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INDIA

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INDIA 2017/2018

Religious minority groups, particularly Muslims, faced increasing demonization by hardline Hindu groups, pro-government media and some state officials. Adivasi communities continued to be displaced by industrial projects, and hate crimes against Dalits remained widespread. Authorities were openly critical of human rights defenders and organizations, contributing to a climate of hostility against them. Mob violence intensified, including by vigilante cow protection groups. Press freedom and free speech in universities came under attack. India failed to respect its human rights commitments made before the UN Human Rights Council. The Supreme Court and High Courts delivered several progressive judgments, but some rulings undermined human rights. Impunity for human rights abuses persisted.

Abuses by armed groups

In January, three road construction workers were killed in an attack on a military camp by suspected members of the Jamaat-ud-Dawa armed group in Akhnoor, in the state of Jammu and Kashmir (J&K). The United Liberation Front of Asom (Independent) claimed responsibility for detonating seven bombs across Assam state on 26 January; no casualties were reported. In July, suspected members of the Lashkar-e-Taiba armed group attacked a bus carrying Hindu pilgrims in Botengoo, J&K, killing eight people and injuring 17.

Suspected armed group members in J&K threatened and attacked political workers and ransacked the homes of state police personnel. Armed groups in northeastern states were suspected of carrying out abductions and unlawful killings. The Communist Party of India (Maoist) armed group was suspected of killing suspected police “informants” in several states.

Caste-based discrimination and violence

Official statistics released in November stated that more than 40,000 crimes against Scheduled Castes were reported in 2016. Several incidents were reported of members of dominant castes attacking Dalits for accessing public and social spaces or for perceived caste transgressions.

In May, two Dalit men were killed, several injured, and dozens of Dalit homes burned by dominant caste men in Saharanpur, Uttar Pradesh, following a clash between members of the communities. In August, S. Anitha, a 17-year-old Dalit girl who had campaigned against the introduction of a uniform national exam for admission to medical colleges, committed suicide, sparking protests in Tamil Nadu. Protesters said the exam would disadvantage students from marginalized backgrounds.

Activists said that at least 90 Dalits employed as manual scavengers died during the year while cleaning sewers, despite the practice being prohibited. Many of those killed were illegally employed by government agencies. In August, the Delhi state government said that people who employed manual scavengers would be prosecuted for manslaughter. In November, the UN Special Rapporteur on safe drinking water and sanitation expressed concern that the government’s emphasis on building new toilets as part of its Clean India Mission could prolong manual scavenging.

Children’s rights

In November, statistics were published stating that over 106,000 cases of violence against children were reported in 2016. In June, India ratified two key ILO conventions on child labour. Activists remained critical of amendments to child labour laws which allowed children to work in family enterprises.

According to national survey data released in March, nearly 36% of children aged below five were underweight, and more than 38% were short for their age. In September, 70 children died at a hospital in Gorakhpur, Uttar Pradesh, allegedly because of disruption to the oxygen supply. The share of public spending on health remained low at 1.2% of GDP. Spending on government programmes to provide nutrition and pre-school education to children under six remained inadequate.

Communal and ethnic violence

Dozens of hate crimes against Muslims took place across the country. At least 10 Muslim men were lynched and many injured by vigilante cow protection groups, many of which seemed to operate with the support of members of the ruling Bharatiya Janata Party (BJP). Some arrests were made, but no convictions were reported. In September, Rajasthan police cleared six men suspected of killing Pehlu Khan, a dairy farmer who had named the suspects before he died. Some BJP officials made statements which appeared to justify the attacks. In September, the Supreme Court said that state governments were obligated to compensate victims of cow vigilante violence.

A special investigation team set up in 2015 to reinvestigate closed cases related to the 1984 Sikh massacre closed 241 cases and filed charges in 12 others. In August, the Supreme Court set up a panel comprising two former judges to examine the decisions to close the cases.

In March, mobs carried out with impunity a string of racist attacks against black African students in Greater Noida, Uttar Pradesh. In June, three people were killed in Darjeeling, West Bengal, in violent clashes between police and protesters demanding a separate state of Gorkhaland.

