

# INDIA 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

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. 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 Ram Nath Kovind in 2017 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 (BJP) in the 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.

Human rights issues included reports of arbitrary killings; forced disappearance; torture; rape in police custody; arbitrary arrest and detention; harsh and life-threatening prison conditions; and reports of political prisoners in certain states. Instances of censorship, the use of libel laws to prosecute social media speech, and site blocking continued. The government imposed restrictions on foreign funding of some nongovernmental organizations (NGOs), including those with views the government stated were not in the “national interest,” thereby curtailing the work of these NGOs. Widespread corruption; lack of criminal investigations or accountability for cases related to rape, domestic violence, dowry-related deaths, honor killings remained major issues. Violence and discrimination based on religious affiliation, sexual orientation, gender identity, and caste or tribe, including indigenous persons, also occurred.

A lack of accountability for misconduct persisted at all levels of government, 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 a small number of convictions.

Separatist insurgents and terrorists in the state of Jammu and Kashmir, the northeast, and Maoist-affected areas committed serious abuses, including killings and torture of armed forces personnel, police, government officials, and of civilians, and recruited and used child soldiers.

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

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports that the government and its agents committed arbitrary or unlawful killings, including extrajudicial killings of suspected criminals and insurgents.

According to Ministry of Home Affairs 2017-18 data, the Investigation Division of the National Human Rights Commission (NHRC) reported 59 nationwide “encounter deaths,” a term used to describe any encounter between the security or police forces and alleged criminals or insurgents that resulted in a death. This number was less than the prior reporting period. The South Asian Terrorism Portal, run by the nonprofit Institute for Conflict Management, reported the deaths of 152 civilians, 142 security force members, and 377 terrorists or insurgents throughout the country as of September 23.

Reports of custodial death cases, in which prisoners or detainees were killed or died in police custody, continued. On March 14, Minister of State for Home Affairs Hansraj Gangaram Ahir told the upper house of parliament the NHRC registered 1,674 cases of custodial deaths between April 2017 and February. Approximately 1,530 were deaths in judicial custody, while 144 deaths occurred under police custody. According to the Asian Center for Human Rights’ *Torture Update India* report released on June 26, more than five custodial deaths per day occurred on average between April 2017 and February 28. This was an increase from 2001 to 2010, when an average of about four custodial deaths were recorded.

On July 22, authorities suspended a senior police officer in Rajasthan after cattle trader Rakbar Khan died in police custody. Villagers reportedly assaulted Khan on suspicion of cow smuggling before authorities picked him up. Police took four hours to transport Khan to a local hospital 2.5 miles away, reportedly stopping for tea along the way, according to media sources. Doctors declared Khan dead upon arrival. State authorities arrested three individuals in connection with the assault and opened a judicial inquiry into the incident; however, authorities filed no criminal charges as of August 20.

Killings by government and nongovernment forces, including organized insurgents and terrorists, were reported in the state of Jammu and Kashmir, northeastern

states, and Maoist-affected areas of the country (see section 1.g.). In the state of Jammu and Kashmir, the Institute for Conflict Management recorded 213 fatalities from terrorist violence through June, compared with 317 for all of 2017.

On June 14, *Rising Kashmir* editor in chief Shujaat Bukhari and two police bodyguards were shot and killed by unidentified gunmen in Srinagar as they departed the office. A police investigation alleged militants targeted Bukhari in retaliation for his support of a government-backed peace effort.

On June 25, a judicial commission investigative report presented to the Madhya Pradesh state assembly justified the use of force in the killings of eight suspected members of the outlawed Students' Islamic Movement of India after they escaped from a high-security prison in 2016. Police and prison authorities shot and killed the individuals after they allegedly killed a guard and escaped from Bhopal's high-security prison.

As of August the Central Bureau of Investigation (CBI) filed charges against 20 Manipur Police personnel in response to a 2017 directive by the Supreme Court that the CBI should examine 87 of 1,528 alleged killings by police, army, and paramilitary forces between 1979 and 2012 in Manipur.

Under the Armed Forces Special Powers Act (AFSPA), a central government designation of a state or union territory as a "disturbed area" authorizes security forces in the state 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, although in 2016 the Supreme Court concluded that every death caused by the armed forces in a disturbed area, whether of a common person or a terrorist, should be thoroughly investigated, adding that the law must be equally applied.

The AFSPA remained in effect in Nagaland, Manipur, Assam, and parts of Mizoram, and a version of the law was in effect in the state of Jammu and Kashmir. There was considerable public support for repeal of the AFSPA, particularly in areas that experienced a significant decrease in insurgent attacks. Human rights organizations also continued to call for the repeal of the law, citing numerous alleged human rights violations.

In July the UN special rapporteur on extrajudicial, summary, or arbitrary executions, and the special rapporteur on the situation of human rights defenders

urged authorities to complete investigations into the alleged encounter killings after CBI officials failed to meet a third deadline on July 2 set by the Supreme Court for inquiries into the cases. The experts stated the government has an obligation to ensure prompt, effective, and thorough investigations into all allegations of potentially unlawful killings.

The NGO Commonwealth Human Rights Initiative noted in its 2016 report that, of 186 complaints of human rights violations reported against the armed forces in states under the AFSPA between 2012 and 2016, 49.5 percent were from the state of Jammu and Kashmir. The data supplied by the Ministry of Home Affairs under the Right to Information Act did not indicate, however, whether complaints were deemed to have merit.

The Office of the UN High Commissioner for Human Rights (OHCHR) published the *Report on the Situation of Human Rights in Kashmir*, documenting alleged violations committed by security forces from June 2016 to April 2018. The report estimated civilian deaths by security forces ranged from 130 to 145, and between 16 to 20 killings by armed groups. The government of Jammu and Kashmir reported 9,042 injured protesters and 51 persons killed between July 2016 and February 2017. The report called for the repeal of the AFSPA in all states and territories, and an international probe into the human rights situation in the Indian state.

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

## **b. Disappearance**

There were allegations 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 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.).

In February the UN Working Group on Enforced or Involuntary Disappearances informed the government about 16 newly reported cases of enforced disappearances that allegedly occurred between 1990 and 1999.

There were allegations of enforced disappearance by the Jammu and Kashmir police. Although authorities denied these charges and claimed no enforced disappearance cases had occurred since 2015, the Association of Parents of Disappeared Persons submitted inquiries for 639 cases of alleged disappearance in the state of Jammu and Kashmir. In July the Jammu and Kashmir State Human Rights Commission ordered its police wing to investigate these cases.

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

The law prohibits torture, but there were reports that government officials, specifically police, employed such practices.

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 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 laws, authorities treated a confession made to a police officer as admissible evidence in court.

On July 13, a 45-year-old Dalit man, B. Murthy, was found hanging in a police station in Mandya, Karnataka. According to several Dalit organizations, police suspected Murthy of being a motorcycle thief and tortured him in police custody. Four police officers were suspended for dereliction of duty. The Criminal Investigation Department took over the investigation of this death but at year's end had not produced its findings.

On August 2, activist Talib Hussain was allegedly tortured in the custody of Samba police in the state of Jammu and Kashmir and suffered a fractured skull, according to the NGO Commonwealth Human Rights Initiative. Hussain was a witness in the gang rape and murder case of eight-year-old Asifa Bano (see section 6).

On March 9, the Odisha Human Rights Commission directed the state government to pay 300,000 rupees (\$4,225) in compensation to the family of Abhay Singh, an antiques dealer, who died while in police custody in June 2017.

There were continued reports that police raped female and male detainees. The government authorized the NHRC to investigate rape cases involving police officers. By law the NHRC may also request information about cases involving the army and paramilitary forces, but it has no mandate to investigate those cases. NGOs claimed the NHRC underestimated the number of rapes committed in police custody. Some rape victims were unwilling to report crimes due to social stigma and the possibility of retribution, compounded by a perception of a lack of oversight and accountability, especially if the perpetrator was a police officer or other official. There were reports police officials refused to register rape cases.

### **Prison and Detention Center Conditions**

Prison conditions were frequently life threatening, most notably due to inadequate sanitary conditions, lack of medical care, and extreme overcrowding.

Physical Conditions: Prisons were often severely overcrowded; and food, medical care, sanitation, and environmental conditions frequently were inadequate. Potable water was not universally available. Prisons and detention centers remained underfunded, understaffed, and lacked sufficient infrastructure. Prisoners were physically mistreated.

According to the National Crimes Records Bureau's (NCRB) *Prison Statistics India 2015* report, there were 1,401 prisons in the country with an authorized capacity of 366,781 persons. The actual incarcerated population was 419,623. Persons awaiting trial accounted for more than two-thirds of the prison population. The law requires detention of juveniles in rehabilitative facilities, although at times authorities detained them in adult prisons, especially in rural areas. Authorities often detained pretrial detainees along with convicted prisoners. In Uttar Pradesh occupancy at most prisons was two, and sometimes three, times the permitted capacity, according to an adviser appointed by the Supreme Court.

In 2017 Minister of State for Home Affairs Hansraj Gangaram Ahir informed the lower house of parliament there were 4,391 female jail staff for a population of 17,834 female prisoners as of 2015. On May 21, the NHRC issued notices to all states and union territories seeking statistical reports on the number of children

who live with their mothers in jails. The commission issued notices based on a media report that 46 children, including 25 boys and 21 girls, were in jails with their mothers.

On February 5, the Karnataka state government filed an affidavit before the Karnataka High Court stating that 48 unnatural deaths occurred in the state's prisons between January 2012 and October 2017; of these, compensation was paid in one case.

On June 20, prosecutors filed murder, conspiracy, criminal intimidation, and destruction of evidence charges against the jail warden and five other prison officials for the 2017 death of Manjula Shetye, a female convict in Mumbai. The officials were arrested in 2017 for allegedly assaulting Shetye following her complaint about inadequate food. A government doctor who signed the death certificate was suspended.

