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Amnesty International Report 2010 - India

REPUBLIC OF INDIA

Head of state: Pratibha Patil
Head of government: Manmohan Singh
Death penalty: retentionist
Population: 1,198 million
Life expectancy: 63.4 years
Under-5 mortality (m/f): 77/86 per 1,000
Adult literacy: 66 per cent

Tighter anti-terror and security legislation in the wake of the 2008 Mumbai attacks was linked to reports of arbitrary detention and torture. Maoist violence in central India spread to West Bengal, with local communities being targeted and at least 300 civilians killed. Extrajudicial executions took place in a number of states and human rights defenders were threatened and detained arbitrarily. Judicial processes continued to fail to ensure justice for many victims of past human rights violations, violence against religious minorities and corporate abuses. Adivasis (Indigenous communities), small farmers and city dwellers living in poverty across India whose livelihoods were threatened by fast-tracked development and mining projects continued to resist moves to acquire their lands and natural resources. At least 50 people were sentenced to death but, for the fifth successive year, there were no executions.

Background

India-Pakistan peace initiatives languished, with the Indian authorities reiterating that the 2008 attacks in Mumbai had been carried out by people or groups based in Pakistan. The attacks lasted three days and killed 174 people. India-Pakistan initiatives on the Kashmir issue also failed to make progress, despite the Indian authorities resuming talks with Kashmiri leaders. Indian security forces launched co-ordinated paramilitary and police action against the spreading Maoist insurgency; there were protests over human rights abuses by both sides. About 200 people were killed in the political violence surrounding the April/May general elections and in various bomb attacks throughout the country.

Economic growth remained confined largely to key urban sectors and was tempered by global recessionary trends, security concerns and ongoing human rights abuses by state and armed groups. Government estimates from 2005 indicate that around a quarter of India's population were living below the national poverty line.

Counter-terror and security

Investigations into the 2008 terror attacks in Mumbai and elsewhere led to the detention under various security laws of more than 30 suspects without charge in several states, for periods ranging from one week to two months. Reports of unlawful killings, torture and other ill-treatment of suspects, and failure to hold independent inquiries into such incidents led to protests.

- In October, the Supreme Court rejected a plea to hold an independent inquiry into the September 2008 killings of two young men and a police officer in a shoot-out at Batla House, Delhi. The two men were allegedly involved in the serial bomb attacks in Delhi in September 2008.

Violence between security forces, militia and Maoists

The conflict in Chhattisgarh, central India, between Maoist armed groups which are banned by the authorities and the police and paramilitary forces, spread to other states after months of political violence. Both sides abducted, tortured and killed people with impunity, often targeting civilians. The paramilitary forces include the Salwa Judum militia, widely believed to be sponsored by the state. Around 40,000 Adivasis remained internally displaced by the ongoing conflict, with 20,000 living in camps and the rest scattered in the neighbouring state of Andhra Pradesh. Human rights defenders who exposed abuses by state forces continued to be harassed by the authorities.

- In May, Binayak Sen, a medical doctor working for the economic, social and cultural rights of Adivasis and contract labourers, and a critic of the Salwa Judum in Chhattisgarh, was released on bail after spending two years in prison. He continued to face charges of aiding Maoists.
- On 17 September, police officers shot dead six villagers and burnt their houses in Gachanpalli, Dantewada district, Chhattisgarh.
- On 1 October, nine villagers, including four members of one family, were killed by police officers in Gompad in Dantewada district.
- In December, Kopa Kunjam, a member of Vanvasi Chetna Ashram, a non-governmental development organization working for the resettlement of Adivasi communities displaced by the conflict in Chhattisgarh, was arrested on politically motivated murder charges. The authorities had demolished the ashram premises in May.

The conflict spread to Lalgah in West Bengal. Around 8,000 Adivasis remained internally displaced there, some of them in makeshift camps.

- In September, the West Bengal authorities arrested 23 Adivasi women at Lalgah and charged them with being Maoists, but later released 14 of them in exchange for a police official taken hostage by Maoist militants.
- In October, Maoist militants kidnapped and killed an intelligence official and dumped his mutilated body on a highway in the neighbouring state of Jharkhand.

