obtained citizenship if either parent was a citizen at the time of the child's birth. Authorities considered 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 a consulate within one year of the date of birth. Authorities may also confer citizenship through registration in specific categories and via naturalization after residing in the country for 12 years.

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

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 is an independent constitutional body responsible for administering all elections at the central and state level throughout the country. In 2019, voters re-elected the BJP-led National Democratic Alliance in the country's general elections,

which observers considered to be free and fair. In July Droupadi Murmu was sworn in as the new president. She was elected by members of both the houses of parliament and of the legislative assemblies of states and union territories. In August, Jagdeep Dhankhar was sworn in as vice president.

Political Parties and Political Participation: The constitution provides for universal voting rights for all citizens 18 and older. There are 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 the release of exit poll results until completion of the last phase (in a multiphase election).

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. Religious, cultural, and traditional practices prevented women from proportional participation in political office.

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.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were numerous reports of government corruption during the year.

Corruption: Corruption was present at multiple levels of government. The country's anticorruption ombudsman reported it had received 169 formal corruption complaints from 2021 until June.

On August 28, authorities razed two 100-meter towers in Noida, Uttar Pradesh after they were found to be in violation of building norms. In 2004, Noida authorities gave land to real estate company, Supertech, to construct 14 10-story buildings. The builder altered the project to add twin high-rise buildings in an area designated for gardens and too close to each other, violating building and fire safety norms. Residents took the company to court in 2012. In 2021, the Supreme Court ruled that the revised construction was illegal and violated building bylaws carried out in "collusion" with planning authorities. More than 50 local officials were

under investigation for participating in the illegal construction and three were suspended. The court also directed the Uttar Pradesh government to form a special investigation team to probe the collusion.

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.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Most domestic and international human rights groups 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). The government generally met with domestic NGOs, responded to their inquiries, and acted 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.

The United Nations or Other International Bodies: The United Nations had limited access to Jammu and Kashmir and the northeastern states.

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 Ministry of Home Affairs and the Ministry of Law and Justice. It has a mandate to investigate complaints of violations of human rights or negligence in the prevention of violations by public servants, 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 of government killings 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. According to human rights groups, these limitations hampered the work of the NHRC. Some human rights NGOs criticized the NHRC's dependence on government funding and its policy of not conducting investigations that last more than one year. Some claimed the NHRC did not register all complaints, dismissed cases arbitrarily, 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. Some human rights groups alleged local politics influenced state committees, which they claimed were less likely to offer fair judgments than the NHRC.

The government closed the Jammu and Kashmir Human Rights Commission in 2019 and ordered the NHRC to oversee human rights violations in Jammu and Kashmir. The NHRC has jurisdiction over all human rights violations, except in certain cases involving military and paramilitary personnel. The NHRC has authority to investigate cases of human rights violations committed by the Ministry of Home Affairs and paramilitary forces operating under the AFSPA in the northeast states.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The country has a stringent body of laws to respond to sexual violence, including provisions in the Indian Penal Code, regarding rape, sexual harassment, voyeurism, and stalking, which were effectively enforced by law enforcement. Additionally, special laws on child sexual abuse, use of technology, trafficking; primarily civil laws on domestic violence and sexual harassment at the workplace with expansive definitions; specific guidance on procedural matters in the Criminal Procedure Code; as well as a body of case law, government schemes, guidelines and protocols relating to evidence collection, medical examination, examination of witnesses, victim compensation, and other relevant subjects contribute to this framework.

The law criminalizes rape in most cases, but marital rape is not illegal when the woman is older than 15. According to legal experts, the law does not criminalize rape of adult men. Rape of minors is covered by the gender-neutral Protection of Children from Sexual Offenses Act. The minimum mandatory punishment for rape is 10 years' imprisonment. The minimum sentence for the rape of a girl younger than age 16 is between 20 years and life imprisonment; the minimum sentence of gang rape of a

girl younger than 12 is either life imprisonment or the death penalty. The Investigation Tracking System for Sexual Offenses monitors sexual assault investigations.

The NCRB's *2021 Crime in India* report stated that 428,278 crimes against women were reported in 2021, including rape and domestic violence. Women in Jammu and Kashmir, northeastern states, 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. The law criminalizes rape in most cases, but marital rape is not illegal when the woman is older than 15. According to legal experts, the law does not criminalize rape of adult men. Rape of minors is covered by the gender-neutral Protection of Children from Sexual Offenses Act. The minimum mandatory punishment for rape is 10 years' imprisonment. The minimum sentence for the rape of a girl younger than age 16 is between 20 years and life imprisonment; the minimum sentence of gang rape of a girl younger than 12 is either life imprisonment or the death penalty. The Investigation Tracking System for Sexual Offenses monitors sexual assault investigations.

Law enforcement and legal recourse for rape survivors were inadequate, and the judicial system was unable to address the problem effectively. Police sometimes worked to reconcile rape survivors and their attackers. In some cases, they encouraged women rape survivors to marry their attackers.