Administration: Authorities permitted visitors limited access to prisoners, although some family members claimed authorities denied access to relatives, particularly in conflict areas, including the state of Jammu and Kashmir.

Independent Monitoring: The NHRC received and investigated prisoner complaints of human rights violations throughout the year, but civil society representatives believed few prisoners filed complaints due to fear of retribution from prison guards or officials. In March media reported the NHRC completed its investigative report that confirmed torture allegations by 21 inmates on trial in a jail in Bhopal. The report allegedly recommended appropriate legal action be taken against the jail authorities and the doctor involved in the torture and its cover up.

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 Supreme Court order instructing 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.

#### **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, and arbitrary detention to obtain forced or false confessions. In some cases police reportedly held suspects without registering their arrests and denied detainees 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 national law enforcement agencies, and provides training for senior officials from state police forces. According to Human Rights Watch (HRW), cases of arbitrary arrest, torture, and forced confessions by security forces remained common. Police continued to be overworked, underpaid, and subject to political pressure, in some cases contributing to corruption. The HRW 2018 India country report found that lack of accountability for past abuses committed by security forces persisted even as there were new allegations of torture and extrajudicial killings, including in the states of Uttar Pradesh, Haryana, Chhattisgarh, and Jammu and Kashmir.

The effectiveness of law enforcement and security forces varied widely throughout the country. According to the law, courts may not hear a case against a police officer unless the central or state government first authorizes prosecution. Nonetheless, NGOs reported that, in many instances, police refused to register victims' complaints, termed "first information reports," on crimes reported against officers, effectively preventing victims from pursuing justice. Additionally, NGOs reported that victims were sometimes reluctant to report crimes committed by police due to fear of retribution. There were cases of officers at all levels acting with impunity, but there were also cases of security officials being 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 but occasionally did not adhere to due process. Authorities sometimes transferred officers after convicting them of a crime.

The NHRC recommended the Criminal Investigations Department of the state police investigate all deaths that take place during police pursuits, arrests, or escape attempts. 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**

In cases other than those involving security risks, terrorism, insurgency, or cases arising in the state of Jammu and Kashmir, police may detain an individual without charge for up to 30 days, although an arrested person must be brought before a judge within 24 hours of arrest. Lengthy arbitrary detention remained a significant problem due to overburdened and under-resourced court systems and a lack of legal safeguards.

Arraignment of detainees must occur within 24 hours unless authorities hold the suspect under a preventive detention law. The law allows police to summon individuals for questioning, but it does not grant police prearrest investigative detention authority. There were incidents in which authorities allegedly detained suspects beyond legal limits. By law authorities must allow family members access to detainees, but this was not always observed.

Other than in the state of Jammu and Kashmir, the National Security Act allows police to detain persons considered security risks 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. Nonetheless, rights activists noted provisions allowing detainees to meet family or lawyers were

not followed in practice, especially in the states of Orissa, Manipur, Andhra Pradesh, and Maharashtra.

On September 14, Chandrashekhar Azad, leader of the pro-Dalit organization Bhim Army, was released from jail. Azad was arrested in June 2017, following clashes between Dalits and security forces that left one dead and many injured in the Saharanpur district of Uttar Pradesh. In November 2017 Azad was charged under the National Security Act after the Allahabad High Court granted him bail, and he was held for 10 months under the act before being released.

The Public Safety Act (PSA), which applies only in the state of 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 in the state of Jammu and Kashmir allowed detainees access to a lawyer during interrogation, but police allegedly and routinely employed arbitrary detention and denied detainees access to lawyers and medical attention.

Authorities must promptly inform persons detained on criminal charges of the charges against them and of their right to legal counsel. By law 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 if charges are not filed. NCRB data from 2015 showed most individuals awaiting trial spent more than three months in jail before they could secure bail, and nearly 65 percent spent between three months and five years before being released on bail.

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 Unlawful Activities Prevention Act (UAPA), which gives authorities the ability to detain persons without charge in cases related to insurgency or terrorism for up to 180 days, makes no bail provisions for foreign nationals and allows courts to deny bail in the case of detained citizens of the country. 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 28, Maharashtra police detained five human rights activists in connection with an alleged plot to overthrow the government and assassinate the prime minister. All five asserted wrongful arrest and detention, and further

claimed that the arrests were intended to muzzle voices of dissent, as all five activists were active in protesting arrests of other human rights defenders. Maharashtra police synchronized police actions with counterparts across the country to arrest Varavara Rao in Hyderabad, Vernon Gonsalves and Arun Ferreira in Mumbai, Gautam Navlakha in New Delhi, and Sudha Bharadwaj in Faridabad under the UAPA. Police alleged the activists were part of a Maoist conspiracy to incite violence at a public rally that led to violent caste-related clashes in Maharashtra in December 2017. On August 29, the Supreme Court directed the Maharashtra police to place the detained individuals under house arrest instead of in jail and cautioned that if the country did not allow dissent to be the safety valve of democracy, “the pressure cooker will burst.” On October 27, the Supreme Court declined a request to extend the house arrest. On the same day, a Pune Court rejected their bail applications, and the Maharashtra Police placed Gonsalves, Pereira, and Bharadwaj in jail.

Arbitrary Arrest: The law 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.

Pretrial Detention: NCRB data reported 293,058 prisoners were awaiting trial at the end of 2016. In July 2017 Amnesty International released a report on pretrial detention in the country, noting that shortages of police escorts, vehicles, and drivers caused delays in bringing prisoners to trial. According to the Amnesty report, the pretrial population is composed of a disproportionate amount of Muslims, Dalits, and Adivasis who made up 53 percent of prisoners awaiting trial. A committee convened by the Maharashtra government on orders of the Bombay High Court found persons awaiting trial during the year accounted for 73 percent of the prison population.

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 detainees unable to afford bail to remain in detention.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence, but judicial corruption was widespread.

The judicial system remained seriously overburdened and lacked modern case management systems, often delaying or denying justice. According to Department of Justice statistics released in September, there were 427 judicial vacancies out of a total of 1,079 judicial positions on the country's 24 high courts.

### **Trial Procedures**

The law provides for the right to a fair and public trial, 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 constitution specifies the state should provide free legal counsel to defendants who cannot afford it to ensure that opportunities for securing justice are not denied to any citizen, but circumstances often limited access to competent counsel. An overburdened justice system resulted in lengthy delays in court cases, with disposition sometimes taking more than a decade.

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 their confidentiality rights.

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 the state of Jammu and Kashmir held political prisoners and temporarily detained individuals under the PSA. The Jammu and Kashmir state government reported that more than 1,000 prisoners were detained under the PSA between March 2016 and August 2017. According to the Jammu and Kashmir High Court Bar Association, political prisoners made up one-half of all state detainees.

### **Civil Judicial Procedures and Remedies**

Individuals, or NGOs on behalf of individuals or groups, may file public-interest litigation (PIL) petitions in any high court or directly to the Supreme Court to seek

judicial redress of public injury. Grievances may include a breach of public duty by a government agent or a violation of a constitutional provision. NGOs credited PIL petitions with making government officials accountable to civil society organizations in cases involving allegations of corruption and partiality.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

While the constitution does not contain an explicit right to privacy, the Supreme Court has found such a right implicit in other constitutional provisions. In August 2017 the Supreme Court ruled that privacy is a “fundamental right” in a case involving government collection of biographical information.

The law, with some exceptions, 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 for 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.

On August 8, Minister of State for Electronics and Information Technology S.S. Ahluwalia told the lower house of parliament the existing legislation and policies relating to privacy and data security were “insufficient,” according to recommendations the Telecom Regulatory Authority of India released on July 18.

Both the central and state governments intercepted communications under legal authority. The Group of Experts on Privacy convened in 2012 by the Government of India Planning Commission, the most recent review available, noted the differences between two provisions of law (section 5(2) of the Telegraph Act 1885 and section 69 of the Information Technology Act 2000, as amended) had created an unclear regulatory regime that was, according to the report, “inconsistent, nontransparent, prone to misuse, and does not provide remedy or compensation to aggrieved individuals.”

In addition the UAPA also allows use of evidence obtained from intercepted communications in terrorist cases. In the states of Jammu and Kashmir, Punjab, and Manipur, security officials have special authorities to search and arrest without a warrant.

#### **g. Abuses in Internal Conflict**

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 northern, central, and eastern parts of the country--although the intensity of these conflicts continued to decrease significantly. Army and central security forces remained stationed in conflict areas in the northeast. The armed forces and police forces also engaged in armed conflict with separatist insurgents and terrorist groups in the state of Jammu and Kashmir.

The use of force by all parties to the conflicts resulted in deaths and injuries to both conflict participants and civilians. There were reports 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 "encounters." Authorities did not require the armed forces to report custodial deaths to the NHRC.

According to the Office of the UN OHCHR publication released in June and entitled, *The Report on Situation of Human Rights in Kashmir*, civil society estimated up to 145 civilians were killed by security forces between July 2016 and March in Jammu and Kashmir, with up to 20 other civilians killed by armed groups in the same period.

In July, Minister of State for Defense Subhash Bhamre informed the upper house of parliament that three terrorist attacks had occurred against army installations and camps in the state of Jammu and Kashmir between January 1 and July 23.

There were few investigations and prosecutions of human rights violations arising from internal conflicts, but central and state governments and armed forces investigated some complaints and punished some violations committed by government forces. On October 13, an Indian Army General Court Martial (GCM) found Major-General A.K. Lal, two colonels, and five other junior- and noncommissioned officers guilty of an extrajudicial killing in Tinsukia, Assam, in 1994. The incident became known as the Dangari Fake Encounter. All seven were sentenced to life imprisonment. A news report on the verdict noted the long delay in conducting the trial might open the verdict up to appeal since the GCM was conducted more than three years after the army became aware of the incident, as required under the Army Act of 1950. Authorities arrested and tried insurgents under terrorism-related legislation. NGOs claimed that, due to AFSPA immunity

provisions, authorities did not hold the armed forces responsible for the deaths of civilians killed in the state of Jammu and Kashmir.

