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The State of the World's Human Rights; India 2023

National financial and investigation agencies were weaponized against civil society, human rights defenders, activists, journalists and critics, further shrinking civic space. Government officials, political leaders, and supporters of the Bharatiya Janata Party (BJP) – the ruling political party at the federal level – advocated hatred and violence against religious minorities with impunity, particularly Muslims, marking a rise in hate crimes. Punitive demolitions of largely Muslim properties – including homes, businesses and places of worship – resulting in mass forced evictions after episodes of communal violence, were commonplace and went unpunished. India continued to impose arbitrary and blanket internet restrictions including internet shutdowns. The government withheld the Twitter (now known as X) accounts of journalists and civil society organizations without due process. Dalits, Adivasis and other marginalized groups continued to face violence and entrenched discrimination, with women and girls facing specific attacks on their right to bodily autonomy. Despite a formal ban on manual scavenging, more than 300 people had died cleaning sewers and septic tanks since 2018.

Background

In September, India hosted the 18th G20 Heads of State and Government summit in the capital, New Delhi. In March, India engaged with the UN Human Rights Council UPR and accepted 221 out of 339 recommendations, including those to eliminate caste discrimination, guarantee the right to freedom of expression, and to protect the rights of religious minorities. It noted recommendations to repeal, amend or bring the Foreign Contribution (Regulation) Act (FCRA), the Unlawful Activities (Prevention) Act (UAPA) and the laws on sedition and criminal defamation in line with international human rights standards. In November, India also underwent the fourth mutual evaluation of laws and regulations on anti-money laundering and countering financing of terrorism by the Financial Action Task Force whose recommendations have been exploited by the government to target human rights defenders, activists, and government critics. On 17 October, the Supreme Court failed to grant legal recognition to same-sex marriage and left it to the parliament to formulate necessary legislation.

Freedom of expression, association and assembly

On 21 December, the Indian parliament passed the Bharatiya Nagarik Suraksha Sanhita, a bill which seeks to reintroduce the sedition law that had been arbitrarily used to suppress government critics and increases the possible punishment for sedition from seven years to life imprisonment. The Supreme Court had temporarily suspended the sedition law in 2022.

On 6 April, the government published the draconian Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2023, expanding its control over online content. The Rules authorize a “fact check unit of the central government” to identify online content “in respect of any business of the Central Government” as “fake or false or misleading”. Online intermediaries, including social media companies and internet service providers, will be required to take down any such content. Failure to remove content may result in liability for any third-party information hosted on their platform.

On 18 March, the authorities imposed a blanket internet shutdown in Punjab state; 27 million people lost access to the internet for at least five days. From 3 May, Manipur state witnessed long periods of internet shutdowns, with the authorities allowing intermittent access for short periods.

According to digital rights organization Access Now, India had imposed 84 internet shutdowns in 2022, the highest number in the world for five years in a row.

In April, comedian Yash Rathi and rappers Raj Mungase and Umesh Khade were investigated by the Uttarakhand police and Maharashtra police respectively for alleged defamation and promotion of enmity between different groups. The accusations against them included allegedly making objectionable remarks against Lord Ram in a comedy set and singing songs highlighting the prevailing poverty and corruption in India.

On 31 October, opposition leaders and journalists were notified they were on Apple's global threat list and that their iPhones may have been targeted by "state-sponsored attackers".

Human rights defenders

The authorities weaponized the central financial and investigation agencies to crack down on civil society organizations and human rights defenders using tax, money laundering, foreign contribution and anti-terror laws. On 14 February, tax authorities carried out coordinated raids – presented as "surveys" – at the Delhi and Mumbai offices of the BBC media organization weeks after it broadcast a documentary critical of the prime minister Narendra Modi. The Ministry of Home Affairs revoked the FCRA licence of the Centre for Policy Research in February, and in June suspended for six months the licence of the Centre for Equity Studies, a non-profit organization run by renowned human rights activist Harsh Mander, preventing the organizations and activists from accessing essential funds. On 20 March, the Ministry of Home Affairs recommended an enquiry by the Central Bureau of Investigation against Aman Biradari, another organization run by Harsh Mander. In July and September, the Income Tax authorities removed the tax exemption status of the Centre for Policy Research, Oxfam India and CARE India.