Freedom of expression

Journalists and press freedom came under increasing attack. In September, journalist Gauri Lankesh, an outspoken critic of Hindu nationalism and the caste system, was shot dead outside her home in Bengaluru by unidentified gunmen. The same month, journalist Shantanu Bhowmick was beaten to death near Agartala while covering violent political clashes. In September, photojournalist Kamran Yousuf was arrested in J&K for allegedly instigating people to throw stones at security forces, under a law which does not meet international human rights standards. In November, journalist Sudip Datta Bhowmik was shot dead, allegedly by a paramilitary force member, at a paramilitary camp near Agartala. In December, a French film-maker conducting research for a documentary on the Kashmir conflict was detained for three days in J&K, allegedly for violating visa regulations.

Journalists continued to face criminal defamation cases filed by politicians and companies. In June, the Karnataka legislature sentenced two journalists to one year's imprisonment each for allegedly writing defamatory articles about members of the state assembly.

Repressive laws were used to stifle freedom of expression. In June, 20 people were arrested for sedition in Madhya Pradesh and Rajasthan, following complaints that they had cheered the Pakistan cricket team's victory over India. In July, 31 Dalit activists were arrested and detained for a day in Lucknow for organizing a press conference about caste-based violence. State governments banned books, and the central film certification board denied the theatrical release of certain films, on vague and overly broad grounds. In November, five state governments banned the release of *Padmaavat*, a Hindi period film, on the grounds that it would "hurt community sentiments".

Freedom of expression in universities remained under threat. The student body of the Hindu nationalist organization Rashtriya Swayamsevak Sangh used threats and violence to block events and talks at some universities. In June, eight Lucknow University students were arrested and detained for 20 days for protesting against the Uttar Pradesh Chief Minister. In September, Uttar Pradesh police personnel baton-charged students, mostly women, protesting against sexual assault at Banaras Hindu University.

In August, India's Supreme Court ruled in a landmark judgment that the right to privacy was part of the constitutional right to life and personal liberty.

Human rights defenders

In January, the Home Ministry said that it had refused to renew the foreign funding licence of the NGO known as People's Watch because it had allegedly portrayed India's human rights record in a "negative light" internationally.

In March, GN Saibaba, an activist and academic, was convicted with four others and sentenced to life imprisonment by a Maharashtra court for being a member of and supporting a banned Maoist group. The conviction was based primarily on letters, pamphlets and videos, and used the provisions of the Unlawful Activities Prevention Act, a law which does not meet international human rights standards.

The same month, Jailal Rathia, an Adivasi activist, died in Raigarh, Chhattisgarh, after allegedly being poisoned by members of a land mafia he was campaigning against. In April, Varsha Dongre, an official at Raipur Central Jail in Chhattisgarh, was transferred after she posted on Facebook that she had seen police torturing Adivasi girls.

In May, four men were arrested in Chennai and held in administrative detention for more than three months for attempting to stage a memorial for Tamils killed in the civil war in Sri Lanka. The same month, the Odisha state police arrested Kuni Sikaka, an Adivasi activist opposing bauxite mining in the Niyamgiri hills, and released her only after presenting her to journalists as a surrendered Maoist.

In August, activist Medha Patkar and three others protesting against inadequate rehabilitation for families affected by the Sardar Sarovar dam project (see below) were arrested on fabricated charges and detained for more than two weeks.

Indigenous Peoples' rights

In November, statistics were published stating that over 6,500 crimes were committed against Scheduled Tribes in 2016. Indigenous Adivasi communities continued to face displacement by industrial projects. The government acquired land for coal mining under a special law without

seeking the free, prior and informed consent of Adivasis. In July, an Environment Ministry panel said that coal mines seeking to increase production capacity by up to 40% did not have to consult affected communities.

In September, activists protested against the inauguration of the Sardar Sarovar dam in Gujarat, saying that some 40,000 displaced families, including many Adivasi families, had not received adequate reparation. In June, 98 Adivasis in Raigarh, Chhattisgarh, tried to file criminal cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, alleging that they had been forced into selling their land to agents of private companies, following intimidation and coercion. The police accepted the complaints but refused to register criminal cases.

Jammu and Kashmir

In April, eight people were killed by security forces, some of them by the use of excessive force, following protests during a by-election for a parliamentary seat. One voter, Farooq Ahmad Dar, was beaten by army personnel, strapped to the front of an army jeep and driven around for over five hours, seemingly as a warning to protesters. In May, the officer suspected of being responsible received an army commendation for his work in counter-insurgency operations. In July, the J&K State Human Rights Commission directed the state government to pay Farooq Dar 100,000 INR (around USD1,500) as compensation. In November, the state government refused to pay.