Killings: Various domestic and international human rights organizations continued to express serious concern at the use of pellet guns by security forces for crowd control purposes in the state of Jammu and Kashmir. HRW reported that according to official government figures, 17 individuals died from pellet gun injuries between July 2016 and August 2017. Former chief minister for Jammu and Kashmir Mehbooba Mufti told the state legislative assembly that pellet guns injured 6,221 people in Kashmir between July 2016 and February 2017.

In Maoist-affected areas, there were reports of abuses by insurgents and security forces. On March 2, Telangana police killed 10 Maoist insurgents during an exchange of gunfire in Pujarikanker, in Chhattisgarh. A police official was also killed during the ambush attack. On May 20, seven police officers were killed when their vehicle ran over an improvised explosive device (IED) planted by Maoist insurgents along the road in the Dantewada district in southern Chhattisgarh.

On April 22, the Maharashtra police's counterinsurgency commandos claimed to have killed 39 Maoist insurgents, including 19 women, during an exchange of fire in Gadchiroli district.

According to HRW, police in Manipur continued to threaten and harass activists, lawyers, and families pursuing justice for alleged unlawful killings by security forces.

Abductions: Human rights groups maintained that military, paramilitary, and insurgent forces abducted numerous persons in Manipur, Jharkhand, Jammu and Kashmir, and Maoist-affected areas.

On August 29 and 30, family members of five Jammu and Kashmir policemen were abducted from various areas of south Kashmir by suspected Hizbul Mujahideen (HM) militants. Media reports indicated nine persons were abducted in what was seen as HM's retaliation for the arrest of some family members of HM militants and the killing of their leader, Altaf Dar, by security forces on August 29. This was the first time since 1990 that militants abducted family members of the Jammu and Kashmir police.

Physical Abuse, Punishment, and Torture: There were reports government security forces tortured, raped, and mistreated insurgents and alleged terrorists in custody and injured demonstrators. Human rights activists alleged some prisoners were tortured or killed during detention.

In January a police team reportedly headed by Officer-in-Charge Ranjit Hazarika allegedly raided the home of Hasen Ali in Assam's Mangaldoi district, suspecting him of possessing illegal arms. Hasen's wife, Jamiran Nessa, asserted her husband was dragged out of the home and that at least four police officers pinned him down in the courtyard, kicked him indiscriminately, covered his face with a cloth, and poured cold water on his face until he vomited and fainted. He was later taken to the hospital and died due to his injuries.

Child Soldiers: Insurgent groups reportedly used children to attack government entities. In June the annual UN *Children and Armed Conflict* report found that children continued to be affected by violence between armed groups and the government, particularly in Chhattisgarh, Jharkhand, and Jammu and Kashmir. Maoist groups, particularly in Chhattisgarh and Jharkhand, allegedly continued to recruit children and reportedly used a "lottery system" to conscript children in Jharkhand. Three incidents of child recruitment and conscription by separatist groups were reported in the state of Jammu and Kashmir; unverified reports also indicated children were used as informants and spies by national security forces.

Although the United Nations was not able to verify all allegations of child soldiers, NGO observers reported children as young as age 12 were members of Maoist youth groups and allied militia. The children reportedly handled weapons and IEDs. Maoists reportedly held children against their will and threatened severe reprisals, including the killing of family members, if the children attempted to escape. 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. NGOs quoting police contacts stated that children employed by Maoist groups in Jharkhand were made to carry IED triggers with them. Police did not engage the children to retrieve the triggering devices.

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 armed groups recruited children from schools in Chhattisgarh.

Other Conflict-related Abuse: The Internal Displacement Monitoring Center estimated that conflicts, violence, and natural disasters in the country displaced 1.4 million persons in 2017.

In August 2017 Minister of State for Home Affairs Hansraj Gangaram Ahir informed parliament's lower house that there were approximately 62,000 registered Kashmiri migrant families in the country. Tens of thousands of Hindus, known as Kashmiri Pandits, fled the Kashmir Valley after 1990 because of conflict and violent intimidation, including destruction of houses of worship, sexual abuse, and theft of property, by Kashmiri separatists. In March the state government announced 3,000 posts for Hindu Kashmiri migrants under the prime minister's Special Employment Package, in departments such as education, health, and social welfare. Additionally, in June, Home Minister Rajnath Singh stated in a press conference that the monthly cash supplement for Hindu Kashmiri migrant families would increase by 30 percent.

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. According to the South Asian Terrorism Portal's existing conflict map, Maoist-affected states included Madhya Pradesh, Maharashtra, Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, Telangana, Odisha, Chhattisgarh, Jharkhand, West Bengal, Bihar, Uttar Pradesh, and Assam. Human rights advocates alleged the government's operations sought not only to suppress the Maoists, but also to force tribal populations from their land, allowing for purchase by the private sector.

Internally displaced person (IDP) camps continued to operate in Chhattisgarh for tribal persons displaced during the 2005 fighting between Maoists and the subsequently disbanded state-sponsored militia Salwa Judum.

Throughout the year there were reports by media organizations and academic institutions of corporations' abuses against tea workers, including violations of the law. In some cases violent strikes resulted from companies withholding medical care required by law. Other reports indicated workers had difficulty accessing clean water, and open sewage flowed through company housing areas.

## **Section 2. Respect for Civil Liberties, Including:**

### a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, but it does not explicitly mention freedom of the press. The government generally respected this right, although there were several instances in which the government or actors considered close to the government allegedly pressured or harassed media outlets critical of the government, including through online trolling. There were also reports of extremists perpetrating acts of killing, violence, and intimidation against journalists critical of the government.

Freedom of Expression: Individuals routinely criticized the government publicly and privately. According to HRW, however, sedition and criminal defamation laws were sometimes used to prosecute citizens who criticized government officials or opposed state policies. In certain cases local authorities arrested individuals under laws against hate speech for expressions of political views. Freedom House, in its most recent report, asserted that freedom of expression was eroding in the country noted the government's silence regarding direct attacks on free speech. In some instances the government reportedly withheld public-sector advertising from outlets that criticized the government, causing some outlets to practice self-censorship. According to media watchdog *The Hoot*, media freedom continued to deteriorate in the first quarter of the year. Between January and April, *The Hoot* detailed three journalists killed, 13 attacks on journalists, 50 instances of censorship, seven defamation cases, and more than 20 instances of suspension of internet services, as well as the taking down of online content. In 2017 reporting by *The Hoot* detailed 11 journalists killed, 46 alleged attacks on journalists, 77 internet shutdowns, and 20 sedition cases against 335 individuals.

On July 2, Tamil Nadu police registered a case against a human rights activist and a documentary filmmaker following the launch of a trailer for her upcoming documentary *Orutharum Varala* ("No one came"), which focused on the plight of victims of Cyclone Ockhi, a storm that hit Tamil Nadu in November 2017. Police charged her for promoting enmity between groups and insulting the national flag. According to media reports, police personnel searched her house without a warrant. At year's end she remained under conditional bail.

In September 2017 Akhil Gogoi, a right to information activist and president of the anticorruption organization Krishak Mukti Sangram Samiti, was arrested in Assam on charges of sedition and labelled a Maoist by the government a day after he gave a speech criticizing various policies of the ruling BJP party. In December 2017 Guwahati High Court ordered Gogoi's release.

Press and Media Freedom: Independent media were active and generally expressed a wide variety of views. The law prohibits content that could harm religious sentiments or provoke enmity among groups, and authorities invoked these provisions to restrict print media, broadcast media, and publication or distribution of books.

According to a number of journalists, press freedom declined during the year. There were a number of reports, including from journalists and NGOs, that government officials, both at the local and national levels, were involved in silencing or intimidating critical media outlets through physical harassment/attacks, pressuring owners, targeting sponsors, and encouraging frivolous lawsuits.

The 2018 *World Press Freedom Index* identified physical attacks on journalists and online “trolls” as major areas of concern, noting, “with Hindu nationalists trying to purge all manifestations of ‘anti-national’ thought from the national debate, self-censorship is growing in the mainstream media and journalists are increasingly the targets of online smear campaigns by the most radical nationalists, who vilify them and even threaten physical reprisals.” The report also noted at least three journalists were killed in 2017 in connection with their work, as well as three in March. The report highlighted the use of Section 124a of the penal code, which includes sedition punishable by life imprisonment, to gag journalists.

The Editors Guild of India claimed the government limited press freedom by exerting political pressure and blocking television transmissions. In January Chandigarh-based *The Tribune* reported on privacy and security flaws in the government’s Aadhaar identity program, leading to the subsequent firing of its editor in chief Harish Khare after government pressure reportedly was brought to bear on the newspaper. Starting in January, Tamil Nadu media reported state-run Arasu Cable Network blocked several television channels’ live coverage of antigovernment protests for periods varying from a day to several months, and on May 22, it blocked coverage of police firing on protesters at a demonstration against the Sterlite copper smelting plant in Thoothukudi, Tamil Nadu.

The government maintained a monopoly on AM radio stations, limiting broadcasting to the state-owned All India Radio, and restricted FM radio licenses for entertainment and educational content. Widely distributed private satellite television provided competition for Doordarshan, the government-owned television network. There were some accusations of political interference in the

state-owned broadcasters. State governments banned the import or sale of some books due to material that government censors deemed could be inflammatory or provoke communal or religious tensions.

Violence and Harassment: There were numerous instances of journalists and members of media being threatened or killed in response to their reporting. Police rarely identified suspects involved in the killing of journalists. A 2017 report by the Press Council of India highlighted that at least 80 journalists had been killed since 1990 and only one conviction had been made.

