

# I n d i a

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**F**ollowing are some excerpts:  
\* There continued to be significant human rights abuses, despite extensive constitutional and statutory safeguards. Many of these abuses are generated by intense social tensions, violent secessionist movements and the authorities' attempts to repress them, and deficient police methods and training. These problems are acute in Jammu and Kashmir, where judicial tolerance of the government's heavy-handed anti-militant tactics, the refusal of security forces to obey court orders, and terrorist threats have disrupted the judicial system. Separatist insurgent violence in the northeastern states continued, along with reported incidents of security force abuses.

\* *Serious human rights abuses include: Extrajudicial executions and other political killings and excessive use of force by security forces combating active insurgencies in Jammu and Kashmir and several northeastern states; torture and rape by police and other agents of the government, and deaths of suspects in police custody throughout the country; poor prison conditions; arbitrary arrest and incommunicado detention in Jammu and Kashmir and the northeast; continued detention throughout the country of thousands arrested under special security legislation; lengthy pretrial detention; prolonged detention while undergoing trial; occasional limits on freedom of the press and freedom of movement; legal and societal discrimination against women; extensive societal violence against women; female bondage and prostitution; trafficking in women; child prostitution, trafficking, and infanticide; discrimination and violence against indigenous people and scheduled castes and tribes; wide-spread intercaste and communal violence; increasing societal violence against Christians; and widespread exploitation of indentured, bonded, and child labour.*

\* Political killings by government

forces (including deaths in custody and faked encounter killings) continued at a high level in the state of Jammu and Kashmir and several northeastern states, where separatist insurgencies continued. Security forces offered bounties for wanted militants brought in dead or alive.

\* *The government stated that security forces killed 999 militants in Jammu and Kashmir during the year, many in armed encounters. Kashmiri separatist groups maintain that many such "encounters" are faked and that suspected militants offering no resistance are summarily executed. Human rights groups allege that this is particularly true in the case of security force "encounters" with non-Kashmiri militants who have crossed into Jammu and Kashmir illegally.*

\* Impunity has been and remains a serious problem in Jammu and Kashmir. Security forces have committed thousands of serious human rights violations over the course of the conflict, including extrajudicial killings, disappearances, and torture. Despite this record of abuse, the Indian Defense Minister told Parliament that during the period from January 1 to July 22, no members of the army had been prosecuted and punished for any of these crimes, nor had any compensation been paid to the victims or their families. According to the Union Home Ministry, between January 1990 and September, 1998, only 295 members of the security forces were punished for human rights violations in Jammu and Kashmir.

\* *The Armed Forces Special Powers Act of 1958 and the Disturbed Areas Act remained in effect in several states, i.e., in Jammu and Kashmir, Nagaland, Manipur, Assam, and parts of Tripura. Human rights activists remain concerned about the reports of deaths that are described as having occurred during "encounters" between insurgent groups and security forces.*

\* The Disturbed Areas Act has been in force in a number of districts in Andhra Pradesh for more than a year. It gives police extraordinary powers of arrest and

detention. Human rights groups allege that security forces have been able to operate with virtual impunity in parts of Andhra Pradesh under the act.

\* *Police also used excessive force indiscriminately against demonstrators, killing many citizens. For example, on January 12, 19 demonstrators were killed when police opened fire on a group of protesters in Multai, Betul district, Madhya Pradesh. The victims were farmers protesting a lack of government compensation for crops lost to bad weather.*

\* Throughout the country, numerous accused criminals continue to be killed in encounters with police.

\* *According to human rights groups, unacknowledged, incommunicado detention of suspected militants continued in Jammu and Kashmir, although the practice decreased compared with previous years. The Jammu and Kashmir police acknowledged that 1,228 suspected militants were arrested during the year and that an additional 187 had surrendered. Of this number, 529 were released after preliminary questioning, 457 were charged under special security laws, and the remainder were released at a later stage of judicial review. In addition, the Jammu and Kashmir police stated that they held 514 persons at year's end under the Public Safety Act (PSA).*

\* Human rights groups maintain that as many as 2,000 more are held by the military and paramilitary forces in long-term unacknowledged detention in interrogation centres and transit camps in Jammu and Kashmir and in the northeast which are nominally intended for only short-term confinement. Human rights groups fear that many of these unacknowledged prisoners are subject to torture and extrajudicial killing. According to one NGO, there were 300 to 350 writs of habeas corpus pending in the Jammu and Kashmir High Court at year's end. The United Nations Special

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# India

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Rapporteur on Torture reported in 1997 that more than 15,000 habeas corpus petitions have been filed in India since 1990, "but that in the vast majority of these cases the authorities had not responded to the petitions."

\* In 1997 the UN Special Rapporteur on Torture reported that torture was practiced systematically by the security forces against persons in Jammu and Kashmir "in order to coerce them to confess to militant activity, to reveal information about suspected militants, or to inflict punishment for suspected support or sympathy with militants." According to the Special Rapporteur, "on no occasion had information been made public regarding instances of action taken against security force personnel in Jammu and Kashmir for acts of torture."

\* The UN Special Rapporteur on Torture stated in 1997 that torture victims or their relatives reportedly have had difficulty in filing complaints because police in Jammu and Kashmir were issued instructions not to open a case without permission from higher authorities.

\* A pattern of rape by paramilitary personnel allegedly exists in Jammu and Kashmir and the northeast, but is not included in NHRC statistics because it involves military forces.

