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As India entered the run-up to its general elections in 2014, this year saw the continued use of inflammatory language against minorities by political candidates to stir up anger and secure votes. Attacks on Muslim minority communities in Uttar Pradesh spurred renewed calls for an anti-communal violence bill. Indigenous groups in Odisha secured an unprecedented land rights ruling, yet forced evictions continued to plague indigenous communities in other parts of the country.

A landmark ruling by the Supreme Court in April upheld the rights of the indigenous Dongria Kondh people, in the Niyamgiri Hills of Odisha state, in their struggle against the UK-based company Vedanta Resources and their plans for a bauxite mine in the area. The Court ruled that the affected villages near the site had the right to decide whether the proposed mine would violate their rights, an unprecedented landmark ruling for indigenous rights in India. Nevertheless, many communities remain excluded from the decision-making process instituted by the Odisha authorities, and there were ongoing reports of intimidation by paramilitary forces.

Forced evictions continued to affect indigenous communities (also known as *Adivasis*). According to the Asian Human Rights Commission, around 60 indigenous households in Singda New Bazar, Manipur, were facing forced evictions in June for the expansion of the Singda Dam Area. Indigenous human rights defenders struggling to protect their rights to land continued to be under threat: members of the Meyor indigenous people in Arunachal Pradesh reported being targeted by police and unknown assailants for their peaceful activities around opposing the conversion of community land into reserved forest land without their prior consent.

Calls for the repeal of the Armed Forces Special Powers Act (AFSPA) and the Jammu and Kashmir Disturbed Areas Act (DAA), martial laws that have served to militarize minority and indigenous areas, continued in 2013. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in his report to the UN Human Rights Council in March, called for a repeal of the AFSPA and also condemned the unaccountable use of lethal force by the military. In July, border security forces in Kashmir opened fire on unarmed protesters, killing four and injuring nearly a dozen others. Locals were reportedly protesting unfair treatment by security forces of people gathered in a mosque.

In the north-east, protests around elections in Goalpara, Assam, in February resulted in 13 protesters being killed by police. Indigenous Rabha peoples had gathered to protest village

panchayat polls, saying the elections were undermining the mandate of the Rabha Hasong Autonomous Council (RHAB) and the rights of the community. By November, elections for the RHAB were held for the first time in its 17 years of existence, amid protests by non-tribal groups.

In June, the Asian Centre for Human Rights urged the National Human Rights Commission (NHRC) to recall cases pending with the Manipur Human Rights Commission, which was described as 'defunct', as the positions of the chairperson and other members have been vacant for years. Manipur is a state in north-east India with large indigenous populations, such as Naga and Kuki, which has experienced heavy militarization for decades with little redress for extrajudicial violence. By October, the NHRC announced that it is sending a team to investigate complaints of violations committed by armed forces and rebels against civilians. Manipur NGOs have called for a Special Investigation Team to probe the more than 1,500 cases that are currently pending in the Supreme Court.

The UN Special Rapporteur on violence against women, Rashida Manjoo, upon the conclusion of her visit to India in April 2013, made note of how conflict-related sexual violence is perpetrated with impunity through the use of special power acts in Jammu and Kashmir and in the north-eastern states. She further noted that women from minority groups across the country, including Dalits, *Adivasis*, and other Scheduled Castes and Tribes, 'experience some of the worst forms of discrimination and oppression', despite legislation that exists to protect their rights. A National Tribunal organized by civil society in September heard numerous cases of violence against Dalit women and concluded that there had been a failure of state institutions to protect them. Much of this violence was rooted in their everyday poverty and disempowerment in caste-based societies, often with the collusion of police, judiciary and medical personnel.

In Muzaffarnagar, Uttar Pradesh, riots broke out in September after a violent altercation that killed two Hindus and a Muslim. As the riots spread throughout the area, 60 people were killed and thousands, mostly Muslims, were left homeless. There were also reports of Muslim women subjected to gang rapes and sexual assault. Four politicians were arrested for their role in inciting the violence, including two legislators from the Bharatiya Janata Party (BJP). Charges against Sangeet Singh Som and Suresh Rana included 153A of the Indian Penal Code (IPC): 'Promoting enmity between different groups on grounds of religion, race, place of birth, residence or language.' Following riots in West Bengal's Canning subdivision over the murder of a Muslim cleric in February, the Minister of State for minority affairs Giasuddin Mollah blamed the opposition Communist Party of India (Maoist) and Congress for manipulating communal tensions ahead of the *panchayat* village polls.

In this context, the use of inflammatory language can have severe consequences. Hate speech during election rallies across the country, in particular, can risk violent outbreaks between Muslim and Hindu communities. In many cases, including a number of occasions during 2013, senior politicians have themselves been responsible for hate speech. In January, cases were filed against Akbaruddin Owaisi of the Majlis-e-Ittehadul party for anti-Hindu comments he allegedly made in public speeches. The following month, Vishwa Hindu Parishad (VHP) leader Praveen Togadia had a case filed against him for anti-Muslim rebuttal speeches after the minority affairs minister of Maharashtra state demanded his arrest. According to the National Election Watch, dozens of parliament and legislature members have been charged with promoting enmity between religious groups, destruction of religious places and committing acts intended to outrage religious feelings. Despite this, election tickets continue to be provided to them. Twenty-six sitting legislators have past charges of hate speech under IPC Section 153A.

There have been some efforts to strengthen the legal framework surrounding these issues. In April, the Supreme Court issued a notice to the central government and the Election Commission of India, advising that there should be stronger regulations on the use of hate speech and incitement to violence by elected representatives. This request is complicated, however, by immunity provisions for parliamentarians, bestowing freedom of speech for anything said in parliament or in

a court of law. Continued attacks on minorities also renewed calls in support of a draft anti-communal violence bill. Continuing on provisions made from a similar draft bill in 2011 that stalled in parliament, the new draft bill seeks to protect minorities against violent attacks and imposes duties on the central and state government to prevent and control violence. NGOs in Madhya Pradesh welcomed the bill, as there is no strong central law to protect minorities against violence, ensure reparations for victims or hold perpetrators, especially politicians, accountable for their role in violence. By December, the Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2013 was passed by the cabinet and was pending approval in the parliament.

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