In March, Sandeep Sharma, a News World channel reporter investigating illegal sand mining in Madhya Pradesh, was run over by a dump truck shortly after filing an intimidation complaint against a police officer whom he accused of being in league with local criminal organizations. In July, Ahmedabad police beat *DNA India* photographer Praveen Indrekar while he was reporting on a police crackdown on illegal liquor sales.

Reporters were also attacked while covering elections. On April 9, Biplab Mondal, a photojournalist with the *Times of India*, and Manas Chattopadhyay, a reporter with regional television channel ETV Bharat, along with several other journalists, were assaulted by alleged Trinamool Congress loyalists while covering the process of filing nomination papers for local elections in West Bengal.

Online and mobile harassment was especially prevalent, and incidents of internet “trolling,” or making deliberately offensive or provocative online posts with the aim of upsetting someone, continued to rise. Journalists were threatened with violence and, in the case of female journalists, rape. On May 22, Rana Ayyub, a Mumbai-based independent journalist, wrote in the *New York Times* that after she criticized the prime minister’s policies towards minorities and lower-caste groups, she was targeted by “a coordinated social media campaign that slut shames, deploys manipulated images with sexually explicit language, and threatens rape.”

In September 2017 senior journalist and activist Gauri Lankesh was shot and killed by three assailants at her home in Bengaluru. At year’s end 16 individuals were arrested in connection with the case, without formal charges being filed, and the investigation continued.

Censorship or Content Restrictions: In August internet news portal *The Wire* reported the government disrupted the broadcast signal of ABP News and

pressured the outlet into sidelining several of its journalists, including its editor in chief, in response to a story that claimed inaccuracies in one of the prime minister's speeches. ABP anchor Punya Prasoona Vajpai and editor Milind Khandekar resigned, and the Editors Guild of India demanded action against officials for "throttling media freedom."

Libel/Slander Laws: Individuals continued to be charged with posting offensive or derogatory material on social media. The NGO Freedom House noted that more than 20 individuals were detained for online comments about religion or political issues ranging from a water dispute between Karnataka and Tamil Nadu to the government's demonetization policy. In August a 24-year-old was arrested for posting "abusive" comments against Karnataka Chief Minister H.D. Kumaraswamy on social media.

National Security: In some cases government authorities cited laws protecting national interest to restrict media content. In August numerous outlets reported that the Indian Department of Telecom was seeking the views of telecom companies, industry associations, and other stakeholders on how to block mobile apps, including Facebook, WhatsApp, Telegram, and Instagram, "in cases where national security or public order are under threat."

## **Internet Freedom**

There were government restrictions on access to the internet, disruptions of access to the internet, and censorship of online content. There were also reports the government occasionally monitored users of digital media, such as chat rooms and person-to-person communications. The law 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.

In 2015 the Supreme Court overturned some provisions of information technology law that restricted content published on social media, but it upheld the government's authority to issue orders to block online content "in the interest of sovereignty and integrity of India, defense of India, security of the State, and friendly relations with foreign states or public order" without court approval. In August 2017 the Ministry of Communications announced new rules allowing the government to shut telephone and internet services temporarily during a "public emergency" or for "public safety."

According to media reports, as of August central and state governments temporarily shut down the internet in different locations across the country 95 times, the highest figure recorded and more than the total figure for 2017. Internet access and services were frequently curtailed during periods of violence and curfew in the state of Jammu and Kashmir and occasionally in other parts of the country, particularly Rajasthan, Uttar Pradesh, Maharashtra, and Bihar. According to HRW, authorities sometimes failed to follow legal procedures and in some instances ordered shutdowns unnecessarily.

Requests for user data from internet companies continued to rise, and according to Facebook's Transparency report, the government made 22,024 data requests in 2017, a 61.7-percent rise from 2016. Google also highlighted an increase in government requests for user data in its 2017 *Transparency Report*, receiving 14,932 user-data disclosure requests. Twitter reported 576 account information requests from the government during the same period.

In July the government announced that as many as 1,662 defamatory websites had been blocked on social media platforms following requests from law enforcement agencies. Officials stated the government blocked 956 sites on Facebook, 409 on Twitter, and 152 on YouTube, among others. The number of blocked URLs has grown annually, with more than double the number of URLs blocked in 2017 compared with previous years.

Freedom House, in its 2018 *India Country Report*, rated the country "partly free" with respect to internet user rights. The report documented arrests of internet users and group administrators for content distributed on social media accounts, including WhatsApp, and stated officials detained more than 20 individuals for online comments about religious or political issues.

The Central Monitoring System (CMS) 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 emails and mobile phone text messages, 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 search engines, 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 Ministry of Home Affairs. The law governing interception and monitoring provides an oversight mechanism to prevent unauthorized interceptions. Punishment for unauthorized interception includes fines, a maximum prison sentence of three years, or both.

### **Academic Freedom and Cultural Events**

The government occasionally applied restrictions on the travel and activities of visiting foreign experts and scholars. Academics continued to face threats and pressure for expressing controversial views. In July, *The Wire* reported the Delhi University administration canceled a magazine launch and panel discussion by Delhi University students on the freedom of expression allegedly due to pressure from the Akhil Bharatiya Vidyarthi Parishad, a Hindu right-wing student association.

### **b. Freedoms of Peaceful Assembly and Association**

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

#### **Freedom of Peaceful 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. The state of Jammu and Kashmir was an exception, where the state government sometimes denied permits to separatist political parties for public gatherings, and security forces reportedly occasionally detained and assaulted members of political groups engaged in peaceful protest (see section 1.g.). During periods of civil unrest in the state of Jammu and Kashmir, authorities used the law to ban public assemblies and impose curfews.

Security forces, including local police, often disrupted demonstrations and reportedly used excessive force when attempting to disperse protesters. On May 22, Tamil Nadu police opened fire on protesters who were demanding the closure of the Sterlite copper smelting plant at Thoothukudi, Tamil Nadu, killing 15 individuals. The Tamil Nadu government claimed the police only fired on individuals who used logs and petrol bombs to set fire to vehicles during the protests.

There were sometimes restrictions on the organization of international conferences. Authorities required NGOs to secure approval from the central government 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 tacit control over the work of NGOs and constituted a restriction on freedoms of assembly and association.

### **Freedom of Association**

The law provides for freedom of association. While the government generally respected this right, the government's increased monitoring and regulation of NGOs that received foreign funding caused concern. In certain cases the government required "prior approval" for some NGOs to receive foreign funds, suspended foreign banking licenses, or froze accounts of NGOs that allegedly received foreign funding without the proper clearances or that mixed foreign and domestic funding, and in other instances canceled or declined to renew Foreign Contributions (Regulation) Act (FCRA) registrations. On April 3, Minister of State for Home Affairs Kiran Rijju informed the lower house of parliament that the government had canceled the registration of more than 14,000 NGOs in the last four years, although some of the cancellations reportedly pertained to defunct organizations. Some human rights organizations claimed these actions were sometimes used to target specific NGOs.

Some NGOs reported an increase in random FCRA compliance inspections by Ministry of Home Affairs officials who they said were purportedly under pressure to demonstrate strict enforcement of the law. FCRA licenses were also reportedly canceled periodically based on nonpublic investigations by the Intelligence Bureau. On June 1, the Ministry of Home Affairs launched an online tool to facilitate real-time monitoring of foreign funds deposited into NGO bank accounts. On June 5, it announced NGOs found in violation of FCRA provisions would be assessed a civil fine instead of having their licenses canceled or suspended. The rules, however, were not applicable retroactively. Some NGOs reported the new rules would severely affect smaller organizations that would be unable to pay the steep penalties--amounting to 10 percent of their total funds--and that did not have the compliance expertise, leaving only large entities able to maintain their FCRA licenses.

Some NGOs alleged they were targeted as a reprisal for their work on "politically sensitive" issues like human rights or environmental activism. The Center for



Promotion of Social Concerns (CPSC) and its partner program unit People's Watch continued court proceedings against the nonrenewal of their FCRA license. A September 12 report by the UN secretary general cited the use of FCRA regulations to "restrict the work of NGOs cooperating with the United Nations, for example by a refusal to renew or grant licenses, including for the CPSC."

On October 25, the Enforcement Directorate (ED), a government agency that investigates financial crimes, raided the premises of Amnesty International India's Bengaluru office and froze its bank accounts on suspicion that it had violated foreign funding guidelines. Aakar Patel, Amnesty International India's executive director stated, "The Enforcement Directorate's raid on our office today shows how the authorities are now treating human rights organizations like criminal enterprises, using heavy-handed methods that are commonly found in repressive states. Our staff have been harassed and intimidated." The searches came days after the ED searched the premises of environmental nonprofit Greenpeace India in Bengaluru on October 12, also for allegedly violating foreign funding rules. Greenpeace India refuted the allegations stating, "This seems to be part of a larger design to muzzle democratic dissent in the country."

In February the Public Health Foundation of India (PHFI), a public-health advocacy group, was placed in the "prior permission" category, requiring the organization to seek permission from the Ministry of Home Affairs each time it wanted to receive and use funds from foreign sources. The Ministry of Home Affairs indicated the center and state governments would review PHFI's use of foreign funds quarterly and that the investigation into PHFI's alleged FCRA violations would continue.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights. In 2015 the implementation of a land-boundary agreement between India and Bangladesh enfranchised more than 50,000 previously stateless residents, providing access to education and health services.

The country hosts a large refugee population, including 108,005 Tibetan refugees and approximately 90,000 refugees from Sri Lanka. The government generally allows the Office of the UN High Commissioner for Refugees (UNHCR) to assist asylum seekers and refugees from noncontiguous countries and Burma. In many cases refugees and asylum seekers under UNHCR's mandate reported increased challenges regularizing their status through long-term visas and residence permits. Rohingya refugees were registered by UNHCR but not granted legal status by the government.

Abuse of Migrants, Refugees, and Stateless Persons: The law does not contain the term "refugee," treating refugees like any other foreigners. Undocumented physical presence in the country is a criminal offense. Persons without documentation were vulnerable to forced returns and abuse.

