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Country Report on Human Rights Practices 2015 - India

EXECUTIVE SUMMARY

India is a multiparty, federal, parliamentary democracy with a bicameral parliament. The president, elected by an electoral college, is the head of state, and the prime minister is the head of the government. Under the constitution the 29 states and seven union territories have a high degree of autonomy and have primary responsibility for law and order. Voters elected President Pranab Mukherjee in 2012 to a five-year term, and Narendra Modi became prime minister following the victory of the National Democratic Alliance coalition led by the Bharatiya Janata Party in the May 2014 general elections. Observers considered these elections, which included more than 551 million participants, free and fair, despite isolated instances of violence. Civilian authorities maintained effective control over the security forces.

The most significant human rights problems involved police and security force abuses, including extrajudicial killings, torture, and rape; corruption remained widespread and contributed to ineffective responses to crimes, including those against women, children, and members of scheduled castes or tribes; and societal violence based on gender, religious affiliation, and caste or tribe.

Other human rights problems included disappearances, hazardous prison conditions, arbitrary arrest and detention, and lengthy pretrial detention. Court backlogs delayed or denied justice, including through lengthy pretrial detention and denial of due process. There were instances of infringement of privacy rights. The law in some states restricted religious conversion, and there were reports of arrests but no reports of convictions under those laws. Some limits on the freedom of movement continued. Rape, domestic violence, dowry-related deaths, honor killings, sexual harassment, and discrimination against women remained serious societal problems. Child abuse and forced and early marriage were problems. Trafficking in persons, including widespread bonded and forced labor of children and adults, and sex trafficking of children and adults for prostitution were serious problems. Societal discrimination against persons with disabilities and indigenous persons continued, as did discrimination and violence based on gender identity, sexual orientation, and persons with HIV.

A lack of accountability for misconduct at all levels of government persisted, contributing to widespread impunity. Investigations and prosecutions of individual cases took place, but lax enforcement, a shortage of trained police officers, and an overburdened and under resourced court system contributed to infrequent convictions.

Separatist insurgents and terrorists in Jammu and Kashmir, the northeastern states, and the Maoist belt committed serious abuses, including killings of armed forces personnel, police, government officials, and

civilians. Insurgents were responsible for numerous cases of kidnapping, torture, rape, extortion, and the use of child soldiers.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government and its agents committed arbitrary or unlawful killings, including extrajudicial killings of suspected criminals and insurgents. During the year the South Asian Terrorism Portal (SATP), run by the nonprofit Institute for Conflict Management, reported fatalities due to terrorism and insurgency (other than Maoist extremism), including 181 civilians, 155 security force members, and 386 terrorists or insurgents. According to the SATP, fatalities due to terrorist violence in the northeastern states increased from 268 deaths in 2014 to 273 during the year. Fatalities from terrorist violence in Jammu and Kashmir, however, decreased from 193 deaths in 2014 to 174.

There were 555 “encounter killings,” a term used to describe the extrajudicial execution of alleged criminals or insurgents by security forces and police, registered across the country between 2008 and 2013. The most reported were in Uttar Pradesh (138), followed by Jharkhand (50), Manipur (41), Assam (33), Chhattisgarh (29), Odisha (27), Jammu and Kashmir (26), Tamil Nadu (23), and Madhya Pradesh (20).

The Ministry of Home Affairs and nongovernmental organizations (NGOs) reported a significant decline in the number of reports of extrajudicial killings by security forces in the northeastern states. Some NGOs believed that a factor contributing to this decline included the 2013 appointment by the Supreme Court of an independent panel to investigate extrajudicial killings by security forces. On April 7, armed guards of an Andhra Pradesh Special Task Force (APSTF) investigating the illegal harvesting of red sandalwood trees killed 20 smugglers during an alleged “encounter” in Chittoor district of Andhra Pradesh. APSTF claimed the guards fired in self-defense when the smugglers tried to attack them. Human rights NGOs and the National Human Rights Commission (NHRC) expressed doubts over the APSTF account of the incident. On April 15, officials filed murder and kidnapping charges against the APSTF personnel based on a complaint from the widow of one of the smugglers killed. The government of Andhra Pradesh did not accept the NHRC’s recommendation for a Central Bureau of Investigation (CBI) probe into the killings and constituted its own Special Investigation Team headed by a senior police officer and overseen by the High Court of Judicature at Hyderabad.

On April 7, police killed accused terrorist Viqaruddin Ahmed and four accomplices, Amjed Ali, Mohammad Zaker, Mohammad Haneef, and Israr Khan, in a police bus in Nalgonda district, Telangana, while authorities were transporting them from prison to a court in Hyderabad for trial. Police stated that they opened fire in self-defense when the prisoners tried to wrest firearms from them. Some human rights organizations alleged police killed the prisoners to avenge the death of four police officials killed during terrorist attacks in early April. The NHRC characterized the deaths of the five accused terrorists as an instance of “blatant use of disproportionate force and gross violation of human rights.” The Telangana government established a special investigation team headed by a senior police officer to investigate the incident.

On May 31, a detachment of the Assam Rifles paramilitary unit, shot and killed tribal activist M. Ruisoting Aimol during a reported protest in, Manipur. The incident was not subject to a civilian investigation because security forces are exempt from civilian prosecution under provisions of the Armed Forces Special Powers Act (AFSPA) currently in force in Manipur.

During the year a trial at a special CBI court in Mumbai continued for the “encounter” death of Sohrabuddin Sheikh, killed in November 2005 after a joint Rajasthan and Gujarat antiterrorist squad allegedly killed Sheikh in a staged encounter on a highway near Ahmedabad. In 2006 Gujarat police also allegedly killed Tulsiram Prajapati, a key witness in the case. During the year the Mumbai High Court dismissed charges against seven defendants in the case along with seven police officials. Sheikh’s brother lodged a plea with the Mumbai High Court against the acquittals by the CBI court, but withdrew it in November alleging threats on his life and intimidation by the murder of a close contact.

There was a decrease in reports of custodial death cases, in which prisoners or detainees were killed or died in police custody. Decisions by central and state authorities not to prosecute police or security officials despite reports of evidence in certain cases remained a problem. The National Crime Records Bureau (NCRB) reported 93 cases of custodial deaths during 2014 (the most recent statistics available). Tamil Nadu media reported 18 custodial deaths in the first six months of the year. Karnataka reported 38 custodial deaths in 2014.

Civil liberties activists expressed concern over custodial deaths and deaths allegedly due to police torture in the state of Telangana. On March 21, daily laborer Shaik Hyder died in police custody in Nizamabad, Telangana,

allegedly due to torture after being detained for questioning in connection with a bicycle theft. Police stated that Hyder died when he tried to jump over a wall to escape. The Civil Liberties Monitoring Committee asserted, however, Hyder died of injuries he sustained due to police torture. Senior police officials suspended an inspector and a constable, but no arrests were made in the case.

On August 23, Nakka Padma, a suspect in a theft case, died in a hospital after being questioned at a Hyderabad police station. The victim's relatives alleged she died due to police torture, but police claimed she collapsed in the police station. The city police chief suspended seven personnel, including the station head, for violating laws prohibiting police from detaining women at police stations after sunset and before sunrise.

On August 28, the Gujarat High Court ordered Ahmedabad Police's Criminal Investigation Department to investigate the custodial death of Swetang Patel. The Ahmedabad police had detained several individuals, including Swetang Patel, on August 25 following violence related to a protest organized by a Patel community organization. Ahmedabad police charged nine police officers after Swetang Patel died from his injuries while in police custody.

According to the Bangladeshi NGO Odhikar, from January through November, Border Security Force (BSF) personnel allegedly killed 44, injured 60, and abducted 27 Bangladeshi citizens near the border with Bangladesh.

On August 31, the NHRC ordered the central government to pay 500,000 rupees (\$7,500) as compensation for the 2011 BSF killing of Felani Khatun.

The central government repealed the AFSPA in Tripura in May, following an assessment by the state government that the security situation had improved. The act remained in effect in Nagaland, Manipur, Assam, and parts of Mizoram, and a version of the law was in effect in Jammu and Kashmir. Under the AFSPA, when the central government declares a state or union territory as a "disturbed area," the law authorizes security forces 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. The law also provides security forces immunity from civilian prosecution for acts committed in regions under the AFSPA. There were no official records available of enforcement actions or human rights abuses by security forces under the AFSPA during the year.

There was considerable public support for repeal of the AFSPA, particularly in areas where activists reported a significant decrease in insurgent attacks over the past few years.

Human rights activist Irom Sharmila remained in police custody for 15 years for violating a law that criminalizes attempted suicide, after she began a hunger strike to protest the implementation of the AFSPA in Manipur. Sharmila initiated her strike after federal paramilitary forces killed 10 civilians in November 2000. A district court ordered her release on grounds that the prosecution failed to establish that she had attempted suicide. Police re-arrested Sharmila three days later under the same criminal statute rejected by the court that ordered her release.

During the year Zakia Jafri appealed the rejection by the Gujarat High Court of a petition challenging a special investigative tribunal's conclusion finding insufficient evidence to prosecute 63 individuals, including police, security, and other senior state government officials accused of complicity or dereliction of duty in the 2002 Gujarat riots. The proceedings continued in the Gujarat High Court.

There were developments in efforts to hold officials accountable for the New Delhi anti-Sikh killings of 1984. The Delhi High Court transferred proceedings in the case pertaining to Congress leader Sajjan Kumar's involvement in the "encounter" killing in Sultanpuri during the anti-Sikh riots from one judge to another after the families of those killed cited lack of confidence in Kumar's court.

Nongovernmental forces, including organized insurgents and terrorists, committed numerous killings and bombings in Punjab, areas of conflict such as Jammu and Kashmir, the northeastern states, and the Maoist belt (see section 1.g.). Maoists in Jharkhand and Bihar continued to attack security forces and key infrastructure facilities such as railways and communication towers.

b. Disappearance

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

Disappearances attributed to government forces, paramilitary forces, and insurgents occurred in areas of conflict during the year (see section 1.g.).

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

The law prohibits torture, but NGOs reported that torture occurred during the year.

Police beatings of prisoners resulted in custodial deaths (see section 1.a.).

The law does not permit authorities to admit coerced confessions into evidence, but NGOs and citizens alleged that authorities used torture to coerce confessions. In some instances authorities submitted these confessions as evidence in capital cases. Authorities allegedly also used torture as a means to extort money or as summary punishment. According to human rights experts, the government continued to try individuals arrested and charged under the repealed Prevention of Terrorism Act and Terrorist and Disruptive Activities Act. Under the repealed law, authorities treated a confession made to a police officer as admissible as evidence in court.

According to press accounts, on January 18, police tortured a woman in Sattore village, Birbhum district in the state of West Bengal, after she did not provide information about her nephew who was the subject of a police search. The Kolkata High Court ordered an investigation of the case after the publication of the media reports. The state government suspended four police officers while the investigation was pending.

In June the Asian Human Rights Commission sought intervention from state, central, and court officials in a case involving retribution for publicizing the alleged torture of a 16 year old at a police station by Katni police. News networks aired video clips purporting to show police using force to coerce a confession from the 16 year old, arrested along with two others in a computer theft case. Katni Superintendent of Police suspended two police officials and ordered an inquiry to ascertain the role of a third police officer shown in the video clip. Subsequently, according to media reports, police allegedly came to the 16-year-old boy's house after their colleagues received punishment following the release of the video, beat him and his family, allegedly planted heroin on him, and arrested him for heroin possession.

On August 4, after nearly two years in detention, the Nagpur Bench of the Bombay High Court granted bail to Jawaharlal Nehru University student Hem Mishra who authorities had arrested under the Unlawful Activities Prevention Act (UAPA). Upon his release, Mishra claimed police had tortured him. The UAPA allows authorities to detain persons without charge in cases where they suspect insurgency or terrorism. In 2013 Amnesty International appealed to authorities to protect Mishra from torture and provide for a speedy trial.

There were continued reports that police raped detainees. Authorities authorize the NHRC to investigate rape cases involving police officers. By law the NHRC can request information about the army and paramilitary forces, but it has no mandate to investigate cases pertaining to such entities. NGOs claimed the NHRC underestimated the number of rapes committed in police custody. Some rape victims were afraid to report the crime due to social stigma and the possibility of retribution, compounded by lack of oversight and accountability, especially if the perpetrator was a police officer or other official. There were reports that police officials refused to register rape cases.

In April police detained a 29-year-old woman and a man with her at a hotel in Mumbai on allegations they were engaged in prostitution. Police allegedly physically and sexually assaulted the woman. Police then forced the woman and her acquaintance to pay a bribe of 500,000 rupees (\$7,500) before they released them. Authorities arrested three police personnel and four others. The case was pending.

In July police reportedly sexually assaulted and burned a 40-year-old woman to death in Barabanki district Uttar Pradesh after she refused to pay a bribe for release of her husband who was under police detention. Police reported that the woman burned herself in protest at her husband's detention. Officials suspended police from duty.

On August 6, an inspector and two constables reportedly raped a woman at gunpoint at a police station in Deoband, Uttar Pradesh. On August 6, police officers visited the woman's house to inform her she was required to visit the police station in connection with the arrest of her husband. Police reportedly warned the woman not to tell anyone about the incident or they would file more cases against her husband. Authorities opened a police investigation of the case, but no one was arrested at year's end.

Prison and Detention Center Conditions

Prison conditions were frequently life threatening and did not meet international standards.

Physical Conditions: Prisons were often severely overcrowded, and food, medical care, sanitation, and environmental conditions often were inadequate. Potable water was only occasionally available. Prisons and detention centers remained underfunded, understaffed, and lacking sufficient infrastructure. Prisoners were physically mistreated.

According to the NCRB's Prison Statistics India 2014 report, there were 1,387 prisons in the country with an authorized capacity of 356,561 persons. The actual incarcerated population was 418,536. Persons awaiting trial accounted for more than two-thirds of the prison population. There were 17,681 female prisoners, approximately 4.2 percent of the total prison population, while juveniles constituted less than 1 percent. Authorities held men and women separately. The law requires the detention of juveniles in rehabilitative facilities, although at times authorities detained them in prisons, especially in rural areas. Authorities often detained pretrial detainees along with convicted prisoners.

According to NCRB authorities had convicted of crimes only three out of an estimated 600 inmates in a prison in Dantewada, Chhattisgarh. The remainder of prisoners awaited trial in a jail built for a capacity of 150. Authorities detained most of the accused for ties to a violent Maoist insurgency. The Peoples Union for Democratic Rights claimed authorities filed criminal charges against a number of local Adivasi residents without informing them. When defendants did not appear in court, they were deemed "absconders," which made them vulnerable to police harassment and arrest warrants. According to the NCRB 2014 report, Chhattisgarh prisons were at 261 percent of capacity and Delhi prisons at 216.8-percent capacity.

According to the People's Union for Civil Liberties, in the states of Bihar, prebifurcation Andhra Pradesh, and Meghalaya, more than 80 percent of those in custody awaited trial.

On March 2, the High Court of Judicature in Hyderabad ordered the Telangana government to investigate the deaths of inmates at Cherlapally Central Prison that occurred in 2014, allegedly due to lack of medical care. The court passed the orders in response to a petition filed by M. Salauddin Ayub, a prisoner facing trial who asserted jail authorities failed to provide him timely medical care. He alleged 23 prisoners died in 2014 because of failure to provide timely medical care.

