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DFAT COUNTRY INFORMATION REPORT INDIA

29 September 2023

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ACRONYMS

BD	Bajrang Dal (youth wing of the VHP, see below)
BJP	Bharatiya Janata Party
CAA	<i>Citizenship (Amendment) Act, 2019</i>
ECR/ECNR	Emigration Check (Not) Required – a passport endorsement
GDP	Gross domestic product
ILO	International Labour Organization
INC	Indian National Congress
INR	Indian rupees, the official currency of India
LGBTI	Lesbian, gay, bisexual, transgender and/or intersex
LOC	Lookout Circular – an exit control list used at border crossings
NGO	Non-government organisation
NHRC	National Human Rights Commission
NRC	National Register of Citizens
RSS	Rashtriya Swayamsevak Sangh
SATP	South Asia Terrorism Portal
ST	Scheduled Tribe
UAPA	<i>Unauthorised Activities Prevention Act</i>
UNHCR	Office of the United Nations High Commissioner for Refugees
VHP	Vishwa Hindu Parishad

GLOSSARY

<i>Aadhaar</i>	12-digit unique identity number issued by the Government of India to provide access to government services (literal meaning: foundation or base).
<i>Adivasi</i>	Collective term for members of tribes on the Indian subcontinent.
<i>Dalit</i>	A Sanskrit term used to denote people outside India's four-tier caste system, who were once considered 'untouchable' (literal meaning: broken or trampled upon).
<i>Hijra</i>	A male to female transgender identity recognised in traditional South Asian cultures.
<i>Lok Sabha</i>	The Peoples', or lower, house of parliament (analogous to the Australian House of Representatives).
<i>Rajya Sabha</i>	States', or upper, house of parliament (analogous to the Australian Senate).
<i>Scheduled Caste</i>	Official term of the Government of India to represent <i>Dalits</i> under the constitution.
<i>Scheduled Tribe</i>	Official term of the Government of India which refers to specific tribes whose status is acknowledged to some formal degree by national legislation.
Union	Refers to the federal (national) government used in India in the same way that 'Federal Government' is used in Australia.
Union territory	A type of administrative division directly administered by the Union government rather than by a state government.

Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

Official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

Societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

1. PURPOSE AND SCOPE

1.1 The Department of Foreign Affairs and Trade (DFAT) has prepared this Country Information Report for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian Government policy with respect to India.

1.2 The report provides a general, rather than an exhaustive, country overview. It has been prepared with regard to the current caseload for decision makers in Australia, without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 84 of 24 June 2019, issued under s 499 of the *Migration Act 1958*, states that:

Where the Department of Foreign Affairs and Trade has prepared [a] country information assessment expressly for protection status determination purposes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report draws on DFAT's on-the-ground knowledge and discussions with a range of sources in India. It takes into account information from government and non-government sources, including but not limited to those produced by: the Government of India; the United Nations and its agencies; the US Department of State; the UK Home Office; the World Bank; leading human rights organisations, such as Human Rights Watch and Amnesty International; non-government organisations; and reputable news sources. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT report on India published on 10 December 2020.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 Today's India came into existence in August 1947, after the partition of British India and creation of India and Pakistan. Partition resulted in significant displacement, civil unrest, violence and religious discord. Millions of Muslims moved to what became Pakistan (part of which later became Bangladesh) and millions of Hindus moved to what became India. Tensions between India and Pakistan have continued since that time.

2.2 India is a federation of states with diverse languages and cultures. The modern states grew out of linguistic divides, previous British colonies, and princely states. Each state has its own government, legislative assembly, official language, and social and political culture.

2.3 At the federal level, the Indian National Congress (INC, or simply 'Congress') was in government for the first several decades of post-independence India. Amid student protests against high consumer prices in the 1970s, the President of India, on advice from INC Prime Minister Indira Gandhi, declared a 'state of emergency' giving her extraordinary powers to quell unrest, including the suspension of elections. The government introduced censorship, arrested critics and introduced economic measures to reduce inflation, wages and tax evasion. The policies were unpopular and when Gandhi called for fresh elections 21 months later, the Janata movement (an amalgam of ideologically different political parties opposed to the emergency measures) won the 1977 elections. Gandhi led the INC back to power in 1980, after the Janata Party split.

2.4 In the early 1980s a violent [Sikh separatist movement](#) emerged in the north-western state of Punjab. In the most infamous incident of the long-running militancy, Gandhi sent the army to quell unrest in an operation known as 'Operation Bluestar' in which hundreds of people were killed in a four-day siege against the Golden Temple in Amritsar in 1984. Gandhi was assassinated four months later by her Sikh bodyguards in retaliation for Operation Bluestar. Gandhi's son, Rajiv Gandhi became Prime Minister upon the death of his mother.

2.5 Between 1989 and 2014, no single party won a majority and power alternated between a series of coalition governments, some led by the INC. Current Prime Minister Narendra Modi of the Bharatiya Janata Party (BJP) was elected in 2014 with the first single-party majority since 1984. Modi stood on a platform of development and growth and Hindu nationalism (see [Hindu nationalism](#)) and was re-elected in 2019 with a larger majority.

2.6 India is a mature and robust democracy in which politics is hotly contested, and news and analysis is often sensationalised. Social media is used widely and sometimes includes disinformation. According to media reports, Hindu nationalism and populism have risen since Modi's 2014 election. During this period the largest national opposition party, the INC, has weakened significantly at the national level, and no other political party has shown itself capable of forming a nationally cohesive challenge to the ruling BJP. Generalisations about India's state of democracy are often unhelpful; India is characterised by significant ethno-linguistic and political diversity and the political landscape in one state can differ significantly from its neighbours. Diversity also exists within states. Some states (notably Uttar Pradesh, Maharashtra and Bihar) have populations exceeding 100

million people: more people than most nations. See [Political Opinion \(Actual or imputed\)](#) for further detail on Indian party politics and [Political System](#) for information on Indian democracy.

DEMOGRAPHY

2.7 India's 1.4 billion people are ethnically and linguistically diverse. According to the CIA World Factbook, more than 85 per cent of the population is aged 54 years or younger, with a median age of under 29 years. About 36 per cent of the population lives in urban areas. India's main cities are very large, with 32 million people living in New Delhi and more than 20 million in Mumbai. Several other cities have a population above 10 million.

2.8 English is widely spoken in India, especially among the upper classes, and is the native language of some Indians. English speakers are found throughout the country, both in the large cities and in less densely populated areas. For example, English is the official language of Nagaland, including as the language of instruction in schools, even though it is not the native language of most residents.

2.9 For religious demography see [Religion](#). For ethnic and linguistic demography see [Race/Nationality](#).

ECONOMIC OVERVIEW

2.10 The World Bank classifies India as a lower-middle income country. Prior to the COVID-19 pandemic, the economy was growing and poverty rates were falling significantly. Gross domestic product (GDP) fell approximately 7 per cent in 2020, during the first year of the pandemic. India entered its first ever technical recession in late 2020. The longer-term effects of the COVID-19 pandemic are not yet clear. India's economy continued to recover in 2022, although a slowing global economy, inflation, and elevated commodity prices pose risks to economic recovery. Nevertheless, in late 2022, India's economy became the world's fifth largest, and its real GDP growth trajectory is projected to exceed 6 per cent in the 2023/24 financial year.

Corruption

2.11 India ranked 85th out of 180 countries in Transparency International's 2021 Corruption Perceptions Index, which measures public perceptions of corruption. GAN Integrity notes 'high corruption risks' with 'widespread' bribery and 'especially prevalent' corruption in [judiciary](#), [police](#) and public services.

2.12 A government-led anti-corruption campaign which began in 2011 has had mixed reviews. A national anti-corruption institution, Lokpal, was formed in March 2019. According to Transparency International, perceptions of corruption remained relatively stable between 2011 and 2019, with a small rise in perceptions of corruption since 2011. Media analyses of the Lokpal have accused it of being ineffective: few complaints are made, many are frivolous, and there are vacancies in many key posts.

2.13 India's rapid adoption of electronic automated transactions has reduced corruption. Some new forms of automation require fingerprint scanning and end-to-end encryption, which can significantly reduce corruption risk. These innovations have yet to be fully rolled out to all government transactions. People in India may still turn to bribes, especially when bureaucracy and decision making is slow or arbitrary, for example in the [judiciary](#) or with the [police](#). DFAT understands that the level of corruption differs from state to state.

Health

2.14 The quality and availability of health services in India varies significantly, with inadequate supply of professionals (such as doctors, nurses and paramedics) to meet demand. Health expenditure as a percentage of GDP was just over 3 per cent in 2019, according to World Bank data (the most recent available at the time of writing), compared to a world average of 9.84 per cent. The World Bank estimates that there were about 0.5 hospital beds per 1,000 people in India in 2017 (the most recently available statistics), far lower than the world average of 2.9.

2.15 Health services are the responsibility of the states and public health services, and quality and services vary between states. Broadly speaking, richer states (for example southern states such as Kerala) and large wealthy cities (such as Delhi, Kolkata and Mumbai) have better services available while less developed states and cities have less advanced services available. World-class facilities in cities cater to the upper class. In rural areas, health care is delivered in public health centres or community health centres, with more complex cases referred to district and sub-district hospitals or tertiary or specialty facilities in cities. Primary health centres in rural areas can lack basic infrastructure such as clean water. The COVID-19 pandemic brought attention to a black market that provided medicines and oxygen when the public system was unable to meet demands.

2.16 The private health sector is expensive, usually urban, and not necessarily good quality. Some Indians claim the system overservices patients to inflate prices. However, despite such criticisms of the private health system, those who are able to afford private health care do generally seek to access it over the public system. A study published in BMC Health Services Research in 2021 found the average out-of-pocket expenditure per episode of outpatient care in the relatively less wealthy state of Chhattisgarh was INR 400 (about AUD 7) for public providers, and INR 2,643 (about AUD 46) for private providers. Costs vary from place to place and can be much higher depending on the location and condition treated. INR 400 (about AUD 7) rupees is several days of income for many Indians. Sources told DFAT that even subsidised health care is enough to bankrupt the poorest Indians.

2.17 There are several health insurance schemes, however they are mostly targeted at people working in the formal sector. The poor may be able to access reimbursements from the Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (PM-JAY), however the scheme depends on fixed payments to hospitals and doctors for specific conditions, which sometimes means that comorbidities are not treated.

2.18 With hundreds of millions of internet subscribers and smartphone users across India, the Government of India has invested significantly in digital health care systems to improve information-sharing and access to quality health care. This includes access to tele-health services for those in rural areas, which has improved access to health care for some, although is not necessarily more affordable. It does, however, mean savings can be made on travel and accommodation costs for people who live in rural areas accessing medicine because they may be able to complete appointments through telehealth, rather than travel to a city.

2.19 DFAT assesses eligibility for healthcare subsidies and other services is complex and depends on the person, their illness and their circumstances - access to such schemes should not be assumed.

HIV

2.20 HIV treatment is generally available with second and third-line treatments provided, usually for free. Barriers to access might be related to socioeconomic status more broadly; for example, having to take time off work to access health care. Early testing and treatment is encouraged by the government, particularly in vulnerable communities such as the [LGBTI community](#), [hijra](#), men who have sex with men, sex workers and people who use drugs. Vulnerable people have access to pre-exposure prophylaxis (PrEP, a medication that prevents HIV transmission) and post-exposure prophylaxis (PEP, a medication that prevents infection if taken immediately after exposure), but these treatments are not free.

2.21 Some people with HIV refuse to accept that they have the condition, or the need to treat it, because of stigma. Sex can be associated with a strong taboo in India and there is a common perception among Indians that those who have HIV are promiscuous and that their diagnosis is a moral failing. Stigma is worse in rural areas, however transmission rates are far greater in cities.

2.22 The situation varies from state to state and according to individual circumstances, however most Indians can access HIV treatment if they need it. DFAT assesses that people living with HIV face a low risk of official discrimination and a moderate risk of societal discrimination.

Mental health

2.23 Sources told DFAT the number of mental health workers is not sufficient to service demand. There is a shortage of trained mental health workers which, in practice, means that not everyone who needs care can access it. Mental health care is more likely to be accessible in large cities, while healers and other non-professionally qualified people may provide care in rural areas.

2.24 Meeting with a counsellor or psychologist is strongly associated with shame for many Indians. This often means that patients will delay treatment until the problem becomes severe, and perhaps will not even seek treatment then. The stigma associated with poor mental health makes it difficult for mental health professionals and patients to build rapport or discuss issues or solutions effectively.

2.25 Mental health is not widely discussed in India, as a result, mental health literacy is low. It is possible that many people are unaware of their mental illness, or lack the knowledge or vocabulary to discuss mental health. Family is a critical aspect of Indian life and culture, and not all families are accepting of members who are living with mental illness. This stigma and taboo extends to employment and education, and those with mental illness are often ostracised at work or school.

2.26 Neurodiversity is poorly understood. People in the upper classes might be more likely to seek diagnoses and treatment for conditions such as autism spectrum disorder (ASD) and attention deficit hyperactivity disorder (ADHD) in children, whereas those with little or no education or exposure might not understand such diagnoses. Overall, understanding and acceptance is poor, and people living with these diagnoses may be expected by families, schools, workplaces and society more broadly to modify their behaviour without support, interventions or treatment.

2.27 DFAT assesses that people living with mental illness and/or neurodiversity face a low risk of official discrimination, except to the extent that they may not be able to access appropriate healthcare. This is true of many Indians with various medical issues, as outlined in the section on healthcare. Indians living with mental illness and/or neurodiversity face a moderate risk of societal discrimination.

Education

2.28 Children aged 6 to 14 are constitutionally entitled to free education and school education for children of that age is compulsory. In practice, the mean years of Indian schooling are 8.7 years for boys and 5.4 years for girls, according to UN Development Programme data. Throughout India, almost all children of primary school age are enrolled in school however the quality of schooling varies. The adult literacy rate is about 74.4 per cent, according to the same source. Inequalities exist; lower caste Indians and those belonging to the Scheduled Tribes have lower levels of achievement and higher dropout rates.

2.29 In theory, documents such as an Aadhaar card (unique identity number) are required to enrol in school (different states and schools have different requirements). In practice, people can generally enrol in schools without them, documents may not be rigorously checked, or document fraud and bribery may also facilitate enrolment.

2.30 The education system has several layers including ‘lower’ and ‘upper’ primary (years 1–5 and 6–8 respectively) and secondary and upper secondary (years 9–10 and 11–12 respectively). Students can obtain certificates on completion of years 10 and 12, based on which they can pursue technical or university education.

2.31 Parents are more likely to invest in education for their sons rather than their daughters; the return on investment in sons is seen as greater because, in most Indian cultures, girls will leave the family on marriage and reside with her husband’s family. In practice, this might mean that boys receive more years of schooling, or are sent to expensive training and coaching facilities or have more learning resources (computers, mobile phones) than girls.

2.32 While marriage under 18 years old is illegal in India, girls can nevertheless be subjected to early marriage, which disrupts their education. According to UNICEF data released in May 2023, one in four Indian girls is married before her 18th birthday, with the highest rates of child marriage in the states of Uttar Pradesh, Bihar, West Bengal, Maharashtra and Madhya Pradesh. Child marriage is more common in rural areas and amongst lower socio-economic class.

Employment

2.33 As with many countries, the labour market was badly affected by the disruptions of the COVID-19 pandemic. Markets have recovered and jobs are widely available, however the nature and quality of those jobs varies, which reflects the diverse nature of the informal sector rather than COVID-19 disruptions.

2.34 Most Indians work in the informal sector (that is, without contracts and other legal protections, often as day labourers). The agriculture sector in India is large – approximately 44 per cent of workers participate in that sector, according to the ILO. Many of those working in the agricultural sector of rural India in general are daily wage workers. Employment in the ‘gig economy’ (for example, driving an Uber) is also an option for many Indians.

2.35 According to an analysis published by the Brookings Institution in July 2020, most informal workers work for small businesses, many of which supply goods and services to other businesses, such as those in manufacturing or agriculture. Men in rural areas can often find informal work in agriculture, however it depends on the season and locally determined employment opportunities. Most agricultural businesses are small and do not have significant economies of scale or large numbers of people employed.