The courts protected refugees and asylum seekers in accordance with the constitution.

Refugees reported exploitation by nongovernment actors, including assaults, gender-based violence, fraud, and labor exploitation. Problems of domestic violence, sexual abuse, and early and forced marriage also continued. Gender-based violence and sexual abuse were common in camps for Sri Lankans. Most 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.

UNHCR and NGOs observed an increase in antirefugee (specifically anti-Rohingya) rhetoric throughout the year in advance of state and 2019 national elections, which reportedly led to an increased sense of insecurity in refugee communities. On October 4, the Supreme Court rejected a plea to stop the deportation of seven Rohingya immigrants from Assam. The court noted the individuals, held in an Assam jail since 2012, were arrested by Indian authorities as illegal immigrants and that Burma was ready to accept them as their nationals. According to media reports, the nationality of the immigrants was confirmed after the Burmese government verified their addresses in Rakhine State. Rights groups said the government's decision to deport them placed them at risk of oppression and abuse. According to HRW, the government deported the seven ethnic Rohingya Muslims to Burma where "they are at grave risk of oppression and abuse." HRW further noted, "The Indian government has disregarded its long tradition of protecting those seeking refuge within its borders."

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 citizens to obtain special permits upon arrival when traveling to certain restricted areas.

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.”

The trend of delaying issuance and renewal of passports to citizens from the state of Jammu and Kashmir continued, sometimes up to two years. The government reportedly subjected applicants born in the state of Jammu and Kashmir, including children born to military officers deployed in the state, to additional scrutiny and police clearances before issuing them passports.

Citizenship: On July 31, the government of Assam published the final draft of the National Register of Citizens (NRC), a document intended to define individuals with a claim to citizenship in a state that experienced an influx of foreigners in 1971. In 1985 the government declared that anyone who entered Assam without proper documentation after March 24, 1971, would be declared a foreigner. The names of four million residents were excluded from the final draft list, leading to uncertainty over the status of these individuals, many of whose families had lived in the state for several generations. Individuals will be required to go through an appeals process to have their names included in the final list of Indian citizens. The Supreme Court is overseeing the process, and four million individuals were given 60 days from September 25 to file a claim or objection. On September 24, ruling BJP party president Amit Shah called Bangladeshis who may be in Assam “termites” who will be struck from the list of citizens.

### **Internally Displaced Persons**

Authorities located IDP settlements throughout the country, including those containing groups displaced by internal armed conflicts in the state of Jammu and Kashmir, Maoist-affected areas, the northeastern states (see section 1.g.), and Gujarat. The 2018 annual report of the Internal Displacement Monitoring Center asserted 806,000 individuals were displaced because of conflict and violence as of December 2017, with 78,000 new displacements due to conflict in 2017.

Estimating precise numbers of those displaced by conflict or violence was difficult, because the government does not monitor 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 the camps. Many IDPs lacked sufficient food, clean water, shelter, and health care (see section 1.g., Other Conflict-related Abuse).

National policy or legislation did not address the issue of internal displacement resulting from armed conflict or from ethnic or communal violence. 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, but they had access to NGOs and human rights organizations, although neither access nor assistance was standard for all IDPs or all situations.

NGOs estimated Gotti Koya tribe members displaced due to prior paramilitary operations against Maoists numbered 50,000 in Chhattisgarh and 27,000 in Telangana and Andhra Pradesh. In October 2017 the Hyderabad High Court directed the Telangana government not to displace the Gotti Koya tribal members or demolish their dwelling units.

### **Protection of Refugees**

Refoulement: The government detained Rohingya in many of the northeastern states of the country. For example, after serving the allotted time for illegal entry into the country, the government obtained travel permits for seven Rohingya refugees from Burmese authorities and, according to media reports on October 4, the seven Rohingya were transported from prison to the border town of Moreh in Manipur state to be deported.

In July, Minister of State Kiren Rijiju informed the lower house of parliament that the Ministry of Home Affairs instructed state governments to identify Rohingya migrants through the collection of biometric data. The Ministry of Home Affairs directed state governments to monitor Rohingya and restrict their movements to specific locations. The government advocated for the return of Rohingya migrants to Burma.

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 and asylum seeker groups. The government recognized refugees

from Tibet and Sri Lanka and honored UNHCR decisions on refugee status determination for individuals from other countries, including Afghanistan.

UNHCR did not have an official agreement with the government but maintained an office in New Delhi where it registered refugees and asylum seekers from noncontiguous countries and Burma, made refugee status determinations, and provided some services. The office's reach outside of New Delhi was limited, however. The government permitted UNHCR staff access to refugees in other 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 did permit asylum seekers from Mizoram to travel to New Delhi to meet UNHCR officials. Refugees outside New Delhi faced added expense and time to register their asylum claims.

The government generally permitted other NGOs, international humanitarian organizations, and foreign governments access to Sri Lankan refugee camps and Tibetan settlements, but it generally denied access to asylum seekers in Mizoram. The government denied requests for some foreigners to visit Tibetan settlements in Ladakh.

After the end of the Sri Lankan civil war, the government ceased registering Sri Lankans as refugees. The Tamil Nadu government assisted UNHCR by providing exit permission for Sri Lankan refugees to repatriate voluntarily. The benefits provided to Sri Lankan Tamil refugees by the state government of Tamil Nadu were applicable only within the state. The central government approved the extension of funding to run the camps until 2020.

Employment: The government granted work authorization to many UNHCR-registered refugees, and others found employment in the informal sector. Some refugees reported discrimination by employers.

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. Refugees were able to use public services, although access became more complicated during the year because many refugees were unable to acquire the digitized identity (Aadhaar) card necessary to use some services. In cases where refugees were denied access, it was often due to a lack of knowledge of refugee rights by the service provider. In many cases UNHCR was able to intervene successfully and

advocate for refugee access. The government allowed UNHCR-registered refugees and asylum seekers to apply for long-term visas that would provide work authorization and access to higher education, although the rate of renewal for long-term visas slowed significantly. For undocumented asylum seekers, UNHCR provided a letter upon registration indicating the person was under consideration for UNHCR refugee status.

The government did not fully complete a 2012 Ministry of Home Affairs directive to issue long-term visas to Rohingya. It has reportedly slowed renewals for those with long-term visas significantly, limiting access to formal employment in addition to education, health services, and bank accounts.

Sri Lankan refugees were permitted to work in Tamil Nadu. Police, however, reportedly summoned refugees back into the camps on short notice, particularly during sensitive political times such as elections, and required refugees or asylum seekers to remain in the camps for several days.

Government services such as mother and child health programs were available. Refugees were able to request protection from police and courts as needed.

The government did not accept refugees for resettlement from other countries.

### **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 consider those born in the country on or after December 3, 2004, citizens 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 do 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 can 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.

The Assam state government began a process to update the NRC to determine who has legal claim to citizenship in the country, and who is determined to have migrated illegally per a 2014 Supreme Court order. According to official reports, the government has excluded an estimated four million persons from the NRC draft list published on July 30. The central and state governments indicated that all persons not listed were able to file claims and objections for 60 days from September 25. The future legal status of those excluded is not clear. Many individuals may be declared citizens at the end of the process, while others may be at risk of statelessness.

According to UNHCR and NGOs, the country had a large population of stateless persons, but there were no reliable estimates. Stateless populations included Chakmas and Hajongs, who entered the country in the early 1960s from present-day Bangladesh, and groups affected by the 1947 partition of the subcontinent into India and Pakistan. In September 2017 the central government stated it would appeal to the Supreme Court to review its 2015 order to consider citizenship for approximately 70,000 Chakma and Hajong refugees. Media quoted Minister of State for Home Affairs Kiren Rijiju saying the Supreme Court order was “unimplementable.”

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 obtain a consular birth certificate, which entitles them to pursue Sri Lankan citizenship. According to the Organization for Eelam Refugees’ Rehabilitation, approximately 16,000 of 27,000 Sri Lankan refugee children born in the refugee camps have presented birth certificates to the Sri Lankan Deputy High Commission in Chennai. According to UNHCR, the Sri Lankan Deputy High Commission issued 2,858 birth certificates during the year.

UNHCR and refugee advocacy groups estimated that between 25,000 and 28,000 of the approximately 90,000 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 the paperwork, such refugees were at risk of becoming stateless.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **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. In 2017 a national electoral college elected President Ramnath Kovind to a five-year term. During the year the nine states of Chhattisgarh, Karnataka, Madhya Pradesh, Meghalaya, Mizoram, Nagaland, Rajasthan, Telangana, and Tripura held elections for their state assemblies. Observers considered these elections, which included more than 300 million participants, free and fair, despite very isolated instances of violence.

Political Parties and Political Participation: The constitution provides for universal voting rights for all citizens age 18 and older. There were no restrictions placed on the formation of political parties or on individuals of any community 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 exit poll results may not be released until completion of the last phase (in a multiphase election).

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they freely participated. 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.

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 and Scheduled Tribes in proportion to their population in the state. Only candidates belonging to these groups may contest elections in reserved constituencies. While some Christians and Muslims were identified as Dalits, the government limited reserved seats for Dalits to Hindus, Sikhs, and Jains. Members of minority populations have previously served as prime minister,



vice president, cabinet ministers, Supreme Court justices, and members of parliament.

#### **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 in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: Corruption was present at all levels of government. On July 18, Minister of State in the Prime Minister's Office Jitendra Singh informed parliament's lower house that the CBI registered 314 corruption-related cases between January and June compared with 632 cases in 2017. 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 among politicians, bureaucrats, contractors, militant groups, and security forces in infrastructure projects, narcotics trafficking, and timber smuggling in the northeastern states. In Manipur and Nagaland, allegations of bribes paid to secure state government jobs were prevalent, especially in police and education departments.

