

# India 2023 Human Rights Report

## Executive Summary

The outbreak of ethnic conflict between the Kuki and Meitei ethnic groups during the year in India's northeastern state of Manipur resulted in significant human rights abuses. Media reported at least 175 persons were killed and more than 60,000 displaced between May 3 and November 15. Activists and journalists reported armed conflict, rapes, and assaults in addition to the destruction of homes, businesses, and places of worship. The government deployed security forces, implemented daily curfews, and internet shutdowns in response to the violence. The Supreme Court criticized the failure of the central government and the Manipur state government to halt the violence and appointed officials to investigate incidents of violence and to ensure the delivery of humanitarian assistance and the rebuilding of homes and places of worship.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; enforced disappearances; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; transnational repression against individuals in another country; arbitrary or unlawful interference with privacy; punishment of family members for alleged offenses by a relative;

serious abuses in a conflict, including reportedly unlawful or widespread civilian deaths or harm, torture, physical abuses, and conflict-related sexual violence or punishment; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and enforcement of or threat to enforce criminal libel laws to limit expression; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association; restrictions on freedom of movement and residence within the territory of a state and on the right to leave the country; government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, workplace violence, child, early, and forced marriage, female genital mutilation/cutting, femicide, and other forms of such violence; crimes involving violence or threats of violence targeting members of ethnic and caste minorities; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government took minimal credible steps or action to identify and punish officials who may have committed human rights abuses.

Terrorists in Jammu and Kashmir, northeastern states, and Maoist terrorism-affected areas committed serious abuses, including killings and abductions

of armed forces personnel, police, government officials, and civilians.

## **Section 1. Respect for the Integrity of the Person**

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

There were several reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year. Media reports often described these allegedly staged killings of accused individuals at the hands of police or security forces as “encounter killings.”

There were allegations that police or prison guards killed prisoners and these killings were sometimes misclassified as suicides or deaths from natural causes. On February 5, police allegedly killed Dhaneswar Behera, accused of poaching, while in custody in Odisha’s Cuttack District. On February 6, the Odisha Forest Department arrested six officials for their involvement in the death. The National Human Rights Commission (NHRC) conducted an investigation into Behera’s death and on August 27, directed the Odisha government to pay compensation to Behera’s next of kin for negligence on the part of government employees.

On April 15, press reported three men posing as journalists shot Atiq Ahmed, a convicted prisoner and former parliamentarian from the Samajwadi Party accused of being a mobster, and his brother, Ashraf, while

in the presence of police. The shootings were captured and broadcast live on television. Police arrested the three individuals for shooting the brothers. The Uttar Pradesh (UP) government set up a three-member judicial commission to investigate the incident. Because reports of extrajudicial killings in UP became so widespread, the Supreme Court on August 12 asked the UP police to provide details regarding investigations into 183 killings from more than 10,900 cases of extrajudicial violence in the state since 2017, some of which activists alleged police staged. On September 30, in a follow-up to this inquiry, the UP state government asserted it found no fault with police on their investigation into the deaths of Atiq and Ashraf Ahmed.

On July 31, media reports stated security official Chetan Singh killed his senior officer and subsequently three men who identified as Muslim on a train near Mumbai, targeting them based on their appearance. The family members of the three men called the incident “a hate crime” and “an act of terror” based on hate speech Singh used against the three men before he shot them. Police arrested Singh on the same day.

The country registered 813 cases of extrajudicial killings between 2016-2022, with the most reported in Chhattisgarh, followed by UP. According to nongovernmental sources, there was one conviction of an army officer in Jammu and Kashmir (J&K) of the 813 cases documented during that period.

In March, a military court convicted a captain for a “staged encounter” of

three individuals in Amshipura of J&K in July 2020 and recommended life imprisonment. As of November 15, the sentence remained pending.

Killings by government forces and nongovernment entities were reported in J&K, northeastern states, and Maoist-affected areas of the country.

## **b. Disappearance**

There were reports of disappearances by or on behalf of government authorities, including allegations police failed to file required arrest reports for detained persons, resulting in unresolved disappearances. Police and government officials denied these claims. The central government reported state government screening committees informed families regarding the status of detainees. There were reports prison guards sometimes required bribes from families to confirm the detention of their relatives.

According to human rights organizations, approximately 8,000-10,000 persons disappeared in the J&K region between 1989-2006, allegedly attributed to government forces, paramilitary forces, and terrorists. Data documenting disappearances in J&K since 2006 were limited. Press reported the body of Abdul Rashid Dar was recovered on March 1 in the Kupwara District in Kashmir. Soldiers detained Dar in December 2022, and according to his family, he went missing after his detention. Upon recovering Dar's body, his family accused the army of forcibly disappearing Dar and killing him in custody. The army unit involved in Dar's case told

police Dar had fled during questioning.

On March 24, the UN's Working Group on Enforced or Involuntary Disappearance and UN special rapporteurs on the situation of human rights defenders expressed concern regarding the government's treatment of Kashmiri human rights defenders and called for the closing of investigations against them and for their release. Rapporteurs noted continued allegations of lack of identification, protection, and preservation of large numbers of unmarked single and mass burial sites in Kashmir, including the failure to conduct proper forensic investigations, efforts to search for the forcibly disappeared, and the lack of progress in identifying the remains of individuals buried therein in accordance with international standards. The rapporteurs stated they were concerned by reports of intimidation and harassment against individuals and civil society organizations, including human rights defenders and journalists who called for investigation and accountability.

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

The law prohibited such practices, but there were credible reports that government officials employed them. The law did not permit authorities to admit coerced confessions into evidence, but the United Nations and nongovernmental organizations (NGOs), including Amnesty International

and Human Rights Watch, reported authorities used torture to coerce confessions.

Authorities allegedly also used torture to extort money or as summary punishment. There were reports that police beatings of prisoners resulted in custodial deaths. According to the Human Rights Watch annual *World Report*, police used torture, other mistreatment, and arbitrary detentions to obtain forced or false confessions. In some cases, police reportedly held suspects without registering their arrests and denied detainees access to sufficient food and water.