2.36 There is a strong cultural commitment to education in India, however many educated young people struggle to find employment, with an oversupply of university graduates, particularly in certain disciplines like engineering. According to Azim Premji University’s Centre for Sustainable Employment’s 2021 State of Working in India report, the graduate unemployment rate is 33 per cent (42 per cent for women), much higher than the total youth unemployment rate, which is approximately 20 per cent. The sheer number of young graduates competing for work, the large informal sector and poor standards in some educational institutions leave many graduates unemployed, yet unwilling to take jobs in non-professional fields and still carrying student debt. Those with good connections or who are already from the upper classes are much more likely to be able to get a graduate job.

2.37 The IT sector is booming, and many young Indians find work there if they have the right qualifications and are willing to relocate to cities such as Bengaluru (Bangalore), which have fast growing IT industries. Labour market trends are complex: some sources point to a ‘brain drain’ as young Indians seek opportunities abroad. However, some members of the Indian diaspora return to India to engage in the technical sector, particularly if they had relocated to lower income countries in the first place (‘reverse brain drain’).

Social welfare

2.38 Social welfare is traditionally provided within the family and many Indians rely on family for support in times of need. It is common for Indian families, even in poor and remote areas, to save what they can in physical cash or jewellery, which might be for the payment of future dowries or family emergencies.

2.39 Some social welfare programs exist. For example, those living in extreme poverty in rural areas might be offered employment by the government or benefit from state distribution of staple foods. Other more specific programs also exist, for example the Ujjwala scheme provides free liquid petroleum gas connections for people from disadvantaged caste and tribal backgrounds. Some local and state governments also have programs that might provide specific food or fuel aid. Eligibility criteria for welfare schemes are complex and vary by location; access to such schemes should not be assumed. Even if eligible, subsistence on social welfare schemes alone is not possible.

2.40 Religious charity is another source of social welfare. Sikh *gurdwaras* (places of worship) are particularly well-known for providing food and accommodation and sometimes health care, including to non-Sikhs. The Christian community is also very active in providing health care, education and other social services.

2.41 Most Indians in poverty would attempt to find work in the informal sector to meet their immediate needs if possible. Social housing programs are inadequate to meet demand in large cities, many of which have high housing costs. While the middle class is rising quickly, as inequality gaps intensify, many people nevertheless live in makeshift homes and slums. DFAT assesses that while social welfare programs might exist, eligibility is complex and access should not be assumed. If eligible, a person will most likely need to supplement those payments or subsidies to meet living needs.

POLITICAL SYSTEM

2.42 India is the world's largest democracy. Both state and national elections meet international standards for free and fair elections. Turnout at the 2019 national election was at record highs (over 67 per cent) with strong participation from all socio-economic classes. A very large and diverse range of parties contest elections.

2.43 India is a federal republic with 28 states and 8 union territories. The national parliament is bicameral: the *Rajya Sabha* is the upper house, and the lower house is called the *Lok Sabha*. The Prime Minister is the leader of the party with the majority of seats in the lower house or a Member of Parliament able to win the confidence of the *Lok Sabha*. The *Lok Sabha* is directly elected and there are currently 543 seats. The *Rajya Sabha* currently has 245 members, 12 of whom are nominated by the President. The others are indirectly elected by the legislatures of the States and Union Territories. The President is elected by an electoral college system.

HUMAN RIGHTS FRAMEWORK

2.44 India is a party to most of the core international human rights conventions (for a current list, see [the United Nations Office of the High Commissioner for Human Rights website](#)). There are also constitutional protections against discrimination on the grounds of religion, race, caste, sex and place of birth, however not currently sexuality or gender identity. There are legal protections for people with disabilities under the *Persons with Disabilities Act 2016*, which also requires government to ensure equality, and life with dignity for people with disabilities, including mental illness. There are some protections for some forms of gender identity under the *Transgender Persons (Protection of Rights) Act 2019*. Case law also offers some forms of rights for some

forms of identity. In practice, sources told DFAT that discrimination on the grounds mentioned above does occur despite legal protections.

2.45 The National Human Rights Commission (NHRC) was established in 1993. The states also have their own human rights commissions and sometimes complaints made to the NHRC are transferred to a state commission. The NHRC has a broad mandate across a large range of human rights issues, including sex, gender and disability, and is involved in research, education and training, and awareness raising. Beyond the NHRC, there are a range of other national human rights institutions, including the National Commission for Women, National Commission for the Protection of Child Rights, National Commission for Minorities, National Commission for Backward Classes, National Commission for Scheduled Castes and National Commission for Scheduled Tribes.

2.46 Critics claim the NHRC and other official human rights bodies both nationally and in the states are politically biased and ineffective. According to sources, their effectiveness depends on a range of factors, including the issue and the capacity of the NHRC. State human rights commissions vary in quality.

SECURITY SITUATION

2.47 Overall, most Indians are not exposed to significant security threats on a day-to-day basis. There are some exceptions in specific, remote areas, which are covered below. Those that live in cities may be exposed to civil unrest, including violent rioting, which occurs from time to time across the country. Drivers of civil unrest are complex and varied and can include ethnic and religious tensions, insurgencies and terrorism and political and ideological violence. For the most part most Indians will avoid being in such situations.

2.48 Misinformation spread on social media occasionally leads to violence. Rumours spread using social media platforms, such as Facebook, Snapchat, Twitter, WhatsApp and YouTube, about alleged crimes leading to occasional vigilantism. These events are unpredictable, however tend to be localised.

Jammu and Kashmir

2.49 Jammu and Kashmir, an area in northern India in the Himalayas, was a state with special status under Article 370 of the Constitution until 2019 when the government amended the constitution and reorganised the state into two union territories: Jammu and Kashmir; and Ladakh. Jammu and Kashmir has a majority Muslim population with a significant Hindu minority and small Sikh and Christian groups. Sovereignty over the region is also claimed by Pakistan and has been the subject of armed conflict. The de facto border between the two countries is the 'Line of Control.' A ceasefire between India and Pakistan has held since February 2021. The region has experienced Islamic extremist, insurgent and violent separatist activity.

2.50 The reorganisation of the former state into two Union territories gives the Union (national) government more power in the region, for example in relation to citizenship and land ownership. This means that Indian citizens may now permanently settle, buy and sell land, which was not possible before the reorganisation. While this has caused local outrage at the prospect of ethnic demographic shifts, according to media reports which includes statements from the Ministry of Home Affairs, very few people from outside the region have purchased property.

2.51 At the time that the constitutional changes were announced, Indian authorities deployed thousands of additional security personnel to the region, detained political leaders and activists, restricted public gatherings, and shut down the internet and telephone lines. According to media reports, over 5,000 people were detained between August and November 2019 under India's *Public Safety Act* and many more since.

2.52 For many years, protests against Indian control or in favour of ethnic or Islamic separatism have been common and often violent. However, sources told DFAT that the region has seen fewer protests since mid-2019 due to the strong security presence and sweeping powers of arrest by security forces under the *Jammu and Kashmir Public Safety Act 1978*, which allows for arrests and preventative detention. Some protesters are in prison, however statistics on the number of such detainees are not available. Over several years, police have arrested scores of young men for throwing stones or fruit, or using pellet guns (a type of low-powered firearm that is capable of inflicting serious injury, but not as powerful as a regular firearm). Pellet guns are also used by police against protesters.

2.53 The region was mostly peaceful in the two years following its reorganisation into Union territories, however a surge in violence occurred in October 2021 with dozens of deaths. Militants targeted members of minority religions and non-Kashmiris, including Hindus and Sikhs and migrant workers living in the Kashmir Valley. Local authorities blamed 'The Resistance Front', comprised of terrorist group Lashkar-e-Taiba, a Pakistani terrorist group, and Hizbul Mujahideen, which is made up of local fighters. The national government sent in thousands of additional troops to deal with the violence.

2.54 According to a BBC article from August 2021, based on information from 'local officials', more young Muslims are being 'drawn towards militancy' and 'resistance is now becoming increasingly homegrown'. However, not all anti-government activity is violent; Muslim Kashmiris assert their views using non-violent political means such as protests and political organising.

2.55 The situation in Jammu and Kashmir is not always clear. Remoteness, government restrictions and low-grade technology (for example, 2G mobile phone service and other limitations that are also related to the remoteness of the region) limit available information. Internet is sometimes shut down by authorities, ostensibly for security reasons to prevent organising of violence.

North-east separatism

2.56 North-eastern India borders Bhutan, Bangladesh, China, Nepal and Myanmar. Eight, mostly geographically small, states (Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim) are found in the region, reflecting the ethnic, linguistic and religious diversity there. Historically, some militant separatist movements have existed in the region, although violence has significantly reduced in recent years. Some separatist groups have entered into agreements with authorities to end violence.

2.57 The South Asia Terrorism Portal (SATP) notes how 'strident and divisive' political discourse can lead to violence. Communal polarisation in both India and Bangladesh may also play a role (see National Register of Citizens). The SATP notes some incidents of separatist violence in the region, but in a clear downward trend over several years. The Indian Government cooperates with neighbouring countries (Bangladesh, Bhutan and Myanmar) to track and arrest terrorists who have attempted escape over national borders.

2.58 Attacks by militants against civilians occur occasionally, and there is also risk to those within militant groups who may attack and kill each other in factional disputes. Relative peace is maintained by a heavy security presence in the region that is also sometimes implicated in the violence. For example, in December 2021 Indian security forces killed 14 civilians in Nagaland whom they mistook for insurgents. In July 2021 five Assam police officers (among hundreds present) were killed by Mizoram police over a border dispute between Mizoram and Assam.

2.59 In May 2023 in Manipur, years of inter-tribal tensions erupted into violent protests and riots with over 100 people killed. The situation has become more stable at the time of writing, but violent clashes continue to flare. There has been media commentary suggesting communal politics have been a factor contributing to the unrest.

Naxal movement (Maoists)

2.60 The Naxal or Naxalite movement, which follows a Maoist ideology, originated in 1967 as a violent peasant uprising over land reforms in Naxalbari village in West Bengal. It later spread to other areas and forged links with other communist movements around the world. The strength of the insurgency ebbed and flowed during the 1970s and 1980s, however became stronger in 2004 when two Naxalite groups – Marxist-Leninist and Maoist – merged to form the umbrella group the Communist Party of India - Maoist. The insurgency has generally been in decline since 2004.

2.61 At its peak, the movement used guerrilla warfare against security forces to seek to overthrow what it perceives to be a semi-colonial, semi-feudal system that oppresses and exploits the masses. The movement claims to represent the economically marginalised, including lower castes and tribal people. What remains of the insurgency is mostly in tribal areas and poor rural areas, their bases are often in remote areas of central and eastern India.

2.62 Indian security forces monitor and suppress the movement but the SATP notes that some state police forces are ill-equipped to deal with the threat. Even so, the same source notes that Naxalites are at a 'strategic disadvantage' against security forces and that there is 'no imminent threat of their re-establishing dominance in areas they have lost'.

2.63 Forced recruitment is alleged, but seemingly with minimal success. Insurgent groups reportedly ask each family in a village to provide one son to fight, however sources say the groups rarely threaten families, as they do not want to lose their already small support base. There are historic reports of child recruitment among the very poor, but also reports from the early 2010s of disgruntled poor youths being a source of voluntary recruitment. A report in *The Times of India* from September 2021 pointed to recruitment of 15-year-olds. The report alleged that, once recruited, the children were not allowed to return to their homes and some were subject to forced sterilisation. That source refers to one survey. DFAT was unable to find information about a pattern of recruitment and it likely depends on regional and individual circumstances.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 India is multi-ethnic and multilingual. According to CIA World Factbook estimates, 72 per cent of people come from the Indo-Aryan ethnic group and 25 per cent of people come from the Dravidian ethno-language group, the latter concentrated in the south of the country. Three per cent of people come from a different ethnic grouping.

3.2 The constitution guarantees citizens the right to conserve their distinct language, script and culture. The national constitution recognises 22 languages, however recognises Hindi as the official language and also recognises English as an official language. There are hundreds of other dialects and languages spoken across the country and states also have official languages. Languages are an important defining feature of states and several new states have been created based on language since independence.

3.3 The Indian Constitution does not permit dual citizenship. There is a category of 'Overseas Citizenship of India' (OCI), whereby 'Persons of Indian Origin' could be a citizen of other countries if the other country allows dual citizenship. Mostly this scheme applies to people of Indian ethnicity who are citizens of Western countries and who would be entitled to the protection of those countries. The rights and privileges that attach to OCI status change frequently and significantly. Enquiries can be made about specific rights, which are published on Indian Government websites.

Scheduled tribes (Adivasis)

3.4 The constitution makes provisions for tribal people who have come to be known as 'scheduled tribes', named after lists that were contained in a schedule to the 1950 Constitution of India and identified as subjects of special provisions for social and cultural development. These people are also known as 'Adivasi', which means 'original inhabitants'. Hundreds of different scheduled tribes ('STs', as they are often called in India, referring either to the tribes or their members) were counted in the 2011 census (most recent available statistics at the time of writing) in various states. The Constitution recognises over 700 tribes. Although different groups live throughout India, there are significant numbers in the north-eastern states and central parts of the country.

3.5 Many STs share at least some religious beliefs with Hindus and, over thousands of years, a lot of cultural contact has occurred. In theory, STs are outside the caste system but over time (and noting significant diversity between different groups) there are some that are now part of the caste system.

3.6 Per the Constitution, a certain number of seats (47 out of 543 at the time of writing) in Parliament are set aside for STs as are places in education, the civil service and nationalised industries. Despite these provisions, most STs live in significant poverty in rural areas (including in forests; some groups are called 'forest dwellers' by some sources). Industrialisation, deforestation and urbanisation has led to the loss of traditional lands and cultural practices. Few practise traditional hunter-gatherer lifestyles, but some continue to derive an income from their traditional homelands in the forests.

3.7 An Oxfam survey from 2021 found that 22 per cent of STs faced discrimination in health care settings because of their identity. Activists claim poor access to schools, poor quality of those schools and a lack of technology prevent many STs from accessing higher education and social mobility opportunities. There is some connection between STs and Maoist groups, who sometimes base themselves in ST areas meaning that heavy security is sometimes applied to traditional homelands (see [Naxal movement \(Maoists\)](#)). Citizens for Justice and Peace (CJP), an Indian Human Rights NGO, has documented a number of cases of violent attacks, including rapes and lynchings, against STs.

3.8 Despite government affirmative action policies ('reservations'), in practice STs often experience poorer quality health care and education opportunities than other residents of India, and DFAT assesses that STs face a moderate risk of official discrimination. In situations where STs live outside of ST dominated areas or communities, DFAT assesses that STs face a moderate risk of societal discrimination.

RELIGION

3.9 According to 2011 census data (the most recent available), almost 80 per cent (more than 1 billion people) of the population of India is Hindu. Another 14.2 per cent of people are Muslims (just under 200 million), 2.3 per cent are Christians (around 27 million), 1.7 per cent are Sikhs (just under 21 million) and less than 1 per cent are Buddhists (just under 10 million). A further 1.3 per cent (around 18 million) follow other religions including Jain, Zoroastrian, Jewish and Baha'i faiths, and tribal religions. Muslims, Sikhs, Christians, Buddhists, Jain and Zoroastrians (Parsis) have been notified as minority communities under Section 2 (c) of the National Commission for Minorities Act, 1992.

3.10 The constitution prohibits religious discrimination and guarantees the right to freely practise religion and the right for religions to manage their own affairs. The constitution guarantees the right to propagate a religion except where that would affect the operation of some state laws. For information about conversion laws and policies in practice in some states, see [Conversion and anti-conversion laws](#).

3.11 Both religious pluralism and communal violence have a long history in India. The situation has evolved in recent years with new political movements and the adoption of technology that can be used to disseminate information, and the use of social media to incite violence.

3.12 Research by the Pew Research Center published in June 2021 found that 84 per cent of people say that to 'be truly Indian' it is important to respect all religions. The same research found that more than 85 per cent people in each of six major religious groups surveyed (Hindus, Muslims, Christians, Sikhs, Buddhists and Jains) felt that they were free to practise their own religion, and most of those agreed that other religious groups were similarly free to practise their religions. According to the survey, communal violence, while often high-profile events that are covered extensively in the media, are not day-to-day issues for most Indians.

