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GENERAL REPORT.

HUMAN RIGHTS SITUATION IN INDIA

Country of Origin Information Report

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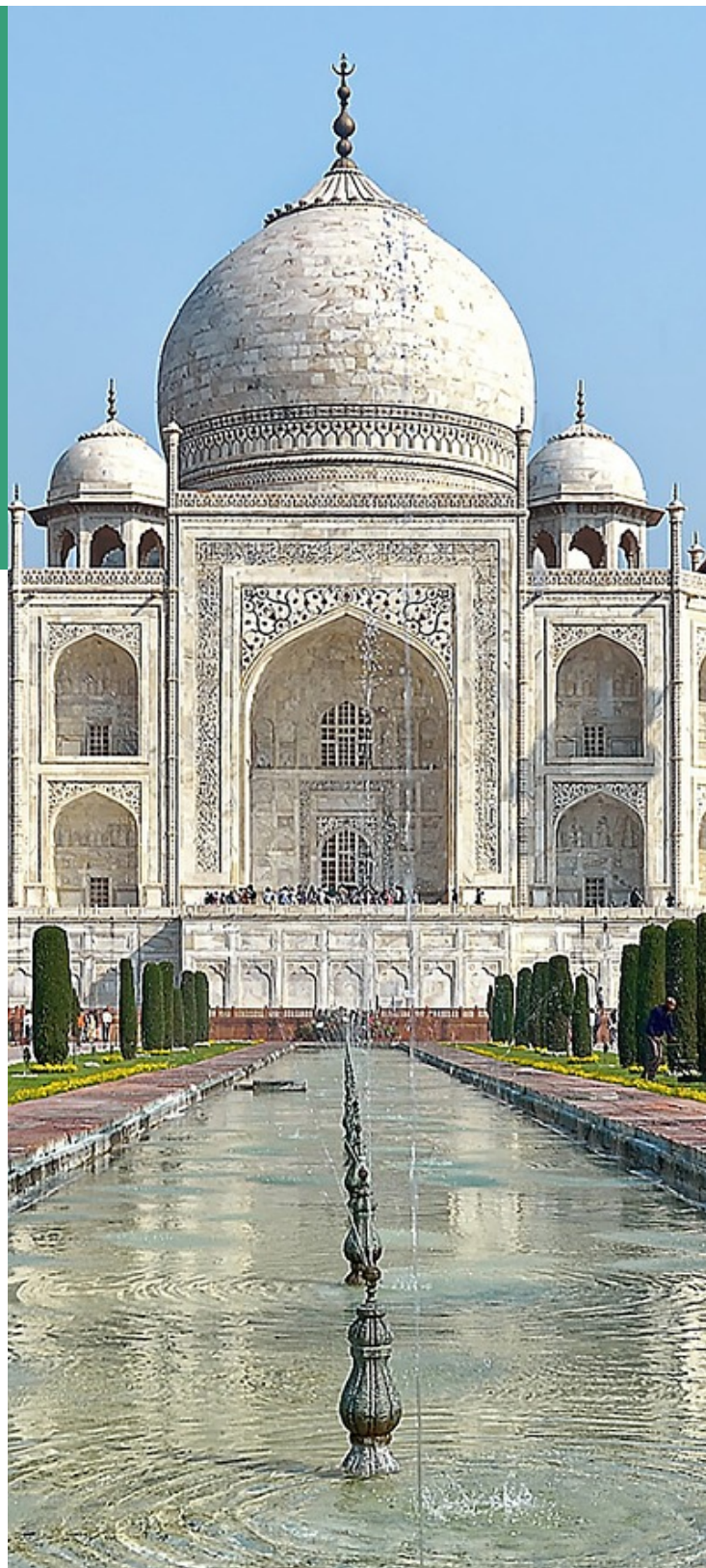
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This work is destined for general information, in service of professional interest of all practitioners within asylum procedure in Romania. This work does NOT analyze the merits of granting a form of international protection.



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Note

This report has been translated and compiled in accordance with „Common EU Guidelines for processing Country of Origin Information (2008) and „EASO Country of Origin Information Report Methodology (2012). As a result, this report is based on some very carefully selected sources of public information. All sources used are references sources compiled from specialty reports and profile information and also press articles.

All information presented has been carefully verified, with the exception of some general aspects which represent common knowledge. The offered information has been studied, evaluated and carefully analyzed, with some time constraints. Thus, this document does not claim to be an exhaustive one. As such, we do not claim that it could be used in order to decide only on its basis the humanitarian issue in the country of origin.

The main way of presenting information within this report is citation, used to convey exactly what a source said, using the source's own words. Whenever there are used other techniques, like summarizing or synthesizing, this will be marked in a visible way.

If a certain event, person or organization is not included in this report, this does not mean that the event did not take place or that the person and the organization itself do not exist. This document does not offer conclusions regarding the merits of granting any form of protection. It only partially contributes to forming the opinion of the decisive factor, who should take the decision by respecting the other procedural aspects and by taking into consideration the specific circumstances of each case.

The information and opinions expressed do not reflect the official position of the General Inspectorate for Immigration or of his partner in implementing the project AMIF/22.02.04 Management of COI Usage and Research Processes.

Romanian National Council for Refugees

Editorial committee

The present general report presents information publicly available as of June 2023.