There were other reports of cruel, inhuman, or degrading treatment or punishment, namely by police. The Bihar State Human Rights Commission ordered the state government on July 18 to pay rupees 25,000 (\$300) each to six individuals whom police had handcuffed and paraded before media in Madhepura District. The individuals, who included two children, were arrested under the Immoral Traffic (Prevention) Act in 2021. In addition, the commission condemned the conduct of the Madhepura superintendent of police at that time, detailing that his conduct violated the accused persons' human rights by handcuffing and publishing photographs of the individuals. The commission also ordered the state government to issue guidelines to state police officials to prevent similar incidences in the future.

Police officers were also implicated in allegations of rape, including of victims in police custody. The government authorized the NHRC to

investigate rape cases involving police officers. In June, the NHRC requested the government of Rajasthan to provide a detailed report on the alleged gang rape and killing of a woman, age 21, by three individuals, including two police personnel. NGOs claimed NHRC statistics undercounted the number of rapes committed in police custody, and some rape survivors were unwilling to report crimes due to social stigma and fear of retribution if the perpetrator was a police officer or official. There were reports police officials also refused to register rape cases.

## **Prison and Detention Center Conditions**

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

**Abusive Physical Conditions:** Prisons were often severely overcrowded. According to the 2022 *India Justice Report (IJR)*, the average national occupancy rate in prisons in 2021 was 130 percent.

Food, medical care, sanitation, and environmental conditions frequently were inadequate in prisons. Potable water was not universally available. Prisons and detention centers were underfunded and understaffed, and they lacked sufficient infrastructure. Prisoners were sometimes physically mistreated. The law required detention of juveniles in rehabilitative facilities, but at times authorities detained juveniles in adult prisons, especially in rural areas.



**Administration:** There were reports that police and prison officials often failed to comply with a Supreme Court order to conduct regular checks to monitor custodial violence. Authorities did, however, permit prisoners to register complaints with national and state human rights commissions, but commissions' authorities extended only to making recommendations. The NHRC received and investigated prisoner complaints of human rights abuses throughout the year. Civil society representatives stated that few prisoners filed complaints due to fear of retribution from prison guards or officials.

**Independent Monitoring:** The NHRC made unannounced visits to monitor state prisons in multiple states. Neither the NHRC nor Boards of Visitors, both government institutions meant to operate independently, were required to publicly release reports on their findings. The NHRC's jurisdiction did not extend to military detention centers.

#### **d. Arbitrary Arrest or Detention**

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements, but there were numerous reports of arbitrary arrests and several instances where police used special laws to postpone judicial reviews of arrests. Reports cited lengthy arbitrary detentions remained a significant problem due to a lack of legal safeguards and overburdened and underresourced court

systems.

## **Arrest Procedures and Treatment of Detainees**

An arrested person had to be brought before a judge within 24 hours of arrest unless authorities held the suspect under a preventive detention law for concerns related to security risks, terrorism, or insurgency. If police detained a person under preventive detention, they could hold the person without charge for up to 30 days, and a court could authorize a detention for a period of up to 90 days prior to filing charges. Under standard criminal procedure, authorities were required to release the accused on bail after 90 days if charges were not filed; however, courts could extend this period to 180 days.

The National Security Act allowed police to detain persons considered security risks without charge or trial for as long as one year. The Public Safety Act applied only to J&K and permitted authorities to detain persons without charge or judicial review for up to two years without visitation from family members. As of February, press reported that more than 800 persons remained in detention under the Public Safety Act in J&K from 2019 to February, including 22 persons detained during the year. There were reports the government issued new detention orders immediately upon the expiration of a two-year detention, effectively allowing for detentions for indefinite periods without trial. Due to delays in completing repatriation procedures, foreign nationals often remained incarcerated beyond the

expiration of their sentences, including those charged under the immigration act for irregular entry or stay.

The National Security Act allowed family members and lawyers to visit individuals detained for national security reasons and required authorities to inform a detainee of the grounds for detention within five days, or up to 15 days in exceptional circumstances. Human rights activists noted instances where these provisions were not followed.

The Unlawful Activities Prevention Act (UAPA) gave authorities the ability to detain persons for up to 180 days without charge in cases related to insurgency and terrorism. The UAPA had stringent bail provisions, particularly for those suspected of terrorism. State governments also reportedly held persons without bail for extended periods before filing formal charges under the UAPA. Civil society organizations expressed concern that the central government used the UAPA to target and arbitrarily detain human rights activists, members of minority groups, and journalists under the guise of national security.

Under the Armed Forces Special Powers Act (AFSPA), the central government could designate a state or union territory or a part of any region as a disturbed area, authorizing security forces in the state to use deadly force to maintain law and order and to arrest any person against whom reasonable suspicion existed, without informing the detainee of the grounds for arrest. The law also provided security forces immunity from civilian

prosecution for acts committed in regions under the AFSPA. Human rights organizations asserted the law violated the country's constitution and continued to call for its repeal. The Ministry of Home Affairs reduced the jurisdiction of the AFSPA in districts of Assam, Manipur, and Nagaland in April after it claimed improvements in the security situation in the northeast. The designation as a disturbed area under the AFSPA remained in effect in other parts of Nagaland, parts of Arunachal Pradesh, Manipur, and Assam, and a version of the law was in effect in J&K.

**Arbitrary Arrest:** The law prohibited arbitrary arrest or detention; however, police reportedly arrested persons arbitrarily, particularly under the UAPA. According to a study by the People's Union for Civil Liberties, the UAPA accounted for more than 8,000 arrests between 2015 and 2020. There were reports of police detaining individuals for custodial interrogation without identifying themselves or providing arrest warrants. Between 2014 and 2020, more than 7,000 persons were charged with sedition according to an NGO assessment. Government data presented to parliament in 2021 indicated no more than two persons were convicted of sedition annually from 2014-2019. The Supreme Court's decision to suspend the sedition law in May 2022 halted criminal sedition cases; this pause continued during the year.