The NGO International Center for Research on Women noted low conviction rates in rape cases was one of the main reasons sexual violence continued unabated and at times unreported. NGOs observed the length of trials, lack of victim support, and inadequate protection of witnesses and survivors remained major concerns and were more pronounced during the COVID-19 pandemic. The government sought to expedite cases involving women by setting up more than 1,000 fast-track special courts to handle pending rape cases. In addition, several high courts also directed state governments to establish more fast-track courts to promptly dispose of pending rape cases.

Civil society organizations provided awareness and survivor-centered, nonstigmatizing, confidential, and free care to victims of violence and facilitate referrals to tertiary care, social welfare, and legal services. Some also provided short-term shelter for women and child survivors of rape. These services were intended to encourage women and children to come forward and report cases.

Additionally, the central government implemented programs to improve the safety and security of women while reporting violence. This included centers for reporting and accessing health support, women help desks at police stations to facilitate reporting, an emergency response support

system via a mobile application for reporting emergencies, and training programs for police, prosecutors, medical officers, and the judiciary to respond to victims in compassionate and respectful ways.

According to an August 22 media report, six individuals gang-raped a girl, age 13, for four days in Patna. The accused abandoned her at the Dumraon railway station in Buxar after multiple rape incidents. Police later arrested two of the accused, while four others remained at large.

On September 2, a tribal girl, age 14, was raped and hanged from a tree in Jharkhand's Dumka district. The girl was pregnant when killed. On September 3, the Jharkhand Police arrested Arman Ansari on charges of rape and murder. Ansari had allegedly sexually exploited the victim on the pretext of marriage.

In October, 11 men who were serving life sentences after being convicted of gang raping Bilkis Bano and killing 14 members of her family during the 2002 Gujarat riots, including her daughter, age 3, were released from prison upon eligibility for parole under court sentencing guidelines.

Domestic violence continued to be a problem. The COVID-19 pandemic and lockdown led to increased instances of domestic violence. Women and children were more vulnerable due to loss of livelihood of the perpetrator and the family being forced to remain indoors, where victims were locked in with their abusers with limited means to escape or access to resources.

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 persons concentrated in the states of Maharashtra, Gujarat, Rajasthan, and Delhi, practiced FGM/C.

Other Forms of Gender-based Violence: The law forbids the acceptance of marriage dowries, but many families continued to offer and accept dowries, and dowry disputes remained a serious problem. NCRB data showed a total of 6,753 dowry-related deaths in 2021, compared with 7,045 in 2020. The highest number of cases were registered in Uttar Pradesh with 2,235 victims. Most states employed dowry prohibition officers. A 2010 Supreme Court ruling mandates all trial courts to charge defendants in dowry death cases with murder.

On July 28, a newly married woman, age 21, was allegedly forced by her husband and in-laws to drink acid at Manjhaul in Bihar's Begusarai district. She died at the hospital on August 3. The woman's family members alleged that she was being tortured by her husband and in-laws, as the family could not pay a dowry or gift a motorcycle upon her marriage. Police later arrested her husband.

On August 5, a girl, age 17, sustained injuries in an acid attack in Jharkhand's Chatra District. She was airlifted to New Delhi for treatment. Police arrested the alleged perpetrator, who also injured the victim's mother in the attack.

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. This practice was found in Karnataka, Maharashtra, Andhra Pradesh, and Tamil Nadu, and it almost always targeted girls from Scheduled Caste and Scheduled Tribe communities. NGOs suggested families exploited some girls from lower castes to mitigate household financial burdens and the prospect of marriage dowries. The practice deprived girls of their education and reproductive rights and subjected them to stigma and discrimination.

Legislation in Tamil Nadu, Andhra Pradesh, Karnataka, and Maharashtra prohibits the devadasi system and provides rehabilitation services to women and girls affected by the practice. Enforcement of these laws remained lax.

No federal law addresses accusations of witchcraft. Authorities may use other legal provisions as an alternative for an individual accused of witchcraft. The NCRB reported 68 deaths with witchcraft listed as the motive in 2021. Madhya Pradesh registered 18 cases of killings against those accused of witchcraft. Bihar, Odisha, Chhattisgarh, Rajasthan, Assam, and Jharkhand have laws criminalizing accusing others of witchcraft.

On February 18, villagers in the Nawada district of Bihar set a woman on fire and stoned her to death on suspicion of practicing witchcraft. According to media reports, the villagers believed the woman, identified as Sarita Devi, was responsible for the unnatural death of a boy in the village a few days prior.

On September 25, four members of a family, including three women, were forced to consume human excrement and tortured with a hot iron rod in Jharkhand's Dumka district over allegations they practiced witchcraft. Police registered a case against six individuals.

Sexual Harassment: Sexual harassment remained a serious problem. Laws addressing sexual harassment were effectively enforced. 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.

Reproductive Rights: There were reports of coerced abortion or involuntary sterilization on the part of government authorities. 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 and guidelines that penalize families with more than two children were not widely enforced but remained in place in various states. Certain states continued to maintain quotas for government jobs and subsidies for adults with no more than two children. For example, Assam linked a two-child policy to accessing state government benefits and running for certain offices.