Conversion and anti-conversion laws

3.13 There are laws in some states that restrict religious conversions (Arunachal Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Odisha, Rajasthan, Uttarakhand and Uttar Pradesh – and, most recently, a law restricting conversions passed the upper house of the Karnataka state parliament in September 2022 and a similar law passed the Haryana parliament in December 2022).

3.14 Conversion laws prohibit 'forced' conversions, where (depending on the state law) force can mean 'allurement' or fraud or coercion. Laws require that a bureaucratic process (forms, fees, approvals) must take place for conversion. Penalties and enforcement vary by state but can involve prison terms. Many of these

laws were enacted in response to so-called 'love jihad', an alleged practice in which Muslim men marry Hindu women (or girls) to convert them to Islam. DFAT understands that the practice, if it exists at all, is very rare.

3.15 Christians claim to be targeted by anti-conversion laws. In Madhya Pradesh, for example, there have been reported incidents of gangs of [Hindu nationalists](#) conducting 'raids' on Christian churches after which Christian pastors have been charged under that state's anti-conversion laws.

3.16 Some low-caste Hindus have converted to other religions to escape the caste system and attendant [class-based discrimination](#). For example, most converts to Christianity from Hinduism are low-caste according to July 2021 research from the Pew Research Center.

3.17 A 2021 survey by Pew Research Center found that, despite heavy media attention, legal and political attention paid to the issue of conversion, in practice conversion is quite rare. The Pew study reported that 98 per cent of respondents had the same religion when surveyed as they did in childhood. The Pew study also found that, overall, the numbers of adherents as a percentage of the population is stable over time.

3.18 DFAT assesses that converts to other religions experience a moderate risk of official discrimination in states where anti-conversion laws exist. Conversion is possible, but it may be a complicated and difficult process. DFAT assesses that there is also a moderate risk of societal discrimination because in some cases communities or extended families may oppose the conversion.

Hindu nationalism

3.19 Since the election of the BJP government in 2014 there has been sustained media attention on the issue of Hindu nationalism, sometimes known as *Hindutva*, roughly translated as 'Hindu-ness'. A key aim of Hindu nationalism is to 'restore' the pre-eminence of Hindu culture-civilisation in India. There have been high-profile attacks by Hindu nationalists against minority religious communities and some analysts have claimed that the national government has created a permissive environment for Hindu nationalist groups to intimidate members of minority religions through violence, hate speech and otherwise.

3.20 The most prominent Hindu nationalist group is an organisation called the Rashtriya Swayamsevak Sangh (RSS) and its many affiliated organisations. RSS was founded in 1925, however came to international prominence after the election of the BJP government at the national level (the BJP emerged from the RSS as its political wing). The RSS itself is only open to males; a women's organisation exists but does not have the same prominence or influence on society; both men and women can be part of the RSS's affiliate organisations. Traditionally, the RSS has been dominated by upper-caste Hindus, but it has made a significant effort to diversify its membership in recent decades. The RSS's main organisational unit is its daily 'shakhas' which includes morning military-like drills and martial arts, religious and cultural instruction, and social events. It aims to instil discipline in its members. The RSS has overseas affiliates including branches in Australia (called the Hindu Swayamsevak Sangh).

3.21 The Vishwa Hindu Parishad (VHP) is an affiliate of the RSS founded in 1964 with the goal of consolidating Hindu society and protecting Hindu dharma (roughly translated as religion or philosophy). The organisation is involved in renovation and construction of Hindu temples, campaigns against other religions proselytising, and political activism. For example, the group was allegedly involved in a riot in which a mosque was vandalised and houses and shops were ransacked in Tripura in October 2021. Similar riots between Hindus and Muslims occurred in 2022 (see [Muslims](#)). The VHP also has branches in Australia.

3.22 Bajrang Dal (BD), the youth wing of the VHP, has been active in campaigning against cow slaughter, Muslims marrying Hindus, and against proselytisation by other religions – including resorting to violence. A BD activist was stabbed to death in Karnataka in February 2022. Police linked the stabbing to the activist's anti-

Muslim hate speech on social media. Supporters rioted during a funeral procession for the dead man causing several injuries and damage to cars and businesses.

3.23 The most recent example of large-scale communal violence was the Delhi riots of early 2020. Protesters against the [Citizenship \(Amendment\) Act 2019](#) clashed with counter-protesters in several parts of Delhi in January and February 2020, leading to more than 50 deaths; a disproportionate number (two thirds) were Muslims. According to Human Rights Watch and some Indian media sources, police selectively delayed investigations and charges against rioters based on their Hindu religion, with many court cases still pending as of early 2022. Courts, police and criminal processes in India are slow and the extent of religious discrimination versus slow bureaucracy is not clear, but in some cases Indian judges have criticised the police investigations as unprofessional or incompetent.

3.24 Other examples of communal violence include violent protests in December 2021 after several radical Hindu leaders called for Hindus to take up arms against Muslims at a religious conclave in Uttarakhand. The slogans they used called for violence to protect Hindus from Muslims. The speakers and attendees were mostly from Hindu fringe groups.

3.25 Right-wing protesters gathered in Tripura to protest anti-Hindu violence in neighbouring Bangladesh in November 2021. A mosque was vandalised by the protesters. According to *The Guardian*, the violence was incited by people using social media and police had asked platforms such as Facebook, Twitter and YouTube to remove posts, some of which were removed the next day.

3.26 So-called 'cow vigilante' attacks receive a significant amount of media coverage. Cows are sacred to Hindus. Cow vigilantism generally involves groups of men who find and attack people, usually religious minorities, who allegedly interfere with cows, for example across State lines. Victims are often beaten, sometimes to death. Overall, these incidents are not common.

3.27 Communal disputes occur around other issues cultural differences, for example non-vegetarian food. The *New York Times* reported in December 2021 that city officials seized or overturned stalls selling eggs and meat products in Ahmedabad because of complaints by Hindus that non-vegetarian food sales hurt their religious sentiments. DFAT is not aware of a pattern of incidents.

3.28 When violence by Hindu nationalists occurs, it attracts significant media attention. Violent incidents are often perpetrated by extremists and fringe groups. While those groups are loud and can amplify their voices widely through social media, incidents of violence such as those described above are not day-to-day occurrences. While uncommon, when they do occur, they can lead to fatalities. Hindu nationalists enjoy a significant amount of political and social capital and DFAT assesses that they experience a low risk of social or official discrimination.

Muslims

3.29 Indian Muslims are mostly Sunni, however are otherwise not a homogenous group across the country. There are Muslims of various socio-economic statuses, levels of education, careers and religious and political views. Islam has a long history in India. Muslim and non-Muslim Indians have been living together for centuries.

3.30 Muslims are a significant voting bloc, although like any group, they are diverse in their political identity in the context of a mature democracy rich in complexity and nuance. Political parties, including the ruling BJP, have Muslim members and actively seek their votes.

3.31 Muslims are a minority in every state and Union territory except the territories of Jammu and Kashmir and Lakshadweep. Muslims are also the largest religious group, but not a majority, in Ladakh. These Union

territories have relatively small populations. The word ‘minority’ when used in India media sometimes means ‘Muslim’, unless a different minority is specified.

3.32 Muslims are sometimes identifiable by their dress, headwear or facial hair as well as their names. Outward expressions of Muslim identity are becoming more common. It is common for Muslims to live in Muslim neighbourhoods with other Muslims and an address in or other connection to a particular geographic area may also make Muslims identifiable.

3.33 Many media sources and human rights commentators claim that anti-Muslim sentiment is rising in India amid growing polarisation. Online trolling and incitement to violence has been reported, along with various kinds of harassment. For example, in January 2022 various media outlets reported that prominent Muslim women had been included in an online ‘auction’ in a virtual cyber bullying and stalking campaign, which led to the arrest of an organiser of the event.

3.34 According to research by Pew Research Center in 2021, 24 per cent of Muslims say that their community experiences ‘a lot’ of discrimination. That research found that about 40 per cent of Muslims living in the north of India said they experienced religious discrimination in the last 12 months, which is much higher than that reported in other areas (19 per cent in the south of India and 21 per cent nationally).

3.35 Communal violence and anti-Muslim rioting occurs from time-to-time. For example, in April 2022 a riot allegedly planned by anti-Muslim Hindu nationalist groups killed one person, injured six police officers and caused widespread property damage. Police investigated and made arrests in relation to the violence. They concluded that the violence was started by small group of about five to seven people who had conspired to cause the unrest. See also [State Politics – Gujarat](#).

3.36 Protests in Delhi against the [Citizenship Amendment Act](#) in 2020 saw more than 50 people killed, most of them Muslim. [Hindu nationalist](#) mobs attacked Muslim protesters in the worst violence in the capital in decades. These kinds of events are not common occurrences.

3.37 Smaller-scale incidents, including lynchings, have also been reported. Local and international media occasionally report on accounts of gangs, which can include dozens of men, beating Muslim men for their religion, or having beef in their houses, for example. These kinds of incidents receive significant media coverage, but are not common experiences for most Muslims.

3.38 The violence is not necessarily one way. In June 2022, two BJP officials made derogatory comments about Islam, leading to violent protests across India by Muslims in which at least two people were killed. Aljazeera reported at the time that 230 alleged rioters had been arrested in Uttar Pradesh on 10 June after Friday prayers. On 28 June 2022, a Hindu man was beheaded in Rajasthan by two Muslim attackers, who posted the video of the beheading online after he made comments online in support of the BJP.

3.39 Muslim activists later claimed that their houses were demolished by the state government in retaliation for the riots. The state government claimed that they were illegal constructions and that the homeowners’ involvement in the protests was not related. Human Rights Watch claimed in an October 2022 report that these kinds of demolitions, which they allege target Muslims, have been increasing in states with BJP governments.

3.40 While noting a heavy media focus on the anti-Muslim aspects of [Hindu nationalism](#), in practice the day-to-day experience of Muslims is generally not blighted by official discrimination. There are no explicitly discriminatory laws against Muslims (citizenship law reform, covered below, is a possible exception, however not implemented as at the time of publication). House demolitions have been reported, although are not widespread (there has not been large-scale demolition of Muslim neighbourhoods, for example). Some laws have been used disproportionately against Muslims, for example anti-[conversion laws](#). By and large, Muslims

can access government services in the same way as any other Indians. Overall, DFAT assesses that Muslims face a low risk of official discrimination.

3.41 Communal violence is not new to India and continues to occur, albeit infrequently. Muslims have been disproportionately affected and are sometimes perpetrators of violence. The vast majority of the almost 200 million Muslims in India are neither victims nor perpetrators of violence. DFAT assesses that there is a low risk of societal violence for Muslims but, where it does occur, the consequences can be serious and even fatal. Poorer and lower-caste Muslims are at greater risk of violence.

3.42 There is also significant geographic variance in the situation of Muslims in the community across India. There are incidents of societal discrimination against Muslims and hate speech is common, as evident on social media around the world. Such hate speech and discriminatory language is sometimes made by high profile people or in other public contexts. The majority of Muslims, especially those who live in majority Muslim communities, do not experience significant day-to-day discrimination and, noting the caveats above, DFAT assesses that the level of societal discrimination across India varies from low to medium depending on the majority religion in the region one is located in. DFAT assesses the risk is also higher for [*Dalit*](#) converts and Muslims considered to be of a low caste, given their intersectional identities.

National Register of Citizens (NRC)

3.43 The National Register of Citizens (NRC) is a list of names of citizens, which, to date, has only been implemented in Assam, a state bordering Bangladesh and Bhutan. The NRC has a many-decade long history, however came to the fore in political discourse in the Northeast as part of a 2019 campaign promise to implement the register nationwide. The intention of the NRC was to identify 'illegal' residents of Assam, which include Muslim migrants from Bangladesh, and also identify all illegal migrants regardless of religion. The draft NRC list was published in August 2019 with more than 1.9 million people resident in Assam not included on the list. Those people claim that they have been treated as non-citizens.

3.44 Tensions between the ethnic Assamese community and Bengali migrants over issues such as land and economic resources, and differences in language and culture, have existed for decades. Many ethnically Bengali people came to India historically, many before the establishment of East Pakistan (which became Bangladesh in 1971), and others before [*partition*](#).

3.45 Those suspected of non-citizenship can be asked to prove their citizenship or risk being declared foreigners and stripped of rights, including the right to vote. They can appeal the decision in one of dozens of 'Foreigners Tribunals' set up by the state government with appeal paths to the High Court of Assam and the Supreme Court. These appeals can take several years. Critics of the NRC point out that many Indians do not have papers or the ability to provide evidence of citizenship, despite the fact that they actually are citizens.

3.46 DFAT assesses that those accused of being non-citizens face a moderate risk of official discrimination, however notes that it is difficult to prove citizenship in some circumstances. Because of ethnic tensions in the northeast, there is a moderate risk of societal discrimination.

Citizenship (Amendment) Act, 2019 (CAA)

3.47 The *Citizenship (Amendment) Act 2019 (CAA)* came into force on 10 January 2020 but the Ministry of Home Affairs has not yet drawn up the rules under the legislation required for its implementation. The Act provides an expedited path to citizenship for Hindus, Sikhs, Buddhists, Jains, Parsis and Christians coming from the Muslim majority neighbouring nations of Afghanistan, Bangladesh or Pakistan, who entered India before 31 December 2014. The law means that such migrants need only have been resident in India for six years, rather than 10 years or more, as is the case for others, and will not be treated as illegal immigrants. The laws do not affect Muslims currently living in India. The Indian Government claims that the law is not intended to

discriminate against Muslims, instead is aimed at protecting minority groups from neighbouring Muslim-majority countries where they experience violence and discrimination. The law does not affect DFAT's assessment of discrimination in the section on [Muslims](#).

3.48 Critics claim that the law unfairly discriminates against Muslims and that it makes religion a criterion for citizenship for the first time in India's history. This is historically significant because at the time of the 1947 partition, India was established as a secular nation, in contrast to Pakistan which was established as an Islamic nation. Some critics viewed the legislation as part of a broader trend of [Hindu nationalism](#). The CAA has been a long-standing demand of the Hindu nationalist movement.

3.49 Nationwide protests, some violent, accompanied the introduction of the legislation in late 2019 and early 2020. Protests were most widespread in Assam where racial tensions about Bangladeshi immigration are a sensitive political issue (see background in [National Register of Citizens \(NRC\)](#)). Recognising this sensitivity, the government has specifically excluded tribal areas of Tripura, Mizoram, Assam and Meghalaya, and parts of Arunachal Pradesh, Mizoram and Nagaland from the CAA.

3.50 For information about religious minorities that have relocated to India, please see the most recent [DFAT Country Information Report or Thematic Report](#) on the relevant country.

Christians

3.51 Christians are a small minority in India (2.3 per cent of the total population), however form a majority in three states and are a significant minority in others. Notable Christian communities exist in Andhra Pradesh, Arunachal Pradesh, Assam, Goa, Jharkhand, Kerala, Manipur, Meghalaya, Mizoram and Nagaland and Tamil Nadu. Christianity in India dates to the first century – St Thomas, a companion of Jesus, is thought to have established the religion in the southern state of Kerala. Indian Christianity is one of the oldest Christian traditions anywhere in the world. Many Christians in the north-east are from Scheduled Tribes (STs) and belong to various Protestant denominations. North-eastern and central Christian communities are also more likely to be from Protestant traditions because of Protestant evangelism efforts in the 19th century.

3.52 The largest Christian denominations today are Catholic (Roman Catholic, Syro-Malabar Catholic and Syro-Malankara Catholic), Orthodox Christian (notably the Malankara Orthodox Syrian Church) and various Protestant denominations (notably those in the Anglican and Pentecostal traditions). Sources told DFAT that different Christian groups generally get along with each other, but the situation depends on individual churches. DFAT is not aware of major tensions between Christian groups in India.

3.53 Christian identity often coincides with other identities that traditionally face discrimination. According to 2021 research by the Pew Research Center, most converts belong to [Scheduled Castes](#) or [Scheduled Tribes](#).