On February 2, Kerala-based journalist Siddique Kappan was released from jail after more than two years of imprisonment. Multiple courts, including

the Supreme Court, granted Kappan bail on several criminal charges. UP police detained Kappan and student activist Atikur Rahman while traveling to Hathras in UP to investigate the alleged gang rape of a Dalit woman in 2020. Kappan and Rahman, both Muslims, were arrested and charged with sedition and provisions under the UAPA for allegedly promoting religious enmity between different groups. Media reports indicated Rahman was released from detention in June. Civil society organizations criticized these arrests as arbitrary and attributed their arrests to their identities and activism for marginalized groups.

On October 31, the Supreme Court announced it would hear student and human rights activist Umar Khalid's bail plea on November 22, which was then adjourned to January 2024. His bail hearing was repeatedly delayed since his arrest in 2020 under the UAPA. International and local activists demanded Khalid's release, noting he had been arbitrarily detained without trial since 2020.

**Pretrial Detention:** Pretrial detention was arbitrary and lengthy, sometimes exceeding the duration of the sentence given to those convicted. National Crime Records Bureau (NCRB) data reported 427,165 prisoners were awaiting trial at the end of 2021, totaling 77 percent of the country's prison population. Media reported the high numbers of pretrial detainees contributed to prison overcrowding. NCRB data showed 70 percent of individuals awaiting trial spent more than three months in jail before they

could secure bail. Pretrial detention disproportionately affected poor and marginalized groups who were often least capable of posting bail. In April, the central government stated it would provide financial support to persons unable to afford legal counsel, penalties, or bail amounts.

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

The law provided for an independent judiciary, and the government generally respected judicial independence, but the judicial system experienced delays, capacity problems, and allegations of corruption at lower levels. The central government and state governments generally adhered to Supreme Court and High Court rulings even when the courts ruled against government positions.

According to assessments of the country's judicial independence, however, the executive, in some instances, attempted to use its powers to reject or delay judicial appointments it found unfavorable. Academic experts noted the government tried to use the incentive of postretirement appointments to influence judges to pass judgements favorable to the ruling political party. Certain cases such as the Citizenship Amendment Act (CAA) and the validity of electoral bonds (a system of anonymous political donations instituted in 2017) had been on the Supreme Court docket for several years.

## **Trial Procedures**

The law provided for the right to a fair and public trial, except in proceedings that involved official secrets or state security, and the judiciary generally enforced this right.

Court capacity hampered the right to a timely trial. The judicial system had significant numbers of vacant positions for judges, remained seriously overburdened, and lacked modern case management systems, often leading to delayed or denied justice. The National Judicial Data Grid listed total pending criminal cases in the court system at more than 33.4 million as of October 25. Of these, 8.5 million cases had been pending for more than five years and 3.1 million for more than 10 years. Net numbers of unresolved criminal cases continued to rise, with approximately 1.4 million new cases instituted each month against a disposition rate of approximately 1.2 million cases.

Defendants, except for those booked under the UAPA, enjoyed the presumption of innocence. Defendants could choose their counsel. The constitution specified the state should provide free legal counsel to defendants who could not afford it, but sometimes capacity constraints led to limited access to competent counsel. Defendants had the right to confront accusers and present their own witnesses and evidence, but defendants sometimes did not exercise this right due to lack of proper legal representation. Between March 2020 and March 2022, the IJR reported a

greater than 66 percent decrease in the number of nationally sanctioned legal aid clinics providing representation.

## **Political Prisoners and Detainees**

There were no government reports of political prisoners or detainees. There were multiple reports of political prisoners from civil society organizations, members of marginalized groups, and minority political parties. They argued those held or charged with terrorism-related, defamation, or sedition crimes were political prisoners, often being held for their speech, advocacy, or nonviolent criticism of the government. Civil society organizations noted authorities granted irregular access to legal counsel for those prisoners and reportedly monitored prisoners' visits with counsel.

In August, All Parties Hurriyat Conference, a J&K organization advocating Kashmiri separatism, stated its chairman Mirwaiz Umar Farooq completed four years under house arrest without formal charges. The government denied that Farooq was under arrest.

## **f. Transnational Repression**

There were reports the government engaged in transnational repression against journalists, members of diaspora populations, civil society activists, and human rights defenders.

## **Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence of**



**Threats of Violence:** The government was alleged by other governments, diaspora communities, and human rights groups to have killed persons, or used violence or threats of violence against individuals in other countries, for reprisal. On September 18, Canadian Prime Minister Justin Trudeau announced his government was investigating allegations of a link between Indian government agents and the killing of a Sikh Canadian citizen, Hardeep Singh Nijjar, whom the Indian government alleged and designated as a terrorist, and who advocated for the creation of an independent Sikh state called Khalistan. The Indian government denied any involvement.

**Threats, Harassment, Surveillance, and Coercion:** Civil society organizations, members of diaspora populations, and journalists working outside the country and advocating for human rights reported experiencing threats, harassment, arbitrary surveillance, and coercion, including online, that they attributed to the government or individuals alleged to be connected to the government. They reported that some of their families, friends, or associates in India also experienced harassment and pressure from local authorities because of their human rights activities. They noted these activities created a “chilling effect” on their advocacy efforts and led to self-censorship, due to fear of reprisals against themselves and their families in India.

Civil society leaders noted the blocking of social media accounts in India and hashtags, takedown requests, and proliferation of conspiracy theories in the

country were examples of transnational repression against diaspora activists working to advance human rights and religious freedom. For example, on October 14, accounts of Hindus for Human Rights and the Indian American Muslim Council on X (formerly Twitter) were withheld in the country after it was noted X received a legal removal demand from the government. The government claimed the two accounts violated the Information Technology Act. The blocking of these two accounts came after Cabinet Minister Smriti Irani and IT Cell Head of the Bharatiya Janata Party (BJP) Amit Malviya publicly claimed that Hindus for Human Rights Executive Director Sunita Viswanath was working on behalf of philanthropist George Soros to allegedly “destroy India,” and that Indian American Muslim Council New Jersey President Tazeem Ansari was allegedly tied to the Pakistan-based Jamaat-e-Islami. After the X accounts of both organizations were blocked in October, Malviya renewed these claims on his social media account.