Many states promoted female sterilization as a family planning method, which resulted in risky, substandard procedures and limited access to nonpermanent methods. The central government does not have the authority to regulate state public health policies. Authorities in some areas paid health workers and facilities a fixed amount for each sterilization procedure and imposed quotas for female sterilizations. Care received by women, especially those from marginalized and low-income groups, at public health facilities was often inadequate, contributing to a reluctance to seek treatment. Government initiatives resulted in a significant increase in institutional births, but there were reports that health facilities continued to be overburdened, underequipped, and undersupplied.

The reproductive rights of individuals and couples are codified in several laws and judicial decisions articulating rights enumerated in the constitution. Additionally, in August the government announced the transgender community would receive annual health-care coverage of 500,000 INR (\$6,000), which could include gender reassignment surgery and other care. The law mandates that women are guaranteed voluntary access to a full range of contraception methods. The National Family Health Survey (NFHS) 5 reported 9 percent of married women between the ages of 15 and 49 said they did not receive adequate family planning resources, which was down from 13 percent in NFHS 4. Additionally, 4 percent of women reported wanting to stop or delay childbearing but could not access contraception, compared with 6 percent in 2021.

The government permitted health clinics and local NGOs to freely disseminate information about family planning. Federal government

guidelines explicitly state sterilization is an option among various family planning methods and every person should voluntarily choose the alternative best suited for their needs.

The government recognized the role of health-care professionals in treating survivors of sexual violence and implements protocols that meet the international standards of medical care for victims. Government directives instruct health facilities to ensure survivors of all forms of sexual violence receive immediate access to health-care services including emergency contraception, access to safe abortion services, police protection, emergency shelter, forensic services and referrals for legal aid and other services. Implementation of the guidelines was uneven due to limited resources and social stigma. NGOs noted the COVID-19 lockdown adversely affected survivor access to sexual and reproductive health care.

Abortions may be conducted within 20 weeks of gestation on one doctor's advice and between 20 and 24 weeks of gestation on the advice of two doctors in specific cases, including victims of rape (excluding marital rape). The law prohibits the use of all technologies for the purpose of sex selection before or after conception.

On September 29, the Supreme Court ruled that all women are entitled to a safe and legal abortion, and that making any distinctions between a married and an unmarried woman in this regard is "artificial and constitutionally unsustainable." The court ruled that marital status cannot be grounds to deprive a woman of the right to abortion and that all women are entitled to terminate an unwanted pregnancy within 24 weeks.

Limited access to quality reproductive and maternal health care services – including prenatal care, skilled care at childbirth, and support in the weeks after childbirth – contributed to maternal mortality. In March the Registrar General released a special bulletin on the country's maternal mortality rate (MMR), which dropped from 113 in 100,000 during 2016-18 to 103 in 100,000 during 2017-19. Seven states – Rajasthan, Uttar Pradesh, Madhya Pradesh, Chhattisgarh, Bihar, Odisha, and Assam – had a "very high" MMR of 130+ in 100,000 live births. Punjab, Uttarakhand, and West Bengal had a "high" MMR of 100-130 deaths per 100,000 live births. The states of Uttar Pradesh, Rajasthan, and Bihar saw the largest drop in MMR, while West Bengal, Haryana, Uttarakhand, and Chhattisgarh recorded an increase in MMR. The percentage of women receiving the recommended number of prenatal care visits, delivering at a health facility, and receiving a postnatal checkup were lowest among those from the poorest households. Some observers cited health-care privatization initiatives as contributing to a reduction in accessibility to care among disadvantaged groups.

The country made progress on key maternal and newborn health indicators. For example, the new NFHS 5 showed the number of institutional births had increased to 89 percent, compared with 79 percent in the prior NFHS. Fifty-eight percent of women who gave birth received the recommended minimum of four prenatal care visits, compared with 51 percent in 2015-16. Seventy-eight percent of women who gave birth received a postnatal checkup within 48 hours of delivery, compared with 62 percent in the prior NFHS.

Discrimination: Women faced discrimination in employment and occupation, and in access to credit. 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. The government did not effectively enforce discrimination laws.

Gender-biased Sex Selection: The law bans sex determination tests, the use of all technologies for the purpose of selecting a fetus's gender, and sex-based abortions. A Pew Research study released in August indicated the country's sex ratio improved from 109.3 boys per 100 girls in 2015 to 108 boys per 100 girls in 2020. The study said the most improvement was in the Sikh population due to states implementing "girl child promotion" programs to counter prenatal sex selection.

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibits discrimination against any citizen on the grounds of religion, race, caste, or place of birth. 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. Critics claimed many of the programs to assist the lower castes suffered from poor implementation, corruption, or both.

