

India

India, the world's most populous democracy, continues to have a vibrant media, an active civil society, a respected judiciary, and significant human rights problems.

Custodial killings, police abuses including torture, and failure to implement policies to protect vulnerable communities marred India's record in 2011 as in the past. Impunity for abuses committed by security forces also continued, particularly in Jammu and Kashmir, the northeast, and areas facing Maoist insurgency. New state controls over foreign funding of NGOs led to restrictions on legitimate efforts to protect human rights. However, killings by the Border Security Force at the Indo-Bangladesh border decreased dramatically.

Social unrest and protests deepened in resource-rich areas of central and eastern India, where rapid economic growth has been accompanied by rapidly growing inequality. Mining and infrastructure projects threaten widespread displacement of forest-dwelling tribal communities. The government has yet to enact comprehensive laws to protect, compensate, and resettle displaced people, although a new land acquisition law has been drafted.

Although at this writing deaths from terror attacks had decreased significantly from earlier years, there were serial bomb explosions in Mumbai on July 13, 2011. On September 7, 2011, a bomb explosion outside the Delhi High Court killed 15 people. The perpetrators remain unidentified. Progress was made in restraining the police from religious profiling of Muslims after bombings.

Despite repeated claims of progress by the government, there was no significant improvement in access to health care and education.

An anti-corruption movement erupted into public view in August and brought the government to a standstill, with widespread street protests and sit-ins demanding legal reform and prosecutions. Activists working with two prominent efforts to address poverty and accountability—India's rural employment guarantee scheme and right to information laws—came under increasing attack, facing threats, beatings, and even death.

Accountability

India has yet to repeal laws or change policies that allow de jure and de facto impunity for human rights violations, and has failed to prosecute even known perpetrators of serious abuses.

The Indian defense establishment resisted attempts to repeal or revise the Armed Forces Special Powers Act (AFSPA), a law that provides soldiers in “disturbed” areas widespread police powers. In September Home Minister P. Chidambaram said that there was an ongoing effort “to build a consensus within the government” to address the problems with AFSPA, but no action has been taken. Various government-appointed commissions have long called for repeal.

Jammu and Kashmir

Thousands of Kashmiris have allegedly been forcibly disappeared during two decades of conflict in the region, their whereabouts unknown. A police investigation in 2011 by the Jammu and Kashmir State Human Rights Commission (SHRC) found 2,730 bodies dumped into unmarked graves at 38 sites in north Kashmir. At least 574 were identified as the bodies of local Kashmiris. The government had previously said that the graves held unidentified militants, most of them Pakistanis whose bodies had been handed over to village authorities for burial. Many Kashmiris believe that some graves contain the bodies of victims of enforced disappearances.

The government of Jammu and Kashmir has promised an investigation, but the identification and prosecution of perpetrators will require the cooperation of army and federal paramilitary forces. These forces in the past, have resisted fair investigations and prosecutions, claiming immunity under the Armed Forces Special Powers Act (AFSPA) and section 197 of the Criminal Procedure Code.

Maoist Insurgency

Maoist insurgents, also known as Naxalites, operate in 10 states and claim to fight for the rights of the marginalized tribal, Dalit, and landless communities. Governance has often been weak in regions where the Maoists have found popular support, with economic-development-related corruption and illegal mining severely limiting the revenue available for public services and infrastructure in many of the areas. With government oversight and regulation of the mining sector often wholly ineffective, irresponsible mine operators also

pollute vital water supplies, destroy farmland, wreck roads and other public infrastructure, and create other serious health and environmental hazards.

Maoist forces continue to engage in killings and extortion, and target government schools and hospitals for attacks and bombings. At this writing the Naxalites had killed nearly 250 civilians as well as over 100 members of the security forces in 2011. Government officials assert that security forces killed more than 180 Naxalites between January and November 2011, though local activists allege that some of these were civilians.

Despite court rulings, the government has yet to properly implement a directive preventing security forces from using schools during counterinsurgency operations. Human rights activists seeking accountability for abuses such as arbitrary arrests, torture and other ill-treatment, and killings have come under threat from both Naxalite forces and security agencies.

In a welcome decision, the Indian Supreme Court ruled unconstitutional the use of Special Police Officers—inadequately trained militias—by the Chhattisgarh government in operations against the Maoists. SPOs have been implicated in many abuses.