## **g. Property Seizure and Restitution**

There were numerous reports the government evicted persons from their places of residence, seized their property, or bulldozed homes and shops without due process or adequate restitution, citing illegalities in municipal rules and regulations. A civil society organization estimated the government demolished at least 43,000 homes between March 2020 and July 2021, as well as evicted approximately 21 persons every hour during that period. Human rights activists reported some state governments targeted vocal

critics from the Muslim community, especially after incidents of protests or communal violence, by using bulldozers to destroy their homes and livelihoods under municipal pretenses.

Following communal clashes between Hindu and Muslim communities in Haryana on July 31 and August 1, local officials demolished houses in a Muslim-majority district, claiming homes were used by perpetrators of communal violence and were built illegally on government land. On August 7, the Punjab and Haryana High Court directed the Haryana state government to halt the demolition. The court questioned whether the demolitions were “an exercise of ethnic cleansing” against members of the Muslim community. The Supreme Court issued a separate ruling ordering the central and state government to ensure protests were peaceful and described economic boycotts against Muslim businesses as “unacceptable.” The state government claimed the demolitions complied with the law. Human rights organizations widely criticized the demolitions, noting bulldozers became a “major extrajudicial tool” used to destroy homes, business, and places of worship for minority group communities.

Both the UAPA and the J&K-specific Public Safety Act allowed the government to seize property with limited due process or safeguards.

## **h. Arbitrary or Unlawful Interference with Privacy, Family,**

## Home, or Correspondence

While the constitution did not contain an explicit right to privacy, the Supreme Court ruled in 2017 that privacy was a “fundamental right,” but there were reports that the government sometimes failed to respect this right. The law required police to obtain warrants to conduct searches and seizures, except for cases in which such actions would cause undue delay. Police had to justify warrantless searches in writing to the nearest magistrate with jurisdiction over the offense.

There were reports government authorities accessed, collected, or used private communication arbitrarily or unlawfully to surveil or interfere with the privacy of individuals. Laws permitted the government to intercept calls to protect the sovereignty and integrity of the country, the security of the state, and friendly relations with foreign states; to maintain public order; and to prevent incitement to the commission of an offense. The government denied conducting surveillance in violation of the law or formally established procedures.

In March, press reported the government was allegedly seeking to acquire and spend up to \$120 million on new spyware contracts to replace its alleged contract with the NSO Group. The government did not acknowledge being a customer of the NSO Group, but human rights activists reported the government utilized spyware tools against opposition politicians, journalists,

and other individuals of interest. In October, media reported members of opposition political parties said they received warning messages from Apple that they were being targeted by state-sponsored attackers. The Information Technology Minister's Office expressed concern at the allegations and stated the government requested Apple to join its investigation into the matter.

In August, the government passed the Digital Personal Data Protection Act, noting it was meant to safeguard personal data. Civil society and media organizations criticized it for exempting the government from safeguards that protected the right to privacy recognized by the Supreme Court.

The UAPA also allowed use of evidence obtained from intercepted communications in alleged terrorism cases. In J&K, Punjab, and Manipur, security officials had special authorities to search and arrest without a warrant.

## **i. Conflict-related Abuses**

The country's armed forces, the security forces of individual states, and paramilitary forces engaged with terrorist groups in several northeastern states and J&K and with Maoist terrorists in the northern, central, and eastern parts of the country. The intensity of violence in these areas continued to decline. The army and security forces remained stationed in the northeastern states, Jharkhand, and Bihar. The armed forces and police

also engaged with terrorist groups in J&K.

There were reports that government security forces committed extrajudicial killings in these areas. According to human rights groups, police sometimes refused to release bodies. Authorities did not require the armed forces to report custodial deaths to the NHRC. There were few investigations and prosecutions of human rights abuses arising from these situations.

**Killings:** There were some reports that government security forces killed civilians during operations against terrorist organizations, which the government noted were unintended deaths, including of uninvolved individuals. In J&K, terrorists reportedly killed nine civilians.

On April 14, the Defense Ministry's military affairs department refused to allow Nagaland Police to prosecute 30 army commandos accused of killing 13 civilians in a "botched" counterinsurgency operation in Oting, a village in Nagaland, in 2021. The men were killed when the victims were erroneously identified as insurgents.

The government deployed security forces, including the army, to control the violence that ensued in the state of Manipur beginning in May. Between May 3 and November 15, at least 175 persons were killed and more than 60,000 internally displaced as a result of violence between the Kuki and Meitei ethnic groups. Hundreds of homes, businesses, and places of worship were reportedly burned or destroyed in the violence. The tensions

grew after the release of an April 19 Manipur High Court directive to the state government regarding the Meitei community's demand for Scheduled Tribe status, potentially threatening the land and other privileges the Kukis received as an officially designated tribal community. The violence emerged after a May 3 Kuki protest rally against the April Manipur High Court directive. The Supreme Court subsequently criticized this directive. On July 2, a Meitei mob allegedly beheaded David Theik, a Kuki villager in Churachandpur District. The government reportedly deployed army and 62 paramilitary forces to respond to the violence. Cases of investigations were filed but no prosecutions were reported as of December 1. Local human rights organizations, minority political parties, and affected communities criticized the national government for the delayed action to stop the violence and provide humanitarian assistance. The Supreme Court criticized the failure of the central government and the Manipur state government to halt the violence and appointed both a police official to investigate incidences of violence against women and a panel of retired senior judges to ensure the delivery of humanitarian assistance and the rebuilding of homes and places of worship. On September 4, UN experts urged the government to step up relief efforts and provide timely action to investigate acts of violence, hold perpetrators accountable, and foster a process of reconciliation between the Meitei, Kuki, and other impacted communities.