3.54 The 2021 Pew Research Center study found that, overall, Indian Christians are less 'prone towards religious segregation than some other groups'. They are far less likely to be against interfaith marriage than are adherents of other religions (35 per cent against interfaith marriage of men, 37 per cent against interfaith marriage of women, compared with two thirds opposed for either sex among Hindus and more than 70 per cent among Muslims). The study notes that this may relate to higher concentrations of Christians in the south of the country where interfaith differences are less pronounced.

3.55 Acceptance and respect of Christianity by non-Christians differs from place to place. Often Christians are well-regarded in communities where they provide health care and education. Sources told DFAT that, in some places when carrying out development, health care or education activities, Christians are subjected to violence (for example, people throwing stones), but this is not common.

3.56 Christians in India are active in providing social services such as food, education and medical services. Some Hindu nationalists claim that Christians use these services to gain [converts](#). Some claim that Christian conversion efforts are foreign-funded and that Christianity itself is foreign to India. Controversy about foreign funding of charities has led to the closure of some high-profile Christian charities in India (see [Civil society organisations](#)).

3.57 [Hindu nationalists](#) sometimes apply pressure to have churches shut down. According to UCA News, a Catholic news agency, a protest in Madhya Pradesh in 2021 demanded an end to [conversions](#) by Christians, that Christian churches be closed, and that the state punish Christian [tribal](#) leaders. DFAT is not aware of any action being taken by the state as a result of the protest. *Newsweek* reported in 2018 that more than 100 churches were shut across several states because of building code violations or other local rules. These closures were sometimes allegedly connected with protests by Hindu nationalist groups.

3.58 There have been examples of anti-church protests becoming violent. International media reported in December 2021 about a ‘swarm’ of men kicking down a door, punching pastors in the head and throwing women to the ground while chanting Hindu nationalist slogans in a church in Indore in Madhya Pradesh. Similarly, Aljazeera reported that there were more than 300 attacks (violence, disruption of services, vandalism) on Christians in the first nine months of 2021. *The Guardian* published similar reports from Chhattisgarh in October 2021.

3.59 There are numerous reports of police not investigating attacks against Christians and some reports of police complaints being used as a weapon by anti-Christian activists. Beyond these reports, DFAT is not aware of official discrimination against Christians, who generally access government services freely. This may in part be due to overall higher levels of education, urban residence and wealth among some Christian communities. There have been increasing reports of violent communal attacks against Christians. These attacks have also been occasioned against Muslims, but Christians are a much smaller minority and media attention has tended to focus more on the former. The consequences of such violence can be serious and even fatal. While attacks against Christians are more commonly reported in recent years, there is not a consistent pattern of these attacks and they are not a day-to-day occurrence. Therefore, DFAT assesses that Christians face a low risk of societal violence. Most Christians go about their daily lives with a low risk of societal discrimination, but the risk is higher for [Dalit](#) converts and Christians considered to be of a low caste, given their intersectional identities.

Sikhs

3.60 Sikhism is the dominant religion in Punjab. There are significant populations of Sikhs in nearby states such as Haryana, Delhi, Rajasthan, Uttar Pradesh and Uttarakhand and there are Sikhs all over the country. Sikhism was founded in Punjab in the late 15th century. Unlike Hinduism, it is monotheistic. Its religious values emphasise equality and service to the poor.

3.61 Sikhs commonly work in many industries, notably agriculture, transport and business. There are very senior Sikhs in politics and Sikhs are well represented in the armed forces. Sikh men in particular are readily identifiable because of their turbans and long, full beards. This visibility means that they are a common sight in the streets as well as in media and entertainment.

3.62 Some Sikhs claim that their beliefs are not properly recognised by the Indian Government as a religion; the constitution groups Sikhs, Buddhists and Jains with Hinduism, for example. This means that laws relating to Hindu marriage, for example, also apply to Sikhs. A small number of Sikhs, predominantly overseas are involved in the ‘Khalistan’ separatist movement, covered in the section on [Punjab](#).

3.63 DFAT assesses Sikhs in India generally face a low level of official and societal discrimination and violence. This may be because most Sikhs live in Punjab, which is a majority Sikh state, and Sikhs outside of Punjab have strong communities based around their places of worship. However, DFAT is not aware of violence or discrimination commonly occurring against Sikhs in other parts of India.

Buddhists

3.64 Buddhists are a small minority in India; India is the birthplace of Buddhism and Buddhism has had a significant impact on the country's history and culture. Today, many Buddhists are converts from Hinduism and are often low caste; they have converted to escape from perceived caste discrimination. Buddhists are not a majority in any state, but form a significant minority in Sikkim and have some presence in Arunachal Pradesh and, to a lesser extent, Mizoram and Maharashtra. There are also tens of thousands of Tibetan Buddhists in India.

3.65 Discrimination against Buddhists is possible, however DFAT is not aware of a pattern of incidents. DFAT is also not aware of a pattern of incidents of violence. Societal discrimination is possible, and often takes the form of caste or class discrimination rather than discrimination on the grounds of Buddhist belief or practice.

3.66 DFAT assesses that Buddhists experience a low risk of societal discrimination on the basis of their religion.

Jains

3.67 Jainism is a small religion (about 0.4 per cent of the population) that originated in India about 2,500 years ago. There are some similarities with Hinduism and Buddhism (it is concerned with escape from the endless cycle of reincarnation), but Jainism is a separate religion with its own beliefs and history. Jains mostly live in the west of the country, in particular Maharashtra (in particular the capital, Mumbai) but even there they are a small minority. Most Jains are relatively wealthy and are known for the business success and most are part of the higher classes.

3.68 According to the Pew Research Center, Jainism is not well-understood by most Indians. In a study from 2020 the Center found that only about 18 per cent of Hindus knew 'a great deal' or 'some' about Jainism. Awareness of Jainism was even lower among religious minorities.

3.69 Like most religious communities in India, Jains prefer to live with each other, and this limits societal discrimination. They are also well integrated into Hindu society and DFAT is not aware of tensions with the majority religious community. DFAT assesses that Jains face a low risk of societal or official discrimination.

Dera Sacha Sauda

3.70 Established in 1948, the Dera Sacha Sauda (DSS) states that it is a social welfare and spiritual organisation and a 'confluence of all religions'. It has a followers both in India and overseas. The sect is based in Haryana.

3.71 Its leader, Gurmeet Ram Rahim Singh was sentenced to prison in 2017 for rape and in 2019 was given a second life sentence prison for rape and murder. In subsequent riots against his conviction led by his followers, more than 30 people were killed and there were scores of arrests for violence. Singh was released on parole for some weeks by the Punjab and Haryana High Court in April 2022.

3.72 DSS is controversial and often subject to media reporting and analysis. For example, the media sometimes reports on protests against the religion. Some activists claim that Singh receives special treatment from the Haryana government. Sikh activists held a protest in January 2023 against DSS ceremonies being held in Punjab. The ceremony went ahead despite those protests.

3.73 DFAT is not aware of any restrictions on DSS practice nor harm coming to its followers, including in relation to the arrest or release of its leader. Incidents of violence are possible but day-to-day practice of the religion does not appear to be affected. DFAT assesses that DSS members face a low risk of societal or official discrimination.

Atheists

3.74 Western-style atheism is very uncommon in India and attempts to persuade other people to adopt atheist beliefs are virtually unheard of. There is some history of non-theistic beliefs within Hinduism, but those beliefs exist within that religion, rather than being a rejection of or lack of belief in religion. Organisations for atheists are rare.

3.75 DFAT is not aware of discrimination or violence related to a lack of belief in religion and there is insufficient information to comment on a pattern and make an assessment.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.76 Political diversity and robust debate are part of the fabric of Indian society. Freedom House, in its 2022 *Freedom in the World* report, notes that ‘personal expression and private discussion in India have long been open and free’. India has a very large and diverse [media](#) landscape with a range of different views expressed.

3.77 Parts of the Indian media landscape tend towards sensationalism, especially television. Open-source material, such as media, may give a skewed view of the extent or nature of events. Indian political discourse is passionate and robust, however is usually peaceful. Elections are frequent occurrences nationwide as state governments hold elections at different times. When violence does occur, it attracts significant media analysis but most elections occur without any violence at all. Where violence does occur, it is typically low level and isolated. The potential for violence does not appear to dampen appetite for engagement in politics and does not apparently reduce voter turnout.

3.78 There are a wide range of different political parties representing different interests, which reflect the extensive diversity of Indian people, their ethnicities, and religious, political and social interests. Only a small number of parties are national parties – most operate within states and Union territories. Politics may be a sub-regional affair, especially in larger states. The influence of state and regional parties has reportedly been growing steadily, often at the expense of the once-nationally powerful Indian National Congress (known as INC or simply ‘Congress’).

3.79 While diverse, Indian politics is still often majoritarian. States are organised around ethno-linguistic groupings, and politics of each state or territory will often align to the interests of the majority groups of that area. Sometimes this can lead to heated debate and political theatre where those who are not part of the majority assert their rights, although it is generally peaceful and arbitrated through democratic processes.

3.80 The ‘Hindi Belt’ across the north of the country where the Hindi language is spoken (sometimes called the ‘Hindi Heartland’) is politically influential at the national level. National elections can be won and lost in the Hindi Belt, given the very large population and resultant number of seats. National political parties that are able to appeal to those in the Hindi Belt tend to do well in elections, and it is where rising [Hindu nationalism](#) is most pronounced.

3.81 Indian politics can be clientelist – welfare payments or gifts may be directed to important voting blocs, for example. This is not as important a factor as in other parts of Asia – in general Indian voters are very politically aware and many Indians will vote on issues, rather than patronage, regardless of whether it is offered.

3.82 India has laws on criminal defamation and sedition (although the operation of sedition provisions was suspended by the Supreme Court in May 2022 in an interim ruling), and laws regulating the use of the internet, which moderate freedoms. According to a major report by Human Rights Watch (HRW) from May 2016, and more recent reporting by the same organisation, the government sometimes uses laws against sedition and defamation, and laws against hate speech, to silence critics. HRW claims that these laws are ‘overbroad’ and that, because of a lack of precise definitions of what constitutes an offence, it is open to state and union authorities to use the laws to criminalise dissent. Often arrests do not lead to prosecutions in courts; for example, the conviction rate of sedition offences is low. It is also not always clear how common these charges are - as statistics can be unreliable - nor how commonly they are used against peaceful protesters, especially given the very large number of protests, both peaceful and violent, that take place in India every year.

3.83 In a particularly prominent example, opposition leader Rahul Gandhi was accused of defamation for his 2019 comment that his political rival, Prime Minister Modi, shared a surname with two convicted criminals. In March 2023 a sessions court in Gujarat convicted Gandhi of defamation and sentenced him to two years in prison, the maximum sentence. This sentence led to his automatic expulsion from parliament. As at the time of publication, Gandhi was appealing. Critics allege political interference, which the BJP denies.

3.84 Critics allege India’s *Unlawful Activities Prevention Act 2019* (UAPA) has been used to silence critics, including poets, political organisers and religious figures, who have been held for years on remand or court-authorised ‘pre-trial detention’ under the laws. The laws have been criticised by high profile judges, for example the Chief Justice of the Supreme Court, however it is unlikely that most cases would be heard in such senior courts. A very small proportion of those who participate in public protests, which are common, are charged under the UAPA. Information about instances where the laws have been used are not always available; the law targets terrorism, among other matters, and operational information may not be released.

3.85 There have been instances of street protests being broken up with force or not allowed. During the COVID-19 pandemic, restrictions were placed on public gatherings, as was the case in other parts of the world. After the abrogation of Jammu and Kashmir’s special constitutional provisions in 2019, local politicians were placed under house arrest and protests were broken up. Protests against the [Citizenship Amendment Act 2019](#) were also broken up with force.

3.86 In October 2021, the Supreme Court ordered an independent inquiry into the use of ‘Pegasus’ software to spy on journalists, activists and political opponents. The software is intended for national security application and can take over a smartphone, extracting its contents and turning on the microphone and camera without the user’s knowledge. The government refused to say whether the software was used, and the outcome of the inquiry was not known at publication.

3.87 DFAT assesses leaders and members of opposition parties do not face official or societal discrimination on a day-to-day basis. There is a risk of violence around elections and in street protests, for example, however, overall, both elections and protests are mostly peaceful. There is potential for critics of the government to face official discrimination (such as alleged use of pre-trial detention of critics or the use of defamation laws) and that risk should not be ruled out. However, given the vast number of opinions that are openly expressed in the context of the largest democracy in the world, the number of people facing charges or official harassment is very small. Even when charges are laid, they will not necessarily be upheld by the judiciary – although DFAT notes that the judiciary is slow to hear cases and decisions may take years. DFAT assesses that those with diverse or anti-government political opinions in general face a low risk of official discrimination or violence on the basis of their political opinions.

State politics

3.88 India's vibrant political culture also extends to elections in the states. The culture between states generally differs with different language groups and local issues. Like Indian politics at national level, state politics is hotly contested and media coverage can be sensationalist, however day-to-day politics is usually peaceful, and when violence does occur, it is unlikely to be one-sided. The risk of violence associated with elections varies significantly between states, with notable examples of violence in West Bengal, Tripura and Uttar Pradesh. For context, Uttar Pradesh has a population of over 200 million people, larger than almost every nation on earth. The vast majority of residents do not experience day-to-day political violence.

3.89 The states that many asylum seekers originate from are not necessarily known for political violence. For example, although DFAT is aware of claims from Punjab, Tamil Nadu and Gujarat (covered below), these states do not have a particular reputation for political violence.

Gujarat

3.90 Sources told DFAT that 2022 elections in Gujarat were mostly peaceful and were not characterised by large-scale violence. Sources told DFAT that the political climate in Gujarat was less heated than that of elections in other states, and that if there was violence it did not typically affect people's day-to-day lives.

3.91 Gujarat experienced communal violence targeting Muslims in April 2022 (see [Muslims](#)) in the lead up to the December 2022 elections. Although the BJP won the elections in a landslide, voters in the city of Khambhat, where the violence occurred, generally preferred the opposition INC. Aljazeera interviewed activists who claimed that the BJP had run an anti-Muslim campaign, however the BJP claimed that the party had won even in Muslim areas and had campaigned to attract Muslim votes.

3.92 The Patidar Reservation movement, sometimes called the 'Patidar agitation' or 'Patels' (named after chief agitator Hardik Patel), was a series of large-scale protests that occurred in the latter half of the 2010s. 'Patidar' is the name of a [caste](#), mostly found in Gujarat. The protests demanded that the Patidar be recognised as a scheduled caste and thus receive government concessions associated with that status. The protests were often lethally violent and there were many arrests. DFAT understands that the movement is not currently active.

3.93 DFAT assesses that, overall, participants in Gujarati politics face a low risk of official or societal discrimination or violence.

Punjab

3.94 Punjab has a history of violence, notably linked to the Khalistan separatist movement (below) and in particular the assassination of former Prime Minister Indira Gandhi (see [Recent History](#)). In more recent decades this kind of violence is not common and politics in Punjab is generally peaceful.

3.95 A small number of Sikhs support a separatist movement for the creation of an independent Sikh state called 'Khalistan'. The separatist movement has now been mostly suppressed within India, however low-level tensions remain and there are continued calls for compensation for the Sikhs killed in violence. Violence still occasionally flares up. For example, protesters in favour of and against Khalistan separatism clashed in April 2022 with two injuries reported, and associated with the arrest of a Khalistani separatist leader in April-May 2023.

3.96 Sources consistently told DFAT that ordinary residents of Punjab perceive the Khalistan movement as something that is discussed in the diaspora abroad more than in Punjab. It may be raised as a political issue around state elections, however even then it is not a widespread topic of conversation. Sources advised that the presence of an active, influential Khalistan movement in Punjab was not a feature of their day-to-day life.

3.97 Some organisations associated with the Khalistan movement are banned in India. For example, the group Sikhs for Justice was banned by the Indian Government in July 2019 under the *UAPA 2019*. A full list of banned organisations is available on the [Ministry of Home Affairs website](#).