Administration: Authorities permitted visitors some access to prisoners, although some family members stated authorities denied them access to relatives held in detention, particularly in conflict areas, including Jammu and Kashmir. There was no ombudsman for detention facilities, but authorities allowed prisoners to submit complaints to judicial authorities. Authorities rarely used alternative sentencing methods.

Independent Monitoring: The NHRC received and investigated prisoner complaints of human rights violations throughout the year, but some activists indicated that prisoners did not file many complaints due to fear of retribution from prison guards or officials.

Authorities permitted prisoners to register complaints with state and national human rights commissions, but the authority of the commissions extended only to recommending that authorities redress grievances. Government officials reportedly often failed to comply with a 2012 Supreme Court order to the central government and local authorities to conduct regular checks on police stations to monitor custodial violence.

In many states the NHRC made unannounced visits to state prisons, but NHRC jurisdiction does not extend to military detention centers. An NHRC special rapporteur visited state prisons to verify that authorities provided medical care to all inmates. The rapporteur visited prisons on a regular basis throughout the year but did not release a report to the public or the press.

During the year the International Committee of the Red Cross visited detainees in prisons in Jammu and Kashmir, and in cities where authorities transferred detainees from Jammu and Kashmir.

The National Commission for Women visited prisons to assess detention conditions for women. Authorities afforded Sanlaap, an NGO working on repatriation of human trafficking victims in West Bengal, frequent access to undocumented migrants detained under the Foreigners' Act.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but both occurred during the year. Police also used special security laws to postpone judicial reviews of arrests. Pretrial detention was arbitrary and lengthy, sometimes exceeding the duration of the sentence given to those convicted.

According to human rights NGOs, some police used torture, mistreatment of suspects, and arbitrary detention to obtain forced or false confessions. In some cases police reportedly held suspects without registering their arrests and denied some suspects sufficient food and water.

Role of the Police and Security Apparatus

The 29 states and seven union territories have primary responsibility for maintaining law and order, with policy oversight from the central government. Police are under state jurisdiction. The Ministry of Home Affairs controls most paramilitary forces, the internal intelligence bureaus, and the nationwide police service, and it provides training for senior police officers of the state-organized police forces. According to Human Rights Watch, cases of arbitrary arrest, torture, and forced confessions by security forces remained common. Police forces continued to be overworked, underpaid, and subjected to political pressure, in some cases leading to corruption. Authorities used several laws, including the criminal procedure code and the AFSPA, to avoid holding security forces accountable for accusations of human rights abuses.

The effectiveness of law enforcement and security forces varied widely throughout the country. There were cases of officers at all levels acting with impunity, but there were also cases of security officials held accountable for illegal actions. Military courts investigated cases of abuse by the armed forces and paramilitary forces. Authorities tried cases against law enforcement officers in public courts. Authorities sometimes transferred officers after convicting them of a crime.

On March 25, BSF personnel reportedly severely beat a 15-year-old boy in the Cooch Behar district of West Bengal along the India-Bangladesh border. Banglar Manabadhikar Suraksha Mancha (MASUM), a human rights organization, filed a complaint against the BSF with the NHCR after the Cooch Behar police chief did not respond to a written complaint by the victim's family. The NHRC response was pending at year's end.

The NHRC recommended that the Criminal Investigations Department investigate all deaths when police killed alleged suspects while being pursued, arrested, or trying to escape. Many states did not follow this nonbinding recommendation and continued to conduct internal reviews at the discretion of senior officers.

While NHRC guidelines call for state governments to report all cases of deaths from police actions to the NHRC within 48 hours, state governments did not consistently adhere to those guidelines. The NHRC also called for state governments to provide monetary compensation to families of victims, but the state governments did not consistently adhere to this practice. Authorities did not require the armed forces to report custodial deaths to the NHRC.

Arrest Procedures and Treatment of Detainees

Arbitrary Arrest: The code of criminal procedure prohibits arbitrary arrest or detention, but in some cases police reportedly continued to arrest citizens arbitrarily. There were reports of police detaining individuals for custodial interrogation without identifying themselves or providing arrest warrants.

On September 30, a local court in Khwandwa, Madhya Pradesh, acquitted 14 individuals arrested in 2011 on charges under the Unlawful Activities Prevention Act and other statutes related to membership in the banned organization Students Islamic Movement of India (SIMI). In October the Peoples Union for Democratic Rights and the Jamia Teachers Solidarity Association alleged police abuses in 75 UAPA cases registered between 2001-12 in Madhya Pradesh against former SIMI members and their friends and associates. The peoples union and the teachers association alleged police abuse in these cases and claimed they had no links to SIMI.

Pretrial Detention: Authorities must promptly inform persons detained on criminal charges of the charges against them and of their right to legal counsel. Under the criminal code, a magistrate may authorize the detention of an accused person for a period of no more than 90 days prior to filing charges. Under standard criminal procedure, authorities must release the accused on bail after 90 days. The code also allows police to summon individuals for questioning, but it does not grant police pre-arrest investigative detention authority. There were incidents in which authorities allegedly detained suspects beyond legal limits.

There were reported cases in which police denied suspects the right to meet with legal counsel, as well as cases in which police unlawfully monitored suspects' conversations and violated confidentiality rights. The constitution mandates that authorities will provide defendants with "economic or other disabilities" free legal counsel, but authorities do not assess need systematically. By law authorities must allow family members access to detainees, but this was not always observed. Arraignment of detainees must occur within 24 hours unless authorities hold the suspect under a preventive detention law. State authorities invoked preventive detention laws most frequently in Delhi but also in the states of Gujarat, Maharashtra, Uttar Pradesh, Punjab, and Kashmir. Civil society representatives reported authorities sometimes made large-scale preventive arrests before protest events.

Police may detain an individual without charge for up to 30 days. The law also permits authorities to hold a detainee in judicial custody without charge for up to 180 days (including the 30 days in police custody). The UAPA, which gives authorities the ability to detain persons without charge in cases related to insurgency or terrorism, makes no bail provisions for foreign nationals, and allows courts to deny bail in the case of detained citizens. It presumes the accused to be guilty if the prosecution can produce evidence of the possession of

arms or explosives, or the presence of fingerprints at a crime scene, regardless of whether authorities demonstrate criminal intent. State governments also reportedly held persons without bail for extended periods before filing formal charges under the UAPA.

On August 17, police arrested Asiya Andrabi under the UAPA for hoisting a Pakistani flag while celebrating Pakistan's Independence Day on August 14, at her home in Srinagar, Jammu and Kashmir. Andrabi is the head of a banned separatist group, Dukhataran-e-Millat. The authorities released her on bail from the court but re-arrested her on September 18 under charges of slaughtering a cow, as the state of Jammu and Kashmir has banned cow slaughter. The authorities again released her on bail and again arrested her on November 2 under preventive detention to stop her from organizing protests against Prime Minister Narendra Modi's Srinagar rally on November 7. The court later granted her bail.

The law permits preventive detention in certain cases. The National Security Act allows police to detain persons considered security risks anywhere in the country, except Jammu and Kashmir, without charge or trial for as long as one year. The law allows family members and lawyers to visit national security detainees and requires authorities to inform a detainee of the grounds for detention within five days, or 10 to 15 days in exceptional circumstances.

The Public Safety Act, which applies only in Jammu and Kashmir, permits state authorities to detain persons without charge or judicial review for up to two years without visitation from family members. Authorities allow detainees access to a lawyer during interrogation, but police in Jammu and Kashmir allegedly routinely employed arbitrary detention and denied detainees access to lawyers and medical attention.

The Human Rights Law Network (HRLN) in Kochi, Kerala, reported that certain prisoners with mental disabilities in the Kerala central prison considered "not fit for trial" had awaited trial for 10 to 26 years. According to the NGO, the prisoners in some cases were in detention far longer than their potential sentences. In 2013 the HRLN filed a writ petition with the Kerala High Court for the release of those prisoners. The court responded by issuing an order directing the state government to provide adequate medical treatment to the accused to render them fit for trial. The case was pending in the Kerala High Court at year's end.

Lengthy arbitrary detention remained a significant problem due to overburdened and under resourced court systems and a lack of legal safeguards. The government continued efforts to reduce lengthy detentions and alleviate prison overcrowding by using "fast track" courts, which specified trial deadlines, provided directions for case management, and encouraged the use of bail. Some NGOs criticized these courts for failing to uphold due process and requiring that detainees unable to afford bail remain in detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but judicial corruption was widespread.

The judicial system remained seriously overburdened and lacked modern case management systems, often delaying or denying justice. An analysis of the data kept by the Ministry of Law and Justice reported a 34-percent vacancy of judges in the high courts as of August 1.

On September 11, the Supreme Court asked the central government, the Maharashtra government, and the National Investigation Agency (NIA) to respond after public interest litigation cases requested intervention for a fair trial in the 2008 Malegaon terror blast case. Rohini Salian, the special public prosecutor in these cases, filed an affidavit with the Bombay High Court where she named the NIA official who asked to her "go soft" in the prosecution. Salian, in press interviews, alleged some NIA officials pressured her to act in favor of the arrested Hindu extremist members in contrast to the Muslims arrested in the case.

Trial Procedures

The criminal procedure code provides for public trials, except in proceedings that involve official secrets or state security. Defendants enjoy the presumption of innocence, except as described under UAPA conditions, and may choose their counsel. The state provides free legal counsel to defendants who cannot afford it, but circumstances often limited access to competent counsel, and an overburdened justice system resulted in lengthy delays in court cases, with disposition sometimes taking more than a decade.

The law allows defendants access to relevant government evidence in most civil and criminal cases, but the government reserved the right to withhold information and did so in cases it considered sensitive. While defendants have the right to confront accusers and present their own witnesses and evidence, defendants sometimes did not exercise this right due to lack of proper legal representation. Defendants have the right not to testify or confess guilt. Courts must announce sentences publicly, and there are effective channels for appeal at most levels of the judicial system.

Political Prisoners and Detainees

There were reports of political prisoners and detainees. NGOs reported that the Jammu and Kashmir government held political prisoners and temporarily detained more than 690 persons characterized as terrorists, insurgents, and separatists under the Public Safety Act between 2005 and 2014.

According to the Association for the Protection of Democratic Rights, as of August there were an estimated 100 political prisoners in West Bengal, a decrease from the previous year at 440. Most prisoners belonged to government-banned insurgent groups. In April the Ranghat district court acquitted 10 prisoners, allegedly associated with the outlawed Communist Party of India (Maoist) organization, after nearly a decade in prison. The court found the prosecution failed to establish evidence needed to charge the defendants.

Civil Judicial Procedures and Remedies

Individuals, or NGOs on behalf of individuals or groups, may file public interest litigation petitions in any high court or directly to the Supreme Court to seek judicial redress of public injury. Grievances can include a breach of public duty by a government agent or a violation of a provision of the constitution. NGOs credited public interest litigation petitions with making government officials accountable to civil society organizations in cases involving allegations of corruption and partiality.

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

The law prohibits arbitrary interference. The government generally respected this provision, although at times authorities infringed upon the privacy rights of citizens. The law requires police to obtain warrants to conduct searches and seizures, except in cases in which such actions would cause undue delay. Police must justify warrantless searches in writing to the nearest magistrate with jurisdiction over the offense. In Jammu and Kashmir, Punjab, and Manipur, security officials have special authorities to search and arrest without a warrant. In terrorism cases under the UAPA, police have greater discretion to conduct search and seizure operations.

The Information Technology (IT) Act allows police under certain circumstances to search premises and arrest individuals without a warrant. The act specifies a one-year sentence for persons who fail to provide information to the government on request and a five-year sentence for transmitting obscene material.

Both the central and the state governments used the authority of the Telegraph Act to monitor communications, including telephone conversations and personal mail, in cases of public emergency or "in the interest of the public safety or tranquility," although evidence obtained in that manner was generally inadmissible in court. The UAPA allows use of evidence obtained from intercepted communications in terrorist cases.

The Chhattisgarh Special Public Security Act of 2005 allows police to detain a person without producing a charge sheet for as long as 90 days. Opponents argued that the law, which authorizes detention of individuals with a "tendency to pose an obstacle to the administration of law," infringed upon privacy and free speech. The government detained two journalists under the CSPSA, accusing them of complicity in a deadly attack on police by Naxalite insurgents; some media reports indicated that authorities imprisoned the journalists because of their reporting. Both remained imprisoned at year's end.

NGOs have criticized Gujarat's Prevention of Antisocial Activities Act, which allows authorities to file a charge sheet up to 90 days after arrest.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

The country's armed forces, the security forces of individual states, and paramilitary forces engaged in armed conflict with insurgent groups in several northeastern states, and with Maoist insurgents in the north, central, and eastern parts of the country--although the intensity of these conflicts continued to decrease significantly. Army and central security forces remained stationed conflict areas in the northeast. In August the central government announced the signing of a peace accord with the insurgent group, the Nationalist Socialist Council of Nagaland.

The use of force by all parties to the conflicts resulted in deaths and injuries to both conflict participants and civilians. There were reports that government security forces committed extrajudicial killings, including staging encounter killings to conceal the deaths of captured militants. Human rights groups claimed police refused to release bodies in cases of alleged fake "encounters." Authorities did not require the armed forces to report custodial deaths to the NHRC.

The central and state governments and the armed forces investigated complaints and punished some violations committed by government forces. Authorities arrested and tried insurgents under terrorism-related legislation.

There were few investigations and prosecutions of human rights violations arising from internal conflicts. NGOs claimed that due to AFSPA immunity provisions, authorities did not hold the armed forces responsible for the deaths of civilians killed in Jammu and Kashmir in previous years.

Insurgents and terrorists reportedly committed attacks on schools, roads, and railways.

Killings: The SATP database reported that violence killed 251 persons--57 security force personnel, 93 civilians, and 101 Maoist militants--during the year due to of Maoist violence, a decrease from 2014 when violence killed 314 persons: 87 security forces, 128 civilians, and 99 Maoist insurgents. The SATP database reported 174 fatalities in Jammu Kashmir during the year: 41 security personnel, 20 civilians, and 113 terrorists.

In Maoist-affected districts, there were reports of abuses by both security agencies and insurgents. On May 3, the Khaplang faction of the Nationalist Socialist Council of Nagaland killed eight Assam Rifles personnel and injured six in Nagaland's Mon district, bordering Burma. In March the group withdrew from a 14-year-old cease-fire with the government.

On June 4, the media reported that insurgent groups in Manipur ambushed an army convoy and killed 20 army personnel and injured 11. Manipur government officials alleged rebels used automatic weapons and rocket-propelled grenades. On June 9, Indian Army Special Forces reportedly killed between 30 and 70 rebels at multiple locations inside Burmese territory.

Abductions: Human rights groups maintained that military, paramilitary, and insurgent forces abducted numerous persons in Manipur, Jharkhand, and the Maoist belt. Human rights activists alleged cases of prisoners tortured or killed during detention.

On April 1, Maoist insurgents abducted five employees of a private mining company as well as local residents from the Chargaon and Metabodli iron ore mines. They later released the hostages in the Kanker district of Chhattisgarh.