There were several acquittals in cases of killings of Muslims associated with communal violence in the state of Gujarat in 2002. On June 13, a Mumbai

court acquitted Mafat Gohil and Harshad Solanki for their roles in the Best Bakery riots case in which 11 Muslims and three Hindus were killed in Vadodara in the 2002 riots. On April 20, a Gujarat court acquitted all 67 accused in the Naroda Gam massacre where 11 Muslims were killed during the Gujarat 2002 riots. The Naroda Gam case occurred at the same time as the Naroda Patiya killings of 97 Muslims, in which the Gujarat High Court upheld convictions of 12 of the 29 accused. On January 25, a Gujarat local court acquitted 14 individuals accused of murdering 17 Muslims in Delol Village and burning their bodies to destroy the evidence during the Gujarat 2002 communal riots.

**Abductions:** Human rights groups maintained that insurgent groups abducted persons in Chhattisgarh, Manipur, and J&K.

On May 11, suspected Kuki militants allegedly kidnapped three Meiteis during ethnic violence in Manipur's Churachandpur District when the militants visited the Torbung Bangla Village to collect rice.

**Physical Abuse, Punishment, and Torture:** In the context of the violence in Manipur, media reported several women were raped and assaulted during the violence, including two Kuki women who were paraded naked and allegedly gang-raped by a Meitei mob on May 4 in Kangpokpi District. Prime Minister Narendra Modi described the incident as "shameful" and urged action on the case. As of November, seven persons were arrested for their involvement in this incident.



**Other Conflict-related Abuse:** On October 5, human rights defender Babloo Loitongbam's house in Manipur was vandalized by a mob. The UN Office of the High Commissioner of Human Rights expressed alarm over the threats against Loitongbam and urged authorities to protect him and his family.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

Individuals exercised freedom of expression by routinely criticizing the government publicly and privately via online platforms, television, radio, or print media, but there were numerous 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. Media organizations and individual journalists expressing views critical of the government were sometimes subjected to arrest, threats, or intimidation. Police were reported to have raided the workplaces and homes of journalists and seized telephones, laptops, and other devices. There were also reports of terrorists and extremists perpetrating killings, violence, and intimidation against journalists critical of the government.

According to Human Rights Watch's *World Report 2023*, "authorities intensified efforts to silence civil society activists and independent

journalists by using politically motivated criminal charges, including terrorism, to jail those exposing or criticizing government abuses. The government used foreign funding regulations and allegations of financial irregularities to harass rights groups, political opponents, and others. Authorities also continued to stop activists and journalists critical of the government, from traveling abroad.” Reporters Without Borders (RSF) in its *2023 World Press Freedom Index* found “the violence against journalists, the political partisan media, and the concentration of media ownership all demonstrate that press freedom is in crisis in the world’s largest democracy.”

**Freedom of Expression:** Independent media were active and generally expressed a wide variety of views, including those critical of the government, though some outlets faced increasing restrictions. The law prohibited content that could harm religious sentiments or provoke enmity among groups, and authorities invoked these provisions to restrict print media; broadcast media; digital media platforms, including streaming services; and publication or distribution of books. Mutilation or defacement of the national flag was punishable by up to three years of imprisonment.

On February 14, the Income Tax Department conducted a 60-hour search of the BBC’s Delhi and Mumbai offices. The search came shortly after the January release of a BBC documentary that alleged Prime Minister Modi played a role as then Chief Minister of Gujarat during the 2002 riots in the

state in which more than 2,000 died, mainly Muslims. Although tax authorities described the search as motivated by irregularities in the BBC's tax payments and ownership structure, officials also searched and seized equipment from journalists who were not involved in the organization's financial processes. The government invoked emergency powers to ban screening of the documentary, forced media companies to remove links to the video, and detained student protesters who organized viewing parties.

News organizations in the country alleged financial regulations governing media organizations were complicated and fast-changing, rendering it difficult to achieve full compliance. This enabled the government, in their view, to selectively enforce these regulations when news organizations were critical of the government. There were multiple reports of journalists and human rights activists being investigated in J&K, with at least 35 journalists reporting facing assaults, police interrogations, raids, fabricated cases, and restrictions on movement since 2019.

On March 20, Human Rights Watch stated the 2021 arrest of Kashmiri journalist Irfan Mehraj by the National Investigation Agency was emblematic of the continuing pattern of repression of human rights defenders and journalists in J&K under the UAPA. The NGO RFK Human Rights continued to call for the release of Kashmiri human rights defender Khurram Parvez, also arrested in 2021, who remained imprisoned as of December 4. Press reported journalist Fahad Shah (arrested in 2022) was released on bail on

November 23. The High Court of J&K stated the Special Investigation Agency lacked evidence to try Shah for terrorism.

**Violence and Harassment:** There were reports from journalists and NGOs that government officials at local and national levels intimidated media outlets through physical harassment and attacks, pressuring owners, targeting sponsors, encouraging frivolous lawsuits, blocking communication services in some areas, such as mobile telephones and the internet, and constraining freedom of movement. NGOs alleged criminal prosecutions and investigations were used to intimidate journalists critical of the government. Online and mobile harassment was prevalent, and reports of internet trolling continued to rise, particularly targeting women journalists. In some instances, police used information provided by anonymous social media users as a pretext to initiate criminal proceedings against journalists.

The RSF *2023 World Press Freedom Index* described the country as “one of the world’s most dangerous countries for the media,” with an average of three to four journalists killed in connection with their work every year by police, political activists, criminal groups, and local officials. Violence against journalists, an increasingly politically partisan media landscape, and the concentration of media ownership in the hands of government-allied business interests constituted a press freedom “crisis” in the world’s largest democracy, the RSF report stated. It noted reporters in Kashmir were often harassed by police and paramilitaries, and some were subjected to

“provisional” detention for up to several years.