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General overview

India is a multiparty, federal, parliamentary democracy with a bicameral legislature. The president, elected by an electoral college composed of the state assemblies and parliament, is the head of state, and the prime minister is the head of government. The constitution gives the country's 28 states and eight union territories a high degree of autonomy and primary responsibility for law and order. Electors chose President Droupadi Murmu in July to serve a five-year term; she is the first president from the country's tribal community. Narendra Modi became prime minister for the second time following the victory of the National Democratic Alliance coalition led by the Bharatiya Janata Party in the 2019 general election. Observers considered the presidential and parliamentary elections, which included more than 600 million voters, to be free and fair. The states and union territories have primary responsibility for maintaining law and order, with policy oversight from the central government. Police are within state jurisdiction. The Ministry of Home Affairs controls most paramilitary forces, the internal intelligence bureaus, and national law enforcement agencies, and provides training for senior officials from state police forces. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses.¹

While India is a multiparty democracy, the government led by Prime Minister Narendra Modi and the Hindu nationalist Bharatiya Janata Party (BJP) has presided over discriminatory policies and a rise in persecution affecting the Muslim population. The constitution guarantees civil liberties including freedom of expression and freedom of religion, but harassment of journalists, nongovernmental organizations (NGOs), and other government critics has increased significantly under Modi. The BJP has increasingly used government institutions to target political opponents. Muslims, scheduled castes (Dalits), and scheduled tribes (Adivasis) remain economically and socially marginalized.²

The U.S. government estimates the total population at 1.4 billion (midyear 2022). According to the 2011 national census, the most recent year for which disaggregated figures are available, Hindus constitute 79.8 percent of the population; Muslims, 14.2 percent; Christians, 2.3 percent; and Sikhs, 1.7 percent. The World Religion Database estimates the larger religious

¹ United States Department of State, 2022 country report on human rights practices: India, 20 March 2023, <https://www.ecoi.net/en/document/2089116.html>, accessed on 1 July 2023

² Freedom House, Freedom in the World 2023 – India, 10 March 2023, <https://www.ecoi.net/en/document/2088517.html>, accessed on 1 July 2023

group breakdown in 2020 as Hindus, 72.4 percent; Muslims, 14 percent; Christians, 4.8 percent; and Sikhs, 1.8 percent. From the 2011 census, groups that together constitute fewer than 2 percent of the population include Buddhists, Jains, Zoroastrians (Parsis), Jews, and Baha'is. In government statistics, the Ministry of Tribal Affairs officially identifies as Hindus more than 104 million members of Scheduled Tribes – Indigenous groups historically outside the caste system who often practice Indigenous religious beliefs – although an estimated 10 million of those listed as Scheduled Tribe members are Christians according to the 2011 census.

According to government estimates, there are significant Muslim populations in the states of Uttar Pradesh, Bihar, Maharashtra, West Bengal, Telangana, Karnataka, Kerala, Assam, and the Union Territories of Lakshadweep and Jammu and Kashmir. In Lakshadweep and Jammu and Kashmir, Muslims account for 95 percent and 68.3 percent of the population, respectively. Slightly more than 85 percent of Muslims are Sunni, with the remainder mostly Shia. According to media reports during the year, there are an estimated 150,000 Ahmadi Muslims in the country. According to government estimates, Christian populations are distributed throughout the country but in greater concentrations in the northeast as well as in the states of Kerala, Tamil Nadu, and Goa. Three northeastern states have majority Christian populations: Nagaland (90 percent), Mizoram (87 percent), and Meghalaya (70 percent). Sikhs constitute 54 percent of the population of Punjab. The Dalai Lama's office states there are significant resettled Tibetan Buddhist communities in Himachal Pradesh, Karnataka, and Uttarakhand States, and Delhi. According to the Office of the United Nations High Commissioner for Refugees (UNHCR) and media reports, there are approximately 100,000 Tibetan Buddhists in the country. According to media reports, approximately 40,000 Muslim Rohingya refugees from Burma live in the country.³

³ United States Department of State, 2022 report on international religious freedom: India, 15 May 2023, <https://www.ecoi.net/en/document/2091881.html>, accessed on 2 July 2023

Human rights situation

There were reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings of suspected criminals and terrorists. There were reports that prisoners or detainees were killed or died in police and judicial custody. The 2021 Prison Statistics of India (PSI) report from the National Crime Records Bureau (NCRB) documented 2,116 inmate deaths in judicial custody in 2021, which was an increase of 12 percent compared with 2020. The report attributed most prison deaths to natural causes and stated the highest number of custodial deaths occurred in Uttar Pradesh and Bihar.⁴

The Bharatiya Janata Party (BJP)-led government continued its systematic discrimination and stigmatization of religious and other minorities, particularly Muslims. BJP supporters increasingly committed violent attacks against targeted groups. The government's Hindu majoritarian ideology was reflected in bias in institutions, including the justice system and constitutional authorities like the National Human Rights Commission. Authorities intensified efforts to silence civil society activists and independent journalists by using politically motivated criminal charges, including terrorism, to jail those exposing or criticizing government abuses. The government used foreign funding regulations and allegations of financial irregularities to harass rights groups, political opponents, and others. In May, the Supreme Court effectively halted all use of the colonial-era sedition law in an interim ruling, a law repeatedly used by the authorities to arrest peaceful critics of the government.⁵

Due process rights are not consistently upheld. Citizens face substantial obstacles in the pursuit of justice, including demands for bribes and difficulty getting the police to file a First Information Report, which is necessary to trigger an investigation of an alleged crime. Corruption within the police force remains a problem. The justice system is severely backlogged and understaffed, leading to lengthy pretrial detention for suspects, many of whom remain in jail longer than the duration of any sentence they might receive if convicted.