Physical Abuse, Punishment, and Torture: There were reports that government security forces tortured, raped, and mistreated insurgents and alleged terrorists in custody and injured demonstrators. All parties to the conflicts injured civilians.

On August 31, in Churachandpur district in Manipur state, police killed eight persons when protesters from Hmar and Kuki tribes set fire to the houses of Manipur government officials in a protest over land acquisition legislation, which they believed would stop Kukis, Hmars, and other tribes from accessing their own land in the state. Police arrested those alleged to have set the fires, and an investigation was pending.

Child Soldiers: Insurgent groups reportedly used children to attack government entities in roles such as bomb couriers. The Ministry of Home Affairs reported that Maoist groups conscripted boys and girls ages six to 12 into specific children's units (Bal Dasta and Bal Sangham) in Bihar, Jharkhand, Chhattisgarh, and Odisha states. The Maoist groups used the children in combat and intelligence-gathering roles. Insurgents trained children as spies and couriers, as well as in the use of arms, planting explosives, and intelligence gathering.

Although the United Nations was not able to verify all allegations, reports submitted to parliament contained similar allegations. Recruitment of children by Maoist armed groups allegedly continued. Observers reported that children as young as 12 were members of Maoist youth groups and allied militia. They reportedly handled weapons and improvised explosive devices. Maoists reportedly held children against their will and threatened severe reprisals, including the killing of family members, if the children attempted to escape. There were reports of girls serving in Maoist groups. The government claimed, based on statements of several women formerly associated with Maoist groups, that sexual violence, including rape and other forms of abuse, was a practice in some Maoist camps.

According to government sources, Maoist armed groups used children as human shields in confrontations with security forces. Attacks on schools by Maoists continued to affect children's access to education in affected areas. There were continued reports on the use of schools as military barracks and bases. The deployment of government security forces near schools remained a concern. There were reports that armed groups recruited children from schools in Chhattisgarh.

Other Conflict-related Abuses: As of April the Internal Displacement Monitoring Center estimated that conflicts and instability in the country displaced 616,140 persons. There were 251,000 internally displaced persons (IDPs) in Jammu and Kashmir and 113,000 in the northeast state of Assam, of which the majority fled intercommunal violence in late 2014. Conflict and violence during 2014 newly displaced at least 3,428,000 persons, most fleeing intercommunal violence in Western Assam.

Tens of thousands of Kashmiri Pandits (Hindus) have fled the Kashmir Valley to Jammu, Delhi, and other areas in the country since 1990 because of conflict and violent intimidation, including destruction of houses of worship, sexual abuse, and theft of property, by Islamic separatists. The Kashmiri Pandits began to leave Kashmir after the 1990 onset of insurgency against the Indian state. According to a Ministry of Home Affairs 2014-15 annual report, the government registered 62,000 displaced Kashmiri families, with 40,668 located in Jammu, 19,338 in Delhi, and more than 1,995 in other states. In Jammu and Kashmir, central government assistance to displaced Kashmiri Pandits consisted of monthly cash allowances and food rations, but some members of the group claimed the assistance failed to address their livelihood needs. On May 3, thousands of Kashmiri Pandits and members of the National Conference protested against state government plans to resettle the group in secluded enclaves in Kashmir without consultation. Most Kashmiri Pandits preferred to assimilate in the Kashmir valley.

In the central and eastern areas, armed conflicts between Maoist insurgents and government security forces over land and mineral resources in tribal forest areas continued, affecting 182 of the country's 626 districts in 20 of its 29 states. Human rights advocates alleged the government's operations sought not only to suppress the Maoists but also to force tribal persons off their land, allowing for commercial exploitation.

IDP camps continued to operate in Chhattisgarh for tribal persons displaced during the 2005 fighting between Maoists and state-sponsored militia Salwa Judum. Figures released in April by the International Displacement Monitoring Center (IDMC), operated by the Norwegian Refugee Council and the United Nations, reported there are 50,000 IDPs in Chhattisgarh, 13,820 in Warangal and Khammam districts of Telangana, and another 6,240 in East Godavari and West Godavari districts of Andhra Pradesh. Reports varied regarding how many had returned to villages (see section 2.d.). Repatriation was difficult due to the intervening development of agricultural and forest land and rural-urban migration trends.

Throughout the year there were reports by media organizations and academic institutions of corporations' human rights abuses against tea workers, including violations of the Plantation Labor Act. In some cases violent strikes resulted from companies withholding medical care, which the law requires that companies provide. Some workers alleged colleagues had died due to poisoning after they sprayed plants with chemicals. Other reports indicated that workers had difficulty accessing clean water, with open sewage flows uncontrolled in company housing areas. The tea industry is among the largest private sector employers in the country, providing work for more than one million permanent workers and up to two million seasonal laborers. During the year NGOs and media reported 66 cases of starvation deaths in three West Bengal tea plantations owned by the Kolkata-based Duncan group, allegedly due to violations by the company under the Plantation Labor Act. NGOs also reported significant child labor and human trafficking by tea plantation owners in Assam and West Bengal.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and expression, but it does not explicitly mention freedom of the press. The government generally respected these rights.

Freedom of Speech and Expression: Individuals routinely criticized the government publicly or privately without reprisal. In certain cases, however, local authorities arrested individuals under laws against hate speech for what observers could judge to be expressions of political views. In May, Tamil Nadu police arrested two local political leaders, Abdul Rahim and Akram Khan, for speech "intended to stoke religious enmity."

Press and Media Freedoms: The independent media generally expressed a wide variety of views without restriction. The law prohibits content that could harm religious sentiments or provoke enmity among groups, and authorities invoked these laws to restrict print media, broadcast media, and publication or distribution of books.

On January 19, the Lucknow-based Urdu and Hindi daily newspaper *Awadhnama* removed Shirin Dalvi as the editor of its Mumbai edition after she republished a *Charlie Hebdo* cover cartoon depicting the Prophet Mohammed. On January 28, Thane police arrested Dalvi for "outraging religious feelings" with "malicious intent." Dalvi publicly apologized for reprinting the cartoon but protested what she described as "harassment."

On October 30, the Haryana government removed Shiksha Saarthi, the editor of the Education Department monthly magazine, for publishing an article on the nutritional value of beef and veal. Authorities recalled the magazine from schools and removed its online edition from the department's website.

The government maintained a monopoly on AM radio stations and restricted FM radio licenses to entertainment and educational content. Widely distributed private satellite television provided competition for Doordarshan, the government-owned television network. State governments banned the import or sale of some books due to

material that government censors deemed inflammatory or could provoke communal or religious tensions. For example, on April 16, Gujarat police enforced the cancellation of a book release event and ordered the author, Mufti Abdul Qayyum, to refrain from references to a 2002 attack on Akshardham Temple in Ahmedabad, to “avoid a law and order” problem. The autobiographical account entitled *Gyarah Saal Salakhon Ke Peeche (Eleven Years Behind Bars)* described his version of events after authorities convicted him for terrorism based on planted evidence.

In August the Tamil Nadu government banned two Tamil language novels, Kuzhanthai Royappan’s *Madurai Veeran Unmai Varalaru* and Senthil Kumar’s *Venthar Kulathin Irruppidam Ethu*. The government claimed the books contained inflammatory discussion of caste issues.

Violence and Harassment: Some journalists and media persons experienced violence and harassment due to their reporting. On June 19, three assailants kidnapped and burned to death Sandeep Kothari, a journalist in Maharashtra’s Wardha district. On June 21, Madhya Pradesh police arrested two of three suspected assailants, who confessed to the crime. Kothari had previously filed several complaints and sought information under the Right to Information (RTI) Act for alleged business irregularities involving the individuals who later attacked him.

On June 1, police allegedly raided the home of freelance journalist Jagendra Singh, doused him in gasoline, and set him on fire; he later died of his injuries. Singh had written a series of articles accusing a state government minister of illegal land seizures and authorizing illegal mining operations. Local authorities arrested the state government minister and five police officers in Uttar Pradesh and charged them with murder. The minister’s staff allegedly offered money to the journalist’s family to withdraw the case but the family refused the offer. The Uttar Pradesh government provided three million rupees (\$45,000) in compensation to the family of the victim and reportedly offered jobs to his sons. The investigation was pending at year’s end.

Censorship or Content Restrictions: On June 19, an Andhra Pradesh police official served notices to T News and Sakshi TV in Hyderabad under the Cable Regulation Act. Police stated the transmission and retransmission of audio tapes, which purportedly featured Chief Minister Naidu promising material compensation to an independent lawmaker, “developed feelings of enmity, hatred, and ill will between different parties and also people of both the states.” Journalist unions in Andhra Pradesh alleged the state government blocked broadcasts of the news channel NTV for nearly three months after the telecast.

On August 17, both the Madras High Court and the Central Board of Film Certification requested film producers of the historical drama movie *Baahubali* delete dialogue containing a derogatory caste term during its release in southern Tamil Nadu.

Libel/Slander Laws: In July the state government of Tamil Nadu filed several criminal defamation complaints under Section 500 of the penal code in response to public speculation about the chief minister’s health. The government filed grievances against a news website, for posting two articles on the subject, as well as the Tamil biweekly *Nakkeeran*. Media reported the Tamil Nadu state government filed 110 defamation complaints since assuming power in 2011.

National Security: In some cases government authorities cited laws protecting national interest to restrict media content. On August 8, the Information and Broadcasting Ministry issued notices to three news channels--Aaj Tak, NDTV, and ABP News--stating coverage of the execution of 2008 Mumbai terrorist attack conspirator Yakub Memon showed “disrespect to the judiciary and President” and promoted “antinational attitudes.”

Nongovernmental Impact: On October 12, Gajanand Patil, Dinesh Prasad, Ashok Waghmare, Prakash Husbe, Samadhan Jadhav, and Venkatesh Nair from the regional political party Shiv Sena poured black ink on Sudheendra Kulkarni, director of the Observer Research Foundation, a New Delhi-based think tank. The attack was allegedly a protest of the foundation’s invitation to former Pakistani foreign minister Khurshid Mahmud Kasuri to participate in a panel discussion. Police provided heavy security for the event, which proceeded as scheduled. Mumbai police arrested the six suspects and released them on bail hours later.

Internet Freedom

There were some government restrictions on access to the internet, disruptions of access to the internet, and censorship of online content. There were also reports that the government occasionally monitored users of digital media, such as chat rooms and person-to-person communications. The IT Act permits the government to block internet sites and content and criminalizes sending messages the government deems inflammatory or offensive. Both central and state governments have the power to issue directions for blocking, intercepting, monitoring, or decrypting computer information.

During the year the Supreme Court struck down section 66A of the IT Act, which had resulted in several arrests of individuals between 2012 and 2015 for content published on social media. The Supreme Court upheld other provisions of the act authorizing the government to block certain online content. Under section 69A of the act, courts can order content blocks without government approval.

On September 15, the Gujarat High Court upheld a local government decision to ban mobile internet services during violent protests organized by the Patel community organization Patidar Committee Campaign for Affirmative Action. District administrations and police authorities in Gujarat suspended mobile internet services including 2G, 3G, and other mobile communication services for six days starting on August 25. On September 12, the Navsari district authorities banned internet services again for two days as a precautionary action prior to a proposed rally.

The central monitoring system (CMS), which began pilot operations in 2013, continued to allow governmental agencies to monitor electronic communications in real time without informing the subject or a judge. The CMS is a mass electronic surveillance data-mining program installed by the Center for Development of Telematics, a government-owned telecommunications technology development center. The CMS gives security agencies and income tax officials centralized access to the telecommunication network and the ability to hear and record mobile, landline, and satellite telephone calls and Voice over Internet Protocol, to read private e-mails and mobile texts, and to track geographical locations of individuals in real time. Authorities can also use it to monitor posts shared on social media and track users' search histories on Google, without oversight by courts or parliament. This monitoring facility was available to nine security agencies, including the Intelligence Bureau, the Research and Analysis Wing, and the Home Affairs Ministry. In May former communications minister Milind Deora expressed concern that without comprehensive privacy laws, the system was not sufficiently accountable and could impinge on freedom of speech.

Freedom House, a civil liberty organization, released a report in October rating the country "partly free" in respect for internet user rights, including accessibility, limits on content, and violations of individual's rights, an improvement compared with its previous rating. The NGO reported the government decreased the number of incidents concerning connectivity, restricted access, and documented incidents of physical attacks on internet users for content posted online. According to the report, key internet controls that existed between May 2014 and May included blocking of political, social, and religious content. The report cited the CMS as a potential internet freedom concern. According to media reports, the Defense Research and Development Organization continued to develop the Network Traffic Analysis Project, a confidential system used to detect and automatically capture voice traffic passing through programs such as Skype and Google Talk.

Government regulations on internet content prohibit many types of material including "harmful" and "insulting" content. Authorities may hold search engines liable for displaying prohibited content. Authorities require cyber cafes to install surveillance cameras and provide the government with records of user browsing activity.

The government requested user data from internet companies. According to Facebook's August transparency report for the first half of the year, the government made 2,794 requests. Facebook complied with 61 percent of those requests. Google also highlighted in its most recent transparency report an increase in government requests to share user data.

According to industry experts, approximately 10 percent of the population had access to the internet.

Academic Freedom and Cultural Events

In rare cases the government applied restrictions to the travel and activities of visiting experts and scholars. Academic guidelines issued by the Ministry of Human Resources Development require all central universities to obtain ministry permission before organizing "all forms of foreign collaborations and other international academic exchange activities," including seminars, conferences, workshops, guest lectures, and research. In most cases the ministry permitted international academic exchanges to take place.

Academics and NGOs alleged a pattern of qualified academics resigning or authorities removing them from high-level appointments in favor of candidates affiliated with the current government's political party.

In March a Delhi court upheld a ban on the broadcast of the documentary film *India's Daughter*, ruling that excerpts of the film "appear to encourage and incite violence against women."

The Pune-based Anjaneya Sathe Group cancelled a concert by Pakistani singer Atif Aslam scheduled for April 25 due to threats from nationalist political party Shiv Sena. On October 9, Panache Media similarly cancelled concerts in Mumbai and Pune by Pakistani singer Ghulam Ali following alleged threats from Shiv Sena. On October 11, Shiv Sena activists reportedly forced organizers to stop the Indo-Pakistani musical group Mekaal Hasan from performing in Ahmedabad.

b. Freedom of Peaceful Assembly and Association

The law provides for the freedoms of assembly and association, and the government generally respected those rights.

Freedom of Assembly

The law provides for freedom of assembly. Authorities often required permits and notification before parades or demonstrations, and local governments generally respected the right to protest peacefully, except in Jammu and Kashmir, where the state government sometimes denied permits to separatist political parties for public gatherings, and security forces sometimes reportedly detained and assaulted members of political groups engaged in peaceful protest (see section 1.g.). During periods of civil unrest in Jammu and Kashmir, authorities used the criminal procedure code to ban public assemblies or impose a curfew.

Security forces including local police often disrupted demonstrations and used excessive force when attempting to disperse protesters. The People's Union of Civil Liberties accused police in Sundergarh district, Odisha, of using disproportionate force to disperse members of a January 20 protest. The organization reported that 12 police battalions surrounded approximately 500 protesters allegedly pushing protesters to the ground, beating them with lathis, and threatening some women with rape. Protesters accused police of using racist language and verbally abusing tribal persons. Several protesters reportedly suffered severe injuries.