On May 3, police arrested and detained freelance journalist Sakshi Joshi as she covered a protest by wrestlers in Delhi. Women officers shoved Joshi and tore her clothes before pushing her into a police bus. Police held Joshi for approximately one hour, then released her without charge. Media bodies called for strict action against the police officers involved in the incident.

On May 22, Manipur state security forces allegedly assaulted three journalists – Soram Inaoba and Nongthombam Johnson from Mami TV and Brahmacharimayum Dayananda from news agency ANI – for recording footage of riots and arson. Security forces dragged the journalists from a building, tore their clothes, and beat them with batons. Manipur authorities claimed the journalists threw stones at a government-operated drone, which the journalists denied.

### **Censorship or Content Restrictions for Members of the Press and Other**

**Media, Including Online Media:** The press and other media sometimes enjoyed editorial independence, but the government restricted content based on broad public and national interest provisions. Civil society organizations expressed concern that progovernment business interests buying stakes in media organizations could compromise media independence. Press and other media reportedly practiced self-censorship due to fear of government reprisals.

On January 17, the Ministry of Electronics and Information Technology introduced an amendment to its Information Technology Rules of 2021 that gave authority to the government's Press Information Bureau to determine the veracity of news reports and order the removal of "fake" or objectionable content. The amendment entered into effect in April.

The government maintained a monopoly on AM radio stations, limiting broadcasting to the state-owned All India Radio, and restricted FM radio licenses to entertainment and educational content. State governments banned the import or sale of selected books that contained material government officials deemed inflammatory or as having potential to provoke communal or religious tensions.

On July 29, political analyst Badri Seshadri was arrested in Chennai by Tamil Nadu police for comments in a YouTube video criticizing the Chief Justice of India, D.Y. Chandrachud, for the court's actions related to curtailing the violence in Manipur.

**Libel/Slander Laws:** Libel and slander were criminal offenses. The government used laws to restrict public discussion and retaliate against journalists, members of marginalized groups, and political opponents.

In July, media reported Maharashtra police filed more than 600 cases of libel and slander in the last two years against social media users for offensive religious content.

In June, the Karnataka High Court dismissed a case filed by X (formerly Twitter) in 2022 against the government regarding its order to block certain social media accounts. The court order also imposed a fine for noncompliance of government orders.

**National Security:** Authorities cited laws against terrorism or protecting national security to arrest or punish critics of the government. On July 8, Manipur police filed sedition charges against a three-member fact-finding team of the National Federation of Indian Women for describing violence in Manipur as “state-sponsored” after their visit to Imphal. The Supreme Court granted the accused interim protection from arrest on July 11.

Media watchdog groups expressed concern regarding the “excessive” use of the UAPA against journalists. On March 20, the National Investigation Agency arrested Kashmiri journalist Irfan Mehraj on terrorism-financing charges filed under the UAPA. The agency identified Mehraj as working in association with the Jammu Kashmir Coalition of Civil Society to spread a “secessionist agenda” in the region.

## **Internet Freedom**

The government restricted and disrupted access to the internet and censored online content; there were also reports the government frequently monitored users of digital media such as chat rooms and person-to-person communications. The law permitted the government to block internet sites

and content and criminalized sending messages the government deemed inflammatory or offensive. Both the central government and state governments had the power to issue directives for blocking, intercepting, monitoring, or decrypting computer information. Court rulings and laws specified conditions and procedures required for the suspension of internet access. Civil society organizations asserted authorities did not consistently meet these requirements.

The government repeatedly imposed internet shutdowns and blocked telecommunications, including the internet in certain regions, particularly during periods of political unrest. The Internet Freedom Foundation and Human Rights Watch published a report *“No Internet Means No Work, No Pay, No Food” - Internet Shutdowns Deny Access to Basic Rights in “Digital India”* in June. The report noted consistent disregard for the Supreme Court’s directions that internet access should only be suspended in unavoidable situations and shutdown orders should be published. The report listed 127 instances of internet shutdowns from December 2019 to December 2022. During this period, 18 states shut down the internet at least once, and 11 did not publish shutdown orders.

In some cases, government authorities cited laws protecting national interest to justify media content restrictions. More than 150 websites and YouTube-based news channels were taken down by the Ministry of Information and Broadcasting since 2021 for producing “anti-India” content.



On March 28, Punjab authorities suspended the social media accounts of several journalists and media organizations in Punjab, including the BBC's Punjabi service. These suspensions came as part of broader blackouts on internet services and social media activity as authorities conducted a manhunt for Amritpal Singh, leader of Waris Punjab De, a Sikh-political group supportive of the Khalistan movement. Police restored access to the suspended accounts several days later. Media bodies expressed deep concern over this "arbitrary" suspension of these social media handles, saying no due processes were followed and the suspensions were carried out against the principles of natural justice.

Despite the ruling of the Manipur High Court, internet shutdowns continued in Manipur as of November 15. The internet was completely cut off in the state on May 3 after the escalation of ethnic conflict, and the cutoff was extended through multiple government orders. The ban was partially lifted in subsequent months, largely for government officials and broadband users, but mobile internet services, social media websites, and virtual private network services remained suspended for most individuals as of November 15. Human rights organizations criticized the state-wide internet ban. For example, Amnesty International stated the blackout prevented the world from "seeing the true extent of the serious human rights violations" taking place in Manipur. On July 20, the National Commission for Women cited privacy concerns as it directed X (formerly Twitter) to remove a video showing two Manipur women being paraded naked and sexually assaulted

by a group of men.

The government developed the Centralized Monitoring System, which allowed government agencies to monitor electronic communications in real time. There were no requirements for authorities to receive a judicial order before conducting monitoring, but they were required to obtain an order from the Ministry of Home Affairs or the state-level equivalent to the ministry. A Ministry of Home Affairs committee was required to meet every two months to review intercept orders granted under emergency provisions, which were limited to a maximum of 180 days.