Discrimination against scheduled castes and scheduled tribes (SC/ST) continued to be a problem, particularly in rural areas. The NCRB reported 50,900 crimes against Scheduled Castes in 2021. A report by the Parliament Standing Committee on Home Affairs on atrocities and crimes against women and children highlighted the poor conviction rates and high pendency of cases related to crimes against women belonging to SC/ST. The report stated that while there had been an increase of approximately 16 percent in crimes against women and children from SC/ST communities in 2017-19, the conviction rate under the Prevention of Atrocities Act in the same period had been as low as 27 percent, with pendency at 84 percent. In August, the UN special rapporteur on contemporary forms of slavery stated that "in India, child labor, caste-based discrimination, and poverty are closely interlinked."

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 some 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.

On May 11, police arrested former village head Rajbir Tyagi and an associate in Muzaffarnagar, Uttar Pradesh, after Tyagi was allegedly filmed threatening members of the Dalit community with a fine of 5,000 INR (\$60) and 50 slaps with a shoe if they approached upper-caste farms and wells.

Indigenous Peoples

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 their rights in practice.

In most of the northeastern states, where Indigenous groups constituted most of the states' populations, the law provides for tribal rights, but 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.

Tribal leaders in Telangana accused the state government of impinging on the forest rights of tribal communities. Farmers contended the state forest department destroyed their crops without prior notice and attempted to forcibly remove them from their land. On August 6, police arrested 23 tribal farmers for attempted murder when tribal members "forcefully tried to recover farmland that the villagers have been cultivating for decades." Tribal leaders criticized the arrests as "persecution" for defending their rights.

Local media reported that Indigenous tribes clashed with Telangana Forest Department officials and that police on at least two separate occasions in Telangana regarding the right to cultivate forest lands. On July 6, local tribes and police clashed in Khammam district as forest officials prevented Indigenous farmers from tilling *podu* lands, defined as the lands burned and cleared of vegetation for agriculture. On July 9, police arrested five tribal women in Mancherial district on the charge of attacking police with chili powder. The clash began after forest officials allegedly removed four huts from podu lands a few days prior. The forest

officials defended their action on the grounds that they were preventing deforestation.

On May 3, two tribal victims died after a mob assaulted them because they were accused of cow slaughter in Madhya Pradesh's Seoni district. Police arrested 13 individuals, while the government awarded a compensation of 825,000 INR (\$9,900) to the families of each of the deceased victims.

Children

Birth Registration: The law establishes state government procedures for birth registration, which are done without discrimination. Analysis of government data from 2015-16 noted approximately 62 percent of children younger than five had their births registered and their parent or parents received a birth certificate.

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 for free education for all children from ages six to 14, with a compulsory education age through age 15, but the government did not always comply with this requirement. Since 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. The *Crime in India Report 2021* showed 53,874 cases of child sexual abuse were registered in 2021 under POCSO. According to the report, 5,079 persons were convicted and 10,099 acquitted. In January, the Delhi High Court held an accused individual could be convicted of child abuse even in the absence of forensic evidence, a judgment that acknowledges the lack of evidence in sexual abuse cases and the problems in recording and maintaining evidence. In July, the Central Bureau of Investigation joined Interpol's international child sexual exploitation database, aiming to facilitate cross-referencing of victims, abusers, and crime scenes using audiovisual data.

On March 18, a retired headmaster in Thiurvallur, Tamil Nadu, age 102, was sentenced to 15 years in jail (including 10 years of rigorous imprisonment) and fined 5,000 rupees (\$60) for sexually assaulting an elementary school girl in 2018.

Child, 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. Authorities did not consistently enforce the law or

address the practice of rape survivors being forced into marriage. According to NCRB data, 1,062 cases were registered under the Prohibition of Child Marriage Act in 2021, which is a significant increase from 792 cases in 2020. Additionally, National Family Health Survey-5 (NFHS-5) data indicate the rate of child marriage has decreased to 23 percent of women, compared to 27 percent of women in the prior NFHS.

The law does not characterize a marriage between a girl younger than 18 and a boy younger than 21 as illegal but recognizes such unions as voidable. The law also sets penalties for persons who perform, arrange, or participate in child marriages. 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.

Financial distress, parental deaths, and school closures put girls at risk of child marriage. Officials reported that in most cases underage girls were forced to marry because of their family's loss of earnings and financial distress. These factors were exacerbated by lockdowns related to the COVID-19 pandemic in 2021.

On July 28, the Bihar government issued a directive holding village heads responsible for cases of child marriage reported from their villages.

Sexual Exploitation of Children: The law prohibits child pornography and sets the legal age of consent at 18, and the law was enforced effectively. It is illegal to pay for sex with a minor, to induce a minor into commercial sexual or any form of "illicit sexual intercourse," or to sell or buy a minor for the purposes of commercial sex exploitation or child sex trafficking. Violators are subject to 10 years' imprisonment and a fine. The law also provides for at least one special court dedicated to sexual offenses against children (POCSO court) to be set up in each district, but implementation of this provision lagged.

NCRB data showed an increase of 16.2 percent in registered cases in crimes against children. NCRB additionally shows that 38 percent of those cases against children were registered under POCSO. The highest number victims under POCSO were children between ages 16 to 18. Some NGOs noted several adolescent boys entered the juvenile justice system having been charged with rape because of the changes in the law.