Torture, abuse, and rape by law enforcement and security officials have been reported. A bill intended to prevent torture remains pending. Abuses by prison staff against people in custody,

⁴ United States Department of State, 2022 country report on human rights practices: India, 20 March 2023, <https://www.ecoi.net/en/document/2089116.html>, accessed on 1 July 2023

⁵ Human Rights Watch, World report 2023 – India, 12 January 2023, <https://www.ecoi.net/en/document/2085458.html>, accessed on 1 July 2023

particularly those belonging to marginalized groups, are common. In July 2022, the Home Affairs Ministry reported that 4,484 people died in judicial or police custody in 2020 and 2021.⁶

Laws and policies that were passed without adequate public and legislative consultation eroded the rights of human rights defenders and religious minorities. The government selectively and viciously cracked down on religious minorities, and explicit advocacy of hatred by political leaders and public officials towards them was commonplace and went unpunished. Punitive demolitions of Muslim family homes and businesses were carried out with impunity. Peaceful protesters defending minority rights were presented and treated as a threat to public order. Repressive laws including counterterrorism legislation were used rampantly to silence dissent. Authorities intimidated human rights defenders using digital technologies, including unlawful surveillance. Adivasis and marginalized communities including Dalits continued to face violence and entrenched discrimination.⁷

On December 4, 2021, soldiers from the 21 Para Special Forces army unit shot and killed six coal miners in Nagaland's Mon district. The deaths led to violent clashes between local villagers and troops, and seven more civilians and a soldier were killed. The army expressed regret after the public protests, explaining that soldiers thought the miners were militants. After criticism over what appeared to be a case of shooting first and asking questions later, the government promised an investigation. In June 2022, the police filed charges against 30 soldiers, including a major, after a special investigation team found the military had used "wrong positive identification without proper application of mind," and that the miners were shot "with a clear intention to kill." The accused major's wife approached the Supreme Court, winning a stay on the trial, because the government had not sanctioned prosecution as is required under the AFSPA. [In April 2023], the Indian government denied permission to pursue the prosecution. The law, which applies to army units deployed to counter insurgent groups, gives wide powers to use indiscriminate force but provides soldiers with effective immunity from prosecution. In 2018, the Defence Ministry informed parliament that it had denied all 50 requests from the Jammu and Kashmir state government for civilian prosecution of soldiers since 2001.⁸

⁶ Freedom House, Freedom in the World 2023 – India, 10 March 2023, <https://www.ecoi.net/en/document/2088517.html>, accessed on 1 July 2023

⁷ Amnesty International, Amnesty International report 2022/23: The state of the world's human rights – India 2023, 27 March 2023, <https://www.ecoi.net/en/document/2089533.html>, accessed on 1 July 2023

⁸ Human Rights Watch, Indian troops won't be tried for Nagaland killings, 18 April 2023, <https://www.ecoi.net/en/document/2090770.html>, accessed on 2 July 2023

Women's rights protection

Violence against women and girls continued at alarming rates, with 31,677 cases of rape registered in 2021, an average of 86 cases daily.

In September, the Supreme Court failed to deliver a verdict on whether Muslim female students can wear hijab, a headscarf, in educational institutions in BJP-led Karnataka state with two judges expressing opposing views. In February, the state government had issued a directive backing discriminatory bans at several government-run educational institutions on students wearing the hijab inside classrooms and a month later, the state high court upheld the government order.

In September, the Supreme Court delivered a progressive ruling on abortion rights, expanding access to legal abortion to all women regardless of marital status and to persons other than cisgender women. It also expanded access to rape survivors, including victims of marital rape.⁹

The law criminalizes rape in most cases, but marital rape is not illegal when the woman is older than 15. According to legal experts, the law does not criminalize rape of adult men. Rape of minors is covered by the gender-neutral Protection of Children from Sexual Offenses Act. The minimum mandatory punishment for rape is 10 years' imprisonment. The minimum sentence for the rape of a girl younger than age 16 is between 20 years and life imprisonment; the minimum sentence of gang rape of a girl younger than 12 is either life imprisonment or the death penalty. The Investigation Tracking System for Sexual Offenses monitors sexual assault investigations.

The NCRB's 2021 Crime in India report stated that 428,278 crimes against women were reported in 2021, including rape and domestic violence. Women in Jammu and Kashmir, northeastern states, Jharkhand, and Chhattisgarh, as well as vulnerable Dalit or tribal women, were often victims of rape or threats of rape. National crime statistics indicated Dalit women were disproportionately victimized. The law criminalizes rape in most cases, but marital rape is not illegal when the woman is older than 15. According to legal experts, the law does not criminalize rape of adult men. Rape of minors is covered by the gender-neutral Protection of Children from Sexual Offenses Act. The minimum mandatory punishment for rape is 10 years'

⁹ Human Rights Watch, World report 2023 – India, 12 January 2023, <https://www.ecoi.net/en/document/2085458.html>, accessed on 1 July 2023

imprisonment. The minimum sentence for the rape of a girl younger than age 16 is between 20 years and life imprisonment; the minimum sentence of gang rape of a girl younger than 12 is either life imprisonment or the death penalty. The Investigation Tracking System for Sexual Offenses monitors sexual assault investigations.

Law enforcement and legal recourse for rape survivors were inadequate, and the judicial system was unable to address the problem effectively. Police sometimes worked to reconcile rape survivors and their attackers. In some cases, they encouraged women rape survivors to marry their attackers.