3.98 Sikhs are sometimes the perpetrators of discrimination and violence. According to media reports, two people were lynched in Punjab for alleged blasphemy at the Golden Temple in December 2019, the holiest site for Sikhs. The first man attempted to hit the Guru Granth Sahib, Sikhism's most holy book, with a diamond encrusted sword. In a separate incident in the same month, a man who allegedly tore a Sikh flag was beaten to death. This kind of violence is, again, very uncommon.

3.99 A recent prominent example of political activity, mainly in Punjab and Haryana (other states also to a less extent), was a year-long farmers' protest against agricultural reform seeking to liberalise aspects of India's agricultural sector in 2021. The protests were generally peaceful with some high-profile exceptions. For example, a vehicle ran into protesters causing fatal injuries in Uttar Pradesh. The son of a Union minister of state was charged with murder in relation to the incident. The protests were called off after the government acceded to the demands of protesters.

3.100 Disputes about water and political parties dedicated to that cause exist in Punjab, but they operate in a diverse political ecosystem and are generally not violent or discriminatory. Water allocation can be a controversial political subject, however DFAT is not aware of this leading to any official or societal discrimination or violence.

3.101 The 2022 Punjab state election was generally peaceful. There were some incidents of attempted violent agitation and a few dozen arrests were made in relation to violent rallies, however the incidents were isolated and the election was generally conducted peacefully.

3.102 DFAT assesses that, overall, participants in Punjabi politics face a low risk of official or societal discrimination or violence, however notes that violence among supporters and opponents of separatism is possible. This kind of violence is still unlikely for most residents of Punjab.

Tamil Nadu

3.103 The March 2021 state election in Tamil Nadu was not characterised by significant violence. The *Hindustan Times* noted that the election went ahead 'smoothly'. There were some localised incidents of violence, however DFAT is not aware of a culture of political violence in the state.

3.104 DFAT assesses that, overall, participants in Tamil Nadu politics face a low risk of official or societal discrimination or violence.

Media

3.105 India has a vast media industry with thousands of media outlets operating in multiple languages. There are several large, private companies that control large, well-known traditional newspapers and broadcast stations, however, as in the rest of the world, social media and digital sharing (especially Facebook, WhatsApp and YouTube) have become much more popular in recent years, and used as a mechanism at times to spread misinformation for political purposes. Many news services are critical of government or raise politically sensitive topics without any significant restrictions, however, critics argue that most mainstream television channels uncritically amplify BJP messages.

3.106 According to the Reporters Without Borders (RSF) World Press Freedom Index, press freedom has declined in India. RSF claims journalists critical of the government can be subjected to harassment by government supporters. RSF claims media outlets have been inspected by agencies tasked with combatting

financial crimes—for instance that tax department raids on BBC offices in February 2023 were related to a documentary critical of Prime Minister Modi. India's Information and Broadcasting Minister stated in Parliament that the Government does not agree with RSF's conclusions due to its methodology and low sample size.

3.107 A series of laws, rules and guidelines regulate media and social media content and monitor communications, particularly in response to security threats. For example, according to analysis published in the Columbia Journalism Review (CJR) in December 2021, thousands of Twitter accounts were suspended after the Indian Government requested their removal when they published sensitive material, such as graphic videos of [anti-Muslim violence](#).

3.108 The CJR analysis claims that the number of tweets removed on request from the government had risen to nearly 10,000 in 2020, compared with only 1,200 in 2019 and 248 in 2017. The analysis notes that some of the removed tweets were news, satirical jokes or expressions of solidarity with activists in memoriam. Some of the tweets removed were videos of violent acts against Muslims or could have been used to incite violence against Muslims.

3.109 According to an article in the *East Asia Forum* by an academic at the National University of Singapore, Charitharth Bharti, the government used section 69A of the Information Technology Act 2000 to request the removal of hundreds of tweets and Twitter accounts in relation to the [2021 farmers' protests](#). That Act allows the government to block public access to an 'intermediary' for reasons such as national security, defence and public order.

3.110 The COVID-19 pandemic led to some restrictions on reporting designed to prevent the dissemination of 'fake news'. Some critics of the government have claimed that arrests were made of journalists who reported on the government's handling of the pandemic.

3.111 According to international media there have been increased arrests of journalists in Jammu and Kashmir under the *Jammu and Kashmir Public Safety Act 1978*, which allows detention without charge for up to two years. According to reports, authorities have developed a pattern of arresting journalists and then rearresting them under different laws as soon as they are released. Media is divided between pro- and anti-secessionist camps. The BBC notes that threats by militant groups, government interference that blocks text messaging and internet access and strict curfews restrict journalism in Jammu and Kashmir.

3.112 Two female journalists covering anti-Muslim violence in Tripura (violence in response to anti-Hindu violence in neighbouring Bangladesh) were arrested for inciting 'communal enmity' in November 2021. The journalists allegedly published a tweet about a prayer hall in a private house where claims were made that a Quran was burnt. The two journalists were charged with criminal conspiracy, spreading communal disharmony and breaching the peace. The journalists' lawyer claimed in court that the action was brought in bad faith by the government. The outcome of the matter has not been decided at the time of writing.

3.113 DFAT assesses that, in general, journalists face a low risk of societal or official violence or discrimination. The Indian media landscape, and the opinions expressed on social media, are diverse. Both pro- and anti-government journalists and social media users generally go about their activities unhindered, however there are individual examples of journalists being harassed by authorities and violence and government restrictions in some conflict-affected areas limit freedom of the press.

GROUPS OF INTEREST

Women

3.114 Significant parts of Indian society remain conservative and patriarchal, intersecting with rural/urban divide, caste, religion and socioeconomic status. Social interaction, and particularly displays of affection, between unrelated members of the opposite sex is far less common than in Australia and taboo in some contexts. Some functions in society that could otherwise lead to physical proximity between sexes (such as queues or public transport) are segregated; this is typically intended to preserve women's dignity. Girls are often traditionally valued less than boys, and women in poor households may experience less access to food, education resources or sanitation facilities than male members of the household.

3.115 There are signs of progress and reform, and women are becoming increasingly visible and assertive, particularly among younger generations. For example, the gap between the number of women versus the number of men voting in elections has closed, and more women than men voted for the first time in the 2019 federal election. Many universities are seeing increased female enrolment, and some have more female than male students. Political parties are recognising the need for social policies that serve and include women.

3.116 While women as a group tend to be disadvantaged in society, caste and wealth tend to play significant roles. For example, sources told DFAT that support for women's equality was often higher among privileged, upper-caste Hindus compared to other castes.

3.117 Given high levels of diversity and the sheer size of the population, it is difficult to give an overall assessment on women in India. Generally speaking, and noting the below subsections, women experience a low risk of official discrimination and a moderate risk of societal discrimination and violence.

Violence against women

3.118 Women experience sexual harassment and violence in the street. While the practice is sometimes known as 'eve teasing,' that term is reductive: the 'teasing' can involve serious sexual assault or homicide. There have been several high-profile cases of public rape in recent years. Occurrences of harassment or violence towards women may stem from attitudes that women are 'asking for it' because of their clothing or because they are in public unaccompanied by a male family member, for example.

3.119 Some women report feeling unsafe using public transport to get to work, which can act as an economic barrier, either because of their own fears or because male members of the household will not allow them to go out to work because of fear of violence. Similarly, fear of violence can act as a barrier to women enjoying public spaces for leisure or social activities.

3.120 A 2020 report by Human Rights Watch informed by interviews with Indian women found that sexual harassment and assault was a daily problem for many women in the workplace. Women from lower socio-economic environments reported that it is better to 'just ignore' harassment, which many consider 'trivial', because of fears of loss of jobs or income. The 2020 Human Rights Watch report, and others, have found that sexual harassment laws were not well-enforced or not well understood either by victims or police.

3.121 One of the most well-known incidents of violence occurred in 2012 when Jyoti Singh was gang raped in a private bus and left for dead after she went to a movie with an unrelated male. She later died from extensive injuries. Massive protests over violence against women followed. The incident is seen by activists as a turning point for the women's rights movement in India, as it brought attention to the issue of violence against women in a way that previous incidents had not. Four men were sentenced to death following

nationwide outrage over the Singh case, however such sentencing should not be considered to be reflective of normal practice.

3.122 Violence against women is a cultural phenomenon on which views are not necessarily divided along gender lines. For example, a social media video about a violent group assault in which a woman had her hair cut off and face painted black before being paraded in front of and assaulted by crowds went viral in January 2022. Many in the crowd who were abusing the victim were women, calling for the victim to be raped (which later occurred), illustrating how deeply culturally entrenched gender-based attitudes are in India. The video caused nationwide outrage, including against the women in the crowd. Twelve people, including eight women, were arrested in connection with the rape and assault of the victim.

3.123 Traditional social practices and the low status of women in many parts of India are linked to domestic and gender-based violence. Child marriage is illegal but continues, particularly in rural India. The illegal yet common tradition of a bride's family needing to pay a dowry can lead to female infanticide, sex-selective abortions and dowry-related harassment and deaths (women murdered or driven to suicide in response to the attempt to extort a higher dowry). Available data likely understates the true extent of violence against women due to underreporting of cases.

3.124 'Honour killings' occur when families feel that the honour of their family is jeopardised, often where a woman's virginity or 'marriageability' is 'lost', for example. Such violence may also occur when women seek to divorce or separate from an abusive husband. Honour killings can occur regardless of age, religion, social status, wealth or other factors – the risk is particular to each individual victim and their families.

3.125 Acid attacks are a subset of 'honour' violence that includes assaults or homicides in which acid is thrown on a person over issues of perceived shame or honour, unrequited love or rebuffed marriage demands or dowry disputes. Both men and women can be victims, but the crime is more commonly targeted at women. Survivors can experience life-long disfigurement and sometimes pain and disability. It is difficult to comment on the prevalence of the crime; attacks are likely underreported, and some sources suggest the number of attacks might be growing, with perhaps two or three hundred reported attacks a year.

State protection for women

3.126 The *Protection of Women from Domestic Violence Act 2005* (PWDVA) was enacted to provide more effective protection for female victims of any kind of violence occurring within the family, including physical, verbal, emotional, economic and sexual violence. The PWDVA defines domestic violence as any act, omission or commission or conduct of the respondent, which includes threat or actual abuse. In practice, cultural factors prevent women from reporting violence and police may not be effective in providing state protection (see [Police](#)), and may take no action or may encourage the parties to reconcile. Marital rape is not a crime in India, a matter being considered by the Supreme Court as at the time of publication.

3.127 There are women's police desks and women's police stations where women can report violence. These include 'one stop' centres throughout the country that are designed to offer a range of services to victims (legal, accommodation or medical services, for example) in addition to police assistance. These do not necessarily mean that protection is available (or even that a women's police station will be staffed by a female officer), or that reports will be actioned by police effectively. Sources told DFAT that police sometimes tell couples to reconcile after violence and will not take any further action.

3.128 Media reports and some initial academic studies point to greater rates of domestic violence during COVID-19 lockdowns based on increased calls for help to domestic violence hotlines. Support workers told Indian media outlets that victims were trapped inside with their abusers. Many women did not report abuse because of privacy concerns or fears that things would get worse if they complained, according to activists who spoke to Indian online newspaper, *The Print*, in February 2021.

3.129 The PWDVA requires states to provide shelters, counselling services and legal aid to survivors of domestic violence; however, in practice the quality and availability of services are limited. Some shelters are relatively good, however others are overcrowded and unhygienic. A 2017 report by NGO Open Democracy described conditions as ‘unhygienic’ and ‘jail-like’. The same report points to stigma with residents sometimes seen as ‘immoral’ or ‘deviant’. One source told DFAT that shelters are a ‘place of neglect and misery’, and mentioned the use of ‘psychiatric medicines’ on residents without consent.

3.130 According to media reports from 2018, some shelters in Delhi and Bihar were investigated for their poor conditions. Allegations included claims that women were subjected to forced abortions, locked up without access to exercise and fresh air and in some cases raped. The allegations were investigated and senior government officials admitted that there may be more cases than initially reported. Whether or not conditions improved as a result of investigations is not clear.

3.131 Violence against women is a significant problem in India and state protection is often inadequate. Sources told DFAT that police commonly refuse to register cases or investigate claims of violence, including violence that results in grievous bodily harm or death. DFAT assesses violence against women is common, and depends on several factors, including the family of the woman. Violence against women affects women of all socio-economic, caste and language distinctions. DFAT assesses that women experience a moderate risk of sexual harassment and assault in their day-to-day lives.

Single women

3.132 Being (and remaining) a single woman in India is difficult and relatively uncommon. Marriage is a central feature of social lives and, without a husband (see [Sexual Orientation and Gender Identity](#) for a discussion on non-heterosexual women), social access is difficult. Sources told DFAT that it is difficult or impossible for single people (men or women) to rent accommodation, even in large cities. The difficulty is worse in rural areas. A woman who is uninterested in marriage would likely come under significant pressure from her family to marry, usually to a husband of her parents’ choosing, which may be for cultural reasons or out of concern for their daughter’s welfare.

3.133 Divorce can be financially and socially devastating for women, especially if they were married young. Women may not have developed independent networks or life skills, and may find transition to single life very difficult. Often, the husband is the breadwinner (women’s [participation in the workforce is very low](#)) and his death or the termination of marriage can be financially devastating. This particularly affects women whose husbands initiate the divorce and provide no income support. In many cases, such women would be unable to rely on the support of their biological family, which is the traditional form of [social welfare](#) in India.

3.134 The experience of Muslim women can vary from that of other women. Sources told DFAT that some Muslim women, particularly where they are in a relationship with a man who has other wives as is permitted under personal status laws, may have less economic and social security, especially in the case of divorce.

3.135 The number of women who are single by choice or circumstance is rising, however Indian society can be very traditional and can be hostile to the unmarried, whether they are single because of divorce or widowhood. Single women can experience stigma and stereotypes, for example perceptions of being ‘choosy, morally loose or headstrong’, according to a Delhi-based sociologist who spoke to the *South China Morning Post* in November 2020. *The Print*, an Indian online newspaper, noted a ‘growing subculture’ of single women as characters in books and movies or within organisations, in July 2019. DFAT notes that the number of single women is growing, however assesses the phenomenon is nascent. DFAT assesses that single women experience a moderate risk of societal discrimination and a low risk of official discrimination.

Marriage (interfaith, inter-caste)

3.136 Interfaith and inter-caste marriages are legal and occur occasionally, however many Indian families still prefer marriages arranged within their own religion and caste. Most marriages in India are arranged marriages and the family of the prospective marriage partner will choose a spouse based on faith and caste considerations. A marriage outside this system is known as a 'love marriage'. Those who choose to marry outside their religion or caste may experience shunning or violence from their families, but the outcome depends on the family and there is not a typical pattern of reactions. An inter-caste or interfaith marriage will not necessarily lead to violence, but it can.

3.137 Most people get married under the personal status laws of their religion – that is, the marriage legislation for Hindus (which also covers Sikhs, Jains and Buddhists), Muslims or Christians, respectively. These laws may prevent interfaith marriage. However, the *Special Marriage Act 1954* is the secular marriage law available to any Indian that enables marriage without reference to any faith.

3.138 Forms of possible family harassment can vary. Honour crimes including acid attacks and homicides are a possibility. While these crimes are mostly associated with violence against women (and are described in the relevant section of [this report](#)) they can be perpetrated against men, especially in cases of interfaith and inter-caste marriage. In one case in Karnataka, parents harassed the couple by making missing person claims to police alongside threats. Others have reported being physically detained or locked up by their families, or hiding for fear that their families will find and kill them.

3.139 Couples from rural areas who enter inter-caste or interfaith marriages may attempt to move to the anonymity of urban areas. Some may contract agents who can arrange elopement. Factors that can affect inter-caste or interfaith couples moving to a larger city include their financial capacity, the degree to which their families have the power to find them, their educational background and employability, availability of a personal support network, and whether they appear 'visibly different'.

3.140 One couple told Aljazeera in 2018 that they experienced discrimination in finding rental accommodation, for example. The interfaith status of their relationship was obvious because of their surnames. Another couple mentioned in the same article reported discrimination in accessing education for their daughter, again because their names revealed that they were an interfaith couple.