On February 1, the ED filed money-laundering charges against former Himachal Pradesh chief minister Virbhadra Singh, who stood accused of misrepresenting "proceeds of crime" as agricultural income totaling more than 72.56 million rupees (one million dollars). The former chief minister faced separate charges from the CBI, which alleged the senior politician amassed assets disproportionate to his reported income from 2009 to 2011.

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 candidates for elected office.

On September 25, a five-judge bench of the Supreme Court ruled unanimously that the judiciary could not disqualify politicians facing charges related to serious offenses and stop them from contesting elections. The court asked the parliament

to frame laws to bar those accused of crimes from being able to run for elected office.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 (see section 2.b, Freedom of Association). Reportedly more than three million NGOs in the country advocated for social justice, sustainable development, and human rights, but definitive numbers were not available. 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, and several NHRC committees had NGO representation. Some human rights monitors in the state of Jammu and Kashmir were able to document human rights violations, but periodically security forces, police, and other law enforcement authorities reportedly restrained or harassed them. Representatives of certain international human rights NGOs sometimes faced difficulties obtaining visas and reported that occasional official harassment and restrictions limited their public distribution of materials.

In July 2017 the Supreme Court rejected the relief plea of activists Teesta Setalvad, Javed Anand, and their colleagues from charges of corruption and misappropriation of funds. Additional charges were filed on May 30 for allegedly securing and misusing fraudulently 14 million rupees (\$200,000) worth of government funds for educational purposes between 2010 and 2013. The activists claimed authorities filed the case in retaliation for their work on behalf of victims of the 2002 Gujarat riot. The case continued at year's end.

The United Nations or Other International Bodies: The government continued to decline access by the United Nations to the state of Jammu and Kashmir, and limit access to the northeastern states, and Maoist-controlled areas. The June 14 OHCHR publication *Report on the Human Rights Situation in Kashmir* cited impunity for human rights violations and lack of access to justice as key human rights challenges in the state of Jammu and Kashmir. The government rejected OHCHR's report as "false, prejudicial, politically motivated, and [seeking] to undermine the sovereignty of India."

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.

The NHRC 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. 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-four of 29 states have human rights commissions, which operated independently under the auspices of the NHRC. In six states the position of chairperson remained vacant. Some human rights groups alleged 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 Human Rights Law Network (HRLN) observed 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 Armed Forces Special Powers Act (AFSPA) in the

northeast states and in the state of Jammu and Kashmir. According to the OHCHR *Report on the Human Rights Situation in Kashmir*, there has been no prosecution of armed forces personnel in the nearly 28 years that the AFSPA has been in force in the state of Jammu and Kashmir.

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape in most cases, although marital rape is not illegal when the woman is older than age 15. Official statistics pointed to rape as the country's fastest-growing crime, prompted at least in part by the increasing willingness of victims to report rapes, although observers believed the number of rapes still remained vastly underreported.

Law enforcement and legal recourse for rape victims were inadequate, and the judicial system was overtaxed and unable to address the problem effectively. Police sometimes worked to reconcile rape victims and their attackers, in some cases encouraging female rape victims to marry their attackers. The NGO International Center for Research on Women noted that low conviction rates in rape cases was one of the main reasons sexual violence continued unabated. The NGO Lawyers Collective noted the length of trials, lack of victim support, and inadequate protection of witnesses and victims remained major concerns. Doctors continued to carry out an invasive "two-finger test" to speculate on sexual history, despite the Supreme Court's ruling that the test violated a victim's right to privacy. In 2015 the government introduced new guidelines for health professionals' medical examinations of victims of sexual violence. It included provisions regarding consent of the victim during various stages of examination, which some NGOs claimed was an improvement. According to media reports, only nine state governments adopted the guidelines. A November 2017 HRW report, *Everyone Blames Me*, found that medical professionals, even in states that adopted the guidelines, did not always follow them.

On August 6, parliament passed the Criminal Law (Amendment) Bill to increase the minimum mandatory punishments for rape from seven years' to 10 years' imprisonment. The minimum sentence for the rape of a girl younger than age 16 increased from 10 years to between 20 years and life imprisonment; the minimum sentence of gang rape of a girl younger than age 12 was punishable by either life imprisonment or the death penalty.

Incidents of gang rape of minors remained prevalent. On January 10, an eight-year-old Muslim girl in the state of Jammu and Kashmir's Kathua district was allegedly kidnapped, drugged, and gang-raped over several days. The ensuing investigation resulted in the arrest of eight individuals, including four police personnel. On May 7, the Supreme Court ordered the trial moved to Punjab's Pathankot district following protests in Jammu and Kashmir demanding the officers' release. The case continued at year's end.

Women in conflict areas, such as in the state of 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 Dalit women were disproportionately victimized compared with other caste affiliations. Activists in Manipur complained that the armed forces, instead of resorting to extrajudicial killings, were tacitly encouraging rape and sexual violence by criminal gangs as part of their counterinsurgency strategy.

Domestic violence continued to be a problem. The NCRB estimated the conviction rate for crimes against women was 18.9 percent. Acid attacks against women continued to cause death and permanent disfigurement. In February the Delhi government announced it would cover 100 percent medical expenses for victims of acid attacks in all private hospitals within the National Capital Territory of Delhi. In May the Supreme Court approved assistance for victims of acid attacks under the Compensation Scheme for Women Victims, Survivors of Sexual Assault, and Other Crimes 2018. The scheme outlined a maximum assistance of 800,000 rupees (\$11,500) for injuries from acid attacks.

The government made efforts to address the safety of women. In August the minister of state for women and child development told the lower house of parliament the government allocated 2,919 crore rupees (\$410 million) toward enhancing women's safety in eight cities, including New Delhi, Mumbai, and Chennai. Projects included increased surveillance technology, capacity building, and awareness campaigns. The MWCD also approved five additional one-stop crisis centers for women in distress, increasing the number of such centers to 200. These centers provide medical, legal, counseling, and shelter services for women facing violence. On September 20, the government launched an online National Database on Sexual Offenders. The registry included accused and convicted sexual offenders. Only police and legal authorities had access to data.

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 Bohras, a population of approximately one million concentrated in the states of Maharashtra, Gujarat, Rajasthan, and Delhi, practiced FGM/C.

On July 30, the Supreme Court observed a public interest litigation hearing seeking to ban the practice of FGM/C. The government, represented by Attorney General K. K. Venugopal, told the court that it supports the petitioners' plea that the practice be punishable under the provisions of the Indian Penal Code and the Protection of Children from Sexual Offenses Act. Days after a September 14 meeting between the prime minister and the spiritual head of the Dawoodi Bohra community, who supports the practice of FGM/C, the government reportedly reversed its position, and the attorney general stated the matter should be referred to a five-member panel of the Supreme Court to decide on the issue of religious rights and freedom.

Other Harmful Traditional Practices: The law forbids the acceptance of marriage dowry, but many families continued to offer and accept dowries, and dowry disputes remained a serious problem. NCRB data showed authorities arrested 20,545 persons for dowry deaths in 2016. Most states employed dowry prohibition officers. A 2010 Supreme Court ruling makes it mandatory for all trial courts to charge defendants in dowry-death cases with murder.

“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 is normally withheld until the end of three to five years of employment and sometimes goes partially or entirely unpaid. While in bonded labor, employers reportedly subjected women to serious workplace abuses including severe restrictions on freedom of movement and communication, sexual abuse, sexual exploitation, and sex trafficking.

So-called “honor killings” remained a problem, especially in Punjab, Uttar Pradesh, and Haryana, and were usually attributable to the victim's marrying against his or her family's wishes. On March 27, the Supreme Court ordered state governments to identify districts, subdivisions, and villages that witnessed incidents of honor killings to take remedial, preventive, and punitive measures to stop these crimes. In addition the Supreme Court ruled that state governments must create special cells in all districts for people to report harassment and threats to couples of intercaste marriage.

There were reports 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 in what amounted to a form of sex trafficking. NGOs suggested families exploited some girls from lower castes into prostitution in temples to mitigate household financial burdens and the prospect of marriage dowries. Some states have laws to curb sex trafficking and sexual abuse of women and girls in temple service. Enforcement of these laws remained lax, and the problem was widespread. Some observers estimated more than 450,000 women and girls were exploited in temple-related prostitution.

No federal law addresses accusations of witchcraft; however, authorities may use other legal provisions as an alternative for a victim accused of witchcraft. Most reports stated villagers and local councils usually banned those accused of witchcraft from the village. Bihar, Odisha, Chhattisgarh, Rajasthan, Assam, and Jharkhand have laws criminalizing those who accuse others of witchcraft.

Sexual Harassment: Sexual harassment remained a serious problem. Authorities required all state departments and institutions with more than 50 employees to operate committees to prevent and address sexual harassment, often referred to as “eve teasing.” 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 who fail to establish complaint committees face fines of up to 50,000 rupees (\$705).

On April 12, the NHRC issued notices to the government of Telangana and the Ministry of Information and Broadcasting over media reports of sexual exploitation of women in the Telugu film industry. The commission noted the issues raised by an actress required the Telangana government to constitute a committee to redress the grievances of female employees relating to sexual harassment in the film industry in accordance with the provisions of Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013.

Coercion in Population Control: There were reports of coerced and involuntary sterilization. The government has promoted female sterilization as a form of family planning for decades and, as a result, it made up 86 percent of contraceptive use in the country. Some women, especially poor and lower-caste women, reportedly were pressured by their husbands and families to have tubal ligations or hysterectomies. The government provided monetary compensation for the wage loss, transportation costs, drugs and dressing, and follow-up visits to women

accepting contraceptive methods including voluntary sterilization. There were no formal restrictions on access to other forms of family planning; however, despite recent efforts to expand the range of contraceptive choices, voluntary sterilization remained the preferred method due to the costs and limited availability of alternative contraceptive choices.