Impunity for human rights abuses persisted. In June, a military court set up under the paramilitary Border Security Force acquitted two soldiers of killing 16-year-old Zahid Farooq Sheikh in 2010. The force had successfully prevented the case from being prosecuted in a civilian court. In July, the Supreme Court refused to reopen 215 cases in which over 700 members of the Kashmiri Pandit community were killed in J&K in 1989, citing the passage of time. The same month, an appellate military court suspended the life sentences of five army personnel convicted by a court-martial of the extrajudicial executions of three men in Machil in 2010. In November, the State Human Rights Commission repeated a directive issued to the state government in 2011 to investigate over 2,000 unmarked graves.

Security forces continued to use inherently inaccurate pellet-firing shotguns during protests, blinding and injuring several people. Authorities frequently shut down internet services, citing public order concerns.

Police and security forces

In January, four Adivasi women in Dhar, Madhya Pradesh, said they had been gang-raped by police personnel. In March, Adivasi villagers in Sukma, Chhattisgarh, accused security force personnel of gang-raping a 14-year-old Adivasi girl. In September, two paramilitary personnel were arrested on suspicion of killing a woman and raping and throwing acid on her friend in Mizoram in July.

In April, a senior officer of the paramilitary Central Reserve Police Force alleged in writing to his commanding authorities that multiple security agencies had killed two suspected armed group members in an extrajudicial execution in Assam. The officer was transferred. In July, the Supreme Court directed the Central Bureau of Investigation to investigate more than 80 alleged extrajudicial executions by police and security force personnel in Manipur between 1979 and 2012. The court ruled that cases should not go uninvestigated merely because of the passage of time.

In June, the Madhya Pradesh police shot dead five farmers who were among protesters in Mandsaur demanding better prices for crops. In August, at least 38 people were killed, some of them by the use of excessive force, when they were fired on by police during protests in Haryana following the conviction for rape of a self-styled “godman”, or guru.

Refugees’ and migrants’ rights

An estimated 40,000 Rohingya people in India were at risk of mass expulsion. They included more than 16,000 who were recognized as refugees by UNHCR, the UN refugee agency. In August, the Home Ministry wrote to state governments asking them to identify “illegal immigrants”, including Rohingya. In September, the Ministry said that all Rohingya in India were “illegal immigrants”, and claimed to have evidence that some Rohingya had ties to terrorist organizations. In October, in response to a petition filed by two Rohingya refugees, the Supreme Court temporarily deferred expulsions.

In September, the Home Ministry said that it would grant citizenship to about 100,000 Chakma and Hajong refugees who had fled to India from Bangladesh in the 1960s.

Torture and other ill-treatment

Between January and August, 894 deaths in judicial custody and 74 deaths in police custody were recorded. In February, Uma Bharti, a central government minister, said she had ordered rape suspects to be tortured when she was Chief Minister of Madhya Pradesh. In August, Manjula Shetye, a woman prisoner at the Byculla jail in Mumbai, died after being allegedly beaten and sexually assaulted by officials for complaining about food in the prison. A team of parliamentarians that visited Byculla jail reported that prisoners were routinely beaten. In November, a committee set up by the Delhi High Court said that 18 prisoners in Tihar jail in New Delhi had been beaten after they had objected to their pillow covers being taken.

In September, during India’s UN UPR process before the UN Human Rights Council, the government accepted for the third time recommendations to ratify the UN Convention against Torture, which it signed in 1997. India’s Law Commission released a report in October recommending that the government ratify the Convention and enact a law criminalizing torture.

Women's rights

In November, statistics were published showing that over 338,000 crimes against women were registered in 2016, including over 110,000 cases of violence by husbands and relatives. Responding to petitions in courts seeking to criminalize marital rape, the central government stated that doing so would “destabilize the institution of marriage”.

In July, the Supreme Court banned the practice of triple talaq (Islamic instant divorce), declaring that it was arbitrary and unconstitutional. However, in other cases, court rulings undermined women's autonomy. In August, the Supreme Court weakened a law enacted to protect women from violence in their marriages, by requiring that complaints be initially assessed by civil society “family welfare committees”. In October, the Supreme Court suggested that it would review its judgment. The same month, it ruled that sexual intercourse by a man with his wife, if she was under 18, would amount to rape.

Several rape survivors, including girls, approached courts for permission to terminate pregnancies over 20 weeks, as required under Indian law. Courts approved some abortions, but refused others. In August, the central government instructed states to set up permanent medical boards to decide such cases promptly.

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