The Ministry of Women and Child Development formally launched the Mission Vatsalya program (the erstwhile Child Protection Services program) to support the welfare of children, including those in Child Care Institutions (CCIs). Mission Vatsalya is a roadmap to effectively implement the provisions of the Juvenile Justice (Care and Protection of

Children) Act, 2015 ('JJ Act') and the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act'). It provides updated guidelines for the functioning of bodies under these legislations. The program also provides an updated budget sharing allocation between the central government and the states. On April 25, the Supreme Court directed state governments and union territories to implement standard operating procedures for the care and protection of children on the street for rescue and rehabilitation.

On March 13, the Ministry of Women and Child Development published new rules to protect children from sexual offenses. The rules provide for immediate compensation, increased public awareness regarding services from the CHILDLINE India Foundation, and legal aid assistance. The rules advise state governments to enact a child protection policy to reinforce the prohibition of violence against children. A new provision also directs immediate financial help to victims of child sexual abuse by the Child Welfare Committees. NGOs noted the procedure was not being implemented in a standardized fashion across jurisdictions.

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

Institutionalized Children: The law defines a "child in need of care and protection." A provision of the law requires care and protection for a child who is mentally ill, mentally or physically challenged, or suffering from a terminal or incurable disease. The Child Welfare Committee decides if the child has anyone to look after them or if their parents or guardians are unfit to take care of them. By law, once a child in need of care and protection is identified by police, an NGO, or an individual, the child appears before a committee. Depending on the committee's decision, the child may be placed in institutional care. Children may be placed in a facility identified by the District Child Protection Unit.

Child welfare experts said that children with disabilities were often placed in the same shelter home where children without special needs were placed, causing a burden on shelter home staff to offer specialized services for disabled children while also providing care for children without disabilities. Experts suggested the situation was more difficult in rural districts, which did not have many provisions to place children with disabilities in special homes. This sometimes led to a child being sent to distant areas within a state.

A lack of safeguards encouraged an atmosphere of impunity in some group homes and orphanages. In January the management of a foster care home for children in New Delhi reported the rape of a girl, age 16, with mental disabilities. The incident came to light after the girl reported pain in her abdomen and a subsequent medical examination confirmed

she was pregnant. The girl, who had been living at the home since 2019, was allegedly raped by the home's security guard. Police arrested the guard after the girl gave a statement.

Antisemitism

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

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The Supreme Court decriminalized same-sex relationships in 2018. In June, the Madras High Court recommended awareness training for government officials and police in addition to ordering state and union governments to develop plans for reforms that protect the rights of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons. The court recommended separate housing for gender-nonconforming and transgender persons in prison, revocation of licenses from doctors who claim "cures" for homosexuality, and gender-neutral bathrooms at school and colleges as areas for reform.

Violence against LGBTQI+ Persons: Some police officers committed crimes against LGBTQI+ 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 April 12, the Women Safety Wing of the Telangana Police launched "Pride Place," an LGBTQI+ persons protections unit with dedicated staff including a transgender coordinator. Experts acknowledged a disconnect between court action and state action to create an enabling environment for queer persons. Experts noted some law enforcement officials tended to side with family interests against the queer community. In Ghaziabad, a police constable slapped a lesbian couple while detaining them after a missing persons complaint was filed by their families.

NGO activists reported discrimination and violence including physical attacks and rape against members of the LGBTQI+ community.

Discrimination: The law prohibits discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. The government was inconsistent in enforcing these laws. The Transgender Persons Protection of Rights Act seeks to ensure the rights of transgender or third gender persons, who may also be members of the Hijra community, are safeguarded from discrimination, but

LGBTQI+ civil society reported problems with implementation as well as a need for legislation that provides for the rights of lesbian, gay, bisexual, queer, and intersex persons. In June, the Tamil Nadu government issued an order for a prescriptive glossary of Tamil terms to address the LGBTQI+ community in a dignified way in public forums to help combat discrimination.

LGBTQI+ groups reported they experienced pervasive societal discrimination and violence, particularly in rural areas. Public support for same-sex couples being able to marry continues to rise. A July survey found that 42 percent of respondents supported equal marriage, opposed to 50 percent disapproval. There is no pathway for same-sex couples to legally marry, but litigation to legalize equal marriage was being considered by the Supreme Court.

Activists reported transgender persons continued to face difficulty obtaining medical treatment. To combat this, in February the Telangana High Court ordered the Telangana state government to establish facilities in all the 33 districts for COVID-19 vaccination of members of LGBTQI+ community. On August 2, the Mahatma Gandhi Memorial Hospital in Telangana opened a dedicated clinic for the LGBTQI+ community. The state opened two exclusive clinics in Hyderabad in 2021. On August 11, Andhra Pradesh AIDS Control Society started a one-stop medical facility for transgender persons in Tirupathi.