The NGO International Center for Research on Women noted low conviction rates in rape cases was one of the main reasons sexual violence continued unabated and at times unreported. NGOs observed the length of trials, lack of victim support, and inadequate protection of witnesses and survivors remained major concerns and were more pronounced during the COVID-19 pandemic. The government sought to expedite cases involving women by setting up more than 1,000 fast-track special courts to handle pending rape cases. In addition, several high courts also directed state governments to establish more fast-track courts to promptly dispose of pending rape cases.

The law forbids the acceptance of marriage dowries, but many families continued to offer and accept dowries, and dowry disputes remained a serious problem. NCRB data showed a total of 6,753 dowry-related deaths in 2021, compared with 7,045 in 2020. The highest number of cases were registered in Uttar Pradesh with 2,235 victims. Most states employed dowry prohibition officers. A 2010 Supreme Court ruling mandates all trial courts to charge defendants in dowry death cases with murder.

Policies and guidelines that penalize families with more than two children were not widely enforced but remained in place in various states. Certain states continued to maintain quotas for government jobs and subsidies for adults with no more than two children. For example, Assam linked a two-child policy to accessing state government benefits and running for certain offices.

Many states promoted female sterilization as a family planning method, which resulted in risky, substandard procedures and limited access to nonpermanent methods. The central government does not have the authority to regulate state public health policies. Authorities in some areas paid health workers and facilities a fixed amount for each sterilization procedure and imposed quotas for female sterilizations. Care received by women, especially those from marginalized

and low-income groups, at public health facilities was often inadequate, contributing to a reluctance to seek treatment. Government initiatives resulted in a significant increase in institutional births, but there were reports that health facilities continued to be overburdened, underequipped, and undersupplied.¹⁰

In parts of the country, particularly in rural areas, informal community councils issue edicts concerning social customs. Their decisions sometimes result in violence or persecution aimed at those perceived to have transgressed social norms, especially women and members of scheduled castes. Other forms of discrimination faced by women include workplace bias and sexual harassment. Indian participation in the international #MeToo movement against sexual harassment and assault has raised awareness of the problem, but women have also endured reprisals after reporting cases, and the movement's reach has largely been limited to the country's urban middle class.¹¹

In India, personal laws governing marriage, divorce, inheritance, and other such matters are based on religious texts and customs. The major religious communities in India, including Hindus, Muslims, Christians, and Sikhs, have their own distinct personal laws. The Hindu personal laws are derived from ancient religious texts and customs. The Hindu Marriage Act (1955) governs marriage and divorce, while the Hindu Succession Act (1956) deals with inheritance. Under the Hindu Succession Act (which governs the rights of Hindus, Buddhists, Jains and Sikhs), women have equal rights to inherit property from their parents and have the same entitlement as Hindu men. Muslims follow the Muslim Personal Law, based on Shariah, while the Shariah Application Act of 1937 regulates matters related to marriage, divorce, inheritance. For Christians, Parsis and Jews, the Indian Succession Act of 1925 applies. Christian women receive a predetermined share based on the presence of children or other relatives. Parsi widows receive an equal share as their children, with half of the child's share going to the deceased's parents if they are alive.¹²

¹⁰ United States Department of State, 2022 country report on human rights practices: India, 20 March 2023, <https://www.ecoi.net/en/document/2089116.html>, accessed on 1 July 2023

¹¹ Freedom House, Freedom in the World 2023 – India, 10 March 2023, <https://www.ecoi.net/en/document/2088517.html>, accessed on 1 July 2023

¹² The Economic Times, What is uniform Civil Code? 29 June 2023, <https://economictimes.indiatimes.com/news/how-to/what-is-uniform-civil-code-what-does-constitution-say-about-it-why-its-such-a-controversial-topics-in-india/articleshow/101348565.cms?from=mdr> accessed on 2 July 2023

Situation of ethnic and religious minorities and instances of cast-based discrimination

Criminal laws were used disproportionately against religious minorities, particularly Muslims. The police routinely arrested Muslims for allegedly “promoting enmity between groups” and “outraging religious feelings” for acts including offering namaz (prayers), conducting legitimate business transactions, consensually marrying Hindu women and eating beef. In May, July and August, scores of Muslims were either charged in criminal cases or with administrative penalties for offering namaz in public spaces and private homes. Explicit incitement to violence against Muslims, including to rape and murder Muslim women, were made with impunity by Hindu priests in Uttar Pradesh and Delhi.¹³

The constitution bars discrimination based on caste, and laws set aside quotas in education and government jobs for historically underprivileged scheduled tribes, Dalits, and groups categorized by the government as “other backward classes” and “Economically Weaker Sections.” However, members of these populations face routine discrimination and violence, and the criminal justice system fails to provide equal protection to marginalized groups.¹⁴

The constitution prohibits discrimination against any citizen on the grounds of religion, race, caste, or place of birth. The registration of castes and tribes continued for the purpose of affirmative action programs, as the federal and state governments continued to implement programs for members of lower-caste groups to provide better quality housing, quotas in schools, government jobs, and access to subsidized foods. Critics claimed many of the programs to assist the lower castes suffered from poor implementation, corruption, or both.¹⁵

In October, police in Gujarat publicly flogged Muslim men accused of disrupting a Hindu festival in a form of abusive punishment while authorities in Madhya Pradesh demolished the homes of three men accused of throwing stones at a Hindu ceremonial dance, without any legal authorization. In April, authorities in Madhya Pradesh, Gujarat, and Delhi summarily demolished property mostly owned by Muslims in response to communal clashes. Although

¹³ Amnesty International, Amnesty International report 2022/23: The state of the world’s human rights – India 2023, 27 March 2023, <https://www.ecoi.net/en/document/2089533.html>, accessed on 1 July 2023

¹⁴ Freedom House, Freedom in the World 2023 – India, 10 March 2023, <https://www.ecoi.net/en/document/2088517.html>, accessed on 1 July 2023

¹⁵ United States Department of State, 2022 country report on human rights practices: India, 20 March 2023, <https://www.ecoi.net/en/document/2089116.html>, accessed on 1 July 2023

they tried to justify the demolitions by claiming the structures were illegal, the destruction appeared intended to be collective punishment for Muslims. “Houses that were involved in stone pelting will be turned into rubble,” the BJP home minister in Madhya Pradesh state warned.