Killings by the Border Security Forces at the Bangladesh Border

After a human rights report found that Border Security Force (BSF) personnel operating at the Bangladesh border had indiscriminately shot and killed over 900 Indians and Bangladeshis in the last 10 years, the government in March 2011 ordered restraint and issued BSF personnel rubber bullets. Killings dropped dramatically after the change in policy, but still continue. In their effort to contain illegal activities including the smuggling of cattle and narcotics, some BSF soldiers have continued to harass and beat border residents. No BSF soldier has been prosecuted for any of the killings or other abuses.

Right to Information Law

Citizens and activists have increasingly been using the Right to Information Act (RTI), passed in 2005, to expose official corruption and promote transparency and accountability. In a sad testament to the rampant corruption that exists in India, at least 12 RTI activists have been killed and several others assaulted over the past two years, according to the Asian Centre for Human Rights.

Bombings and Other Attacks

Three bomb explosions in Mumbai on July 13, 2011, killed 29 people and injured 130. On September 7, 2011, a bomb explosion outside the Delhi High Court claimed 15 lives and injured 50. Security and intelligence agencies did not conduct mass arrests of suspects based on little evidence, which in the past resulted in the torture of suspects for information and confessions. However, the failure of the authorities to identify alleged perpetrators led to widespread criticism of the agencies and calls for police reform and training.

Death Penalty

Capital punishment remains on the statute books. Although India has not carried out an execution since 2004, many death sentence appeals have been allowed to languish, some for decades. In 2011 the president rejected clemency petitions in five cases, including on behalf of three persons convicted for assassinating Rajiv Gandhi, the former prime minister.

Women's Rights

2011 census data revealed a further decline in India's female/male sex ratio, pointing to the failure of laws aimed at reducing sex-selective abortions. A series of "honor" killings and rapes rocked the country in 2011 but there has been no effective action to prevent and effectively prosecute such violence. The government has yet to improve health services for survivors of sexual assault but has taken steps to provide compensation for rape survivors. At this writing the government was revising its medico-legal protocols for evidence collection from rape survivors, excluding the degrading and inhuman "finger" test that classifies many rape survivors as "habituated to sexual intercourse," causing humiliation to victims and at times affecting the outcome of criminal trials. Despite considerable progress on maternal health, vast disparities remain and a spate of maternal deaths continues to be reported from Madhya Pradesh and Rajasthan states.

Palliative Care

Hundreds of thousands of persons with incurable diseases suffer unnecessarily from severe pain because the Indian government has failed to ensure access to safe, effective, and inexpensive pain drugs. In an important step forward, the Medical Council of India recognized palliative care as a medical specialty. But more than half of government-supported regional cancer centers still do not offer palliative care or pain management,

even though more than 70 percent of their patients need it, resulting in severe but unnecessary suffering for tens of thousands.

International Role

As a member of the United Nations Security Council and the Human Rights Council (HRC), India in 2011 had an opportunity to align its foreign policy with the ideals it claims to stand for, but officials remained reluctant to voice concerns over even egregious human rights violations in countries such as Sri Lanka, Burma, Syria, and Sudan.

Despite concerns over the safety of its nationals in Libya, India did support UN Security Council resolution 1970 on Libya calling for protection of the Libyan people. India later abstained on resolution 1973, which authorized military force to protect civilians. During its rotating presidency at the Security Council, India was able to secure a consensus among sharply divided member states on Syria, leading to the first Council statement condemning the violence. India did not support the HRC resolution creating an international commission of inquiry on Syria in August, or the Syria text that called for a draft resolution that demanded an end to the violence and cooperation with the UN inquiry proposed by France and the United Kingdom at the Security Council in October.

While India claims it has privately pressed the Sri Lankan and Burmese governments on accountability for conflict-related abuses, it has not supported an independent international investigation into abuses in either country.

Key International Actors

Indian domestic human rights issues, terming such efforts interference in its internal affairs. The United States and European Union privately urge India to improve its human rights record, but say little in public. In July 2011, however, the European Parliament adopted a resolution concerning India's retention of the death penalty.

India's policy in the subcontinent continues to be heavily influenced by strategic and economic concerns about China's growing influence in countries like Burma, Nepal, Pakistan, and Sri Lanka.