On April 7, a lesbian couple sought legal recognition and police protection with a court in Pune, Maharashtra. The couple faced a police investigation after the parents of one woman accused her partner of subjecting their daughter to force, fraud, and coercion.

Availability of Legal Gender Recognition: The law recognizes the right of any citizen, irrespective of caste and creed, to change their gender identity, access government identity documentation, employment opportunities, gender-affirming health care, and other services based on the principle of self-determination. Every instance where someone changes their gender must be officially presented as a notification in the weekly gazette, published by the government's Department of Publication, to be legally valid.

To change one's gender to a third gender, the 2019 Transgender Persons Protection of Rights Act has two ways to change gender. The first is for a person wanting their identification as a "transgender" person (T) to make an application to the District Magistrate with an affidavit; it is not necessary to provide a medical history. The magistrate cannot insist on medical or physical examination. The second is for an individual to first get a certificate with (T) and then apply to the magistrate again for a change in gender to (M) or (F). The second type of application requires

proof of surgery ((for (T) to (M/F)) or any “medical intervention,” which could include counseling, hormone therapy, and surgical intervention.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: The law makes it illegal to treat adults without their express consent or that of a nominated representative in case they cannot give informed consent. The law also prohibits mental health professions from prescribing medicines or performing treatments “not authorized by the field” of their profession. In 2018, the Indian Psychiatric Society stated that homosexuality was not a disease and that all forms of “treatment/therapy,” including individual psychotherapy, behavior therapies such as aversive conditioning, hypnotherapy, group therapy, pharmacotherapy, physical treatment methods, or milieu treatments to reverse sexual orientation were based on an erroneous premise that such orientations are diseases. Most recently, in September, the National Medical Commission instructed all state medical councils to ban so-called conversion therapy and called it “professional misconduct.”

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no reports of restrictions on speaking out regarding LGBTQI+ issues or on the ability to legally register or convene related events.

Persons with Disabilities

The constitution does not explicitly mention disability. The law provides equal rights for persons with a variety of disabilities, including persons with Parkinson’s disease and acid attack survivors. The law requires the government to provide persons with disabilities with equal access to physical infrastructure and public transportation systems. The law states the government should take necessary measures for persons with disabilities to provide barrier-free access in government, private hospitals, and health-care institutions. The law further states the government shall take measures to provide: (1) facilities for persons with disabilities at bus stops, railway stations, and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters, and ticketing machines; (2) access to all modes of transport that conform with design standards, including retrofitting old modes of transport wherever technically feasible and safe for persons with disabilities, economically viable, and without entailing major structural changes in design; and (3) accessible roads to address mobility necessary for persons with disabilities.

The law states the appropriate government and local authorities shall endeavor that all educational institutions provide inclusive education to children with disabilities. Institutions should admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others; making buildings, campuses, and facilities accessible; and providing reasonable accommodation according

to the individual's requirement. According to the law, the government shall take measures to promote, protect, and ensure participation of persons with disabilities in adult education and continuing education programs equally with others.

On March 22, Minister of State for Social Justice and Empowerment Pratima Bhoumik told the lower house of parliament that while targets originally set under the government's flagship Accessible India Campaign had not been revised, "the deadlines have been revised." According to media reports, the ministry attributed the revised deadlines to slow progress by implementing agencies and the impact of the COVID-19 pandemic on site activities. The campaign aims to make government buildings, websites, and transport systems accessible to the differently abled. On August 2, Bhoumik said that as of August, nine central ministries and 29 states and union territories had uploaded data related to 1,768 buildings being made accessible as part of the nationwide campaign to achieve universal accessibility.

Persons with disabilities faced discrimination in employment and occupation.

Other Societal Violence or Discrimination

State governments continued to pass laws related to forced religious conversion for the purpose of marriage. These laws seek to make forced religious conversion by marriage a criminal offense. Supporters of the laws sometimes characterized them as preventing "love jihad" or Muslim men attempting to marry Hindu women for the purposes of religious conversion. Civil society groups criticized the laws as violating constitutional protections on freedom of religion, but some survey data suggested religious minority communities themselves sometimes expressed support for anticonversion measures.

Police reported several arrests of mostly Muslim men for violation of an anticonversion law passed in Uttar Pradesh in February. In 2021, the Allahabad High Court underscored the right of interfaith couples to marry without the approval of district officials in contravention to Uttar Pradesh's anticonversion law and ordered district police to provide protection to 17 interfaith couples.

In December 2021 the Jharkhand State Legislative Assembly passed the Prevention of Mob Violence and Mob Lynching Bill, 2021. Jharkhand was the fourth state after Manipur, Rajasthan, and West Bengal to pass such a law. State Parliamentary Affairs Minister Alamgir Alam, without specifying the dates, told the assembly that 53 incidents of mob lynching took place in Jharkhand, resulting in 33 persons being killed. According to a report by the Jharkhand Janadhikar Manch, a conglomeration of rights bodies, more than 30 tribal Christians and Muslims had either been lynched or beaten

up on suspicion of cow slaughter, sale and consumption of beef, and religious hatred between 2016 and 2021.