There were restrictions on the organization of international conferences. Authorities required NGOs to secure approval from the Ministry of Home Affairs before organizing international conferences. Authorities routinely granted permission, although in some cases the approval process was lengthy. Some human rights groups claimed this practice provided the government with tacit political control over the work of NGOs and restricted their freedom of assembly and association.

Freedom of Association

The law provides for freedom of association. The government generally respected that right. In certain cases, however, authorities subjected the organization of conferences with foreign funds to approval by the Ministry of Home Affairs and other government agencies.

NGOs expressed continued concern over provisions of the Foreign Contributions Regulation Act, which bars foreign-funded NGOs from engaging in activity "of a political nature" and prohibits political organizations and broadcasters from accepting foreign contributions. Some NGOs expressed concern over the potential for politically motivated enforcement of the act in order to intimidate or curtail the work of civil society organizations that criticize certain government policies. Some multinational and domestic companies also stated that in some cases the act made it difficult to comply with government-mandated corporate social responsibility obligations, due to lengthy and complicated registration processes.

The government reportedly placed 14 international NGOs, including Greenpeace, Cord Aid, Amnesty, and Action Aid, on a "prior approval" list, mandating Ministry of Home Affairs approval for foreign financial transactions. Greenpeace was involved in an ongoing legal case with the ministry concerning suspension of its license and claimed the revoked licenses were an attempt to stifle critics who wished to promote more sustainable development.

c. Freedom of Religion

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights. In August the implementation of a historic land boundary agreement between India and Bangladesh enfranchised more than 50,000 previously stateless residents, providing access to education and health services.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to some IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The government generally allowed UNHCR to assist only those asylum seekers and refugees from noncontiguous countries. The country hosted a large refugee population, including 150,000 Tibetan refugees, notably the Dalai Lama.

In-country Movement: The central government relaxed restrictions on travel by foreigners to Arunachal Pradesh, Nagaland, Mizoram, Manipur, and parts of Jammu and Kashmir, excluding foreign nationals from Pakistan, China, and Burma. The Ministry of Home Affairs and state governments required Indian citizens to obtain special permits upon arrival when traveling to certain restricted areas.

Security forces often searched and questioned travelers at vehicle checkpoints in areas of the Kashmir Valley and before public events in New Delhi, or after major terrorist attacks.

Foreign Travel: The government may legally deny a passport to any applicant for engaging in activities outside the country “prejudicial to the sovereignty and integrity of the nation.”

Citizens from Jammu and Kashmir faced extended delays, sometimes up to two years, for issuance or renewal of passports. The government reportedly subjected applicants born in Jammu and Kashmir, including children born to military officers deployed in the state, to additional scrutiny and police clearances before issuing them passports.

In January the government removed Greenpeace activist Priya Pillai from a flight to London where she was to speak to the Indo-British All-Party Parliamentary Group on her work with indigenous peoples in the coal-producing area of Mahan, Madhya Pradesh. In a court hearing, the government claimed she was involved in “antinational activities” that would create a negative image of the country abroad and affect foreign investment. In March the Supreme Court ruled in favor of Pillai and ordered the government to allow her to travel freely.

Internally Displaced Persons

Authorities located IDP settlements throughout the country, including those containing groups displaced by internal armed conflicts in Jammu and Kashmir, the Maoist belt, the northeastern states (see section 1.g.), and Gujarat. According to IDMC statistics from April, longstanding regional conflicts had displaced at least 616,140 persons, including 221,090 Kashmiri Hindus driven from their homes by antigovernment insurgents. Estimating the exact number of those displaced by conflict or violence was difficult, because no central government agency was responsible for monitoring the movements of displaced persons, and humanitarian and human rights agencies had limited access to camps and affected regions. While authorities registered residents of IDP camps, an unknown number of displaced persons resided outside camps. Many IDPs lacked sufficient food, clean water, shelter, and health care (see additional reporting on IDPs in section 1.g.).

Paramilitary operations against Maoists displaced members of the Gutti Koya tribe in the Dandakaranya forests in Chhattisgarh, who migrated to the neighboring Khammam and Warangal districts in Telangana. Following bifurcation of Andhra Pradesh to form the new state of Telangana, the state governments transferred parts of Khammam District with Gutti Koya settlements to Andhra Pradesh. According to an activist working among the Gutti Koya in Khammam District, an estimated 16,000 tribal members settled in Andhra Pradesh and Telangana. Local officials undertook some initiatives to provide food, work under the National Rural Employment Guarantee Act, education for displaced Gutti Koya children under the Right to Education Program, and health care.

On January 27, the Human Rights Forum reported that Telangana forest officials raided Medepalli village in Khammam district, Telangana, and destroyed 30 huts of the Gutti Koya tribe, despite a stay from the High Court of Judicature at Hyderabad. The NGO claimed the government did not grant the tribespeople title rights to lands on which they resided for nearly 15 years.

In a *Study on Internally Displaced Persons of India*, the Center for Social Justice reported 3,964 internally displaced Muslim families in 86 settlements in Gujarat. The study claimed that 30 percent of the IDPs did not receive government assistance and the government inadequately compensated the remainder despite central government directives. There were reports that state government denied social welfare benefits to registered IDPs. Camps reportedly sometimes lacked basic amenities, such as drinking water, power, sanitation, health care, and education.

Displaced family members of victims killed during the 1984 anti-Sikh violence and other instances of communal violence struggled to maintain economic livelihoods. Observers commonly called the Tilak Vihar neighborhood in New Delhi—composed largely of 1984 survivors—the “Widows Colony.”

Estimates of the number of indigenous tribe members displaced due to the insurgency in Chhattisgarh varied. The IDMC estimated the number of IDPs in Chhattisgarh at 50,000, in Telangana at 13,820, and in Andhra Pradesh at 6,240. The Chhattisgarh government reportedly did not acknowledge IDPs in Andhra Pradesh camps as Chhattisgarh residents, and the Andhra Pradesh government reportedly provided them little support. Repatriation of IDP’s was difficult due to development projects on Adivasi forestland and rural-urban migration trends.

IDPs in South Chhattisgarh, particularly in Dantewada, received few government services. IDPs sometimes lacked access to food, drinking water, health care, and educational facilities. IDPs reportedly lived in makeshift shelters and faced abuses by security agencies, according to the Social Justice Center’s *Study on Internally Displaced Persons of India*.

National policy or legislation did not address the issue of internal displacement resulting from armed conflict or from ethnic or communal violence. Responsibility for the welfare of IDPs was generally the purview of state governments and local authorities, allowing for gaps in services and poor accountability. The central government provided limited assistance to IDPs. IDPs had access to NGOs and human rights organizations, but neither access nor assistance was standard for all IDPs or all situations.

Protection of Refugees

The 1946 Foreigners Act does not contain the term “refugee,” treating refugees as any other foreigners. Undocumented physical presence in the country is a criminal offense. Refugees without documentation were vulnerable to forced repatriation and reportedly to abuse. The government generally provided protection against the expulsion or return of refugees to countries where refugees would face threats to their safety or freedom due to race, religion, nationality, membership in a particular social group, or political opinion.

Access to Asylum: Absent a legal framework, the government sometimes granted asylum on a situational basis on humanitarian grounds in accordance with international law. This approach resulted in varying standards of protection for different refugee groups. The government recognized refugees from Tibet and Sri Lanka and honored UNHCR decisions on refugee status determination for individuals from other countries. In 2013 more than 272,000 refugees lived in the country, including 150,000 Tibetans and more than 68,000 Sri Lankans in 112 refugee camps and 32,000 outside the camps. Most of the 3,811 asylum seekers and 22,079 refugees registered with UNHCR office in New Delhi were from Burma and Afghanistan. According to UNHCR and its partners, a small number of urban refugees and asylum seekers resided in cities such as Pune and Hyderabad. NGOs reported there were an additional 80,000 to 100,000 Burmese Chin refugees in the Mizoram region.

UNHCR did not maintain an official presence in the country, but the government permitted UNHCR staff access to refugees in urban centers and allowed it to operate in Tamil Nadu to assist with Sri Lankan refugee repatriation. Authorities did not permit UNHCR direct access to Sri Lankan refugee camps, Tibetan settlements, or asylum seekers in Mizoram; but it permitted asylum seekers from Mizoram to travel to New Delhi to meet UNHCR officials. The government generally permitted NGOs, international humanitarian organizations, and foreign governments access to Sri Lankan refugee camps and Tibetan settlements but generally denied access to asylum seekers in Mizoram. In 2013 UNHCR accorded refugee status and assistance to 13,728 Burmese living in New Delhi, but it did not have access to the ethnic Chin living in the northeastern states. UNHCR estimated registration of 6,870 Rohingya and 6,855 Chin from Burma in New Delhi and estimated that tens of thousands of additional refugees remained unregistered.

After the end of the Sri Lankan civil war, the government no longer registered Sri Lankans as refugees. Local police registered nearly 32,000 Sri Lankan refugees living outside the camps, but authorities did not recognize them as refugees. The Tamil Nadu government assisted UNHCR by providing exit permission for Sri Lankan refugees to repatriate voluntarily. The change of government in Sri Lanka caused an increase in repatriation and according to UNHCR, 386 persons repatriated voluntarily between January and September. Also during that period, more than 700 persons filed applications to repatriate, which marked an increase from the previous year of 396 refugees who filed to repatriate. UNHCR also noted that families, as opposed to single-family members, were increasingly repatriating together.

Refugee Abuse: Problems of domestic violence, sexual abuse, and early marriage continued. Gender-based violence and sexual abuse was common in camps for Sri Lankans. Many urban refugees worked in the informal sector or in occupations such as street vending, where they suffered from police extortion, nonpayment of wages, and exploitation.

Employment: Unable to obtain formal work authorization, most refugees generally worked in the informal sector.

Access to Basic Services: Although the country generally allowed recognized refugees and asylum seekers access to housing, primary and secondary education, health care, and the courts, access varied by state and by population. In 2012 the government began allowing UNHCR-registered refugees and asylum seekers to apply for long-term visas that would provide work authorization and access to higher education.

The 80,000 to 100,000 Burmese Chin asylum seekers in Mizoram generally reported adequate access to housing, education, and health services. Because most Chin refugees lacked legal status and were unable to work legally, they were often unable to meet basic needs and remained vulnerable to abuse, discrimination, and harassment.

During the year several NGOs working with Rohingya refugees in Haryana complained of difficulties in enrolling Rohingya children without state issued identification cards in government schools. Local school officials claimed all refugee children were welcome with a state-issued identity certificate.

The government did not fully fulfill a 2012 Ministry of Home Affairs directive to issue long-term visas to Rohingya. These visas would allow refugees to access formal employment in addition to education and health services and bank accounts.

Stateless Persons

By law parents confer citizenship, and birth in the country does not automatically result in citizenship. Any person born in the country on or after January 26, 1950, but before July 1, 1987, obtained Indian citizenship by birth. A child born in the country on or after July 1, 1987, obtained citizenship if either parent was an Indian citizen at the time of the child's birth. Authorities considered those born in the country on or after December 3, 2004, only if at least one parent was a citizen and the other was not illegally present in the country at the time of the child's birth. Authorities considered persons born outside the country on or after December 10, 1992, citizens if either parent was a citizen at the time of birth, but authorities did not consider those born outside the country after December 3, 2004, citizens unless their birth was registered at an Indian consulate within one year of the date of birth. Authorities could also confer citizenship through registration under specific categories and via naturalization after residing in the country for 12 years. Tibetans reportedly sometimes faced difficulty acquiring citizenship despite meeting the legal requirements.

According to UNHCR and NGOs, the country had a large population of stateless persons, but there were no reliable estimates of the number. Stateless populations included Chakmas and Hajongs, who entered the country decades ago from present-day Bangladesh, and groups affected by the 1947 partition of the subcontinent into India and Pakistan.

Approximately 70,000 stateless Bangladeshi Chakma persons lived in Arunachal Pradesh. On September 20, the Supreme Court ordered the central government and the Arunachal Pradesh state government to consider citizenship for Chakma and Hajong refugees who have lived in the state for almost 50 years. In the early 1960s, Buddhist Chakmas and Hajongs fled persecution from former East Pakistan (Bangladesh) and approximately 15,000 settled in the Changlang district of Arunachal Pradesh.

The Mizoram state government refused to accept the repatriation of Bru IDPs, resident in six camps in the state of Tripura, citing a lack of available land and funds to subsidize returnees. Bru leaders claimed there were 30,000 Mizoram residents in the camp, one of the largest groups of IDPs in the country.

Children born in Sri Lankan refugee camps received Indian birth certificates. While Indian birth certificates alone do not entitle refugees to Indian citizenship, refugees may present Indian birth certificates to the Sri Lankan High Commission to commence registration as Sri Lankan citizens. Approximately 16,000 of 27,000 Sri Lankan refugee children born in the refugee camps have presented birth certificates to the Sri Lankan High Commission in Chennai.

UNHCR and refugee advocacy groups estimated that between 25,000 and 28,000 of the approximately 100,000 Sri Lankan Tamil refugees living in Tamil Nadu were "hill country" Tamils. While Sri Lankan law allows "hill country" refugees to present affidavits to secure Sri Lankan citizenship, UNHCR believed that until the Sri Lankan government processes their paperwork, authorities may consider such refugees potentially stateless.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government through free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: The Election Commission of India is an independent constitutional body responsible for administering all elections at the central and state level throughout the country. International organizations reported fair and effective oversight by the commission during the February state assembly elections in Delhi.

West Bengal State Election Commission (SEC) deferred announcing results of municipal elections held on October 3 over allegations of irregularities committed by the ruling Trinamool Congress. A few municipalities witnessed sporadic violence and attempted rigging. Opposition parties including the Communist-led Left Front and the Bharatiya Janata Party (BJP) protested and appealed to the SEC. The SEC ordered repolling in several districts.

The Gujarat Election Commission postponed local elections in six municipal corporations, 230 taluka panchayats, and 31 district panchayats for three months over caste discrimination concerns. The state

eventually held local elections on November 22 and 29. The opposition in the state filed a court challenge against the state's electoral reforms. At year's end the decision was pending with the Supreme Court.

Authorities conducted the Bihar state elections over five largely peaceful phases in October-November despite Maoist presence in some districts. There were no reported complaints of rigging or other electoral problems.

Political Parties and Political Participation: The constitution provides for universal voting rights for all citizens age 18 and above. There were no restrictions placed on the formation of political parties or on individuals of any communities from participating in the election process. The election law bans the use of government resources for political campaigning and the Election Commission effectively enforced the law. The commission's guidelines ban opinion polls 48 hours prior to an election and cannot release results of exit polls until completion of the last phase (in a multiphase election).

Participation of Women and Minorities: The law reserves one-third of the seats in local councils for women. Religious, cultural, and traditional practices and ideas prevented women from proportional participation in political office. Nonetheless, women held many high-level political offices, including positions as ministers, members of parliament, and state chief ministers.