Unlawful killings

Unlawful killings continued to be reported from several north-eastern states, especially

Manipur and Assam, where security forces and armed separatist organizations have waged low-intensity conflicts for decades. Despite ongoing protests in the north-east and Kashmir, the authorities refused to repeal the Armed Forces Special Powers Act, 1958. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated that the Act facilitated extrajudicial executions by allowing security forces to shoot to kill in circumstances where they were not necessarily at imminent risk.

- In March, Anil Mazumdar, editor of *Aji* daily newspaper, was shot dead by gunmen at Guwahati in Assam after he advocated peace talks between the banned United Liberation Front of Assam and the state authorities.
- In May, Satish Loitongbam and Pebam Gunendro Singh, both from Imphal, were detained by suspected Assam Rifles personnel stationed in Manipur. Gunendro Singh was released after three days. Satish Loitongbam was taken to an unknown location and shot dead.
- In July, Manipur police commandos shot dead Sanjit Chungkham and a pregnant woman, Rabina Devi, at Khwairamband Bazaar in Imphal. Video recordings of the event showed that Sanjit Chungkham was shot after he had been arrested.

Arbitrary arrests and detentions

In August/September, Manipur authorities responded to protests by arresting more than 10 human rights defenders after raiding their offices. Among them was Jiten Yumnam, who remained in jail under preventive detention at year's end. About 90 other people were reported to be held in preventive detention in Manipur state.

Corporate accountability

Marginalized communities across the country bore the brunt of government failures to protect them from corporate abuses.

Bhopal

Twenty-five years after the Bhopal gas leak tragedy of 1984 – one of the world's worst industrial disasters – local communities continued to suffer its effects and maintained their campaign for justice. State action continued to be inadequate and compensation insufficient, the plant site remained contaminated and the authorities repeatedly failed to deliver on promises to the survivors and their families.

Forced evictions

Marginalized communities, including landless farmers and Adivasis in several states, were threatened with forced evictions to accommodate industrial and other business projects. In some cases, Adivasis were threatened with eviction from lands defined as exclusively theirs by the Indian Constitution. Mandatory public hearings did not provide sufficient information on business or development projects, and government and business officials often excluded affected communities from decision-making processes.

- Dongria Kondh and other Adivasi communities at Niyamgiri in Orissa resumed protests after the authorities granted environmental clearance for a bauxite mine to be operated by a subsidiary of UK-based Vedanta Resources and the Orissa Mining Corporation.

Excessive use of force

In several states, police used unnecessary or excessive force against protesters from marginalized communities. Human rights defenders campaigning for the land and environmental rights of rural communities were often detained, intimidated or harassed

by the police.

- In November, police shot dead Adivasi leaders Singanna and Andrew Nachika of the Chasi Mulia Adivasi Sangh, an organization working for Adivasi land rights at Narayanpatna in Korapur district, Orissa. The two men took part in a demonstration highlighting alleged police brutality against Adivasi communities. The police described the demonstration as an attack.
- In October, Madhya Pradesh police used unnecessary force on peaceful protesters from the Save Narmada Movement, arresting 20 of its leaders. The protesters were demanding consultation and the implementation of judicial orders for the rehabilitation of Adivasi and other communities displaced by irrigation projects.
- In August, Orissa authorities released Abhay Sahoo of the Communist Party of India. He had been jailed for 10 months on 20 different charges after leading a protest against the threat of forced evictions spurred by the establishment of the South Korean POSCO steel plant.

Impunity

The Indian government failed to ensure accountability for many past human rights abuses.

1984 massacre

Twenty people have so far been convicted of the targeted massacre of about 3,000 Sikhs in northern India (including Delhi) after the assassination of the then Prime Minister Indira Gandhi in 1984.

- Public pressure forced the Central Bureau of Investigation to prosecute Jagdish Tytler and Sajjan Kumar, two Congress Party leaders accused of inciting their supporters to commit the Delhi massacres, after initially stating that there was no evidence against them. Protesters forced the ruling Congress Party to drop the two men from its list of candidates for general elections.

Human rights violations

Perpetrators of human rights violations in Punjab between 1984 and 1994, and Assam between 1998 and 2001 – including enforced disappearances and extrajudicial executions – continued to evade justice. Impunity persisted for past offences, including enforced disappearances of thousands of people during the armed conflict in Kashmir since 1989. The International People's Tribunal on Human Rights and Justice in Indian-administered Kashmir published a report documenting unmarked graves of more than 2,900 people who allegedly disappeared during the Kashmir conflict.