On January 29, the Madhya Pradesh High Court directed local police in Jabalpur, Madhya Pradesh, to protect and reunite a Hindu wife with her Muslim husband whom she married voluntarily. Madhya Pradesh police had separated the couple after the bride's Hindu family expressed disapproval of the interfaith marriage and pressed charges against the Muslim man under the Madhya Pradesh Freedom of Religion Act, 2021.

On April 8, following opposition from Madhya Pradesh State Minister Om Prakash Dhurve to an interfaith marriage, Dindori district officials demolished the residence of a Muslim man who married a Hindu woman. On April 7, the officials demolished three shops belonging to the Muslim man's family, claiming they were illegal constructions. On April 25, the Madhya Pradesh High Court directed police to protect the interfaith couple.

On April 10, Vinod Chavda was killed during communal violence that occurred in Gujarat's Khambhat town after celebratory processions for the Hindu Ram Navmi holiday moved through a predominantly Muslim neighborhood. In response, police arrested 40 individuals, and government authorities bulldozed Muslim-owned properties in Khambhat, citing them as illegal structures.

On April 17, Irbaish Khan's body was recovered after he was reported missing during the April 10 communal violence over Ram Navmi celebratory processions in a predominantly Muslim neighborhood of Madhya Pradesh's Khargone town. In response to the communal violence, Madhya Pradesh police arrested 148 individuals. The Madhya Pradesh government invoked the 2021 Prevention of Damage to Public and Private Property and Recovery of Damage Act to bulldoze 16 homes and 29 shops largely owned by Muslims accused of inciting violence.

On June 21, chemist Umesh Kolhe was killed in Maharashtra's Amravati city after he shared a social media post that supported suspended BJP spokesperson Nupur Sharma's remarks criticizing the Prophet Mohammed. The NIA took over the investigations from the local police and arrested nine men.

On August 2, a mob beat a Muslim man to death and injured two others in Madhya Pradesh after allegations of cow smuggling. The two men were transporting Cows to a cattle market to sell. Madhya Pradesh police filed a complaint against 12 individuals for the attack and a separate complaint against the two survivors for illegally transporting the cows, a charge which the victims denied.

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, but there is no legal obligation for employers to recognize a union or engage in collective bargaining. Unions must have at least 100 members in an enterprise or 10 percent of the workforce (whichever is less) to be recognized and must account for two-thirds of the workforce to have standing to engage in collective bargaining. In Sikkim, trade union registration was subject to prior permission from the state government, and the public may raise objections to the registration of a union.

There are limits on the objectives of strikes. In 2020, the Industrial Relations Code was changed to establish a compulsory grievance redressal committee, as prerequisite to settling grievances through collective bargaining, in addition to existing conciliation and grievance processes in law and collective agreements. The law provides for the right to strike but places restrictions on this right for some workers. 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. Union leaders generally operated free from threats and violence from government and employers. Employers rarely refused to bargain with unions.

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. Penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Penalties were sometimes applied against violators.

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.

On August 6, an industrial tribunal awarded reinstatement of 150 workers illegally locked out by the management of Chennai-based SLAM Clothing Pvt. Ltd., along with payment of back wages and seniority benefits. The Garment and Fashion Workers Union won the legal battle against the company, which had locked out and dismissed workers using fraudulent letters with fake signatures.

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 sometimes impeded registration of unions, repressed independent union activity, and 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.

On February 3, industrial workers across the country observed a day of protest against government plans to privatize state-owned companies and to press for the repeal of labor codes passed by parliament in 2020. Formal and informal sector workers across the country went on a two-day strike in March to protest the government’s economic policies. In September approximately 25 million workers across the country went on a day-long strike in support of the farmers’ protest demanding the repeal of farm reform legislation.

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. Internal forced labor constituted the country’s largest labor-trafficking problem; traffickers use debt-based coercion (bonded labor) to compel men, women, and children to work in agriculture, brick kilns, rice mills, embroidery and textile factories, and stone quarries. Women and children from the Dalit and tribal communities were vulnerable to forced labor, as were children of migrant laborers and asylum seekers who lacked government protection. The increase in economic insecurity and unemployment due to the Covid-19 pandemic further increased vulnerability to forced and child labor.

Enforcement and compensation for victims is the responsibility of state and local governments and varied in effectiveness. Some local

governments did not effectively enforce laws related to bonded labor or labor trafficking laws, such as the Bonded Labor System (Abolition) Act. 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 reported violations, they sometimes reported them to civil courts to assess fines but did not refer them to police for criminal investigation of labor trafficking. Legal penalties varied based on the type of forced labor and included fines and prison terms. Penalties were less than those for analogous serious crimes, such as kidnapping. For example, bonded labor is specifically criminalized by the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, which prescribes penalties analogous to serious crimes, while the Bonded Labor System (Abolition) Act prescribes penalties that were less than those for analogous serious crimes.

Investigations, prosecutions, and case convictions of traffickers decreased during the year. In addition, according to some NGOs, authorities penalized some adult and child victims for crimes their traffickers compelled them to commit.