On September 4, the Supreme Court upheld an amended Gujarat state law that included an increase in the quota for women in local civic bodies from 33 to 50 percent.

The constitution stipulates that to protect historically marginalized groups and provide for representation in the lower house of parliament, each state must reserve seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) in proportion to their population in the state. Only candidates belonging to these groups may contest elections in reserved constituencies. In the 2014 elections, authorities reserved 84 seats for candidates from the SCs and 47 seats for those from the STs, representing 24 percent of the total seats in the lower house. Members of minority populations served as prime minister, vice president, cabinet ministers, Supreme Court justices, and members of parliament.

Some Christians and Muslims were identified as Dalits, but the government limited reservations for Dalits to Hindus, Sikhs, and Jains.

In March a Dalit woman was elected Deputy Chief of Panchayat in Shivpuri, Madhya Pradesh. Angered by her election, men from the village beat her and her family and forced her to eat cow dung.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials at all levels of government. Officials frequently engaged, however, in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: Corruption was present at all levels of government. The CBI registered 583 cases of corruption between January and November. The commission operated a public hotline and a web portal. NGOs reported the payment of bribes to expedite services, such as police protection, school admission, water supply, or government assistance. Civil society organizations drew public attention to corruption throughout the year, including through demonstrations and websites that featured stories of corruption.

Media reports, NGOs, and activists reported links between contractors, militant groups, and security forces in infrastructure projects, narcotics trafficking, and timber smuggling in the northeastern states. These reports alleged ties among politicians, bureaucrats, security personnel, and insurgent groups. In Manipur and Nagaland, allegations of bribes paid to secure state government jobs were prevalent, especially in police and education departments.

Corruption sometimes hampered government programs to investigate allegations of government corruption. In July a Special Investigation Team alleged that officials from Lokayukta, an anticorruption statutory body, exchanged bribes for protection from potential corruption raids in Karnataka and arrested 10 individuals, including ombudsman Justice Bhaskar Rao's son Ashwin Rao and Lokayukta Public Relations Officer Syed Riyaz. In response the Karnataka government amended the Lokayukta Act to allow for the removal of anticorruption officials. The investigation was ongoing at year's end.

On July 13, the Supreme Court ordered the CBI to take over a Madhya Pradesh state government investigation of fraud within the Professional Examination Board (Vyapam), a state government body that conducts school entrance exams and tests for positions in the state government. Arrests in the case since the investigation

began in 2013 have included more than 2,000 individuals. CBI was also investigating the deaths of 48 individuals over the span of five years, including a journalist who reported on the fraud.

On August 6, Goa police arrested former public works department minister Churchill Alemao along with three others on corruption charges. According to the charges, employees from a foreign firm paid bribes to win consultancy contracts for water and sewerage projects. On August 20, the district court in Goa granted anticipatory bail to former chief minister Digambar Kamat in the case.

Financial Disclosure: The law mandates asset declarations for all officers in the Indian Administrative Services. Both the Election Commission and the Supreme Court upheld mandatory disclosure of criminal and financial records for election candidates.

In May the Karnataka High Court overturned a 2014 corruption verdict against Tamil Nadu Chief Minister Jayalalithaa stemming from her 1991-96 tenure as chief minister. Following the 2014 conviction, authorities sentenced Chief Minister Jayalalithaa to a four-year prison term, requiring her resignation as chief minister. On May 23, the High Court determined that Jayalalithaa's unaccountable assets totaled less than the legal cap of 10 percent of her total assets, and authorities reinstated her as Chief Minister of Tamil Nadu. On June 23, the Karnataka Government filed a Special Leave Petition before the Supreme Court of India disputing the calculation that led to the chief minister's acquittal.

Public Access to Information: The law provides for public access to information. Although the government was often slow to respond to requests, the public could access personal documentation, city plans, and other public records through the RTI online portal. RTI requests are limited to Indian citizens. The government charged a fee of 11 rupees (16 cents) per request. Citizens may appeal request denials to the Central Information Commission and then to the appropriate high court. Activists expressed concern that public authorities were sometimes unable to implement the RTI Act adequately and that rural inhabitants were not always aware of their rights under the act.

Many states also have right-to-information laws. Fee schedules and regulations for state-level RTI queries varied.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Most domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. In some circumstances groups faced restrictions. Government officials were generally responsive to NGO requests. There were more than three million NGOs in the country advocating for social justice, sustainable development, and human rights. The government generally met with domestic NGOs, responded to their inquiries, and took action in response to their reports or recommendations. The NHRC worked cooperatively with numerous NGOs. Several NHRC committees had NGO representation. Human rights monitors in Jammu and Kashmir were able to document human rights violations, but security forces, police, and counterinsurgents at times reportedly restrained or harassed them.

Representatives of certain international human rights NGOs sometimes faced difficulties obtaining visas, and reported occasional official harassment and restrictions limited their public distribution of materials.

Police charged activists Teesta Setalvad, Javed Anand, Salim Sandhi, Feroz Gulzar, Mohammed Pathan, and Tanvir Jafri with embezzlement after donors claimed Setalvad, founder of Citizens for Justice and Peace (CJP) misused 1.5 million rupees (\$22,500) collected to build a memorial to victims of the 2002 Gujarat riots. The Supreme Court granted defendants anticipatory bail after several denials in lower courts in Gujarat. The Gujarat state government froze CJP bank accounts in January 2014 pending the investigation. A CJP appeal to unfreeze the accounts was pending at year's end.

On July 8, the CBI launched a second investigation of Setalvad and Anand for alleged misuse of grants from foreign donors. On August 14, the Bombay High Court granted anticipatory bail to Setalvad and Anand. The activists alleged authorities filed the case in retaliation for their work on behalf of the victims in the Gujarat 2002 riots.

The United Nations or Other International Bodies: The government restricted access by the United Nations to the northeastern states and Maoist-controlled areas.

Government Human Rights Bodies: The NHRC is an independent and impartial investigatory and advisory body, established by the central government, with a dual mandate to investigate and remedy instances of human rights violations and to promote public awareness of human rights. It is directly accountable to parliament but works in close coordination with the Ministry of Home Affairs and the Ministry of Law and Justice. It has a mandate to address official violations of human rights or negligence in the prevention of violations, intervene in judicial proceedings involving allegations of human rights violations, and review any factors (including acts of terrorism) that infringe on human rights. The law authorizes the NHRC to issue summonses and compel testimony, produce documentation, and requisition public records. The NHRC also recommends appropriate remedies for abuses in the form of compensation to the victims of government killings or their families. It has neither the authority to enforce the implementation of its recommendations nor the power to address allegations against military and paramilitary personnel.

Human rights groups claimed these limitations hampered the work of the NHRC. While the NHRC has the authority to initiate investigations and to request that state governments submit reports, it has no ability to enforce these requests, press charges, or grant compensation. It cannot investigate human rights violations by the armed forces. Some human rights NGOs criticized the NHRC's budgetary dependence on the government and its policy of not investigating abuses more than one year old. Some claimed the NHRC did not register all complaints, dismissed cases arbitrarily, did not investigate cases thoroughly, rerouted complaints back to the alleged violator, and did not adequately protect complainants.

Twenty-three of 29 states have human rights commissions, which operated independently under the auspices of the NHRC. In seven states the position of chairperson remained vacant. Some human rights groups alleged that local politics influenced state committees, which were less likely to offer fair judgments than the NHRC.

In the course of its nationwide evaluation of state human rights committees, the HRLN observed that most state committees had few or no minority, civil society, or female representatives. The HRLN claimed the committees were ineffective and at times hostile toward victims, hampered by political appointments, understaffed, and underfunded.

The Jammu and Kashmir commission does not have the authority to investigate alleged human rights violations committed by members of paramilitary security forces. The NHRC has jurisdiction over all human rights violations, except in certain cases involving the army. The NHRC has authority to investigate cases of human rights violations committed by Ministry of Home Affairs paramilitary forces operating under the AFSPA in the northeast states and in Jammu and Kashmir.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, place of birth, caste, or social status. The government worked with varying degrees of success to enforce these provisions.

Women

Rape and Domestic Violence: The law criminalizes rape, except spousal rape when the woman is over age 15. Punishment ranges from prison terms of two years to life, a fine of 20,418 rupees (\$306), or both. Official statistics pointed to rape as the country's fastest growing crime, prompted by the increasing willingness of victims to report rapes. The NCRB reported 36,735 cases of rape nationwide in 2014, the latest year for which data were available, an increase of 8.9 percent compared with 2013. Observers believed the number of rapes was underreported. Law enforcement and legal recourse for rape victims was inadequate, overtaxed, and unable to address the problem effectively. Police officers sometimes worked to reconcile rape victims and their attackers, in some cases encouraging female rape victims to marry their attackers. Doctors sometimes further abused rape victims who reported the crimes by using the invasive "two-finger test" to speculate on their sexual history. In addition to outlawing the "two-finger test," in March the government formulated new guidelines for treating rape victims, which included mandatory forensic and medical examinations within designated areas in all hospitals for rape survivors.

While the trial of six defendants in a high-profile 2012 Delhi rape case took place quickly, authorities sometimes did not investigate other cases swiftly. Many investigations and legal proceedings relating to earlier rape cases during the year remained pending.

On March 13, members of a local gang raped a 71-year-old nun and robbed the Convent of Jesus and Mary school in Ranaghat, West Bengal. In June police arrested a suspect—a Bangladeshi national—in Kolkata.

On June 18, Madras High Court judge Justice P. Devadass ordered a victim and her accused rapist to enter mediation. The victim, now a 22-year-old mother of a 6-year-old child produced by the rape, refused to accept mediation. On July 11, the court reversed the order for mediation. On October 5, the Madras High Court reversed the rape conviction on a technicality. A new case was pending.

Women in conflict areas, such as in Jammu and Kashmir, the northeast, Jharkhand, and Chhattisgarh, as well as vulnerable Dalit or tribal women, were often victims of rape or threats of rape. National crime statistics indicated that, compared with other caste affiliations, assailants most often perpetrated rape against Dalit women.

The law provides for protection against some forms of abuse against women in the home, including verbal, emotional, and economic abuse, as well as the threat of abuse. The law recognizes the right of a woman to reside in a shared household with her spouse or partner while a dispute continues, although a woman may seek accommodations at the partner's expense. Although the law also provides women with the right to police assistance, legal aid, shelter, and medical care, domestic abuse remained a serious problem. Lack of law enforcement safeguards and pervasive corruption limited the effectiveness of the law.

The Ministry of Women and Child Development promulgated guidelines for the establishment of social services for women, but due to lack of funding, personnel, and proper training, services were primarily available only in metropolitan areas. Some police officials, especially in smaller towns, were reluctant to register cases of crimes against women, especially against persons of influence.

Domestic violence continued to be a problem, and the National Family Health Survey revealed that more than 50 percent of women reported experiencing some form of violence in their home. The NCRB reported that in 2014 there were 122,877 reported cases of "cruelty by husband and relatives," an increase of 3.2 percent from the previous year. Advocates reported that many women refrained from reporting domestic abuses due to social pressures.

Crimes against women were common. According to 2014 NCRB statistics, there were 337,922 crimes against women in 2014, a 9.1-percent increase from 2013. These crimes included kidnapping, rape, dowry deaths, and domestic abuse. The NCRB noted that underreporting of such crimes was likely. The NCRB estimated the conviction rate for crimes against women to be 24 percent. Acid attacks against women caused death and permanent disfigurement. On March 21, an acid attack in Pathanamthitta, Kerala, blinded Sreeja Kumar in one eye. Police arrested her husband Sunil Kumar and his friend Prakash, whom he hired to conduct the attack.

On April 18, in Sringeri, Karnataka, a woman suffered facial injuries when two unknown assailants threw acid on her for reportedly rejecting a marriage proposal. Police arrested four men in connection with the attack.

Although the government maintained statistics on gender-based violence and general assaults, it did not disaggregate acid attacks. According to the Ministry of Home Affairs, the number of acid attack victims increased from 147 in 2013 to 225 in 2014.

Citizens use acid as a household cleaner, and it is available at local markets. Despite a 2013 Supreme Court order regulating the sale of acid across the country, media reports indicated that acid was easily available. In June pursuant to the Supreme Court directive, the Karnataka State Commission for Women increased compensation for acid and kerosene attack victims from 200,000 rupees (\$3,000) to 300,000 (\$4,500). The sum awarded is irrespective of the degree of harm sustained. In April the Supreme Court directed all private hospitals to provide medical assistance to victims of acid attacks.

Female Genital Mutilation/Cutting (FGM/C): No national law addresses the practice of FGM/C. According to human rights groups and media reports, between 70 and 90 percent of Dawoodi Bohra Muslims practiced various forms of FGM/C. A population of approximately one million Dawoodi Bohra Muslims lived in pockets throughout the western states of Maharashtra, Gujarat, Madhya Pradesh, and Rajasthan. On December 4, media reported that a group of 17 Dawood Bohra women started a petition on social networking sites calling for a government ban on the practice.

Other Harmful Traditional Practices: The law forbids the provision or acceptance of a dowry, but families continued to offer and accept dowries, and dowry disputes remained a serious problem. The law also bans harassment in the form of dowry demands and empowers magistrates to issue protection orders. The NCRB reported that authorities arrested 23,587 persons for dowry death in 2014.

"Sumangali schemes" affected an estimated 120,000 young women. These plans, named after the Tamil word for "happily married woman," are a form of bonded labor in which young women or girls work to earn money for a dowry to be able to marry. The promised lump-sum compensation, often ranging from 50,000 to 70,000 rupees (\$750 to \$1,050), is withheld until the end of three to five years of employment. Compensation, however, sometimes went partially or entirely unpaid. While in bonded labor, employers reportedly subjected women to serious workplace abuses, severe restrictions on freedom of movement and communication, sexual abuse,

sexual exploitation, sex trafficking, and death. The majority of sumangali-bonded laborers came from the SCs, and of those, employers subjected Dalits--the lowest-ranking Arunthathiyars--to additional abuse. Authorities did not allow trade unions in sumangali factories, and some sumangali workers reportedly did not report abuses due to fear of retribution. A 2014 case study by NGO Vaan Muhil described health problems among workers and working conditions reportedly involving physical and sexual exploitation.

Most states employed dowry prohibition officers, with the exception of Mizoram and Nagaland because they do not have a tradition of dowry. The Dowry Prohibition Act does not apply to Jammu and Kashmir. A 2010 Supreme Court ruling makes it mandatory for all trial courts to charge defendants in dowry-death cases with murder.

So-called honor killings remained a problem, especially in Punjab, Uttar Pradesh, and Haryana. These states also had low female birth ratios due to gender-selective abortions. Some killings resulted from extrajudicial decisions by traditional community elders, such as "khap panchayats," unelected caste-based village assemblies that have no legal standing. Statistics for honor killings were difficult to verify, since many killings were unreported or reported as suicide or natural deaths by family members. In 2013 NGOs estimated that at least 900 such killings occurred annually in Haryana, Punjab, and Uttar Pradesh alone. The most common justification for the killings cited by the accused or by their relatives was that the victim married against her family's wishes. On April 16, a father and cousin in Mansa district in Punjab reportedly shot a pregnant female relative for marrying a man from lower social class against the wishes of her family. Police arrested the accused.