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

The law provided for the freedoms of peaceful assembly and association. While the government regularly respected the right of freedom of assembly, the government sometimes limited freedom of association, especially for members of civil society organizations, minority groups, human rights defenders, and those critical of the government.

### **Freedom of Peaceful Assembly**

The law provided for freedom of assembly. Authorities often required permits and notification before parades or demonstrations, and local governments generally respected the right to peacefully assemble and express opinions. NGOs reported those protesting against government

policies or laws faced restrictions, reprisals, or actions from law enforcement. In J&K, the state government sometimes denied permits for public gatherings to political parties advocating for separatism, and security forces reportedly detained and assaulted members of political groups engaged in peaceful protest. During periods of civil unrest in J&K, authorities used the law to ban public assemblies and impose curfews.

In March, police conducted a manhunt for Waris Punjab De leader Amritpal Singh after he was accused by police of attempted murder, obstruction of law enforcement, and creating “disharmony” in society. During the manhunt, authorities deployed thousands of paramilitary police and restricted internet and mobile messaging services for nearly 30 million individuals across the Punjab state. Authorities reportedly arrested more than 200 persons while conducting the search for Singh. On April 23, Singh surrendered to police and was arrested under the National Security Act. He remained in the Dibrugarh central jail in Assam as of December 1.

Civil society organizations noted the use of internet and text messaging restrictions was harmful to the broader population of Punjab. Organizations noted the government also used a section of the criminal code, which prohibited gatherings of four or more persons, and charged those in violation with rioting.

In July, the government permitted a march in Srinagar, the main city of Kashmir, allowing Shia Muslims to mark the religious Muharram event. This

procession represented the first government-sanctioned recognition of the event in Srinagar since it was banned in 1989. The government imposed some restrictions on the use of slogans or the display of logos of any banned organizations.

Some human rights activists alleged law enforcement denied their right to assemble and hold discussions and issued letters requesting for events to be canceled.

### **Freedom of Association**

The law provided for freedom of association, but the government increased monitoring and regulation of foreign funding for NGOs and limited which organizations could receive licensing to operate. Civil society organizations criticized the government for creating a restrictive operating environment, citing the difficulty human rights organizations experienced receiving foreign funds under the Foreign Contribution Regulation Act (FCRA). Affected organizations reported the government suspended foreign banking licenses or froze accounts of organizations that allegedly received foreign funding without prior authorization or that unlawfully mixed foreign and domestic funding, making it harder for those organizations monitoring or investigating human rights conditions to do their work.

In March, the Supreme Court upheld the constitutionality of a provision of the UAPA criminalizing passive membership in a banned organization. The

decision reversed three 2011 Supreme Court cases that distinguished between active and passive membership in banned organizations.

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

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights, although civil society organizations reported there were instances where the government prohibited these rights.

**In-country Movement:** The central government relaxed restrictions on travel by foreigners to Arunachal Pradesh, Nagaland, Mizoram, Manipur, and parts of J&K, excluding foreign nationals from Pakistan, China, and Burma. The Ministry of Home Affairs and state governments required citizens to obtain special permits when traveling to certain states. Inner Line Permits were required in the states of Arunachal Pradesh, Nagaland, Mizoram, and Manipur.

**Foreign Travel:** The government could legally deny a passport to any applicant for engaging in activities outside the country “prejudicial to the

sovereignty and integrity of the nation.”

### **e. Protection of Refugees**

Although the country did not have a specific law to govern policy toward refugees, the Office of the UN High Commissioner for Refugees (UNHCR) reported it worked in close coordination with the government and other humanitarian organizations in providing minimal protection and assistance to refugees, returning refugees, and asylum seekers, as well as other persons of concern. UNHCR cited a recent increase in asylum seekers requesting registration and assistance that it attributed to violence and instability in neighboring countries. UNHCR maintained formal partnership agreements with nine national NGOs operating in the country.

UNHCR reported more than 13,078 Afghan refugees and asylum seekers registered with the agency and 30,313 refugees and asylum seekers from Burma. As of July, the government was providing protection and assistance to 91,534 refugees from Sri Lanka and 72,291 from Tibet. Both central and state governments assisted and provided protection for new refugees and asylum seekers. In 2021, the Ministry of Home Affairs announced an emergency e-visa for Afghan nationals seeking emergency entry into India after the Taliban takeover and indicated that no Afghan national would be required to leave the country without prior approval from the Ministry of Home Affairs. According to a 2021 parliamentary inquiry, the government

reportedly issued approximately 200 of these emergency visas out of tens of thousands of applications.

Refugees in the country received the constitutional protections that were afforded to noncitizens.

In many cases, refugees and asylum seekers under UNHCR's mandate reported increased obstacles to regularizing their status through long-term visas and residence permits.

**Access to Asylum:** The law did not provide for the granting of asylum or refugee status, and the government had not established a system for providing protection to refugees. 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 generally respected UNHCR decisions on refugee status determination for individuals from other countries.

**Refoulement:** The government advocated for the return of refugees to Burma. According to UNHCR, at least 26 non-Rohingya refugees (of an estimated 40,000) had been deported since late 2016, with no known reports of deportation during the year.

**Abuse of Refugees and Asylum Seekers:** The law did not contain the term

“refugee,” treating refugees as any other foreigner. Undocumented physical presence in the country was a criminal offense. Persons without documentation were vulnerable to detention, forced returns, and abuse. The country historically treated persons as refugees based on the merits and circumstances of the cases.

NGOs reported law enforcement officials harassed and intimidated Rohingya refugees, including by confiscating UNHCR-issued refugee cards and government identification documents. On July 18, J&K police allegedly shot at and tear-gassed a group of approximately 200 Rohingya refugees at a detention center in Jammu. The refugees were on a hunger strike to protest their detention since 2021. Officials said six police personnel and 10 Rohingyas were injured. The family of a girl age five months alleged she died due to inhalation of smoke from the teargas shells lobbed at the protesters. Police and holding center officials denied the claims and alleged the girl died from illness. Media reports showed pictures of the girl’s parents being brought in handcuffs for her burial. Senior police and prison officials said they had no information regarding the use of handcuffs and their staff were not involved.