On March 4, media reported that the labor department and NGOs rescued 73 children working as bonded labor in Delhi's Bawana area. The rescued children included 38 girls and 35 boys between ages nine to 15, mostly from Uttar Pradesh and Bihar. The children were allegedly made to work for almost 15 hours a day in hazardous conditions without basic amenities and for minimal salary. On April 25, police officials rescued 87 bonded laborers from a brick kiln on the outskirts of Delhi. On June 2, local authorities rescued 34 adults and 44 children from bonded labor from a brick kiln in Uttar 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

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

The law prohibits discrimination based on race, sex, gender, disability, language, sexual orientation, gender identity, or social status with respect to employment and occupation. A separate law bans discrimination against individuals suffering from HIV or AIDS. The law prohibits women

from working in jobs that are physically or morally harmful. The law does not forbid employment discrimination against individuals with communicable diseases or based on color, religion, political opinion, national origin, or citizenship.

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 promoted women less frequently than men.

Discrimination occurred in the informal sector with respect to Dalits, Indigenous persons, and persons with disabilities. The American Bar Association report, *Challenges for Dalits in South Asia*, noted, "Dalits have been provided with reservations (or quotas) for government jobs; however, reservations do not apply to private sector jobs." 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.

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 (see also section 6).

The government effectively enforced the law and regulations within the formal sector; however, penalties were less than those for similar crimes. Penalties were sometimes applied against violators. The law and regulations do not protect informal sector workers (industries and establishments that do not fall within the purview of the Factories Act), who made up an estimated 90 percent of the workforce.

e. Acceptable Conditions of Work

Wage and Hour Laws: State government laws set minimum wages and hours of work. 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.

The law mandates a maximum eight-hour workday and 48-hour work week. 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 and limits the amount of overtime a worker may perform.

Occupational Safety and Health: The law mandates safe working conditions, which include provisions for restrooms, cafeterias, medical facilities, and ventilation. Federal law sets occupational safety and health (OSH) standards. State governments enforced additional state-specific

regulations. OSH standards set by the government were generally up to date and covered the main industries in the country.

According to IndustriALL Global Union, in 2021 the manufacturing industry averaged seven reported accidents per month, totaling at least 162 workers killed and others badly injured or left with permanent disabilities. Small, low-technology factories frequently exposed workers to hazardous working conditions. Undocumented foreign workers did not receive basic OSH protections. In many instances, workers could not remove themselves from situations that endangered health or safety without jeopardizing their employment.

Wage, Hour, and OSH Enforcement: State governments are responsible for enforcing minimum wages and hours of work. The number of inspectors generally was insufficient to enforce labor law. Inspectors do not have the authority to conduct unannounced inspections, and inspection locations are chosen at random. If a violation is found, inspectors are not allowed to issue fines or other sanctions but must provide the employer an initial warning and time to come into compliance. Enforcement of OSH standards was poor, especially in the informal sector, but also in some formal sector industries. Penalties for violation of OSH standards were commensurate with those for crimes such as negligence. Penalties were sometimes applied against violators. Laws on wages, hours, and OSH standards do not apply to the large informal sector.

On August 2, Minister of State for Social Justice and Empowerment Ramdas Athawale told the lower house of parliament that no person in the country was engaged in manual scavenging. Minister Athawale stated 330 persons died in accidents while cleaning sewers and septic tanks between 2017 and 2021. Manual scavenging – the practice of removing human excrement by hand from sewer lines or septic tanks – is banned by law. Human rights activists said the practice remained prevalent in many parts of the country.

Informal Sector: Estimates of the size of the informal sector labor force varied. *The Ministry of Labour and Employment Annual Report for 2021-22* estimated there were 380 million persons employed in the “unorganized sector,” which is defined as “a home-based worker, self-employed worker, or a wage worker in the unorganized sector.” The International Monetary Fund’s data showed that the country’s unorganized sector employed 83 percent of the workforce, compared with 17 percent in the organized sector. The World Economic Forum’s *Global Gender Gap* report for 2022 noted that women made up 89 percent of the informal-sector labor force.

The sectors most commonly employing informal sector workers were agriculture, including landless laborers, small farmers, traditional artisans, and animal husbandry; industry, including workers in brickkilns,

construction, beedi making, and incense stick making; and services, including workers in local transport and shops, community services such as street cleaning, street vendors, garbage collectors, and domestic servants.

The Ministry of Labour and Employment launched the eSHRAM portal in August 2021 to register unorganized workers, including migrant workers, and create a national database to facilitate delivery of social security and welfare benefits. Media reports indicated that more than 279 million unorganized workers had been registered, of which 47 percent were male and 53 percent female.

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Austrian Red Cross
Austrian Centre for
Country of Origin and
Asylum Research and
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(ACCORD)

Wiedner Hauptstraße
32, 1041 Wien
T +43 1 589 00 583
F +43 1 589 00 589
info@ecoi.net

Contact
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F.A.Q.
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