3.141 Sources told DFAT that state protection for couples subjected to family violence sometimes exists. In some cases, police will take action to protect the couple, sometimes with the payment of a bribe. Sources told DFAT that different couples have different experiences and that it is difficult to generalise.

3.142 DFAT assesses the treatment of people in interfaith and inter-caste marriages varies according to the families involved. It can range from approval in some families, to disapproval, ostracism, harassment, or violence.

Caste System

3.143 Hindu tradition divides society into a hierarchy of hereditary caste groups associated with particular occupations. Four main groups exist within the system's hierarchy: Brahmin priests, intellectuals and teachers; Kshatriya warriors and rulers; Vaishya farmers, traders and merchants; and Shudra labourers. These main groups are further divided into about 3,000 castes (with various ways to order them hierarchically) and about 25,000 sub-castes, each based on their specific occupation.

3.144 A group known as '*Dalits*' (a term that means 'broken' or 'oppressed', sometimes referred to as 'untouchables', and officially known as 'Scheduled Castes') falls outside the caste structure. *Dalits* were historically associated with work seen as less desirable, including work involving cleaning or waste, and

traditional taboos existed against members of the four main caste divisions touching them. Many *Dalits* continue to work as sanitation workers, manual scavengers, cleaners of drains and sewers, garbage collectors and road sweepers, and many of those are [internal migrants](#) who have come from rural areas to live in city slums in search of work.

3.145 Violence by higher-caste people against *Dalits* has included reports of lynchings for actions such as drinking water that is reserved for upper castes, riding a horse, or having a moustache. For example, media reports emerged in November 2018 about a man whose scalp was degloved for speaking to the relatives of his upper-caste employer, and a 14-year old girl who was beheaded on the orders of an upper-caste woman who hated her for her caste. There are also reports from 2021 about *Dalit* girls being raped by upper-caste men.

3.146 *Dalit* activists claim that rape of women is common and that upper-castes use rape as a means to shame or punish *Dalits* (see also [Violence against women](#)). DFAT understands that, while sexual violence against *Dalit* women has increased in the last decade according to some sources, accurate figures are unavailable because of underreporting of the issue.

3.147 Outside of these extreme examples, lower-impact caste discrimination is widespread. Many Indian surnames reveal a person's caste and this can lead to employment discrimination. Some *Dalits* change their name or appearance to disguise their background.

3.148 The government offers affirmative action programs to assist in social mobility for *Dalits*. This includes reserved seats in parliament, in government jobs and higher education. Some *Dalits* have achieved high office, in part with the assistance of these programs. These long-running examples of affirmative action, however, have not solved the deep social inequities that most *Dalits* continue to face. Sources told DFAT that caste can be complex and the elites within a caste (there are countless sub-castes in each caste) are more likely to be able to take advantage of reservations and concessions offered to low-caste people. Women and the poor within those castes may get 'crowded out'. The availability of concessionary treatment should not be assumed just because a person belongs to a particular caste. There are some examples of fraud – people falsely claiming to be from a group entitled to reservation.

3.149 DFAT assesses *Dalits* and other people considered to be of a low caste face a high risk of societal discrimination and violence, including social segregation, exclusion, compromised access to education and health care, and a higher risk of sexual assault in the case of women and girls when compared to other women and girls. Official assistance may be available to *Dalits* and DFAT assesses that *Dalits* face a low risk of official discrimination.

Sexual Orientation and Gender Identity

Lesbian, gay and bisexual people

3.150 Sources told DFAT lesbian, gay, bisexual, transgender and/or intersex (LGBTI) people lack protection, have poor education and health outcomes, and face intolerance, abuse and violence in their daily lives. Discussion about sexuality is generally taboo in India, which means that LGBTI people often lead hidden lives.

3.151 Section 377 of the *Penal Code*, which criminalised sexual acts 'against the order of nature' (a euphemism for gay sex, but also oral and anal sex regardless of gender), was repealed in 2018 after the Supreme Court ruled that it was unconstitutional. Sources told DFAT that the repeal of the law has improved the lives of LGBTI people – police are less likely to extort them for bribes, and morale in the community has improved. However, sources told DFAT that a lot of people, including police, are not aware of the law reforms

and will attempt legal action or extortion against people on the basis of the now-repealed law. Sources told DFAT that this kind of blackmail is sometimes applied against men who are victims of sexual assault.

3.152 There is a distinction between men who identify as gay or bisexual, and men who have sex with men but do not consider themselves part of the LGBTI community. The latter are much more common. Many men who have sex with men are married to women and want to remain married to women. Regardless of their identity or preferences, parents will likely arrange such a marriage for their sons anyway and may apply significant pressure to enter into such an arranged marriage. This cultural practice is so entrenched that most men would be unlikely to question it. Those that do, or who wish to live in a relationship with another man, may be ostracised and could face violence.

3.153 Same-sex marriage is not an available option under Indian law, though a long-running case on marriage equality remains before the Supreme Court. In contrast, heterosexual marriage is a touchstone aspect of life for most Indians. Exclusion from cultural mores that depend on marriage can be challenging or distressing. Sources told DFAT that (heterosexual) marriage is 'essential'. An unmarried person will not be invited to social events. One expert source told DFAT that an unmarried person will 'not be considered a social unit'. Not being in a heterosexual marriage, for most Indians, is 'unthinkable'. Those who do not conform face ostracism from society.

3.154 There is a societal and family expectation that a man and his wife will care for his parents in old age, which may lead men who are attracted to other men to get married to a woman in order to have children who can perform that function. Australian-style [social welfare](#) programs do not exist in India and people depend on their families in times of sickness, age or distress.

3.155 The pressure on [women](#) (of any sexuality or gender identity) to get married is even stronger. Women do not have the same level of agency as men in traditional Indian society, and parents will expect their daughters to get married (to a man) and become part of his family. This leads to a sense of invisibility for lesbian and bisexual women. Once they have been married, women are sometimes pressured to produce a male child and heir, and might be blamed and considered a failure if they do not do so.

3.156 Most LGBTI people are not open about their sexual orientation or gender identity because being open can lead to significant discrimination. According to a 2019 survey by UNESCO, more than half of LGBTI children in Tamil Nadu had dropped out of classes or school altogether because of often-violent bullying. Sources told DFAT that even Indians working in multinational companies in India (a small segment of the population) experience stigma and discrimination at work.

3.157 As many LGBTI people were forced into isolation with families during the COVID-19 pandemic, support services reported much higher rates of violence perpetrated by families against LGBTI people during that time, along with higher rates of suicide and self-harm.

3.158 While society is broadly conservative to the exclusion of LGBTI diversity, there are pockets of acceptance, especially in large cities (particularly Delhi and Mumbai) among the upper classes. Even in more tolerant contexts, many LGBTI people may experience tolerance rather than acceptance. A trend toward including LGBTI characters (albeit as minor characters, although on at least two occasions with an LGBTI main plot) in Bollywood cinema or television shows is slowly raising societal acceptance. Sources told DFAT it is possible for upper class, educated gay men (much less so women) to relocate to a big city and live a relatively uninhibited life. Sources claim that, while there are an increasing number of 'gay nights' in bars or pride parades, most socialising happens in people's homes. The use of 'dating apps' like Grindr, Scruff and Growlr have allowed LGBTI men more access to interaction. DFAT is not aware of similar opportunities for LGBTI women to socialise.

3.159 DFAT assesses that LGBTI people face a high level of societal discrimination and a moderate risk of official discrimination. Violence against LGBTI people perpetrated by families is common, however it depends

on the family. Non-family violence is less common, but this may be because few LGBTI people are willing to come out due to the need to avoid discrimination and violence from their families.

Hijra, transgender men and transgender women

3.160 *Hijra* is a South Asian male-to-female transgender identity that has been part of the cultural landscape of India and other South Asian countries for centuries. *Hijra* are part of a unique and ancient culture, but transgender people in the sense familiar to Western readers (including female-to-male transgender people) also exist in India as elsewhere in the world. Article 15 of the Constitution prohibits discrimination on the grounds of sex. In 2014, the Supreme Court of India ruled the rights and freedoms of transgender people were protected under that provision, including the right for *hijra* to self-determine their gender identity regardless of gender affirmation surgery. This right was reversed in 2019 legislation that requires transgender people to demonstrate that they have had gender affirming surgery to access legal recognition of their gender identity. In August 2020, the Government of India formed a National Council for Transgender Persons to advise on relevant policy and legislation affecting transgender persons. Many states of India also have 'transgender welfare boards', which deal with *hijra* affairs.

3.161 While *hijra* are sometimes called on to bless newborns, marriages and new houses in Indian society, their perceived ability to curse people can engender fear. Sources claim most families do not accept their male child behaving in ways considered feminine, and children who do so risk being subject to violence. Some families disown and evict their *hijra* children, while some *hijra* children run away and seek refuge in *hijra* communes.

3.162 Many *hijra* have little formal education (often because they have been rejected by their families) and can find it difficult to secure employment. Discrimination limits employment opportunities. They traditionally work in begging, performing religious rituals or the beauty industry.

3.163 *Hijra* may face discrimination when seeking access to goods and services, including education, employment and health care. In healthcare settings, *hijra* report discriminatory practices such as deliberate use of male pronouns, admission into male wards, harassment by hospital staff and patients, and, in some cases, denial of medical services. Some doctors will refuse to touch them. Sources told DFAT that *hijra* will often not seek out health care for fear of discrimination. They are also discriminated against in accessing hotels, shopping centres and other public spaces; for example, they may be questioned or refused entry.

3.164 *Hijra* report an absence of police protection makes them easy targets for extortion and sexual violence. Sources told DFAT that *hijra* may be exposed to significant violence, including child trafficking and castration without consent, in response to demand from sex work clients for sex workers who have been castrated. Sources told DFAT that they are vulnerable to rape outside these contexts, including on public transport.

3.165 Words to describe different transgender identities might not exist in Indian languages and the word '*hijra*' might be used when a different word is used in English. *Hijra* generally does not refer to female-to-male transgender people. Educated transgender people might prefer terms more familiar in the west and expressed in English, such as 'transman' or 'transwoman', and do not participate in *hijra* culture. While there is some societal acceptance of *hijra*, non-*hijra* transgender people are very likely to be ostracised and misunderstood, and perhaps no distinction would be made from other LGBTI people, covered above.

3.166 Transmen experience discrimination but may have an easier time 'passing' as men than transwomen do as women. While this can reduce discrimination, that experience is not universal. Speaking to *The Guardian*, the owner of the first transgender men-run hair salon in India said that during the COVID-19 pandemic he was providing food rations to transgender people who were 'educated and skilled but jobless due to their gender'.

He also noted that some transgender people were forced to ‘return to unsupportive and abusive families in their villages’.

3.167 DFAT assesses that *hijra* experience a high risk of societal discrimination, a moderate risk of official discrimination, and a moderate risk of societal violence. Non-*hijra* transgender people experience a high risk of societal and a moderate risk of official discrimination and violence, consistent with other LGBTI people.

‘Conversion’ practices

3.168 According to Human Rights Watch, the National Medical Commission ordered publishers and medical schools to edit textbooks and curricula to exclude discriminatory and ‘unscientific’ portrayals of LGBTI people in October 2021, suggesting there had been lack of access to LGBTI-appropriate health care for most LGBTI Indians, and illustrating discriminatory attitudes in health care and society.

3.169 Regardless, some people believe that sexual orientation or gender identity can be changed either through medical or religious practices. For example, the ABC reported in December 2021 that a woman was taken to a witch doctor to be exorcised of her lesbian sexuality. LGBTI people (children and young adults especially) may be subject to ‘conversion therapy’; attempts to change a person’s sexuality or gender identity that may amount to torture. Methods of ‘conversion’ for boys and men sometimes involve connecting electric currents to the scrotum or anus and, for women and girls, can include ‘corrective rape’ by a man with the intention that a woman who has been raped will ‘discover’ that she is actually heterosexual or cisgender. Hot irons are sometimes applied against the skin.

3.170 DFAT is aware of media reports of the use of petrol, fire or sharp instruments applied to the hair or skin, or the forced use of herbal or other ‘medical’ concoctions. These ‘therapies’ do not change sexual orientation or gender identity but are highly traumatic and associated with suicide of victims. They can take place in the home, in temples or religious venues, or in hospitals. DFAT assesses that LGBTI people in general face a moderate risk of violence in the form of conversion practices.

Loan Sharks/moneylenders

3.171 Loan sharks operate in India and various media reports in recent years have highlighted the issue. Moneylenders operate outside of the formal credit system, especially in rural areas. Sources told DFAT that moneylenders may lend against an expected harvest; if the harvest fails then the borrower may be unable to pay back the loan. Health care costs are also a common reason to borrow money. As in many countries with high outward migration, borrowing money to migrate, including to attempt an asylum claim, is also a possible cause.

3.172 Microfinance and other forms of technology-driven reputable lending are available to the poor in ways that were not possible in the past. WhatsApp, the most popular messaging application for mobile phones in India, has been testing its payment application in India. This has allowed easy access to funds and banking services for a large unbanked sector of the economy (mobile phones are more popular than banks). ‘Paytm’ is another popular mobile phone-based payment system that allows safe payments on digital platforms.

3.173 The corollary of better access to payment technology is that, in recent years, usurious lending practices have moved to the online space with many different mobile phone applications enabling loans becoming more popular with Indians. The difference between reputable and non-reputable providers is often not obvious, especially to the illiterate or less educated.

3.174 While some technological options for lending are predatory, the risk of violence is low. According to an article in Bloomberg in January 2022, there are many complaints about digital money lending, including after lenders have attempted to collect debts at work, jeopardising victims’ employment. The Bloomberg

article mentions ‘heavy handed’ collection tactics and stress upon victims that can lead to suicide. Another article in Inc42, a publication linked by the Bloomberg article, mentions that families and employers may be contacted by debt collectors. Again, this article does not mention violence but does mention suicide.

3.175 Sources consulted by DFAT agreed that violence against debtors who do not repay money is possible, but they emphasised that suicide that results from sustained harassment from lenders is more common than is direct violence. Such suicides in rural areas often occur through hanging or drinking pesticides. Debt may then be passed on to family members who subsequently make an asylum attempt.

3.176 Loan sharking is illegal. The *Usurious Loans Act 1918* bans ‘excessive’ interest rates, which are not defined. Courts may look at different features of a loan (the principal, other charges, periods at which interest is calculated and other factors) to determine if the rate is excessive. According to the Bloomberg article and others, new fintech lending services are poorly regulated. Access to legal relief from courts has its own challenges, outlined in the section on [judiciary](#).

3.177 The experience for those who are unable to service debts to loan sharks, and their family members, varies. Violence cannot be ruled out but is unlikely. Harassment, which can include threats of violence, is more likely. People borrowing money through informal moneylenders may also face societal discrimination, due to familial shame, should they default. DFAT assesses that debtors face a low risk of societal violence. DFAT is not aware of a pattern of societal or official discrimination against debtors.

Sri Lankan Tamils in Tamil Nadu

3.178 India hosts more than 90,000 Tamils from Sri Lanka, mostly in the state of Tamil Nadu, which has a strong Tamil identity. India does not recognise their refugee status or have a legal framework for refugee protection, but the national and state governments, along with UNHCR and aid groups, provide basic services such as food and basic housing, education and health care. Sri Lankan Tamils in Tamil Nadu can and do work after obtaining government permission but, according to the US Department of State’s 2021 Human Rights Report, the police sometimes summon them back to camps at short notice, especially during election periods or major events.

3.179 Sri Lankan Tamils in India can be broadly divided into two groups – those who live in camps serviced by the government (about 60,000 people, but DFAT does not have exact numbers), and those who are integrated into and live in the community (approximately 30,000, although DFAT cannot confirm exact numbers). Those in camps receive education, housing, health care and psychosocial support. Many are highly educated, including degree holders. Sources told DFAT that accommodation for Sri Lankan Tamils who are in the camps is generally good with sanitation, food, health care, education and other services provided.