In June, a BJP politician’s remarks against the Prophet Mohammed led to widespread protests by Muslims across the country. Police in Jharkhand allegedly used excessive force against protesters, killing two people, while authorities in Uttar Pradesh illegally demolished homes of Muslims suspected of being “key conspirators” behind protest violence.

In June, three United Nations special rapporteurs wrote to the Indian government raising serious concerns over the arbitrary home demolitions against Muslim communities and other low-income groups for alleged participation in inter-communal violence. They said that “authorities reportedly failed to investigate these incidents, including incitement to violence and acts of intimidation that contributed to the outbreak of the violence.”¹⁶

Discrimination against scheduled castes and scheduled tribes (SC/ST) continued to be a problem, particularly in rural areas. The NCRB reported 50,900 crimes against Scheduled Castes in 2021. A report by the Parliament Standing Committee on Home Affairs on atrocities and crimes against women and children highlighted the poor conviction rates and high pendency of cases related to crimes against women belonging to SC/ST. The report stated that while there had been an increase of approximately 16 percent in crimes against women and children from SC/ST communities in 2017-19, the conviction rate under the Prevention of Atrocities Act in the same period had been as low as 27 percent, with pendency at 84 percent. In August, the UN special rapporteur on contemporary forms of slavery stated that “in India, child labor, caste-based discrimination, and poverty are closely interlinked.”

NGOs reported Dalit students were sometimes denied admission to certain schools because of their caste, required to present caste certification prior to admission, barred from morning prayers, asked to sit in the back of the class, or forced to clean school toilets while being denied access to the same facilities. There were also reports some 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.

¹⁶ Human Rights Watch, World report 2023 – India, 12 January 2023, <https://www.hrw.org/en/document/2085458>, accessed on 1 July 2023

State governments continued to pass laws related to forced religious conversion for the purpose of marriage. These laws seek to make forced religious conversion by marriage a criminal offense. Supporters of the laws sometimes characterized them as preventing “love jihad” or Muslim men attempting to marry Hindu women for the purposes of religious conversion. Civil society groups criticized the laws as violating constitutional protections on freedom of religion, but some survey data suggested religious minority communities themselves sometimes expressed support for anticonversion measures.

Police reported several arrests of mostly Muslim men for violation of an anticonversion law passed in Uttar Pradesh in February. In 2021, the Allahabad High Court underscored the right of interfaith couples to marry without the approval of district officials in contravention to Uttar Pradesh’s anticonversion law and ordered district police to provide protection to 17 interfaith couples.¹⁷

However, marginalized segments of the population continue to face practical obstacles to full political representation. Muslim candidates notably won 27 of 545 seats in the 2019 Lok Sabha elections, up from 22 previously. However, this amounted to just 5 percent of the seats in the chamber, whereas Muslims made up some 14.2 percent of the population according to the 2011 census. By the end of 2022, no national legislator belonging to the BJP identified as Muslim.¹⁸

There were numerous reports during the year of violence by law enforcement authorities against members of religious minorities in multiple states, including plainclothes police in Gujarat publicly flogging four Muslim men accused of injuring Hindu worshippers during a festival in October, and the Madhya Pradesh State government bulldozing Muslim-owned homes and shops following communal violence in Khargone in April. In June, UN special rapporteurs on adequate housing, minority issues, and freedom of religion and belief wrote the government to express their “serious concerns” about the “punitive” demolitions in Khargone, which they stated were “ordered by local governments arbitrarily to punish Muslim minorities and low-income communities.” In October, a report drafted by a citizens committee stated there were “multiple instances of apparent police complicity” in violent actions against protestors, who were mostly Muslim, in the Delhi riots in 2020.

¹⁷ United States Department of State, 2022 country report on human rights practices: India, 20 March 2023, <https://www.ecoi.net/en/document/2089116.html>, accessed on 1 July 2023

¹⁸ Freedom House, Freedom in the World 2023 – India, 10 March 2023, <https://www.ecoi.net/en/document/2088517.html>, accessed on 1 July 2023

In multiple states, police arrested Christians accused of forcing others to convert. Christian groups said police sometimes aided crowds who disrupted worship services the crowds said were forcibly converting Hindus. In its report covering events during the year, the nongovernmental organization (NGO) Indian American Muslim Council (IAMC) said Christians were “increasingly targeted using these anticonversion laws,” as “allegations of forced conversion, no matter if false, have led many Christians to be attacked, arrested and detained by police.” There were also some reports that police arrested Hindus who attacked those accused of forcing others to convert. In August, there were reports that police arrested Shiite Muslims in Srinagar, Union Territory of Jammu and Kashmir, for marching in a procession without a permit to mark the Muslim month of Muharram. The government, citing security reasons, had not allowed such processions for the previous 25 years. Police also arrested Muslims in Dulhepur village, Uttar Pradesh State, for meeting at a house for congregational prayer. Haryana and Karnataka States passed anticonversion laws and began enforcing them against non-Hindus. Himachal Pradesh State also passed an anticonversion law, which Christians challenged in that state’s high court. In October, the Supreme Court failed to reach agreement in a review of a Karnataka High Court ruling that upheld a Karnataka government ban on religious garb in educational institutions, including wearing hijabs in an all-girls’ school in that state. After the ruling, more than 700 signatories including senior lawyers and rights advocates expressed opposition to the ban in an open letter to the court’s chief justice. The Supreme Court referred the matter to a larger bench, which had not yet given its ruling at the end of the year.¹⁹