On June 24, attackers beheaded V. Gokulraj, a Dalit engineer, in Pallipalayam, Tamil Nadu, reportedly due to a romantic relationship with an upper caste Hindu classmate. Police arrested 12 suspects, but the primary suspect, a local caste leader, remained at large. The case was pending.

There were reports that women and girls in the "devadasi" system of symbolic marriages to Hindu deities were victims of rape or sexual abuse at the hands of priests and temple patrons--a form of sex trafficking. NGOs suggested that families forced some SC girls into sex work in temples to mitigate household financial burdens and the prospect of marriage dowries. Some states have laws to curb prostitution or sexual abuse of women and girls in temple service. Enforcement of these laws remained lax, and the problem was widespread. Some observers estimated that more than 450,000 women and girls engaged in temple-related sex work.

There was no federal law addressing accusations of witchcraft; however, authorities can use provisions under the penal code as an alternative for a victim accused of witchcraft. Bihar, Odisha, Chhattisgarh, Rajasthan, Assam, and Jharkhand have passed laws criminalizing those who accuse others of witchcraft. On August 13, the Assam state legislature unanimously passed a law making "witch-hunting" a criminal offense. There was an increase in reports of attacks on women accused of practicing witchcraft. According to the NCRB from 2000-12, attackers killed an estimated 2,100 individuals, mostly women, on suspicion of practicing witchcraft. Independent researchers reported between 80 and 100 incidents involving witchcraft allegations take place in the state of Assam each year. According to Odisha state police, attackers killed 274 persons for practicing witchcraft from 2010-14, largely in tribal dominated districts. Most reports stated villagers and local council usually banned the accused from the village. The Committee for Skeptical Inquiry think tank reported many accusations and related violence have roots in property disputes and local politics.

Discrimination against widows occurred throughout the country. According to some cultural traditions, a widow is a bad omen and is often outcast by her own family. Many widows end destitute and forced to resort to begging for survival.

In September the NHRC ordered the Maharashtra state government to take effective measures to eradicate the practice of "gaokor." Prevalent amongst the tribal populations and other rural communities, gaokor forces women to live in an isolated place outside the house during menstruation.

Sexual Harassment: Sexual harassment, sometimes euphemistically called "Eve teasing," remained prevalent. According to the NCRB, authorities reported 21,938 cases of sexual harassment in 2014, a 42.6-percent increase from 12,589 cases in 2013. There were 82,235 cases of molestation in 2014, a 14-percent increase from 70,739 cases in 2013. Cases of rape and molestation reportedly remained largely unreported due to social pressure.

Authorities required all state departments and institutions with more than 50 employees to operate committees to prevent and address sexual harassment. By law sexual harassment includes one or more unwelcome acts or behavior, such as physical contact, a request for sexual favors, making sexually suggestive remarks, or showing pornography. Employers that fail to establish complaint committees faced fines of up to 50,000 rupees (\$750). The law also includes penalties for false or malicious charges.

An internal complaints committee accused the Director of the Food Safety and Standards Authority of India (FSSAI) in an alleged sexual harassment case. After a six-month probe into a complaint lodged by a female

FSSAI officer, the committee accused the Director of FSSAI of posing a “threat to any female subordinate.” The committee asked the FSSAI to lodge a First Incident Report (FIR) or complaint filed with police under sections relating to assault and “criminal force with the intent to outrage the modesty of a woman.”

Reproductive Rights: The government permitted health clinics and local NGOs to operate freely in disseminating information about family planning. The country continued nevertheless to have unmet needs for contraception, deaths related to unsafe abortion, maternal mortality, and coercive family planning practices, including coerced or unethical sterilization and policies restricting access to entitlements for women with more than two children. Policies and guideline initiatives penalizing families with more than two children remained in place in seven states, but some authorities did not enforce them. Certain states maintained government reservations for government jobs and subsidies for adults with no more than two children and reduced subsidies and access to health care for those who have more than two.

Government efforts to reduce the fertility rate were occasionally coercive. Authorities in some areas paid health workers and facilities in some areas a fixed amount for each procedure performed and reviewed them against quotas for female sterilizations. In some states authorities threatened health workers with pay cuts or dismissal for failing to meet quotas. Health workers received a payment of approximately 250 rupees (\$3.75) for each patient they delivered to a sterilization facility and 1,000 rupees if they brought parents for sterilization before they had more than two children. Women in high-fertility states received 600 rupees (\$9) as compensation for undergoing sterilization. Women in low-fertility states received 250 rupees (\$3.75), unless they were from the SCs and STs or were below the poverty line, in which case they received 600 rupees (\$9) to be sterilized. In high-focus states, authorities paid women 1,400 rupees (\$21) for sterilization. Some reports described a “sterilization season,” in which health-care workers pressed to reach quotas for sterilizations before the end of the fiscal year on March 31.

Some doctors reportedly withheld health services unless a woman agreed to sterilization.

Women reportedly were more likely to be sterilized after they had given birth to at least one son.

Although national health officials noted the central government did not have the authority to regulate state decisions on population issues, the central government creates guidelines and funds state level reproductive health programs. A 2005 Supreme Court decision deemed the national government responsible for providing quality care for sterilization services at the state level. Almost all states also introduced “girl child promotion” schemes, intended to counter sex selection, some of which required a certificate of sterilization for the parents in order to collect benefits. Administrative hurdles and high demands for documentation reportedly made these schemes inaccessible to many marginalized families.

In some areas health workers conducted sterilizations in unsafe and unsanitary conditions. The number of reported failed sterilization operations for women increased from 456 in 2012 to 15,460 in 2013. Health facilities conducted “sterilization camps” in which a single doctor operated on dozens of women, often without adequate hygiene, counseling, presurgical lab tests, and postoperative recovery. According to statistics from the Directorate of Family Welfare, in Tamil Nadu the mortality rate for sterilizations was one for every 1,000. State health department sources attributed sterilization-related deaths to poor pre- and postoperative care and complications due to anesthesia.

There were no formal restrictions on the right to access contraceptives, but the government sometimes promoted permanent female sterilization to the exclusion of alternate forms of contraception. Repeated studies by the government and NGOs suggested most women had had little familiarity with nonpermanent forms of contraceptives offered through the public health system, such as birth control pills, intrauterine devices, and condoms. The highest unmet need for contraceptives reportedly was among women with one child who wanted to delay a second pregnancy. Reports from NGOs claimed that pharmacists across the country, especially in Maharashtra, limited women’s access to legal over-the-counter emergency contraceptive pills and to legal medical termination prescription drugs.

According to a 2013 National Health Survey, health workers had sterilized more than one in three women between the ages of 15 and 45. One in two women over the age of 35 was sterilized. Most sterilizations are performed on women when they are between the ages of 20 and 35, but one out of every hundred teenage girls have also been sterilized. According to the same survey, on average three women died every week from botched sterilizations. The government has aggressively promoted female sterilization as a form of family planning for decades and, as a result, female sterilization comprises 63 percent of all contraceptive use in the country. HRLN filed more than a dozen cases on the government’s failure to provide counseling and information on the Family Planning Indemnity Scheme on behalf of women who received failed sterilization or died in the government health camps.

On January 8, doctors at an illegal health camp sterilized 44 women in Jharkhand state after which seven women became ill. According to a report by HRLN, camp officials left the women on the floor without medical follow up after the surgery. According to the report, the facility had no running water, heat, beds, stretchers, or

electricity after a generator failed. HRLN also reported a memorandum of understanding between the operating agency, Surya Clinic, and the state government health department had expired. The Jharkhand government took no action following the media reports. A case was pending in the Ranchi High Court.

Lack of access to quality reproductive and maternal health care services, skilled attendants at birth, contraception to space pregnancies, and unsafe abortion contributed to high rates of maternal mortality. According to UN estimates, 50,000 women died during pregnancy and childbirth in 2013. Although abortion is legal and regulated to provide for safety, according to UN estimates at least 8 percent of all maternal deaths were attributable to unsafe abortions. According to the law, contraceptive information and services must be available, accessible, acceptable, and of reliable quality. Official policy promotes the right of a woman to access contraceptive information and services, however, the unmet need for contraception remained high. Family Health International reported that 13 percent of married women between the ages of 15 and 49 did not wish to have additional children or wished to space births but could not access contraception.

Some women reportedly were pressured to have hysterectomies or other forms of sterilization because of the payment structures for health workers and insurance payments for private facilities. This pressure reportedly disproportionately affected poor and lower-caste women. In one village, news reports in 2014 claimed that 90 percent of women had undergone hysterectomies, including many of those well below the age of likely medical necessity.

Although the government achieved a significant increase in institutional births, there were reports that health facilities continued to be overburdened, underequipped, and undersupplied, in addition to demonstrating substandard regard for hygiene and patient dignity.

In community health centers, 69.7 percent of gynecologist positions remained unfilled, according to a 2012 report by the Ministry of Health and Family Welfare on rural health statistics. Only 13 percent of the centers had the requisite number of specialists. Poor health infrastructure disproportionately affected marginalized women, including homeless women, tribal women, women working on tea estates or in the informal labor sector, Dalit women, and women with disabilities.

The 2010-12 Sample Registration Report of the Registrar-General, released in 2013, showed that during three years, the maternal mortality rate declined from 212 to 178 per 100,000 live births. Assam's maternal mortality rate was the highest in the country at 300, followed by Uttar Pradesh/Uttarakhand at 285. Kerala at 66, Maharashtra at 68, and Tamil Nadu at 79 had the lowest rates and met the Millennium Development Goal of 103 deaths per 100,000 live births. Maternal mortality rates were difficult to calculate in many northeast states, which suffered from inadequate infrastructure and insufficiently trained medical staff.

HIV/AIDS infection rates for women were highest in urban communities, while care was least available in rural areas. Traditional gender norms, such as early marriage, limited access to information and education, and poor access to health services, continued to leave women especially vulnerable to infection. The National AIDS Control Organization worked actively with NGOs to train women's HIV/AIDS self-help groups.

Discrimination: The law prohibits discrimination in the workplace and requires equal pay for equal work, but employers sometimes paid women less than men for the same job, discriminated against women in employment and credit applications, and promoted women less frequently than men.

Many tribal land systems, including in Bihar, deny tribal women the right to own land. Muslim personal law traditionally governs land inheritance for Muslim women, allotting them less than allotted to men. Other laws relating to the ownership of assets and land accord women little control over land use, retention, or sale. Several exceptions existed, such as in Kerala, Ladakh District, Meghalaya, and Himachal Pradesh, where women control family property and have inheritance rights.

Gender-biased Sex Selection: According to the latest census (2011), the national average male-female sex ratio at birth was 1,000 to 943. The state of Kerala had the highest male-female sex ratio at birth at 1,000 to 1,084 and the state of Haryana the lowest, at 1,000 to 877. In 2011 the national child sex ratio, covering children between ages zero and six, was 918 girls to 1,000 boys. A 2002 law prohibits prenatal sex selection, but authorities rarely enforced it. When state governments obtained convictions, doctors did not always lose their professional license, although the Medical Council canceled the license to practice medicine of six doctors from Maharashtra convicted under the law.

In October the Delhi government issued "show-cause" notices to 89 hospitals and diagnostic centers with sex ratios at birth significantly lower than the state average. The average sex ratio in Delhi is 896 females for every 1,000 males. Based on the results of a survey conducted by the Delhi Health Ministry, these 89 institutions exposed sex ratios that ranged from 285 to 788 live female births for every 1,000 male births.

Numerous NGOs throughout the country and some states attempted to increase awareness of the problem of prenatal sex selection, promote female births, and prevent female infanticide and abandonment.

On January 22, Prime Minister Narendra Modi launched the Beti Bachao, Beti Padhao (Save the Girl-Child, Educate the Girl-Child) movement in Haryana state. This one billion rupees (\$15,000,000) program aimed to prevent gender-biased sex selection, provide for the survival and protection of girls, and promote female education.

Children

Birth Registration: The law establishes state governments' procedures for birth registration. The UN Children's Fund (UNICEF) estimated that authorities registered 58 percent of national births each year. Children lacking citizenship or registration may not be able to access public services, enroll in school, or obtain identification documents later in life.

Education: The constitution provides for free education for all children from ages six to 14, but the government did not always comply with this requirement. The NGO Pratham's 2013 Annual Survey of Education claimed that only 70 percent of girls enrolled in primary school actually attended classes in 2013. The same report noted that in the states of Uttar Pradesh, Bihar, Manipur, West Bengal, Jharkhand, and Madhya Pradesh, attendance was less than 60 percent. Girls between ages 11 and 14 were most frequently not enrolled.

There were numerous reports of schools refusing admission to underprivileged students. According to some NGOs, less than one-half of underprivileged children between ages six and 14 attended school.

Child Abuse: The law prohibits child abuse, but does not recognize physical abuse by caregivers, neglect, or psychological abuse as punishable offenses. All types of abuse remained common, including in school and institutional settings. The government often failed to educate the public adequately against child abuse or to enforce the law. Although banned, teachers often used corporal punishment. According to the Ministry of Home Affairs' 2014-15 annual report, there were 58,224 cases of crimes reported against children in 2013, a 53-percent increase from 38,172 cases in 2012.

According to the NGO Global Perspectives' August report, the number of abused children in the country is 200,000. In a 2014 study published by the Journal of Anxiety Disorders on 702 adolescents from Jammu and Kashmir between the ages of 13 to 17 years, boys reported a higher rate of sexual abuse as compared to girls (57.4 percent vs. 34.7 percent).

The government sponsored a toll-free 24-hour helpline for children in distress in 72 cities. A network of NGOs staffed the "Childline 1098 Service" number, accessible by either a child or an adult to request immediate assistance, including medical care, shelter, restoration, rescue, sponsorship, and counseling.

On December 7, the Delhi Commission for Women reported a 25-year-old man raped a 28-day-old infant while her parents voted at a local election. Local village doctors referred the infant to specialists in Lucknow, Uttar Pradesh. Police registered a case against the accused who absconded.

Early and Forced Marriage: The law sets the legal age of marriage for women at 18 and men at 21, and it empowers courts to annul child marriages. It also sets penalties for persons who perform, arrange, or participate in such marriages. Authorities did not consistently enforce the law. According to a 2014 NCRB report, the most violations of the Prohibition of Child Marriage Act occurred in Tamil Nadu at 47, Karnataka at 44, and Kerala at 19. Some religiously based personal laws allow marriages at an age earlier than the general law. The law does not characterize a marriage between a girl below age 18 and a boy below age 21 as "illegal," but it recognizes such unions as voidable, providing grounds for challenging them in court. Only the party who was a minor at the time of marriage may seek nullification. If the party is still a minor, his or her guardian must file a petition for nullification. A party may also file upon becoming an adult but must do so within two years. According to international and local NGOs, these limitations effectively left married minors with no legal remedy in most situations.

The law establishes a full-time child-marriage prohibition officer in every state to prevent and police child marriage. These individuals have the power to intervene when a child marriage is taking place, document violations of the law, file charges against parents, remove children from dangerous situations, and deliver them to local child-protection authorities.