Journalists

Restrictions were placed on human rights defenders, activists and journalists in digital spaces. On 20 March, authorities blocked the Twitter (now known as X) accounts of leading Punjab-based journalists, political leaders and members of the Punjabi diaspora as the authorities launched an operation to search for Amritpal Singh, leader of the organization Waris Punjab De. In June, Wall Street Journal journalist Sabrina Siddiqui faced online abuse from political leaders and BJP supporters for questioning the prime minister Narendra Modi about the deteriorating human rights situation of religious minorities in India during his visit to the USA. Her Muslim and Pakistani heritage was targeted by online trolls.

On 3 October, the Special Cell of the Delhi police raided the homes of at least 46 journalists associated with the media organization NewsClick under the UAPA – India's primary counterterrorism law – for allegedly raising funds for terrorist acts, promoting enmity between different groups and criminal conspiracy under the Indian Penal Code, among other accusations.

Arbitrary arrests and detentions

Eight human rights activists continued to be detained without trial in Maharashtra state under the UAPA. They were academics Shoma Sen and Hany Babu; poet Sudhir Dhawale; lawyer Surendra Gadling; civil rights activist Rona Wilson; and three members of the cultural group Kabir Kala Manch: Ramesh Gaichor, Jyoti Jagtap and Sagar Gorkhe. They were arrested between 2018 and 2020 by the National Investigation Agency, India's main counter-terror agency, for their alleged involvement in violence during the Bhima Koregaon celebrations near the city of Pune in 2018.

At least seven Muslim students, councillors and human rights activists continued to be detained without trial since 2020 under the UAPA for allegedly orchestrating religious violence in Delhi in February 2020 that killed at least 53 people, mostly Muslims.

Academic and human rights activist GN Saibaba continued to be imprisoned since 2017 despite his deteriorating health condition.

On 28 May, Delhi Police arrested women wrestlers and their supporters for organizing a march towards the new parliament building. They were demanding the arrest of the head of the Wrestling Federation of India, who was accused of sexually harassing the wrestlers.

On 3 October, the Special Cell of Delhi police arrested Prabir Purkayastha, founder of NewsClick, and its head of human resources, Amit Chakraborty, under the UAPA for allegedly raising funds for terrorist acts. They remained in detention.

Freedom of religion and belief

Advocacy of hatred against Muslims continued to proliferate. According to Hindutva Watch, a USA-based research organization, 255 incidents of advocacy of hatred and violence targeting Muslims were recorded in the first six months of 2023. In an emblematic case, on 22 September, a current Hindu MP used demeaning slurs based on religious identity against a Muslim MP. He later apologized and was issued with a warning.

Women and girls

Attacks on the right to freedom of religion particularly affected and further marginalized Muslim women and girls.

In a welcome step, on 15 June the new Karnataka state government announced the decision to repeal the draconian and discriminatory Karnataka Protection of Right to Freedom of Religion Ordinance, 2022, popularly known as the “anti-conversion law”, which contains undue restrictions on conversions, including for the purpose of marriage. However, the ban on wearing a hijab in schools and colleges in the state of Karnataka continued to remain in place, hindering the meaningful participation of women and girls in Indian society and impacting their access to education.

On 23 January, the Assam state government announced a crackdown on people who had “participated in child marriage” in the previous seven years, leading to mass arrests of over 3,000 people, mostly Muslims. At least four women died by suicide under the mounting pressure of the crackdown. Women from socially and economically disadvantaged communities also drew back from public health facilities, fearing arrests of their family members, thereby putting their health at further risk.

Unlawful attacks and killings

Ethnic violence continued in Manipur state as state and national authorities failed to protect ethnic minorities from violence and displacement. The tribal and predominantly Christian Kuki community faced the brunt of violence from the majority Meitei community. More than 200 people were killed, of whom roughly two thirds were Kukis. More than 50,000 people were displaced.

On 31 July, a Hindu officer of the Railway Protection Guard shot dead four people travelling to Mumbai; three were Muslims.

In August, communal violence broke out in Nuh town, Haryana state, after a rally organized by Hindu nationalist groups Bajrang Dal and Vishwa Hindu Parishad passed through Muslim majority areas of Nuh. The violence left seven dead and at least 200 people injured.

Lynchings continued with impunity. According to media reports, between January and December at least 32 Muslim men and one woman were killed by vigilantes and radical Hindu groups in the states of Assam, Bihar, Delhi, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra and West Bengal.