[According to Human Rights Watch], The Hindu festival of Ram Navami in India, which this year coincided with the Muslim holy month of Ramadan, was marred by violence sparked when Hindus in processions passed through Muslim neighborhoods brandishing weapons and shouting anti-Muslim slogans. On March 30 and 31, communal violence was reported in several states. In Bihar, a mob reportedly vandalized and set fire to a prominent madrasa. The media reported that a Hindu teenager was killed in the clashes. Across the country over 100 people have been arrested and dozens injured. India’s Hindu festivals are increasingly being used by the ruling Hindu majoritarian Bharatiya Janata Party (BJP) to rally voters, leading to an increase in violence. These mobs are emboldened by a sense of political patronage that affords them impunity. After violence in opposition-ruled West Bengal state, where authorities

¹⁹ United States Department of State, 2022 report on international religious freedom: India, 15 May 2023, <https://www.ecoi.net/en/document/2091881.html>, accessed on 2 July 2023

arrested over a dozen BJP members and supporters, the party alleged police bias and “disproportionate action.” The record shows that it is usually Muslims who are unfairly targeted by the authorities. Last April, communal clashes broke out when processions of Hindu men celebrating a religious festival shouted offensive slogans outside mosques. Instead of attempting to stop such incitement or investigate these incidents, BJP authorities in Madhya Pradesh and Gujarat responded by summarily demolishing Muslim properties. In October, during another Hindu festival, police in Madhya Pradesh responded to communal clashes by demolishing the homes of three Muslim men accused of throwing stones. Police in Gujarat publicly flogged Muslim men.²⁰

[In regard to the caste system, BBC reports that] it divides Hindus into four main categories - Brahmins, Kshatriyas, Vaishyas and the Shudras. Many believe that the groups originated from Brahma, the Hindu God of creation. At the top of the hierarchy were the Brahmins who were mainly teachers and intellectuals and are believed to have come from Brahma's head. Then came the Kshatriyas, or the warriors and rulers, supposedly from his arms. The third slot went to the Vaishyas, or the traders, who were created from his thighs. At the bottom of the heap were the Shudras, who came from Brahma's feet and did all the menial jobs. Outside of this Hindu caste system were the achhoots - the Dalits or the untouchables. For centuries, caste has dictated almost every aspect of Hindu religious and social life, with each group occupying a specific place in this complex hierarchy. The system bestowed many privileges on the upper castes while sanctioning repression of the lower castes by privileged groups. Often criticised for being unjust and regressive, it remained virtually unchanged for centuries, trapping people into fixed social orders from which it was impossible to escape. Independent India's constitution banned discrimination on the basis of caste, and, in an attempt to correct historical injustices and provide a level playing field to the traditionally disadvantaged, the authorities announced quotas in government jobs and educational institutions for scheduled castes and tribes, the lowest in the caste hierarchy, in 1950. In recent decades, with the spread of secular education and growing urbanisation, the influence of caste has somewhat declined, especially in cities where different castes live side-by-side and inter-caste marriages are becoming more common.²¹

²⁰ Human Rights Watch, India's Hindu festivals bring increasing anti-Muslim violence, 5 April 2023, <https://www.ecoi.net/en/document/2090291.html>, accessed on 1 July 2023

²¹ BBC, What is India's caste system? 19 June 2019, <https://www.bbc.com/news/world-asia-india-35650616>, accessed on 2 July 2023

Situation in Jammu and Kashmir

[In 2019, India] formally revoked the disputed state of Jammu and Kashmir's constitutional autonomy and split it into two federal territories in an attempt to integrate it fully into India. The decision of the prime minister, Narendra Modi, to change Kashmir's status and tighten the government's grip over the region in August has stoked anger and resentment while a three-decade armed revolt rages. The state was formally taken under direct federal control and split into the territories of Jammu and Kashmir, and Ladakh, bringing an end to decades of semi-autonomous rule. The state's constitution, as well as its penal code and state flag, was nullified, and the region is now subject to the same central laws as all other Indian territories. Jammu and Kashmir will have its own state legislature, while Ladakh will be controlled from the capital.²²

Terrorists in Jammu and Kashmir, northeastern states, and Maoist terrorism-affected areas committed serious abuses, including killings and torture of armed forces personnel, police, government officials, and civilians; kidnapping; and recruitment and use of child soldiers. On July 29, the Working Group on Enforced or Involuntary Disappearance and UN special rapporteurs expressed concern over continued allegations of lack of identification, protection, and preservation of large numbers of unmarked single and mass burial sites in Kashmir, including the failure to conduct proper forensic investigations, efforts to search for the forcibly disappeared, and the lack of progress in identifying the remains of individuals buried therein in accordance with international standards. The rapporteurs stated they were concerned by reports of intimidation and harassment against individuals and civil society organizations, including human rights defenders and journalists, who called for investigation and accountability. The Public Safety Act (PSA), which applies only in Jammu and Kashmir, permits authorities to detain persons without charge or judicial review for up to two years without visitation from family members. In April, the press reported that more than 500 persons remained in detention under the PSA in Jammu and Kashmir.²³