UNICEF's *State of the World's Children 2015* report noted 47 percent of girls married before age 18. According to the report, women married as children contributed to the country's high infant and maternal mortality rates, and observers suspected that early motherhood contributed to the deaths of 6,000 adolescent mothers each year. A national family health survey showed that one in six girls between the ages of 15 and 19 had become pregnant at least once.

Sexual Exploitation of Children: The law prohibits child pornography and sets the legal age of consent at 18. It is illegal to pay for sex with a minor, to induce a minor into prostitution or any form of "illicit sexual intercourse,"

or to sell or buy a minor for the purposes of prostitution. Violators are subject to 10 years' imprisonment and a fine.

NGOs reported that children under age 18 engaged in prostitution in red-light districts in major cities. Child trafficking for sexual exploitation frequently occurred in urban and rural areas. The Ministry of Home Affairs said that criminals trafficked significant numbers of missing children after running away from home.

Pune-based NGO Dnyana Devi Childline's report on child abuse and exploitation in Pune, Maharashtra cited 31 cases of child marriage, 15 cases of juvenile delinquency, eight cases of human trafficking, three cases of Eve-teasing, 114 cases of physical or sexual abuse, 139 cases of school/institutional abuse, and seven cases of substance addiction from March 2014 through February. The child helpline received 565 calls, and police registered 34 cases of child labor, 122 cases of forced begging on the streets, and 26 cases of physical or sexual child abuse.

Child Soldiers: No information was available on how many persons under age 18 were serving in the armed forces. NGO estimates indicated that at least 2,500 children associated with insurgent armed groups in Maoist-affected areas. There were allegations that government-supported, anti-Maoist village defense forces recruited children. Armed insurgent groups, including Maoists in the northeast states and Islamist groups in Jammu and Kashmir reportedly used children (see section 1.g.).

Displaced Children: Displaced children, including refugees, IDPs, and street children, faced restrictions on access to government services (see also section 2.d.) and were often unable to obtain medical care, education, proper nutrition, or shelter. Employers often abused such children often physically and sexually and forced them to work in hazardous jobs, such as rag picking (sorting garbage for recyclables).

Institutionalized Children: Lax law enforcement and a lack of safeguards encouraged an atmosphere of impunity in a number of group homes and orphanages. NGOs alleged that many such homes for children operated without government oversight or approval. Only 14 states had commissions for the protection of child rights, as mandated by law.

On May 30, media reported the death of a juvenile in a shelter home in the Matunga district of Mumbai. A Shivaji Park Police investigation implicated 12 individuals who also lived in the shelter home with the victim. According to press reports, the primary suspect was a 35-year-old male who had been living in the shelter home since the age of 16.

The Calcutta Research Group, an NGO working with Rohingya refugees, reported that police separated families detained at the India Bangladesh border in the state of West Bengal by institutionalizing children in Juvenile Justice Homes with limited and restricted access to their families.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html and country-specific information at travel.state.gov/content/childabduction/english/country/india.html.

Anti-Semitism

Jewish groups and the 1,500-member Jewish community cited no reports of anti-Semitic acts during the year.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution does not explicitly mention disability as a prohibited ground for discrimination. The Persons with Disabilities Act provides equal rights for persons with a variety of disabilities, including blindness, hearing disability, Hansen's disease (leprosy), mobility disability, developmental disability, and mental disability. The law links implementation of programs to the "economic capacity and development" of the government. The act encourages governmental authorities to promote access, but it includes no specific enforcement provisions or sanctions for noncompliance.

According to the director of the National Center for Promotion of Employment for Disabled People, the law regards persons with disabilities as requiring social protection and medical care, rather than as possessing inherent rights as persons with disabilities.

Discrimination against persons with disabilities in employment, education, and access to health care was more pervasive in rural areas. The Kolkata High Court passed an order in 2013 mandating the state government to provide accessibility to roads and buildings. Despite legislation that all public buildings and transport be accessible to persons with disabilities, there was limited accessibility. A Public Interest File was pending in the Supreme Court on accessibility to buildings and roads.

A Department of School Education and Literacy program provided special educators and resource centers for students with disabilities. There was no data available on whether these students remained within the education system or if the system denied any individualized supports needed for their education. The law allows mainstream schools to admit children with disabilities, but mainstream schools remained inadequately equipped with teachers trained in inclusive education, resource material, and appropriate curricula.

The law also reserves 3 percent of all educational places for persons with disabilities, although students with disabilities comprised only an estimated 1 percent of all students, according to the Ministry of Social Justice and Empowerment. Some schools continued to segregate children with disabilities or deny them enrollment due to lack of infrastructure, equipment, and trained staff. UNICEF estimated that between 6 and 10 percent of all children in the country were born with disabilities. The Ministry of Social Justice and Empowerment continued to offer scholarships to persons with disabilities to pursue higher education. University enrollment of students with disabilities remained low for several reasons, including inaccessible infrastructure, limited resources, nonimplementation of the 3-percent job reservation, and harassment.

The Ministry of Health and Family Welfare estimated that 6 to 7 percent of the population experienced a mental or psychosocial disability. Of the individuals with mental disabilities, 25 percent were homeless, and many in rural areas did not have access to modern mental health-care facilities. Disability rights activists estimated that there were 40 to 90 million persons with disabilities. The NGO CRY estimated that one in 10 children in the country had disabilities. There were three mental-health institutions run by the federal government and 40 state-operated mental hospitals.

Patients in some mental-health institutions faced food shortages, inadequate sanitary conditions, and lack of adequate medical care. Human Rights Watch reported that women and girls with disabilities occasionally were forced into mental hospitals against their will.

Most persons with mental disabilities depended on public health-care facilities, and fewer than half who required treatment or community support services received such assistance.

Persons with disabilities reported cases of discrimination by the Central Industrial Security Forces in airports despite framed guidelines providing for no discrimination based on disability in air travel.

The law reserves 3 percent of public sector jobs for persons with physical, hearing, or vision disabilities. NGOs reported that annual government reports did not provide any information on fulfillment of the quota, but activists and NGOs stated there were vacancies for persons with disabilities that authorities had not filled. The government continued to allocate funds to programs and NGO partners to increase the number of jobs filled. Private sector employment of persons with disabilities remained low, despite governmental incentives that private companies establish a workforce with more than 5 percent with disabilities.

On December 3, the Department of Empowerment of Persons with Disabilities launched the "Accessible India Campaign" designed to achieve universal accessibility to public spaces, transportation systems, and communication systems.

National/Racial/Ethnic Minorities

The national census categorized the population by language spoken, not by racial or ethnic groups. Traditionally, large segments of society are organized into castes or clans. Caste is a complex social hierarchy system that traditionally determines ritual purity and occupation. The constitution in 1949 prohibits caste discrimination. The registration of castes and tribes continued for the purpose of affirmative action programs, as the government implements programs to empower members of the low castes. The law gives the president authority to identify disadvantaged castes and tribes for special quotas and benefits. Discrimination based on caste remained prevalent particularly in rural areas. According to a 2014 survey by the Indian National Council of Applied Economic Research and the University of Maryland, 27 percent of Indian households practice caste-based untouchability, with the highest untouchability practices found in Madhya Pradesh, Chhattisgarh, Rajasthan, Bihar, and Uttar Pradesh.

The term "Dalit," derived from the Sanskrit for "oppressed" or "crushed," refers to members of what society regarded as the lowest Hindu castes, the SC. Many SC members continued to face impediments to the means of social advancement, including education, jobs, access to justice, freedom of movement, and access to institutions and services. According to the 2011 census, SC members constituted 16.6 percent (approximately

200 million persons) of the population. The Ministry of Home Affairs' 2013-14 annual report noted 33,655 cases of registered crimes against SC members in 2012, compared with 32,719 cases in 2011.

Although the law protects Dalits, there were numerous reports of violence and significant discrimination in access to services, such as health care, education, temple attendance, and marriage. Many Dalits were malnourished. Most bonded laborers were Dalits. Dalits who asserted their rights were often victims of attacks, especially in rural areas. As agricultural laborers for higher-caste landowners, Dalits reportedly often worked without monetary remuneration. Reports from the UN Committee on the Elimination of Racial Discrimination described systematic abuse of Dalits, including extrajudicial killings and sexual violence against Dalit women. Crimes committed against Dalits reportedly often went unpunished, either because authorities failed to prosecute perpetrators or because victims did not report crimes due to fear of retaliation.

NGOs reported widespread discrimination, including prohibiting Dalits from walking on public pathways, wearing footwear, accessing water from public taps in upper-caste neighborhoods, participating in some temple festivals, bathing in public pools, or using certain cremation grounds.

NGOs reported that Dalit students were sometimes denied admission to certain schools because of their caste or required them to present caste certification prior to admission. There were reports that school officials barred Dalit children from morning prayers, asked Dalit children to sit in the back of the class, or forced them to clean school toilets while denying them access to the same facilities. There were also reports that teachers refused to correct the homework of Dalit children, refused to provide midday meals to Dalit children, and asked Dalit children to sit separately from children of upper-caste families.

The federal and state governments continued to implement programs for SC members to provide better-quality housing, reserved seats in schools, government jobs, and access to subsidized foods, but critics claimed many of these programs suffered from poor implementation and/or corruption.

Manual scavenging--the removal of animal or human waste by Dalits--continued in spite of its legal prohibition. NGO activists claimed elected village councils employed a majority of manual scavengers and belonged to Other Backward Classes and Dalit populations. The media regularly published articles and pictures of persons cleaning manholes and sewers without protective gear.

Human Rights Watch reported that children of manual scavengers faced discrimination, humiliation, and segregation at village schools. Their occupation often exposed manual scavengers to infections that affected their skin, eyes, respiratory, and gastrointestinal systems. Health practitioners suggested that children exposed to such bacteria were often unable to maintain a healthy body weight and suffered from stunted growth.

The law prohibits the employment of scavengers or the construction of dry (nonflush) latrines, and penalties range from imprisonment for up to one year, a fine of 2,000 rupees (\$30), or both. Nonetheless, Indian Railways often violated the laws without consequence. The state-owned company acknowledged that it fitted approximately 30,000 passenger coaches with open-discharge toilets, "forcing" the railways to employ manual scavengers to clean the tracks. The railways proposed to install sealed toilet systems but without a fixed timeline for implementation.

On March 4, the Bombay High Court reprimanded the Maharashtra state government for failing to end the practice of manual scavenging. Maharashtra led the country with 63,713 households engaged in manual scavenging, based on Socio-Economic Caste Census data released on July 3. On August 7, the Maharashtra government started a new survey of state sanitary latrines that require manual cleaning.

On August 15, during a dispute over a religious procession, a mob of more than 200 upper-caste Vanniars attacked a community of more than 80 Dalit families in Seshasamuthiram, Tamil Nadu. The mob reportedly threw gasoline bombs, destroying a religious structure, burning 15 homes, and injuring eight police officers. Police reportedly arrested 68 persons involved in the incident. Arson attacks destroyed two more Dalit houses and two sugarcane fields in Seshasamuthiram on September 2.

There was a five-fold increase in reported rape incidents against Dalit women in Gujarat from 2001-14, according to the state government.

There were incidents of discrimination and abuse against Dalits in the country's prison system.

Indigenous People

The constitution provides for the social, economic, and political rights of disadvantaged groups of indigenous people. The law provides special status for indigenous people, but authorities often denied them their rights. There were more than 700 STs in the country, and the 2011 census revealed the population of ST members as 84.3 million, approximately 8 percent of the total population. In 2011 a pilot survey to identify households below the poverty line found that ST and SC members constituted half the total of poor households. There were 75

particularly vulnerable tribal groups, characterized by primitive technology, stagnant or declining population, extremely low literacy, and a subsistence-level economy.

In most of the northeastern states, where indigenous groups constituted the majority of the states' populations, laws provide for tribal rights, although some local authorities disregarded these provisions. The laws prohibit any nontribal person, including citizens from other states, from crossing a government-established inner boundary without a valid permit. No one can remove rubber, wax, ivory, or other forest products from protected areas without authorization. Tribal authorities must approve the sale of land to nontribal persons.

There were reports that tribal women employed as domestic workers often were neither properly paid nor protected from sexual exploitation. Encroachment on tribal lands continued in almost every state, despite efforts to combat the practice, since businesses and private parties continued to exert political pressure against local governments. Those displaced by the encroachments typically did not receive appropriate compensation.

Tribal movements demanded the protection of tribal land and property. Local activists claimed that authorities continued to ignore the rights of tribal and rural groups under the Forest Act. Weak enforcement of the act often circumvented the free and informed consent of tribal and rural groups prior to development.

In a report this year by People's Union for Democratic Rights, villages in Bijapur district, Chhattisgarh, reported empty schools, lack of services, and security force harassment due to counterinsurgency operations. The report also found government, corporate interests, and security forces colluded to appropriate forestland for mining.

In March local tribal members filed public interest litigation in a court in Mandu seeking health care facilities, basic infrastructure such as roads, and better living conditions. The Madhya Pradesh High Court issued a notice to state government departments seeking their responses to the charges.

On November 5, the Andhra Pradesh government awarded 2,995 acres of reserve forestland in Visakhapatnam district to the state-owned Andhra Pradesh Mineral Development Corporation for mining bauxite. The decision triggered protests from the local tribal population as well as NGOs who claimed bauxite mining in forestlands would deprive the local residents of their livelihoods. On November 16, the Andhra Pradesh government delayed the order, but activists demanded the government reverse the ruling.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes homosexual sex. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced physical attacks, rape, and blackmail. Some police committed crimes against LGBTI persons and used the threat of arrest to coerce victims not to report the incidents. Several states, with the aid of NGOs, offered education and sensitivity training to police.

LGBTI groups reported that they faced widespread societal discrimination and violence, particularly in rural areas. Activists reported that transgender persons, who were HIV positive, continued to face difficulty obtaining medical treatment. Advocacy organizations, such as the Mission for Indian Gay and Lesbian Empowerment, documented workplace discrimination against LGBTI persons, including slurs and unjustified dismissals.

On January 28, a high court dismissed petitions challenging the 2013 Supreme Court judgment reinstating a colonial-era penal code provision criminalizing homosexual sex. The Supreme Court ruled that only parliament may change the law that bans consensual same-sex sexual activity. The media, activists, prominent individuals, and some government officials strongly criticized the ruling. On April 22, the Supreme Court agreed to hear an appeal of the December ruling. At year's end, the appeal hearing was pending.

In January, Goa's Sports and Youth Affairs Minister Ramesh Tawadkar announced state plans to establish new centers to administer treatment to LGBTI youth "to make them normal." Goa's Chief Minister later condemned the health minister's remarks.

According to the Telangana transgender NGO Hijra Samiti, the state witnessed on average 10 physical attacks every month against transgender persons. In February, Hyderabad police arrested three individuals for the murder of Kummari Suresh, alias Pravalika, a transgendered person, after the victim refused to give money to the assailants during an attempted extortion.

In March, Tamil Nadu Uniformed Services Recruitment Board rejected K. Prathika Yashini's application because her name did not match her birth name, "K. Pradeep Kumar." Yashini had previously officially changed her name with all government agencies after undergoing gender reassignment surgery. Yashini successfully sued in Madras High Court for permission to take a written examination for the police force on May 23 and partook in field trials on August 5. Yashini became the country's first transgender police officer in November.