Policies penalizing families with more than two children remained in place in seven states, but some authorities did not enforce them. There are reports that these policies created pressure on women with more than two children to use contraception, including permanent methods such as sterilization, or even termination of subsequent pregnancies. 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. On October 25, in response to a petition filed by an Odisha resident who was not allowed to contest *Panchayat* (local self-governing body) elections as he had three children, the Supreme Court upheld provisions of the Panchayati Raj Act, which disallows candidates with more than two children from standing for election for posts in local government. The court stated the birth of a third child would automatically disqualify an individual from contesting. According to the NGO Lawyers Collective, such policies often induced families to carry out sex-selection for the second birth to assure they have at least one son, without sacrificing future eligibility for political office.

To counter sex selection, almost all states introduced “girl child promotion” schemes, some of which required a certificate of sterilization for the parents to collect benefits.

Discrimination: The law prohibits discrimination in the workplace and requires equal pay for equal work, but employers reportedly often 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. Other laws or customs relating to the ownership of assets and land accord women little control over land use, retention, or sale.

Gender-biased Sex Selection: According to the latest census (2011), the national average male-female sex ratio at birth was 1,000 to 943. According to the National Institution for Transforming India, the national sex ratio at birth between 2013 and 2015 was 900 females per 1,000 males. The law prohibits prenatal sex selection,



but authorities rarely enforced it. In March the government announced the expansion of the Beti Bachao Beti Padhao (Save the Daughter, Educate the Daughter) project in all 640 districts across the country. The government launched the program in 2015 to prevent gender-biased sex selection, promote female education, and ensure the survival and protection of girls. Government data revealed sex ratio at birth showed improving trends in 104 out of 161 districts between 2015 and 2017. The program spent 25.40 crore rupees (\$3.5 million) until July 20.

## Children

Birth Registration: The law establishes state government procedures for birth registration. UNICEF estimated 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 World Economic Forum's 2017 *Gender Gap Report* revealed that enrollment rates, for both male and female students, dropped by nearly 30 percent between primary and secondary school. Additionally, the report found that, while girls had a slight lead in primary and secondary education enrollment rates, boys had greater educational attainment at all levels. The NGO Pratham's 2017 *Annual Status of Education Report* noted in January that the enrollment gap between males and females in the formal education system increased with age. While there was hardly any difference between boys' and girls' enrollment at age 14, 32 percent of females were not enrolled at age 18 as compared with 28 percent of males.

According to UNICEF more than 60 percent of secondary-school age children with disabilities did not attend school.

Child Abuse: The law prohibits child abuse, but it does not recognize physical abuse by caregivers, neglect, or psychological abuse as punishable offenses. Although banned, teachers often used corporal punishment. The government often failed to educate the public adequately against child abuse or to enforce the law.

In 2017 humanitarian aid organization World Vision India conducted a survey of 45,844 children between the ages of 12 and 18 across 26 states and found that one in every two children was a victim of sexual abuse. The NGO Counsel to Secure

Justice reported nearly 30 percent of child sexual abuse cases involved incest and that 99 percent of overall child sexual abuse cases were not reported.

NGOs reported abuse in some shelter homes resulted from a systematic lack of oversight, since many NGOs selected to run these spaces were nominated without any background checks. On April 26, the Tata Institute of Social Sciences submitted a report based on interviews conducted in October 2017 stating that girls at a state-run women's shelter in Muzaffarpur, Bihar, were subjected to sexual assault by the home's authorities. A police complaint was filed on May 31 against the NGO owned by Brajesh Thakur that ran the home, and Thakur was arrested on June 3. A raid on the home on July 24 and medical tests of its occupants established that 34 of the 44 residents, ranging between ages six and 18, were tortured and sexually abused. The police subsequently arrested 10 men and women who operated the home.

In other cases, shelter owners' political connections enabled them to continue sexual abuse and exploitation of adult and child residents. In addition in some cases government officials demonstrated continued inaction to address longstanding complaints of mistreatment.

The government sponsored a toll-free 24-hour helpline for children in distress.

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 early and forced marriages. The law does not characterize a marriage between a girl younger than age 18 and a boy younger than age 21 as "illegal," but it recognizes such unions as voidable. The law also sets penalties for persons who perform, arrange, or participate in child marriages. Authorities did not consistently enforce the law nor address girls who were raped being forced into marriage.

According to international and local NGOs, procedural limitations effectively left married minors with no legal remedy in most situations. According to the Ministry of Home Affairs' 2015-2016 National Family Health Survey, 27 percent of women between 20 and 24 married before the age of 18, and 2017 UNICEF data revealed 7 percent of the same group of women married before the age of 15.

The law establishes a full-time child-marriage prohibition officer in every state to prevent 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.

On July 26, a *mahila* court (a district court dealing with women's issues) in Salem, Tamil Nadu, convicted three individuals, including the mother of the victim and the groom, for conducting the marriage of a minor girl in 2015. The court sentenced the mother and groom to 12 years' imprisonment each.

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.

Special Courts to try child sexual abuse cases existed in all six Delhi courts. Civil society groups observed, however, that large caseloads severely limited judges' abilities to take on cases in a timely manner. In an April study on the status of pending trials in child sexual abuse cases, the Satyarthi Foundation estimated child survivors may need to wait up to 99 years in some states for trials of their cases based on the speed of current cases on the calendar, despite a regulation that all cases should be decided within one year. The Counsel to Secure Justice reported some courts did not use separate witness rooms for children to provide testimony and police officials sometimes pressured child survivors of incest to compromise with the perpetrator and not report the case. Lack of training in handling forensic evidence also had adverse implications on case handling.

On February 21, a local court in Visakhapatnam, Andhra Pradesh, delivered a verdict in a 17-year-old case of pedophilia and sentenced Australian national Paul Henry Dean, who was charged with sexually abusing children in Visakhapatnam and Puri, Odisha, to three years of imprisonment in addition to a fine of 32,000 rupees (\$450). Child rights activists raised serious concerns over the duration of the court proceedings, the light sentence, and the accused's obtaining bail the same day of the judgment.

Child Soldiers: No information was available on how many persons younger than age 18 were serving in the armed forces. NGOs estimated at least 2,500 children were associated with insurgent armed groups in Maoist-affected areas as well as child soldiers in insurgent groups in the state of Jammu and Kashmir. There were allegations government-supported, anti-Maoist village defense forces recruited children (see section 1.g., Child Soldiers).

Displaced Children: Displaced children, including refugees, IDPs, and street children, faced restrictions on access to government services (see also section 2.d.).

Institutionalized Children: Lax law enforcement and a lack of safeguards encouraged an atmosphere of impunity in a number of group homes and orphanages.

The Calcutta Research Group reported police sometimes 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. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

### **Anti-Semitism**

Jewish groups from the 4,650-member Jewish community cited no reports of anti-Semitic acts during the year.

The Gujarat government accorded the Jewish community minority status, making the community eligible for government entitlements for faith minorities.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution does not explicitly mention disability. The law provides equal rights for persons with a variety of disabilities, and the Rights of Persons with Disabilities Act 2016 increased the number of recognized disabilities, including persons with Parkinson's disease and victims of acid attacks. The law set a two-year deadline for the government to provide persons with disabilities with

unrestricted free access to physical infrastructure and public transportation systems.

The law also reserves 3 percent of all educational places and 4 percent of government jobs for persons with disabilities. The government allocated funds to programs and NGOs to increase the number of jobs filled. In 2017 a government panel decided that private news networks must accompany public broadcasts with sign language interpretations and closed captions to accommodate persons with disabilities.

Despite these efforts, problems remained. Private-sector employment of persons with disabilities remained low, despite governmental incentives. In July the Delhi High Court issued a notice to the All India Institute of Medical Sciences after an acid attack survivor claimed the institution prohibited her from applying to a nursing position because of her disability.

Discrimination against persons with disabilities in employment, education, and access to health care was more pervasive in rural areas, and 45 percent of the country's population of persons with disabilities were illiterate. There was limited accessibility to public buildings. A public interest litigation case was filed in the Supreme Court regarding accessibility to buildings and roads for persons with disabilities.

The Ministry of Health and Family Welfare estimated 25 percent of individuals with mental disabilities were homeless. Mainstream schools remained inadequately equipped with teachers trained in inclusive education, resource material, and appropriate curricula. Patients in some mental-health institutions faced food shortages, inadequate sanitary conditions, and lack of adequate medical care. HRW reported women and girls with disabilities occasionally were forced into mental hospitals against their will.

In April HRW released its *Sexual Violence against Women and Girls with Disabilities in India* report. According to the report, girls and women with disabilities who experienced sexual violence faced challenges reporting abuse to police, obtaining proper medical care, and navigating the court system. In August three hearing-and-speech-impaired girls reported sexual abuse in a private hostel in Bhopal. Madhya Pradesh police arrested the director of the private hostel and convened a special investigation team to probe into sexual abuse reports.

On March 22, the Tamil Nadu State Cooperative Societies Election Commission issued orders stating that nominations of persons with disabilities to elections of cooperative associations must not be rejected on the grounds of disability and that basic amenities for persons with disabilities must be put in place. The order came in the wake of protests by members of the Joint Action Committee of the Association for the Disabled against a state government official who allegedly ridiculed two visually impaired individuals and rejected their applications to contest elections for the post of director of a cooperative association.

### **National/Racial/Ethnic Minorities**

The constitution prohibits caste discrimination. 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. On September 21, data published in the UN's 2018 Multidimensional Poverty Index showed a "positive trend" during the decade between 2005-06 and 2015-16 in the country, with Muslims, members of the Scheduled Tribes, and Dalits experiencing the greatest reduction in poverty. Discrimination based on caste, however, remained prevalent, particularly in rural areas. Critics claimed many of the programs to assist the lower castes suffered from poor implementation, corruption, or both.

The term "Dalit," derived from Sanskrit for "oppressed" or "crushed," refers to members of what society regarded as the lowest of the Scheduled Castes (SC). According to the 2011 census, SC members constituted 17 percent of the population (approximately 200 million persons).