²² The Guardian, India strips Kashmir of special status and divides it in two, 31 October 2019, <https://www.theguardian.com/world/2019/oct/31/india-strips-kashmir-of-special-status-and-divides-it-in-two>, accessed on 2 July 2023

²³ United States Department of State, 2022 country report on human rights practices: India, 20 March 2023, <https://www.ecoi.net/en/document/2089116.html>, accessed on 1 July 2023

Indian authorities intensified restrictions on free expression and peaceful assembly in Jammu and Kashmir. Three years after the government revoked Jammu and Kashmir's constitutional autonomous status and split it into two federally governed territories, violence continued with 229 reported deaths as of October, including 28 civilians, 29 security force personnel, and 172 suspected militants. Although local Kashmiris complained that some of those described as militants killed in gunfights were in fact civilians, no independent investigation was made public. Minority Hindu and Sikh communities in the Muslim-majority Kashmir Valley came under attack. There were seven targeted killings in May, four of them of Kashmiri Hindus, known as Pandits. The other three were Muslim police officials. After gunmen shot Rahul Bhat, a Kashmiri Pandit government employee on May 12, Kashmiri Pandits employed in government jobs in Kashmir Valley went on an indefinite strike, demanding relocation. On June 1, the Kashmiri Pandit Sangharsh Samiti, a group representing religious minorities in the province, wrote to the region's chief justice raising concerns for their safety. In September, Jammu and Kashmir administration passed orders to withhold salaries of employees still on strike in the valley. In October, militants killed a Kashmiri Pandit and two migrant workers. Since August 2019, at least 35 journalists in Kashmir have faced police interrogation, raids, threats, physical assault, restrictions on freedom of movement, or fabricated criminal cases for their reporting.²⁴

Pakistan said [at the end of June 2023] that "unprovoked" cross-border shelling by India had killed at least two civilians and "critically" injured another inside the Pakistan-administered part of the disputed Kashmir region. The alleged incident comes more than two years after the nuclear-armed rival South Asian nations agreed to fully adhere to a 2003 cease-fire along their de facto Kashmir frontier, the Line of Control. There was no immediate reaction from India to the allegations. The February 2021 truce effectively stopped almost daily skirmishes between Indian and Pakistani troops that killed more than 70 people in 2020 alone. The Himalayan region of Kashmir is split between Pakistan and India. Both claim all of it and have fought two wars over the area since the two countries gained independence from Britain in 1947. New Delhi accuses the Pakistani military of backing militant attacks in India and separatists fighting Indian rule in the majority Muslim Kashmir. Islamabad rejects the accusations as an attempt to divert attention from what it says is Indian suppression of Kashmiris.²⁵

²⁴ Human Rights Watch, World report 2023 – India, 12 January 2023, <https://www.ecoi.net/en/document/2085458.html>, accessed on 1 July 2023

²⁵ Voice of America, Pakistan: Civilians killed in Kashmir in Indian cross-border fire, 24 June 2023

Other security issues

The Maoist insurgency in the east-central hills region of India continues, though the annual number of casualties linked with it has decreased significantly since peaking in 2010. Among other abuses, the rebels have allegedly imposed illegal taxes, seized food and places of shelter, and engaged in abduction and forced recruitment of children and adults. Local civilians and journalists who are perceived to be progovernment have been attacked. Tens of thousands of civilians have been displaced by the violence and live in government-run camps.

Separately, in India's seven northeastern states, more than 40 insurgent factions—seeking either greater autonomy or complete independence for their ethnic or tribal groups—continue to attack security forces and engage in intertribal violence. Such fighters have been implicated in bombings, killings, abductions, and rapes of civilians, and they operate extensive extortion networks.²⁶

Between April and June, communal violence broke out in Gujarat, Madhya Pradesh, Jharkhand, Delhi, Rajasthan and West Bengal during the festivals of Ram Navami and Ramzan. Shortly after the violence, various political leaders and public officials in Madhya Pradesh made statements threatening the demolition of protesters' properties. They included the deputy inspector general of police of Khargone and the commissioner of police and the home minister of Madhya Pradesh. The latter was quoted as saying: "Whichever houses were involved in stone pelting, we will ensure they are turned into piles of stones themselves". These statements were followed by the authorities' unlawful demolition of private property of people suspected of rioting, reportedly without notice or other due process requirements, in Madhya Pradesh, Gujarat, Delhi and Uttar Pradesh. Most of the demolished properties were owned by economically disadvantaged Muslims.²⁷

Attacks on members of religious minority communities, including killings, assaults, and intimidation, occurred in various states throughout the year. These included incidents of "cow vigilantism" against non-Hindus based on allegations of cow slaughter or trade in beef and incidents in which Muslim men were alleged to have married Hindu women to convert them.