3.180 Most non-camp residents arrived during or immediately after the Sri Lankan civil war (1980s to 2000s) and were more likely to integrate into the local community, with many having relatives in the region. More recent arrivals (in the last decade or so, and small but persistent numbers during 2022-23 following economic decline in Sri Lanka) are interviewed by police and housed in camps.

3.181 Those who are not in the camps are generally integrated into the local economy, and work in informal jobs. Camp residents might also have informal jobs within the camps but generally do not have the same opportunities to access the informal sector outside the camps. It may be possible in practice, however sources told DFAT that those in the camps generally do not ‘mingle’ with those outside.

3.182 Sources told DFAT that there is some low-level resentment in the community towards Sri Lankan Tamils, for example, the standard of housing that is provided by the government or development agencies is sometimes better (or perceived to be) than that available to the local community.

3.183 Several hundred Sri Lankan Tamils have returned to Sri Lanka but DFAT understands that there is no pressure applied to Sri Lankan Tamils to return. UNHCR-assisted voluntary repatriation to Sri Lanka had been suspended from April 2022 due to the economic and governance crisis in Sri Lanka but it recommenced in February 2023. Some Sri Lankan Tamils in Tamil Nadu might be competing with locals for informal work. There are also some cases of people who return to Sri Lanka and then come back to Tamil Nadu.

3.184 Outward migration is a popular aspiration for Sri Lankans in Tamil Nadu. Some Sri Lankan Tamils have attempted illegal and dangerous boat journeys, including to Australia and Canada. There are rumours of boats that attempt to go to Europe or Black Sea countries, a journey that is very unlikely to be possible in practice and highly dangerous to attempt. Indian authorities are attempting to prevent the illegal departure of boats and the criminal people smuggling trade associated with it. If people attempt to depart India to a third country (other than Sri Lanka), they are removed from the government list and will not be able to return to India.

3.185 Naturalisation in India is not possible in practice. Naturalisation requires certain criteria, including legal residence, to be met, which is not the case for most Sri Lankan Tamils. Some might be citizens due to previous *jus soli* laws (born before 1987): regardless of their parentage, they might be entitled to Indian citizenship on the basis that they were born in India, but this would need to be determined on a case by case basis usually in the courts. Indian citizenship law is complicated, and a local lawyer would most likely need to be consulted, which is beyond the capacity of most asylum seekers.

3.186 In October 2022 the Madras High Court found that the amendment to the *Citizenship Amendment Act* (see also section on [Citizenship \(Amendment\) Act, 2019 \(CAA\)](#)) could be applied to Hindu Tamils who were forced to flee Sri Lanka. In theory, this may provide a path to citizenship in a shorter time than usual (still six years, rather than ten). In practice, the law has not been fully implemented as implementing rules have not been drawn up and put into force and in any case Indian citizenship law is complex and the process would likely require specialised legal advice.

3.187 Sri Lankan Tamils might have camp identification cards issued by the Tamil Nadu state government (for those resident in camps) or cards issued by development agencies including the UNHCR refugee card that identifies them as refugees. They also receive a health insurance card. In addition, an [Aadhaar](#) card is, in practice, required to access many services. Legally, however, an *Aadhaar* is not required to access basic services like health and education. According to sources, most asylum seekers have access to health and education, which might be provided in different forms (for example, by the state or relief agencies or based on fake identification documents that would otherwise require identification).

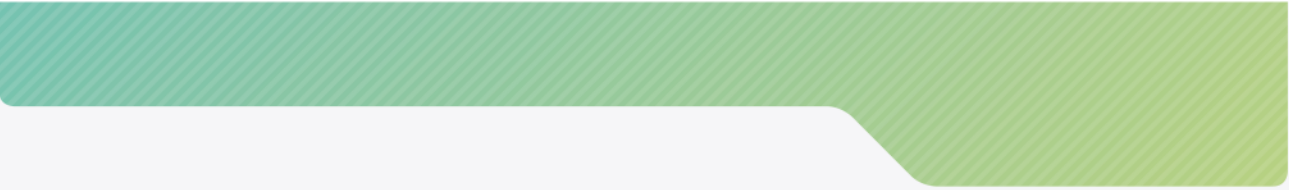
3.188 Sources told DFAT that they are not aware of LTTE (Tamil armed separatists) being active in the camps. DFAT is aware of media reports about the issue but cannot confirm details. Authorities question people if they suspect that they are related to the LTTE and monitor financial transactions that, broadly, may be used to fund terrorism.

3.189 DFAT assesses that Tamil asylum seekers face a low risk of societal or official discrimination or violence. This assessment notes that while asylum seekers do not have the same rights as citizens (as is the case anywhere in the world), they are nonetheless provided with basic services.

Non-Tamil asylum seekers

3.190 India also hosts asylum seekers from neighbouring countries other than Sri Lanka. The largest groups are Tibetans, people from Cambodia, Myanmar (including Chin and Rohingya people) and Afghanistan. There are also about 5,000 asylum seekers from other parts of the world.

3.191 According to sources, various NGOs and UN bodies provide infrastructure for asylum seeker communities, which includes basic health care and education facilities, and basic goods like food, sanitary



products and cooking oil. It is difficult to generalise; these services are not available to all people in every place, but are more likely to be available in communities of asylum seekers in large cities, for example in Delhi, Chennai and Hyderabad.

3.192 They may live in rudimentary shelters, such as a bamboo housing structures. Asylum seekers in Mizoram, near the Bangladesh border, are issued basic ID cards and can go to local schools. Many work in the informal sector and compete for local jobs; because they do not have Aadhaar cards they cannot work in the formal sector. This may cause some societal discrimination (for example, DFAT is aware of protests against housing provided for asylum seekers which was viewed as better than that provided to locals) but this kind of discrimination appears localised and limited; DFAT is not aware of a significant pattern of these kinds of protests.

3.193 DFAT assesses that asylum seekers in general (other than Tamils, covered separately above) experience a low risk of societal and official discrimination. This assessment notes that while asylum seekers do not have the same rights as citizens (as is the case elsewhere in the world), they are nonetheless provided with basic services.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

4.1 Article 21 of the Constitution of India states that ‘no person shall be deprived of his life or personal liberty except according to procedure established by law.’

Extrajudicial killings

4.2 ‘Encounter killing’ or simply ‘encounters’ are unofficial terms used in India to refer to a killing in which police ‘encounter’ a suspect, shoot them to death and then claim that there was a gun fight or that they acted in self-defence. Critics claim that these are untrue excuses used to justify killings. The [National Human Rights Commission \(NHRC\)](#) collects monthly statistics on these kinds of killings. There were six such cases registered with the Commission in January 2022, for example. The Commission recommends compensation payments for these kinds of deaths and other deaths in police custody. In practice, these recommendations are sometimes not accepted or are challenged in the relevant state’s High Court by state governments who control the police forces.

4.3 Encounter killings are especially associated with areas of conflict or insurgency (see [Security Situation](#)), but they have been recorded elsewhere, for example in relation to anti-gang activity or other routine law enforcement activities. It is difficult to assess an encounter killing based on reports – a wide range of different circumstances exist. There have been claims of impunity around the practice. For example, the 2021 US Department of State Human Rights Report says that human rights groups have claimed that police refused to release remains to families, and armed forces were not required to report encounter killings to the NHRC. However, the practice is not secret and incidents are commonly covered in the media.

4.4 Encounter killings are sometimes allegedly used for political purposes – the Uttar Pradesh state government boasted of its prowess in tackling crime through encounters in 2019, for example. Indian media reported in August 2021 that 3,302 alleged criminals had been shot at and injured in 8,472 ‘encounters’, leading to 146 deaths since the BJP came to power in March 2017. While these incidents were highly publicised, there are about 200 million residents in that state and the number of incidents, compared with the population, suggests that relatively few residents are affected. The circumstances of the killings are unclear; but the politicisation of the killings have been part of a ‘tough’ law-and-order campaign by the government.

4.5 There is some support for this campaign among residents. For example, one source described the popular perception of extrajudicial killing as a ‘luxury problem’. For example, if a police officer kills an alleged rapist, some might perceive that this is a faster realisation of justice than waiting for an investigation and court processes.

4.6 *The Armed Forces Special Powers Acts, 1958* (AFSPA) is in effect in conflict-affected states such as Nagaland, Manipur, Assam and parts of Arunachal Pradesh, with similar provisions also in Jammu and Kashmir. The legislation allows the central government to designate a state or Union territory as a ‘disturbed area’ and

authorises security forces in the state to use deadly force to ‘maintain law and order’ and arrest any person ‘against whom reasonable suspicion exists’ without informing the detainee of the grounds for arrest.

4.7 The legislation is controversial. Protests against the application of the legislation in Nagaland occurred in December 2021 and January 2022 after 14 men who were suspected of militancy (but critics claim were probably innocent) were killed in December 2021 by the Army under the provisions of the Act.

4.8 Police killings have also been alleged during street protests. Some Indian media outlets alleged that more than 20 deaths in violent anti-Citizenship Amendment Act protests in December 2019 in Uttar Pradesh were caused by the police. A man who was beaten by police during communal violence in New Delhi in February 2020 died while in overnight custody. A post-mortem found that he died of a head injury.

Enforced or involuntary disappearances

4.9 Enforced or involuntary disappearance is alleged in India, particularly in [conflict areas](#). In Jammu and Kashmir for example, families of disappeared men allege that the army has forcibly disappeared thousands of their relatives since 1989. The circumstances of these disappearances are not clear; numbers and circumstances are disputed between the government and some civil society organisations. Sources told DFAT that the way in which incidents are reported in the media may not be the entire picture of events; not everything is published and what is published is disputed.

4.10 The Indian Government claims that those killed or disappeared have crossed to Pakistan to join militant groups. DFAT is unable to verify these claims. The government has also provided compensation in the form of ex-gratia payments or government jobs for family members for some historical cases of disappearance in Kashmir if the family can prove that their missing family members were not militants; they are presumed dead after seven years.

4.11 According to the 2021 US Department of State Human Rights Report, some families of allegedly disappeared persons claim that police had failed to register cases of detained persons and that prisoners needed to pay bribes for their family and friends to be told that they had been detained. This is against the law: section 50A of the Criminal Procedure Code requires police to inform a nominated person of an arrest. Police and government deny these claims.

Deaths in custody

4.12 The National Crime Records Bureau publishes extensive statistics, including on deaths in custody. The 2020 number (the most recently available at the time of writing) was 1,887 deaths, of which 1,642 were from natural causes and 189 were ‘un-natural’, including suicides. The statistics are disputed by some human rights groups who claim that the number of deaths is higher and that police are complicit in causing those deaths, including covering up the alleged causes of death by attributing them to suicide, for example. DFAT is unable to substantiate those claims.

4.13 The law requires a judicial inquiry into any death in custody. According to human rights groups, including Human Rights Watch, police do not follow required procedures related to arrests, deaths in custody or torture. As such, inquiries into suspicious deaths may not uncover the true nature of a death and statistics may be unreliable.

4.14 *The Guardian* reported in February 2022 that a young Muslim man was found dead in a cell in Uttar Pradesh. Police claimed that he had hanged himself from a tap near the cell toilet. Critics of the government claimed that he had been murdered by police and pointed to non-functional CCTV and noted that

the tap was only 76 centimetres off the ground and made of ‘flimsy plastic’, which they claim made the police explanation implausible.

4.15 An 84-year-old Jesuit priest and activist, Fr Stan Swamy, died in custody of COVID-19 related complications and heart failure in 2021. He had been repeatedly denied bail despite of his health conditions, which his supporters claim worsened in prison. Fr Swamy was originally accused of orchestrating caste-based violence in Maharashtra in 2018 related to his advocacy for [Adivasi indigenous people](#) and was charged under the Unauthorised Actions Prevention Act in relation to an alleged conspiracy to overthrow the Modi government.

4.16 Deaths in custody may relate to prison conditions. See [Detention and Prison](#).

DEATH PENALTY

4.17 India retains the death penalty under both national and state legislation. At the time of writing there were 488 people on death row. Between 2000 and 2020 (2020 the last year that an execution took place at the time of writing), eight people were executed by hanging: five for sexual assault and murder, and three for terror-related charges. The death penalty can also be imposed for treason, mutiny, kidnapping, drug offences and ‘dacoity’, a South Asian term for robbery in company or banditry. The death penalty can be imposed for sexual assault where the victim is younger than 12 years of age, is a woman who, as a result of her injuries, is left in a persistent vegetative state, or where the offender is a recidivist. The production of ‘spurious liquor’ (moonshine, drinking of which can lead to blindness or death in some cases) is also punishable by death in some states. According to sources, a large proportion of new death sentences relate to sexual assault cases.

4.18 Death sentences need to be confirmed by the High Court in the relevant state. This can lead to extended waits on death row while a sentence is confirmed. Sources told DFAT that the poor and marginalised are more likely to end up on death row.

4.19 Sources claim that the number of death sentences handed down has increased in recent years and that some public prosecutors have been incentivised through government rewards programs to seek the death penalty in court, and that in other cases the death penalty has been promoted because it is politically popular. While lower courts regularly impose the death penalty, particularly for sexual assault and murder, higher courts have tended to commute most sentences to life in prison.

4.20 DFAT understands that the death penalty is broadly popular in India, and this aligns with widespread public outrage about sexual assault, including mass protests against brutal assaults described in the section on [violence against women](#).

TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Torture

4.21 Some sources told DFAT that torture is uncommon in India and, when it does occur, there is a good chance that it will be investigated and prosecuted by police. Other sources claim that Indian police have been accused of regularly using torture to extract confessions, which is sometimes euphemistically known as ‘the third degree’. The method of torture in that case is beating, done in a way that avoids leaving obvious marks. Methods of torture also allegedly include hanging suspects upside down, depriving suspects of food, drinks or

use of a toilet, and preventing sleep. In her 2020 book on torture, US academic Jinee Lokaneeta claimed that police use torture to extract confessions due to the short investigation time (24 hours) before they must take an accused before a magistrate (see [Arbitrary Arrest and Detention](#)).

4.22 The National Campaign Against Torture, an NGO, claims that police enjoy impunity in cases of torture and that the true extent of the problem is difficult to assess; only those cases that attract a media ‘outcry’ are investigated. The NGO released figures in 2020 on allegations of torture in 2019 that found 117 people died in police custody, while 1,606 deaths were recorded in judicial custody. According to the same report, 500 people allegedly died due to torture in police custody between 2005 and 2018 and there were no convictions.

4.23 Those numbers are likely to be a very small fraction of the number of people held in police or judicial custody in India, noting the sheer size of the population. However, according to critics of the government, available statistics about torture are probably underreported because people believe, rightly or wrongly, that allegations of torture will not be properly investigated or that the police have impunity.

4.24 Some NGOs claim that torture is endemic in police custody and prisons, but figures are not reliable. Torture is not so widespread that every person taken into custody would experience it and, as discussed in [Police](#), the vast majority of Indians have very little contact with police. Thus, there is a low risk of torture.

4.25 For information on treatment of LGBTI people that may amount to torture, see [‘conversion’ practices](#).

Arbitrary arrest and detention

4.26 Articles 21 and 22 of the constitution prohibit arbitrary arrest and detention, and give prisoners the right to know the reason for their detention. Similarly, section 50 of the Code of Criminal Procedure requires police to inform detainees of the reason for their arrest. Those arrested must be brought before a magistrate within 24 hours of their arrest according to article 22 of the constitution, and detention of more than 24 hours must be authorised by a magistrate according to section 57 of the Criminal Procedure Code. Those arrested have access to legal counsel according to section 22 of the constitution.

4.27 In practice, these legislative procedures are not necessarily followed. The 2021 US Department of State Human Rights Report notes cases of arbitrary arrest and police detaining prisoners without identifying themselves or without warrants. Sources told DFAT that most prisoners are on remand while waiting for a slow [judicial system](#) to hear their cases. Some human rights monitors allege that this amounts to arbitrary punishment because of the low conviction rate.

4.28 A form of detention known as ‘preventative detention’ exists outside of regular criminal procedure laws. Under the National Security Act 1980, Union or state governments can detain a person if they believe that they will harm national security or public order. State laws may also provide for this kind of detention. These laws are most likely to apply to [conflict-affected areas](#) but have been used in other cases. The Supreme Court ruled in August 2021 that the application of the Telangana Prevention of Dangerous Activities Act, which authorises preventive detention, could not be used against a person who was accused of fraud.