Communal violence

Most of those responsible for the attacks on Muslim minorities in 2002 in Gujarat and other human rights violations, including extrajudicial executions in that state, were not brought to justice. Existing cases made little progress during the year.

- A magisterial inquiry found the killing of Ishrat Jahan and three others by Gujarat police on 16 June 2004 to be "cold-blooded murders". However, this report was challenged by the Gujarat Government in the High Court which established a Special Investigation Team to look into the case. Acting on a petition filed by the family of Ishrat Jahan, the Supreme Court stayed the proceedings before the High Court while hearing the case.

Some 15,000 people, mostly Christians, were displaced in 2008 in Orissa following

violence by hundreds of supporters of Hindu nationalist organizations. By year's end, most had yet to return home. Judicial inquiries into the violence remained incomplete and the authorities failed to press charges against the majority of attackers.

An official commission indicted 68 leaders of the opposition Bharatiya Janata Party and other allied Hindu nationalist organizations for the 1992 destruction of the Babri mosque in Ayodhya. To date, no one has faced charges. Impunity continued for those who took part in the attendant violence and the ensuing massacres in some states.

In Kashmir, police and paramilitary forces killed one man and injured 150 people during a protest in June. Demonstrators were demanding an independent investigation into allegations of paramilitary forces' involvement in the sexual assault and murder of two women at Shopian, amidst reports of attempts to suppress evidence of sexual assault. An inquiry by the Central Bureau of Investigation concluded that no sexual assault took place and that the women had drowned, prompting calls for an independent investigation.

Discrimination

Dalits

Members of Dalit communities in several states continued to face attacks, social boycotts and discrimination in accessing health, education and legal services. Special laws enacted to prosecute the perpetrators of such violence and discrimination remained ineffective.

- In August, four Dalits died of starvation in Nalanda and Jehanabad districts after members of the dominant landholding castes denied them access to food and other essential commodities.
- During the April/May general elections, Dalit communities in several states, especially Bihar, Gujarat and Andhra Pradesh, faced intimidation and violence. On 23 April, 74 houses belonging to Dalit communities in Madhubani district, Bihar, were torched, leaving 300 people homeless.

Minority groups

In Karnataka, Hindu nationalist groups attacked several places of worship belonging to minority communities and targeted urban women and interreligious couples.

- On 25 January, activists from the Hindu nationalist group Sri Rama Sene attacked 10 people at a pub in Mangalore.

Workers' rights

Legislation guaranteeing rural people living in poverty a right to work for at least 100 days per year made headway in some states, but its implementation continued to rely on vigilant local communities. Human rights defenders involved in monitoring implementation faced violence and harassment.

- On 10 February, Madhya Pradesh police arrested Shamim Modi on false charges after her organization, the Adivasi Labour Union, led a peaceful protest demanding the enforcement of laws guaranteeing labour and land rights. She spent 21 days in prison before being released. In July, the state police and forest department raided her office and arbitrarily detained 11 Adivasis. Shamim Modi, who had received threats to her life, sustained injuries during an attack in Mumbai by alleged mercenaries hired by forest contractors.

Rights of lesbian, gay, bisexual and transgender people

In a historic decision in July, the Delhi High Court rejected section 377 of the Indian Penal Code in cases of consensual sexual acts. Section 377, which criminalizes homosexuality and was introduced under British colonial rule, was deemed discriminatory and "against constitutional morality". A formal repeal of the law remained pending.

Death penalty

No executions were known to have taken place during the year, but courts sentenced at least 50 people to death.

Amnesty International visits/reports

- Amnesty International delegates visited India in February/March and August/September.
- India: Dodging responsibility – Corporations, governments and the Bhopal disaster (ASA 20/002/2009)
- India: Open Letter to authorities to withdraw the clearance granted to Vedanta-Orissa Mining Corporation for bauxite mining project which could threaten Dongria Kondh indigenous communities at Niyamgiri (ASA 20/004/2009)
- India: Authorities should avoid excessive use of force in West Bengal (ASA 20/006/2009)
- India: Revoke preventive detention of human rights defender in Manipur (ASA 20/019/2009)

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