\* In addition to the 888 complaints of custodial death (700 in judicial custody and 188 in police custody) and 3 cases of custodial rape received by the NHRC between April 1, 1996 and March 31, 1997, 1,643 complaints of other police excesses were filed with the NHRC.

\* Although the law that had been subject to the most extensive abuse — the Terrorist and Disruptive Practices (Prevention) Act (TADA) — lapsed in May 1995, 1,502 persons previously arrested under the act continued to be held as of January 1, 1997 in a number of states, according to the NHRC most recent report.

\* In reply to a question in the Jammu and Kashmir state assembly in 1997, the Government reported that 15,826 people were detained under TADA in the state between 1990 and 1995.

organisations, there were over 90 incidents, primarily of mob violence that took the form of the destruction of churches and religious property and violent attacks on Christian pilgrims and leaders.

\* On occasion, Hindu-Muslim violence led to killings and a cycle of retaliation. For example, on November 30, 1997, police in Coimbatore, Tamil Nadu, incensed over the killing of a colleague by Muslim youths, joined forces with armed Hindu rioters: 18 Muslims were killed in clashes with police. The People's Union for Civil Liberties, a prominent human rights organisation, reported that police took advantage of the civil unrest to wreak vengeance on Muslim traders who had stopped paying them bribes.

\* In October the Union Human Resource Development Minister floated a plan to "Indianise and spiritualise" public school curriculums at all levels and to make the study of Sanskrit compulsory from grade 3 through grade 10. The plan also contemplated the teaching of Hindu texts from the Vedas and Upanishads in secondary school. The plan was withdrawn after protests from educators, most of the country's state education ministers, and many members of the public.

\* Human rights activists in Jammu and Kashmir have been unable to move around the state to document human rights violations due to fear of threats by counter-militants and security forces. Since 1992 several individuals closely involved in the documentation of violations there, including lawyers and journalists, have been attacked and in some cases killed.

\* On July 22, Home Minister L. K. Advani told Parliament that there had been 14,341 cases of rape reported in 1997. At year's end, the Union Home Ministry reported that there had been 15,452 cases of rape reported in 1998.

\* Prostitution is widespread, with an estimated 2.3 million prostitutes in the country; some 575,000 of them are children. Many indigenous tribal women are forced into sexual exploitation.

\* The Government does not provide compulsory, free, and universal primary education, and

\* The National Security Act (NSA) of 1980 permits detention of persons considered security risks; police anywhere in the country (except Jammu and Kashmir) may detain suspects under NSA provisions. Under these provisions the authorities may detain a suspect without charge or trial as long as 1 year on loosely defined security grounds.

\* The Jammu and Kashmir Public Safety Act (PSA) of 1978 covers corresponding procedures for that state. Over half of the detainees in Jammu and Kashmir are held under the PSA. Jammu and Kashmir police stated that 514 persons were being held under the PSA at year's end.

\* The authorities in Jammu and Kashmir, Punjab, and Assam have special powers to search and arrest without a warrant.

\* The government Enforcement Directorate (ED) searches, interrogates, and arrests thousands of business people and management professionals each year, often without search warrants. Ultimately, the ED convicts very few persons. In 1997, only 28 persons out of thousands arrested were convicted, according to the *Times of India*.

\* Government forces continue to commit serious violations of humanitarian law in the disputed state of Jammu and Kashmir. Between 350,000 and 400,000 army and paramilitary forces are deployed in Jammu and Kashmir. The Muslim majority population in the Kashmir Valley suffers from the repressive tactics of the security forces. Under the Jammu and Kashmir Disturbed Areas Act, and the Armed Forces (Jammu and Kashmir) Special Powers Act, both passed in July 1990, security forces personnel have extraordinary powers, including authority to shoot suspected lawbreakers and those disturbing the peace, and to destroy structures suspected of harbouring militants or arms.

\* During the year, there was a sharp increase in attacks against Christian communities and Christian missionaries. According to Indian human rights

only approximately 59 percent of children between the ages of 5 and 14 attend school.

\* There are an estimated 500,000 street children nationwide. Child prostitution occurs in the cities, and there are an estimated 575,000 child prostitutes nationwide.

\* In February the Sri Krishna Commission, set up by the government to inquire into the cause of Hindu-Muslim riots in Mumbai in December 1992 and January 1993, released its report. The riots, which followed the destruction of an historic mosque in Ayodhya in December 1992, left more than 1,000 people, mostly Muslims, dead. Maharashtra's Bharatiya Janata Party-Shiv Sena ruling coalition rejected the report, which laid responsibility for much of the violence on leaders of both of those parties. Several Muslim organisations have requested that the Supreme Court reverse the Maharashtra government's rejection of the report.

\* During Christmas week in Ahmedabad, Gujarat, members of the Shiv Sena political party attempted to disrupt local Christian observance of Christmas by decorating Christian neighborhoods with Hindu symbols and directing shop owners in commercial districts to remove Christmas decorations. On December 26, approximately 30 members of the Hindu extremist Bajrang Dal organisation attacked the Navjyot school in Subir village, Gujarat, setting fire to a jeep and a motorcycle on the premises and assaulting the school principal.

\* The practice of untouchability was outlawed in theory by the Constitution and the 1955 Civil Rights Act, but it remains an important aspect of life. Intercaste violence claims hundreds of lives each year; it was particularly pronounced in Uttar Pradesh, Bihar, and Tamil Nadu states.

\* Bonded labor, the result of a private contractual relationship whereby a worker incurs or inherits debts to a contractor and then must work off the debt plus interest, is illegal but widespread.