On April 16, an acquaintance threw acid upon a transgender AIDS activist in Salem, Tamil Nadu.

In September the Supreme Court agreed to examine in detail the Gujarat government's plea that it could not grant an entertainment tax exemption to the Gujarati film *Meghdhanushya (Rainbow)*, which portrayed a young gay man's suffering. The Gujarat government appealed to the Supreme Court after the Gujarat High Court in February 2014 ruled in favor of the tax exemption. Gujarat's Commissioner of Entertainment earlier denied filmmaker Kiran Devmani the entertainment tax exemption, ruling the film storyline was unacceptable. The state's rationale was that, under the law, a homosexual act was a criminal offense; Gujarat state could not grant tax exemptions to Gujarati movies promoting a "social evil" or undermining national unity.

LGBTI activists in Hyderabad expressed satisfaction with public awareness efforts, including protests against the Supreme Court judgment to uphold the criminalization of same-sex conduct. Hyderabad LGBTI students reportedly experienced homophobia among students and a systematic disregard for LGBTI rights on certain university campuses.

In January, Madhu Kinnar became the first transgender mayor when voters elected her in Raigarh, Chhattisgarh.

On June 23, the West Bengal government started a West Bengal Transgender Development Board. The transgender community comprises half of the board members. The West Bengal's Social Welfare Minister chairs the board that convenes every month.

On July 1, the Odisha state government created the Department of Social Security and Empowerment of Persons with Disabilities with responsibility for evolving welfare programs for transgender persons. On September 24, the department formed a state level committee with representation from transgender activists to recommend social security policies and welfare measures.

In the August elections in Bangalore, 1,184 transgender persons registered to vote. According to civil society, there are presently 10,000 transgender persons in Bangalore.

HIV and AIDS Social Stigma

The number of new HIV cases decreased by 57 percent over the past decade. Of the estimated 2.09 million citizens infected with HIV, 39 percent are women and 7 percent are children under 15 years. Despite significant progress over the past 10 years, the epidemic persisted among the most vulnerable populations: high-risk groups, which include female sex workers; men who have sex with men; transgender persons; and persons who inject drugs.

The country has punitive laws criminalizing sex work. While the government focused on high-risk groups, civil society organizations committed to HIV work raised concern when the Supreme Court failed to overturn a section of the penal code that criminalizes same-gender sex acts. Additionally, antiretroviral drug stock outages in a few states led to treatment interruption.

The National AIDS Control Program prioritized HIV prevention, care, and treatment interventions for high-risk groups and rights of People Living with HIV. The program addressed stigma and discrimination by training health workers; mainstreaming the HIV response across the government; and promoting campaigns in health, work, and community settings to inform people living with HIV/AIDS and high-risk groups of their rights and available services and to engage them in planning, monitoring, and evaluating HIV programs.

Police engaged in programs to strengthen their role in protecting communities vulnerable to human rights violations and HIV. Similarly, social protection initiatives integrated with an AIDS response showed risk reduction and improved health-seeking behavior, including uptake of and adherence to HIV treatment.

On March 3 in Multai, Madhya Pradesh, a 39-year-old engineer admitted to burning alive his HIV-positive wife and two young daughters (ages nine and two) in a car in Multai, Madhya Pradesh. The man and his wife reportedly made a suicide pact after finding out that they and the children were HIV-positive. The engineer turned himself in to police in his hometown of Amravati, Maharashtra, after fleeing the site of the incident.

Other Societal Violence or Discrimination

Societal violence based on religion and by religiously associated groups continued to be a concern. The People's Union for Civil Liberties reported hostilities between Muslim and Hindu communities over social media messages beginning in December 2014. On January 14, rioting mobs killed three persons following communal clashes during a festival in Ambeta and Hansot villages in Bharuch district, Gujarat.

On February 20, unidentified assailants on a motorcycle shot and killed Govind Pansare, an antisuperstition activist in Kolhapur, Maharashtra. On September 16, the Maharashtra police arrested a member of Hindu nationalist group Sanatan Sanstha in connection with Pansare's murder.

Ministry of Home Affairs estimated that, between January and October, 561 incidents of communal violence took place, which killed 90 persons and injured 1,688. Civil society representatives estimated 139 acts of communal violence occurred in Mangalore, Karnataka from January through August. On August 25, a mob attacked a Muslim man reportedly for speaking with his female Hindu coworker in Mangalore. The group allegedly pulled the man out of a vehicle and beat him, while documenting the incident on social media. Police arrested 15 purported perpetrators.

On November 10, a Muslim mob celebrating the birthday of an 18th century Muslim ruler killed a Hindu farmer.

Civil society activists continued to express concern about the Gujarat government's failure to hold accountable those responsible for the 2002 communal violence in Gujarat that resulted in the deaths of more than 1,200 persons, the majority of whom were Muslim. On September 16, the Gujarat High Court's acting Chief Justice assembled a new bench to hear the appeals from Maya Kodnani, Babu Bajrangi, along with others who authorities had sentenced to imprisonment for their role in the 2002 Gujarat riots. This was the fifth bench to hear these petitions.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right to form and join unions and bargain collectively, although there is no legal obligation for employers to recognize a union or engage in collective bargaining. In the state of Sikkim, trade union registration was subject to prior permission from the state government. The law limits the organizing rights of federal and state government employees.

The law provides for the right to strike but places restrictions on this right for some workers. For instance, in export processing zones (EPZs), a 45-day notice is required because of the EPZs' designations as "public utilities." The law also allows the government to ban strikes in government-owned enterprises and requires arbitration in specified "essential industries." Definitions of essential industries vary from state to state. The law prohibits antiunion discrimination and retribution for involvement in legal strikes and provides for reinstatement of employees fired for union activity.

Enforcement of the law varied from state to state and from sector to sector. Enforcement was generally better in the larger, organized sector industries. Authorities generally prosecuted and punished individuals responsible for intimidation or suppression of legitimate trade union activities in the industrial sector. Civil judicial procedures addressed violations because the Trade Union Act does not specify penalties for such violations. Specialized labor courts adjudicate labor disputes, but there were long delays and a backlog of unresolved cases.

Employers generally respected freedom of association and the right to organize and bargain collectively in the formal industrial sector but not in the large, informal economy. Most union members worked in the formal sector, and trade unions represented a small number of agricultural and informal sector workers. An estimated 80 percent of unionized workers affiliated with one of the five major trade union federations. Unions were independent of the government, but four of the five major federations were associated with major political parties. According to the Ministry of Labor and Employment, there were 121 strikes and lockouts in 2014. State and local authorities occasionally used their power to declare strikes illegal and force adjudication. Membership-based organizations, such as the Self Employed Women's Association, successfully organized informal sector workers and helped them to gain higher payment for their work or products.

On January 3, police detained 90 employees of NVH India Auto, a supplier for Hyundai Motor India Limited, employees in Tamil Nadu for one day. The employees protested against their employers and demanded recognition for their union and reinstatement of 17 workers who the company dismissed after a previous strike for higher wages.

On September 2, more than one million formal sector industrial workers across the country observed a one-day strike to protest the federal government's proposed labor reform agenda that would make it easier for employers to lay off workers and ease norms for factory inspections, that could potentially damage compliance with labor laws.

There were no official reports of cases of antiunion discrimination or of retribution or sanctions against employees for trade union activity during the year. Labor groups reported that some employers continued to

refuse to recognize established unions, and they established “workers’ committees” and employer-controlled unions to prevent independent unions from being established. EPZs often employed workers on temporary contracts. Additionally, employee-only restrictions on entry to the EPZs limited union organizers’ access.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but this problem, including bonded child labor (see section 7.c.), remained widespread.

Estimates of the number of bonded laborers varied widely, although some NGOs placed the number in the tens of millions. Most bonded labor occurred in agriculture. Nonagricultural sectors with a high incidence of bonded labor were stone quarries, brick kilns, rice mills, construction, embroidery factories, and beedi (hand-rolled cigarettes) production.

Enforcement and compensation for victims is the responsibility of state and local governments and varied in effectiveness. The government generally did not effectively enforce laws related to bonded labor or labor trafficking laws, such as the Bonded Labor System (Abolition) Act. When inspectors referred violations for prosecution, court backlogs, inadequate prosecution, and a lack of prioritization sometimes resulted in acquittals. Prosecutions were rare. According to the National Crime Records Bureau, police registered 70 cases nationwide under this law in 2014.

The Ministry of Labor and Employment continued to work with the International Labor Organization to combat bonded labor, including through the “convergence program” in the states of Tamil Nadu, Andhra Pradesh, and Odisha to target workers vulnerable to bonded labor.

The Ministry of Labor and Employment reported the federally funded, state-run Centrally Sponsored Scheme allowed the release of 853 bonded laborers during the period of April 2014 through March 31. Some NGOs reported delays in obtaining release certificates for rescued bonded laborers that were required to certify employers held them in bondage and entitles them to compensation under the law. The distribution of rehabilitation funds was uneven across states.

On September 1, the NHRC accused the Odisha state government of failing to provide immediate rehabilitation assistance to rescued bonded laborers after an activist filed a complaint. The commission noted that Balangir and Nuapada districts did not submit any information on the status of rehabilitated rescued laborers. The NHRC previously ordered the district collectors of Balangir, Nuapada, Sambalpur, and Bargarh to submit compliance reports on payment of rehabilitation assistance. The NHRC noted that only 167 of 494 eligible bonded laborers received the assistance and questioned delays in the release of funds for payment by the Panchayati Raj Department (local village council). The commission subsequently admonished the Balangir and Nuapada district administrations for failing to furnish complete information to the commission.

In January the NHRC secured the release of 101 workers in Madhubani, Bihar, from Kamiya, a traditional agricultural bonded labor practice. The government gave the rescued bonded laborers rehabilitation packages and police filed criminal cases against the employers.

In May, Bangalore police rescued 107 bonded laborers from an incense factory. The laborers originated from West Bengal (43), Assam (40), Jharkhand (22), and Nepal (2). Five of the rescued were children. The factory reportedly forced the laborers to work long hours in “jail-like” conditions without proper payment. Police indicted the factory owner on bonded labor, child labor, and illegal confinement charges.

SC and ST members lived and worked under traditional arrangements of servitude in many areas of the country. In Arunachal Pradesh although the central government abolished Sulung servitude in 1964, the social group remained impoverished and vulnerable to forced exploitation.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employment of children under age 14 and identifies 18 hazardous occupations and 65 hazardous processes—such as handling pesticides, weaving carpets, breaking stones, working in mines—and domestic service. The law, however, permits employment of children in these occupations and processes in family-owned enterprises regardless of age. The law does not apply to family farms or family businesses, both large sectors of the economy. Occupations not explicitly covered by law may employ children under age 14.

State governments enforced labor laws and employed labor inspectors, while the Ministry of Labor and Employment provided oversight and coordination. Nevertheless, violations were common. The law establishes a penalty of 20,000 rupees (300) per child employed in hazardous industries. Such fines were often insufficient

to deter violations, and authorities sporadically enforced them. The fines are deposited in a welfare fund for formerly employed children.

The Ministry of Labor and Employment coordinated its efforts with states to raise awareness about child labor by funding various outreach events such as plays and community activities. In January local authorities in Hyderabad rescued more than 200 children, between the ages of four to 12, from bangle manufacturing units in the Aman Nagar neighborhood.

On April 29, the Delhi government, in collaboration with the Justice Ventures International, rescued 14 children from a bindi (a traditional forehead decoration) manufacturing establishment in Shahdara, an East Delhi neighborhood.

On September 9, Bachpan Bachao Andolan and local government officials rescued 13 child laborers between the ages of 11 to 13 from a bottled water supplier in East Delhi.

Child labor remained widespread. UNICEF estimated that there were 29 million child laborers between ages five and 18. Some NGOs estimated the number to be significantly higher. The majority of child labor occurred in agriculture and the informal economy, in particular in stone quarries, in the rolling of cigarettes, and in informal food service establishments. Commercial sexual exploitation of children occurred (see section 6, Children).

Forced child labor, including bonded labor, also remained a serious problem. Employers engaged children in forced or indentured labor as domestic servants and beggars, as well as in quarrying, brick kilns, rice mills, silk thread production, and textile embroidery.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibited discrimination with respect to employment and occupation, with respect to race, sex, gender, disability, language, sexual orientation, and/or gender identity, or social status. The law does not prohibit discrimination against individuals with HIV/AIDS or other communicable diseases, color, religion, political opinion, national origin or citizenship. The government effectively enforced those laws and regulations within the formal sector. The law and regulations, however, do not protect those working within the informal sector, who comprised an estimated 90 percent of the workforce.

Discrimination occurred in the informal sector with respect to Dalits, indigenous people, and persons with disabilities. Legal protections are the same for all, but gender discrimination with respect to wages was prevalent. Foreign migrant workers were largely undocumented and typically did not enjoy the protection of labor laws available to workers who are Indian nationals.

e. Acceptable Conditions of Work

Federal law sets safety and health standards, but state government laws set minimum wages, hours of work, and safety and health standards. The daily minimum wage (with local cost of living allowance included) varied from 160 rupees (\$2.40) in Bihar to 423 rupees (\$6.35) in Delhi. The officially estimated poverty income level was less than 27 rupees (\$0.43) per day. State governments set a separate minimum wage for agricultural workers.

Laws on wages, hours, and occupational health and safety do not apply to the large informal sector.

The law mandates a maximum eight-hour workday and 48-hour workweek, as well as safe working conditions, which include provisions for restrooms, cafeterias, medical facilities, and ventilation. The law mandates a minimum rest period of 30 minutes after every four hours of work and premium pay for overtime, but it does not mandate paid holidays. The law prohibits compulsory overtime, but it does not limit the amount of overtime a worker can work. Occupational safety and health standards set by the government were generally up to date and covered the main industries in the country.

State governments were responsible for enforcing minimum wages, hours of work, and safety and health standards. The number of inspectors generally was insufficient to enforce labor law. State governments often did not effectively enforce the minimum wage law for agricultural workers. Enforcement of safety and health standards was poor, especially in the informal sector but also in some formal sector industries. Penalties for violation of occupational safety and health standards range from a fine of 100,000 rupees (\$1,600) to imprisonment of up to two years, but they were not sufficient to deter violations.

Violations of wage, overtime, and occupational safety and health standards were common in the informal sector (industries and/or establishments that do not fall under the purview of the Factories Act), which employed and estimated 90 percent of the workforce. Small, low-technology factories frequently exposed workers to hazardous working conditions. Undocumented foreign workers did not receive basic occupational health and safety protections. In many instances workers could not remove themselves from situations that endangered health or safety without jeopardizing their employment.

On August 18, two laborers cleaning a manhole suffocated in Bangalore, Karnataka.

According to the Asian Human Rights Commission, although the Supreme Court ordered enforcement of the 2013 Prohibition of Employment as Manual Scavengers and their Rehabilitation Act and banned the manual cleaning of sewage lines, authorities rarely implemented the act and manual scavenging persisted. The commission quoted a Dalit rights activist who asserted that at least 700 deaths in manholes occurred across the country every year.

Industrial accidents occurred frequently. On May 4, an explosion at a fireworks factory killed nine workers and injured four others in Sangli, Maharashtra. Police filed a case against the factory owner.

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