²⁶ Freedom House, Freedom in the World 2023 – India, 10 March 2023, <https://www.ecoi.net/en/document/2088517.html>, accessed on 1 July 2023

²⁷ Amnesty International, Amnesty International report 2022/23: The state of the world's human rights – India 2023, 27 March 2023, <https://www.ecoi.net/en/document/2089533.html>, accessed on 1 July 2023

There were also attacks on pastors, disruption of Christian and Muslim worship services, and vandalism of churches. By November 26, the NGO United Christian Forum (UCF) said there had been 511 anti-Christian incidents around the country reported to its hotline, compared to 505 in all of 2021, and urged the government to take action in response to these incidents. Most of the incidents were reported in four states: Uttar Pradesh, Chhattisgarh, Jharkhand, and Tamil Nadu. On April 6, the Federation of Indian American Christian Organizations of North America released its 2022 annual report and documented 761 violent incidents against Christians in the country in 2021, including neighborhood skirmishes, targeted killings, and armed assaults. In January, members of a religious civil society group wrote the president of the Catholic Bishops' Conference of India to ask that organization to take stronger action with the government to protect Christians in the country. In its letter, the group also said, "The violent acts against the Christian community and Muslim community or any other minority group are in complete violation of the law of the land and the Indian Constitution." In August, the spokesperson of the Christian NGO Open Doors UK & Ireland said the situation facing Christians and other religious minorities in the country was "unprecedentedly grave." In September, the Supreme Court directed the Ministry of Home Affairs to collect information from eight states within four months on allegations of attacks against Christians. Terrorist groups Lashkar-e-Taiyaaba and Hizbul Mujahideen killed several civilians and migrant laborers belonging to the minority Hindu and Sikh communities in Muslim-majority Jammu and Kashmir during the year, a slight decrease from the previous year. The South Asian Terrorism Portal said 30 civilians and 30 members of the security forces were killed in 151 incidents in Jammu and Kashmir during the year. The killings forced a number of Hindu families to leave for Hindu-majority districts in Jammu and Kashmir.

There were also cases of communal violence between religious groups. The National Crimes Record Bureau reported 378 instances of communal violence in 2021 (most recent data) compared to 857 in 2020. Religious leaders, academics, political figures, and activists made inflammatory public remarks about religious minorities. Examples included Yati Narasinghanand Saraswati, described as a Hindu religious extremist, who urged Hindus to "take up arms" against the threat of religious conversion and Muslim rule in the country; BJP state politician Haribhushan Thakur Bachaul, who said that Muslims should be "set ablaze"; P.C. George, a former legislator in Kerala State, who encouraged Hindus and Christians to not eat at restaurants run by Muslims; and former BJP Rajasthan state legislator Gyan Dev Ahuja, who encouraged Hindus to kill Muslims suspected of cow slaughter. Police charged all four

for their comments, and their cases were at different levels of investigation and prosecution at year's end.²⁸

On February 17 [2023], the Indian government banned the Kashmir-centric Islamic militant group called the Jammu and Kashmir Ghaznavi Force (JKGF). A relatively new entrant in the Kashmir landscape, JKGF emerged as a hybrid strike unit comprised of highly trained cadres of Pakistan-based Tehreek-ul-Mujahideen (TuM), Lashkar-e-Taiba (LeT), and Jaish-e-Muhammed (JeM).

JKGF is also believed to have cooperated with various militant groups, such as al-Badr, Hizbul Mujahideen (HM) and al-Qaeda-linked Ansar Ghazwatul Hind (AGH). The group is assumed to be named after senior Hizbul commander Yasin Itoo, whose nom de guerre was Ghaznavi and who was killed in August 2017 during an encounter in Shopian. It is also possible that the group is named after Muslim ruler Mahmud of Ghazni (Afghanistan), who was notorious for invading India several times in the 11th century and is often eulogized by the Taliban and other Islamic militant groups in the Indian subcontinent.

The emergence of JKGF in February 2020 coincided with the first anniversary of the deadly Pulwama terror attacks in February 2019. These attacks claimed the lives of 40 paramilitary force personnel and were carried out by Pakistan-based JeM. Intelligence agencies report that the newly created JKGF might conduct Pulwama-style suicide attacks in Kashmir again. Expected targets include security convoys, government establishments, and security installations. Besides reinvigorating militancy in Kashmir, JKGF has trafficked arms and drugs, as well as facilitated the infiltration of militants from Pakistan. It has also executed a series of grenade attacks against security forces in Kashmir in the past few years, and has utilized social media platforms such as Twitter, Telegram, and Facebook for propaganda and recruitment. These generally exhort young Muslims to fight against India.²⁹

²⁸ United States Department of State, 2022 report on international religious freedom: India, 15 May 2023, <https://www.ecoi.net/en/document/2091881.html>, accessed on 2 July 2023

²⁹ Jamestown Foundation, India bans Ghaznavi Force, the Jammu and Kashmir-based terrorist group, <https://www.ecoi.net/en/document/2089874.html>, accessed on 2 July 2023

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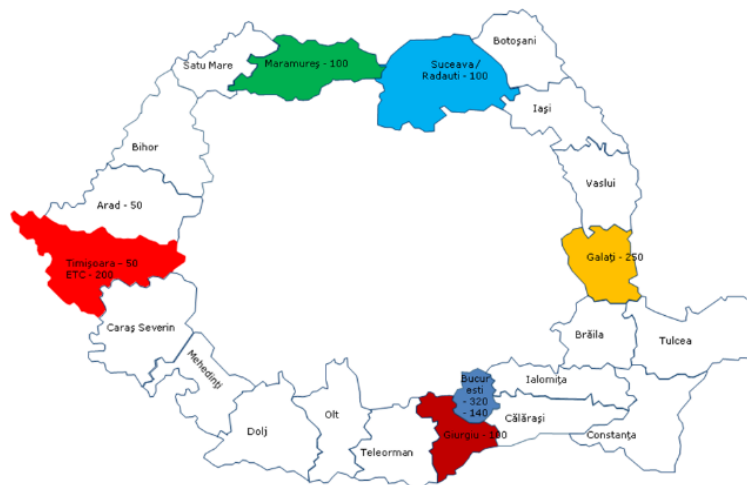
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