Although the law protects Dalits, there were numerous reports of violence and significant discrimination in access to services such as health care, education, access to justice, freedom of movement, access to institutions such as temples, and marriage. Many Dalits were malnourished. Most bonded laborers were Dalits, and those 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.

On April 18, as many as 28 Dalit men from the Churu village in Rajasthan were subjected to clinical trials without their consent for Glenmark Pharmaceuticals. According to media reports, the men were transported to Jaipur's Malpani Hospital with the promise of work at a medical camp but were locked in the hospital basement upon arrival and subjected to the trials.

On June 21, Madhya Pradesh police arrested four upper caste men for burning alive 55-year old Dalit farmer Kishorilal Jatav after he opposed their illegal tilling his land in a village in Bhopal district. The case continued at year's end.

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 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.

Manual scavenging--the removal of animal or human waste by Dalits--continued despite its legal prohibition. HRW 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 children exposed to such bacteria were often unable to maintain a healthy body weight and suffered from stunted growth.

## **Indigenous People**

The constitution provides for the social, economic, and political rights of disadvantaged groups of indigenous persons. The law provides special status for indigenous individuals, but authorities often denied them their rights.

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

In May the Gujarat High Court requested Sabarkantha district officials to explain why they imprisoned 10 tribal members for more than a week due to their objection to a private company buying land to build a solar plant. Following the high court's notice, the individuals were released.

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

On September 6, the Supreme Court decriminalized same-sex relations in a unanimous verdict. Activists welcomed the verdict but stated it was too early to determine how the verdict would translate into social acceptance, including safe and equal opportunities at workspaces and educational institutions.

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced physical attacks, rape, and blackmail. LGBTI groups reported they faced widespread societal discrimination and violence, particularly in rural areas. Activists reported that transgender persons continued to face difficulty obtaining medical treatment. Some police committed crimes against LGBTI persons and used the threat of arrest to coerce victims not to report the incidents. With the aid of NGOs, several states offered education and sensitivity training to police.

### **HIV and AIDS Social Stigma**

The number of new HIV cases decreased by 57 percent over the past decade. According to official government records, there were 191,493 newly diagnosed cases in 2017. The epidemic persisted among the most vulnerable/high-risk populations that include female sex workers, men who have sex with men, transgender persons, and persons who inject drugs. According to the National AIDS Control Organization's *HIV Sentinel Surveillance 2017* report, high prevalence states such as Andhra Pradesh and Karnataka saw declining HIV trends among all high-risk groups in 2017.

The National AIDS Control Program prioritized HIV prevention, care, and treatment interventions for high-risk groups and advocated for the rights of persons living with HIV. Antiretroviral drug stock outages in a few states led to treatment interruption. The National AIDS Control Organization worked actively with NGOs to train women's HIV/AIDS self-help groups. Police engaged in programs to strengthen their role in protecting communities vulnerable to human rights violations and HIV.



In August in response to a Public Interest Litigation, the Delhi High Court issued a notice inquiring why the Ministry of Health had not implemented the HIV and AIDS (Prevention and Control) Bill that was passed in April 2017. The bill was designed to prevent discrimination in health care, employment, education, housing, economic participation, and political representation for those with HIV and AIDS. On September 10, the Health Ministry announced through an official gazette announcement the creation of rules to implement the act.

### **Other Societal Violence or Discrimination**

Societal violence based on religion and caste and by religiously associated groups continued to be a serious concern. Muslims and lower-caste Dalit groups continued to be the most vulnerable. Ministry of Home Affairs 2016-17 data showed 703 incidents of communal (religious) violence occurred, in which 86 persons were killed and 2,321 injured.

Amnesty International recorded 98 hate crimes across the country between January and June. In July the Supreme Court condemned the rise of hate crimes, urging state governments to enact laws against mob violence. The Supreme Court recommended each state should establish a special task force to monitor hate speech and investigate vigilante groups.

Reports of mob lynching increased in the past year. As of July 27, 24 persons were killed due to mob lynchings, a two-fold increase over 2017. Many of the acts of mob violence arose after rumors circulated over social media that a child had been kidnapped or a cow killed. Jharkhand had the highest number of mob-related deaths at seven reported cases, Maharashtra was second with five deaths. On March 20, a Jharkhand court sentenced 11 persons to life in prison for beating to death Alimuddin Ansari, a Muslim, who was suspected of trading in beef. On May 30, the body of cattle trader Hussainabba was found near Udupi, Karnataka. According to the complaint registered by his family members, Hussainabba was assaulted by members of a Hindu right-wing group while transporting 13 cattle and subsequently died of his injuries.

## **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 to 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' designation as a "public utility." 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 abuses because the Trade Union Act does not specify penalties for such abuses. 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 larger, informal economy. Most union members worked in the formal sector, and trade unions represented a small number of agricultural and informal-sector workers. 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.

An estimated 80 percent of unionized workers were 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.

State and local authorities occasionally used their power to declare strikes illegal and force adjudication. Labor groups reported that some employers continued to refuse to recognize established unions and some, instead, established "workers' committees" and employer-controlled unions to prevent independent unions from

organizing. 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 forced labor, including bonded child labor (see section 7.c.), remained widespread.

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. Prosecutions were rare. When inspectors referred violations for prosecution, court backlogs, inadequate preparation, and a lack of prioritization of these cases by prosecuting authorities sometimes resulted in acquittals.

Penalties under law varied based on the type of forced labor and included fines and prison terms; not all were sufficiently stringent. For example, bonded labor was specifically criminalized under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, which prescribes sufficiently stringent penalties of up to five years' imprisonment, and the Bonded Labor System (Abolition) Act, which prescribes penalties of up to three years' imprisonment, which were not sufficiently stringent.

The Ministry of Labor and Employment continued to work with the International Labor Organization (ILO) to combat bonded labor. Based on the ILO's concluded "convergence program," the Odisha government entered into agreements with brick kiln owners in Andhra Pradesh and Telangana to protect workers vulnerable to bonded labor.

The Ministry of Labor and Employment reported the federally funded, state-run Centrally Sponsored Scheme assisted in the release of 5,295 bonded laborers during the period April 2017 through March. Some NGOs reported delays in obtaining release certificates for rescued bonded laborers that were required to certify that employers had held them in bondage and entitled them to compensation under the law. The distribution of rehabilitation funds was uneven across states.

Estimates of the number of bonded laborers varied widely. Official government estimates place the number at 18 million workers in debt bondage. 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.

Bonded labor continued to be a concern in several states. On March 15, 155 migrant bonded laborers, including 31 children and 63 women, were rescued from a brick kiln in Tiruvallur, Tamil Nadu, by an NGO in cooperation with the district administration. Most of the rescued persons were paid less than 200 rupees (\$3.00) a week. Police registered a case against the owner of the brick kiln. On August 1, government officials in Karimnagar District, Telangana, invoked section 342 (punishment for wrongful confinement) of the Indian Penal Code to rescue 32 tribal workers from labor bondage at an irrigation canal worksite. The investigation revealed that each worker was paid an advance remuneration of 20,000 rupees (\$280) for 12 hours of work every day for nine months.

Scheduled Caste and Scheduled Tribe members lived and worked under traditional arrangements of servitude in many areas of the country. Although the central government had long abolished forced labor servitude, these social groups remained impoverished and vulnerable to forced exploitation, especially in Arunachal Pradesh.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits employment of children younger than age 14. The law also prohibits the employment of children between the ages of 14 and 18 in hazardous work. Children are prohibited from using flammable substances, explosives, or other hazardous material, as defined by the law. In 2017 the Ministry of Labor and Employment added 16 industries and 59 processes to the list of hazardous industries where employment of children younger than age 18 is prohibited, and where children younger than age 14 are prohibited from helping, including family enterprises. The law, however, permits employment of children in family-owned enterprises involving nonhazardous activities after school hours. Nevertheless, child labor remained widespread.

State governments enforced labor laws and employed labor inspectors, while the Ministry of Labor and Employment provided oversight and coordination. Violations remained common. The law establishes a penalty in the range of 20,000 rupees (\$280) to 50,000 rupees (\$700) 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.

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). The NGO Child Rights and You stated in a July report that 23 million children between ages 15 and 18 worked in nonhazardous industries.

According to news reports, in a series of raids in February, district authorities and NGOs jointly rescued more than 150 child workers from roadside eateries, vehicle repair shops, artificial jewelry making units, and textile shops in the Krishna District of Andhra Pradesh.

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/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law and regulations prohibit discrimination based on race, sex, gender, disability, language, sexual orientation, gender identity, or social status with respect to employment and occupation. 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 enforces the law and regulations within the formal sector. Penalties for violations included fines up to 93,750 rupees (\$1,320), prison term ranging from three months to two years, or both. The law and regulations, however, do not protect those working within the informal sector (industries and

establishments that do not fall under the purview of the Factories Act), who made up an estimated 90 percent of the workforce.

Discrimination occurred in the informal sector with respect to Dalits, indigenous persons, and persons with disabilities. Gender discrimination with respect to wages was prevalent. Foreign migrant workers were largely undocumented and typically did not enjoy the legal protections available to workers who are nationals of the country.

#### **e. Acceptable Conditions of Work**

Federal law sets safety and health standards, but state government laws set minimum wages, hours of work, and additional state-specific safety and health standards. The daily minimum wage varied but was more than the official estimate of poverty-level income. 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 perform. Occupational safety and health standards set by the government were generally up to date and covered the main industries in the country.

State governments are 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 (\$1,410) to imprisonment for 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. 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 February 16, seven workers at a farm in Chittoor District, Andhra Pradesh, died allegedly due to asphyxiation caused by inhaling poisonous gases when they stepped into a septic tank without wearing protective gear to clean a flushing machine. On September 10, five workers in West Delhi engaged to clean a septic tank for an apartment building died when they were overcome by fumes.