Economic, social and cultural rights

Forced evictions

Ahead of the 18th G20 summit, multiple authorities demolished informal settlements in different parts of Delhi, allegedly to “beautify” the city, stop encroachments onto other land and conserve the environment. According to media reports, between February and April at least 1,425 properties were demolished in the Mehrauli, Tughlaqabad, Moolchand Basti and Yamuna floodplains area of the city, resulting in the forced evictions of over 260,800 people.

In August, the railway authorities demolished at least 90 homes in Nai Basti, a predominantly Muslim neighbourhood in Mathura city in Uttar Pradesh. It was alleged that they had encroached on public land. The homes were destroyed without providing reasonable notice or alternative sites for resettlement, amounting to forced eviction.

Following the communal violence in Nuh, the Haryana state authorities demolished at least 300 properties, mostly belonging to Muslims. The Punjab and Haryana High Court ordered a halt to further demolitions and raised concerns about the lack of legal process and “ethnic cleansing” being conducted by the state government.

Discrimination

Hate crimes based on caste

Hate crimes, including violence against members of scheduled castes and scheduled tribes, were committed with impunity. More than 50,000 suspected crimes against members of scheduled castes and more than 8,000 crimes against Adivasis, India’s Indigenous People, were reported in the latest figures from the National Crime Record Bureau. While the members of scheduled castes and scheduled tribes constituted 24% of the total population, they accounted for 32% of the prison population in 2021.

Despite a formal ban on manual scavenging in India, between 2018 and 2023, 339 people died while cleaning sewers and septic tanks, with nine such deaths officially recorded as of June. This was primarily due to lack of implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 which prohibits compelling anyone to practise manual scavenging.

Indigenous Peoples’ rights

Sexual and gender-based violence

Throughout the year, media reported that Adivasi women faced sexual violence from members of dominant castes, often with complete impunity. In May, two Indigenous Kuki women were stripped naked and paraded by a mob of men belonging to the dominant Meitei community in Manipur, after which one of them was raped. A First Information Report was filed with police two months later, after a video of the incident surfaced on social media, leading to public outrage.

In September, designated tailors at a school in Uttarakhand state, attended by over 250 Adivasi students, sexually assaulted more than 100 Adivasi girls. No arrests had been made by the end of the year.

Land rights

Contradicting a 1996 Supreme Court judgment, on 4 August, the parliament passed the Forest Conservation (Amendment) Act exempting private and deemed forests traditionally held by Indigenous communities from the 1980 Forest (Conservation) Act. The amendments exempted private companies from requiring prior approval from the government for deforesting the land and setting up industries.

Jammu and Kashmir

In a positive step, on 18 November, the High Court of Jammu and Kashmir and Ladakh granted bail to journalist Fahad Shah who had been in detention since February 2022 under the UAPA in retaliation for his legitimate journalism. On 9 November and 11 December respectively, the Court also quashed the detention orders of journalist Sajad Gul and human rights defender Asif Sultan under the Jammu and Kashmir Public Safety Act, legislation that allows the authorities to administratively detain an individual without charge or trial. They had been in detention since January 2022 and August 2018 respectively. However, human rights defender Khurram Parvez continued to be detained since 2021 under the Unlawful Activities (Prevention) Act.

On 19 August, the Indian authorities blocked access to Fahad Shah's online news outlet, The Kashmir Walla, and its associated social media accounts on Facebook and X (formerly Twitter).

On 4 and 5 February, the district municipal corporations and Union Territory revenue authorities demolished the homes and properties of residents in at least four districts – Srinagar, Budgam, Anantnag and Baramulla – in Jammu and Kashmir.

On 11 December, the Supreme Court of India upheld the constitutional validity of the abrogation of Article 370 of the Constitution of India by the government on 5 August 2019. Article 370 guaranteed far-reaching powers to the Union Territory of Jammu and Kashmir on a wide range of issues, with the exception of foreign affairs, defence and communication. The Court also recommended the creation of an independent truth and reconciliation commission to investigate human rights violations committed by state and non-state actors in the region and ordered the Indian government to hold legislative assembly elections in the Union Territory by September 2024.

Right to a healthy environment

The government lacked adequate disaster preparedness policies and failed to effectively respond to floods and air pollution exacerbated by climate change. The Himalayan region remained vulnerable to intense floods which killed at least 72 people in August.

The authorities failed to provide adequate support to marginalized communities affected by heatwaves, leaving at least 96 people dead in the states of Uttar Pradesh and Bihar.

In November, the air quality index in Delhi hit 500, which is 100 times the limit deemed to be healthy by the WHO.