4.29 Some human rights organisations allege that torture has been used against government critics under the *Unlawful Activities Prevention Act*, see [Political Opinion \(Actual or imputed\)](#).

5. OTHER CONSIDERATIONS

STATE PROTECTION

Military

5.1 The military has significant powers under *the Armed Forces (Special Powers) Act 1958* when a state of emergency is declared. The Act allows security forces to search homes, search or arrest people and premises without a warrant, and shoot on sight. These powers are in force in Jammu and Kashmir as well as in parts of the country where separatist forces are at large. Critics claim that the laws give impunity to members of the military.

5.2 In December 2021 Indian Army Special Forces mistook ethnic Naga villagers for rebels and shot at a truck that was taking the villagers home from their work at a coal mine. According to media reports, the villagers were given no warning of the attack that killed six people and injured 13 civilians. The Home Affairs Minister expressed 'deep anguish' and the army apologised and promised an investigation.

5.3 Most Indians have little contact with the military. For information on areas where military contact may amount to an asylum claim, see [Security Situation](#).

Police

5.4 The Constitution of India devolves responsibilities for police and public order to the states. According to sources, many Indians will choose not to contact the police, even if they are victims of crime. The 2019 Status of Policing in India Report found that two in five police officers surveyed said that people were hesitant to rely on them. The 2018 version of the same report found that only one in five of more than 15,000 people surveyed had recent contact with the police, and those that did were more likely to be male and wealthy. Those who contacted police may well have paid a bribe for the police to take action.

5.5 Indian police forces have few women members (about 10 per cent of officers), which likely deters women from reporting crimes, given the conservative and sex-segregated nature of Indian society. See section on [state protection for women](#).

5.6 A key consideration when dealing with Indian police is whether a 'First Information Report' (FIR) is made. These are the first reports made by police before they initiate a criminal investigation. Critics of the police claim that police will often refuse to register a FIR; in practice that police action depends on individual police officers and can be arbitrary. The consequences of an FIR not being registered are that the crime is not investigated and no police remedy will be available. As it is the initial action of a police investigation, subsequent police investigation is not possible without an FIR. For example, in a sexual assault case if an FIR is not registered, police arranged medical investigation or care or the taking of a statement will not proceed.

5.7 Some media reports allege that some police forces are poorly equipped to fight crime, however this is likely to vary from place to place. Police stations may lack access to basic amenities such as running water

or toilets. The Union Minister of State for Home admitted in March 2023 that dozens of police stations do not have access to a vehicle and hundreds do not have a telephone. Some police officers complain that they are overworked or lack adequate training.

5.8 DFAT understands that if a person of interest is being sought by another state, the states would work together in securing the arrest and extradition of that person, however there is no formal state extradition requirement. DFAT understands state police do not have sophisticated online databases to track offenders; such work may be done manually, but details are not clear and, in practice, it would probably depend on the individual police officers and police forces involved. In spite of that, in general, DFAT understands that there is a good degree of cooperation between state police forces and interstate arrest and extradition may be possible.

Judiciary

5.9 The judiciary in India is separate from the legislature and executive. The Indian judicial system, like Australia's, is inherited from British Common Law, and senior courts in particular are known for considered judgements in a similar style to Australian courts. Judgements may be written in English.

5.10 As in many countries, long delays are common, in part due to understaffing, inefficiency and (more commonly in lower courts) corruption. Some sources claim that lawyers can be incentivised to make unnecessary applications for interlocutory injunctions to the court for legal actions to increase their pay, especially when they are paid by the hour. According to a report by the Indian Institute of Management, Calcutta and reported in the *Times of India* in October 2019, absent judges, unnecessary procedures and repeated adjournments also caused delays. That report found that it takes about two and a half years for the average litigant to get a judgement, including in lower courts.

5.11 According to Freedom House and other sources, the upper levels of the judiciary display more autonomy, however the lower levels can suffer from corruption and politicisation. Bribes may be taken at different stages of the process and might be paid to speed things up rather than change an outcome.

5.12 Some rural communities have village courts (sometimes called *nyaya panchayat*) which some Indians prefer to the formal legal system. Decisions are quicker, community-based, and often less subject to corruption. However, sources told DFAT that the decisions can be unpredictable and tend to disadvantage minorities and women because individual needs of diverse people may not be considered, as they would be when using formal laws and procedures.

5.13 Judicial action is unaffordable to most Indians. Even criminal defendants who are entitled to a lawyer often get poor representation, according to sources. Sources told DFAT that clients who are unable to pay lawyers for better representation are unlikely to receive good quality legal advice and some might refuse legal advice, seeing it as just another debt they cannot pay.

5.14 DFAT is not aware of defendants being placed in double jeopardy in India for crimes that they committed while outside India or within India.

Detention and prison

5.15 Conditions vary from prison to prison although, in general, facilities in central prisons are better than those of district prisons. India's prisons operate beyond capacity with an occupancy rate of 118 per cent in 2020, according to government statistics (the most recent available at the time of writing). According to sources, overcrowding leads to unsatisfactory living conditions, with dilapidated structures, lack of space, poor ventilation, and poor sanitation and hygiene. The 2021 US Department of State Human Rights Report

described conditions as ‘frequently life threatening’. Sources told DFAT that in some prisons prisoners will sleep in shifts because there is no room to sleep, while food and clean water might be inadequate.

5.16 According to sources, a very large proportion of prisoners are ‘undertrial’ detainees (people on remand). These prisoners are usually provided with legal assistance (this may differ from prison to prison). In 2021 the Supreme Court ordered states and territories to release some prisoners who were held on remand to help relieve overcrowding and to reduce the potential for COVID-19 spread. This has helped, but prisons are still very overcrowded. See also: [Judiciary](#).

5.17 Basic vegetarian food is provided, however prisoners may need to pay for additional items. DFAT understands prisoners generally get commissary access, access to free legal aid of variable quality, and general medical care. Specialist medical treatment is difficult to obtain and requires court permission, with surgery likely only in emergencies.

5.18 Violence occurs in prisons, including among women, according to the National Legal Service Authority, a government agency that provides legal assistance to poor clients. Sources told DFAT that prison violence is widespread and poor mental health outcomes might result, or perhaps be the cause in some cases. The living conditions for prison guards may also be poor and they may be poorly paid, which incentivises corruption.

INTERNAL RELOCATION

5.19 There are no legal barriers to internal relocation and India has a long history of internal migration. In practice, relocation is mostly intra-state rather than interstate. This probably reflects the way in which languages and cultures tend to be divided in India along state-lines; people in the same state will speak the same language as the internal migrant. However, in the northern (not north-eastern) states generally all people speak Hindi, giving greater scope for internal migration.

5.20 Many internal migrants experienced significant hardship during the COVID-19 pandemic because of lockdowns that prevented people who had moved for work from earning an income. This, in turn, caused many people to travel to large cities in search of employment or essential supplies. Conversely, many internal migrants returned home to their families when they were unable to work.

5.21 According to the World Bank, factors that may limit interstate relocation include non-portability of welfare entitlements (some social welfare programs are only available within a state or require an established residence), preferential treatment of former students from local educational institutions, and domicile requirements for state government jobs. A 2014 article from the Migration Policy Institute lists lack of education, access to financial services and the predominance of the agricultural sector as other factors.

5.22 In general, internal relocation is a practical option for most people seeking escape from violence related to marriage choices but this would be limited by the factors discussed above. For women, relocation might involve becoming a [single woman](#). LGBTI people are unlikely to be able to relocate away from discrimination anywhere in India, but an upper class LGBTI person might find some safety in a large city (see [Sexual Orientation and Gender Identity](#)).

TREATMENT OF RETURNEES

5.23 DFAT is not aware of any evidence of mistreatment of returnees, including failed asylum seekers, by Indian authorities. The Australian Government through the Department of Home Affairs is required to notify Indian authorities prior to the arrival of escorted removals from Australia but does not track returnees after their arrival in India. Home Affairs does not routinely notify Indian authorities of unescorted returns and

removals. UK Home Office reporting notes tracking and surveillance systems appear limited. DFAT assesses that failed asylum seekers are unlikely to encounter official discrimination upon return.

Exit and entry procedures

5.24 The Bureau of Immigration undertakes immigration functions in India. Indian nationals travelling abroad require a valid Indian passport and travel authority for the destination country. An Indian national, on re-entry to India, requires a valid Indian passport or travel document issued by the Government of India.

5.25 Emigration for temporary or permanent work overseas and the potential to send remittances is popular among Indians. Those who do not have a year 10 education (with a few exceptions based on qualifications, periods of residence overseas or advanced age) will hold a passport that is endorsed 'Emigration Check Required' (sometimes known by the initials 'ECR' or 'ECNR' in the case that it is not required). This means that they must register with the Protector of Emigrants with details of their employer, insurance and contact details. This registration can occur via an online form.

5.26 The purpose of the ECR process is to ensure safety of Indian low/unskilled workers who are at risk of exploitation in countries with no or few worker protection rights. An ECR stamp in an Indian passport may provide a clue about the holder's education, travel and employment history as well as age and marital status.

5.27 Since January 2019, ECNR passport holders who are travelling for employment to one of 18 designated countries (Afghanistan, Bahrain, Indonesia, Iraq, Jordan, Kingdom of Saudi Arabia, Kuwait, Lebanon, Libya, Malaysia, Oman, Qatar, South Sudan, Sudan, Syria, Thailand, United Arab Emirates and Yemen) have been required to register with the Ministry of External Affairs prior to departure.

5.28 India has a border alert mechanism, known as a Look-Out Circular (LOC), that allows certain agencies to flag citizens and non-citizens for border intervention on entry to or exit from the country. Authorities can request LOC listing in cases where a person is a suspect, accused or under investigation for serious criminal offences under the Indian Penal Code or other penal laws. LOC listing can prevent a person from exiting the country (via airports, ports or land border crossings), and allow for arrest in some cases (such as when a person is absconding). In other cases, immigration authorities may not prevent LOC subjects from travelling, but originating agencies will be informed about the person's departure or arrival. Generally, LOCs are valid for one year from the date of issue. In some cases validity can be longer (such as LOCs issued at the request of courts or Interpol, those with a specified duration or those linked to impounding of passports). DFAT is not aware of details of who would be placed on the list and is not aware of a pattern of treatment of those people that are.

5.29 Travel document applications for Indian nationals in Australia are issued by the Indian High Commission in Canberra or consulates in Sydney, Melbourne and Perth, depending on the Australian state of residence. The Indian High Commission has previously advised of the requirement that a travel document application should be signed by the applicant and accompanied by a letter stating the applicant consented to the issuance of the document and is willing to return to India.

5.30 Crossing the Pakistan or China land borders from India is likely to be very difficult or impossible. Sources told DFAT that it is very easy to cross the Bangladesh or Nepal borders with few or no checks taking place. The latter is subject to the India-Nepal Friendship treaty, which in law and practice allows free movement between the countries. People may cross back and forth between India and Bangladesh, India and Nepal, or India and Bhutan regularly, even daily, for work. Corruption at borders is possible, but much more likely at a land crossing. International airports are generally professional and secure, and corruption is unlikely.

DOCUMENTATION

Birth, marriage and death certificates

5.31 Birth, marriage and death certificates are the responsibilities of the states, which often devolve these to municipal councils or villages. Registration is compulsory but, in practice, the registration and issuing of birth certificates occurs inconsistently with lower registration in rural areas. However, even if children are registered, many lack proof of registration if they have not obtained an extract or certificate of their birth.

5.32 Not all records are computerised and manual records are still relied upon, particularly in rural areas of some state or local governments, and perhaps with variation within states and Union territories. It is common for names, birth dates and other personal details to be recorded inconsistently across the range of official documents a citizen can require in India, including passports. This can occur for a range of (non-fraudulent) reasons, including clerical errors, a lack of accurate record keeping and flexible naming conventions. Birth, marriage and death can also be registered late (sometimes years after the event) based only on an unverified sworn affidavit. Such registrations are unreliable for assessing identity.

Unique Identification Numbers (UID)/Aadhaar

5.33 The *Aadhaar*, issued as an identity card, contains a 12-digit unique identification number (UID). It is issued to Indian nationals to establish their identity based on demographic and biometric information. It provides a platform for social welfare services, benefits and subsidies. The Unique Identification Authority of India (UIDAI) is responsible for the issue of numbers. More than 1.3 billion *Aadhaar* have been issued to Indian residents since 2010.

5.34 Application for an *Aadhaar* card is free and the scheme is voluntary but, in practice, enrolment is required for day-to-day activities. In 2018, the Supreme Court ruled *Aadhaar* could not be mandatory for accessing bank accounts, school admission or mobile phone subscriptions. However, denial of services that do not require an *Aadhaar* number sometimes happens when *Aadhaar* information is not given. A non-resident Indian can apply for an *Aadhaar* on arrival, but they are very likely to already have one; the number is valid for life and replacement cards can be ordered online.

5.35 Obtaining an *Aadhaar* card does not require significant documentation, with multiple options available, making it accessible to undocumented poorer or illiterate citizens. The use of biometric data including face authentication, iris and fingerprint data, is intended to reduce or eliminate duplication of UIDs to the same person. In practice it is often used as an identity card.

5.36 *Aadhaar* cards were developed to be robust enough to eliminate duplicate and fake identities, and to be verified and authenticated in a cost-effective way, and the cards are usually effective in those respects. There is some potential for abuse: UIDAI reported in May 2018 that it had blacklisted over 50,000 *Aadhaar* enrolment centre operators for various fraud and corruption violations. Similarly in December 2021, eight people were arrested in Hyderabad for 7,000 fraudulent *Aadhaar* enrolments and data changes, according to the *Times of India*.

Passports

5.37 Currently, supporting documents required for a passport application include: proof of date of birth, identity proof with photograph, proof of residence and proof of nationality. Indian passport design

incorporates many security features, but security is undermined by production inconsistencies and vulnerable source documents (that is, use of non-genuine source documents to obtain a genuine passport). As such, the Indian passport is not conclusive evidence of an individual's identity as it is possible to use fraudulent base documents to obtain a genuine passport. For example, the passport instruction form lists a number of alternative documents to birth certificates to prove date of birth, such as school documents, orphanage documents for orphans, or tax documents, all them highly susceptible to fraud.

5.38 If an Indian passport holder loses their passport while travelling, they may return to India on an 'Emergency Certificate'. Indian diplomatic and consular missions abroad can issue emergency certificates.

PREVALENCE OF FRAUD

5.39 In 2012, the Government of India introduced a QR code-based municipal service validation code facility to provide electronic verification of birth, marriage and death certificates lodged by clients at registrar offices. This facility is not yet available India-wide. DFAT understands issuing authorities do not routinely conduct verification of documents submitted by clients before issuing birth, death or marriage certificates with the QR facility.

5.40 In-country sources told DFAT identity documents in India are unreliable because 'breeder documents' (which include birth, marriage and death certificates used to support applications for identity, residence and travel documents) and other basic government identity documents can be obtained fraudulently. Easily-faked bank statements or utility bills can also be used to demonstrate residency. Verifying documents is time consuming and largely unreliable given the ease of fraudulently obtaining genuine documents of all types.

5.41 Document fraud is a common criminal activity. It is not difficult to obtain fraudulent documents. For example, a passport might be based on only one other form of identification. Organised networks of agents are known to provide complete packages of fake documents. For example, *The Times of India* reported in February 2019 the arrest of five persons in Hyderabad for fabricating documents and official stamps, and helping people obtain visas for Western countries. The accused allegedly took applicants' original passports, charging approx. AUD 750-850 as a first instalment, and a further AUD7,500-8,500 if the visa was successful. The process allegedly involved tampering with original Indian passports, and forging documents such as bank statements and seals, income tax returns, identity proofs, letter heads and logos, as well as rubber stamps of government officials, immigration stamps used at Indian airports, and immigration service stamps of Australia, the UK, the US, and the UAE. Sources told DFAT organised networks such as those arrested in Hyderabad in 2019 provided complete packages of fake documents and charged significant fees for the provision of fraudulent documents.