UNHCR continued to advocate for the release of detained refugees, for asylum seekers to freely move within the country and have their claims assessed, and for refugees to receive protection in the state where they arrived, and which had jurisdiction over them.



**Freedom of Movement:** There were reports of undue restrictions on the freedom of movement for refugees and asylum seekers. There were reports of refugees being arrested or detained for not having appropriate paperwork. Police reportedly sometimes required refugees to return temporarily to camps on short notice, particularly during elections. Tamil Nadu had 107 refugee camps across the state, including one detention camp for refugees with criminal records. Sri Lankan refugees were permitted to work in Tamil Nadu.

Between January 1 and June 30, Tripura police arrested 354 “illegal immigrants,” including 52 Rohingyas who entered the state without valid documents.

On July 24, the UP police antiterrorism squad arrested 74 Rohingyas, including 55 men, 14 women, and five children, as part of a drive to identify illegal immigrants.

There were no restrictions on the movement of Tibetan refugees.

**Employment:** Most UNHCR-registered refugees found employment in the informal sector, similar to members of their host communities; however, some refugees reported discrimination by employers and landlords. According to UNHCR, obtaining formal employment was difficult for refugees because they did not possess government-issued documents such as long-term visas, which the government stopped issuing to refugees in

2017.

**Access to Basic Services:** Refugees and asylum seekers had access to housing, primary and secondary education, and health care. In cases where refugees were denied access, it was often due to a lack of knowledge of refugee rights by the service provider.

**Durable Solutions:** A ferry project jointly proposed by the government and the government of Sri Lanka for the repatriation of refugees remained on hold. Departures for voluntary repatriation, third country resettlement, and complementary pathways continued.

## **f. Status and Treatment of Internally Displaced Persons (IDPs)**

Settlements of internally displaced persons existed throughout the country. According to 2022 data from the Internal Displacement Monitoring Center, there were 2.5 million persons living in protracted displacement due to natural disasters and 631,000 persons living in protracted displacement due to historical violence and conflict, nearly half of whom were in J&K.

National policy or legislation did not address the matter of internal displacement resulting from armed clashes or from ethnic or communal violence. The welfare of IDPs was generally the purview of state governments and local authorities, and there were reports of gaps in

services and poor accountability. The central government provided limited assistance to IDPs but allowed NGOs and human rights organizations access to some IDPs; neither access nor assistance was standard for all IDPs or all situations. Precise numbers of those displaced by violence were difficult to obtain. While authorities registered residents of camps, an unknown number of displaced persons resided outside the camps.

According to an April 27 media report, most eligible Bru families that fled Mizoram due to ethnic tensions in 1997 were resettled in 12 designated areas in Tripura. According to Tripura government officials, a total of 6,159 families comprising 37,136 Bru individuals were eligible to be resettled in the state.

According to a January 11 media report, more than 55,000 Gutti Koya, an Indigenous group native to Chhattisgarh, were displaced by the violence of Salwa Judum, an allegedly state-backed militia, and they continued to live in the forest areas of Telangana and Andhra Pradesh as IDPs. The report claimed they were not permitted to own land and were denied “Scheduled Tribe” status, which could have made them eligible for statutory benefits.

For further information about IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org>.

## **g. Stateless Persons**

The administration of nationality laws and difficulties related to birth registration contributed to statelessness. By law parents conferred citizenship, and birth in the country did not automatically result in citizenship. Any person born in the country on or after January 26, 1950, but before July 1, 1987, obtained citizenship by birth. A child born in the country on or after July 1, 1987, obtained citizenship if either parent was a citizen at the time of the child's birth. Authorities considered 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 did not consider those born outside the country after December 3, 2004, citizens unless their birth was registered at a consulate within one year of the date of birth. Authorities could also confer citizenship through registration in specific categories and via naturalization for individuals residing in the country for 12 years.

Children born in Sri Lankan refugee camps received birth certificates. While these certificates alone did not entitle refugees to citizenship, refugees could present birth certificates to the Sri Lankan High Commission to obtain a consular birth certificate, which entitled them to pursue Sri Lankan citizenship.

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

The constitution provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage for all citizens age 18 and older.

### Elections and Political Participation

**Abuses or Irregularities in Recent Elections:** National elections were widely reported to be free and fair, and without abuses and irregularities. State-level elections took place during the year in Tripura, Meghalaya, Nagaland, Karnataka, Mizoram, Chhattisgarh, Madhya Pradesh, Rajasthan, and Telangana. The elections were considered free and fair. In September, media reported political parties used disinformation and harassment campaigns on social media to influence election results.

**Political Parties and Political Participation:** While there were no restrictions placed on the formation of political parties or on individuals of any community from participating in the election process, there were obstacles reported by members of opposition political parties, including reprisals for criticism of government officials or policies, disinformation attacks, and inability to use social media freely for campaigning. The election law banned the use of government resources for political

campaigning, and the Election Commission effectively enforced the law. The commission's guidelines banned opinion polls 48 hours prior to an election and the release of exit poll results until completion of the last phase (in a multiphase election).

There were reports of electoral violence, principally in West Bengal state elections, where 52 persons were reported killed in the context of rural council elections that took place on July 8.

On March 23, opposition Congress Party leader and Member of Parliament Rahul Gandhi was convicted and sentenced to two years of prison by a court in Gujarat, under charges of defamation related to remarks he made against Prime Minister Narendra Modi during the 2019 general election campaign. The case was filed by BJP legislator Purnesh Modi, who alleged Gandhi had defamed all persons with the surname "Modi" when he asked why "all thieves have Modi as [their] common surname." The two-year sentence given for the conviction, the maximum permissible for the crime, also led to Gandhi's automatic suspension from serving as a member of parliament. Members of the Congress Party and activists criticized the conviction and resulting suspension, and questioned whether the charges could be considered defamation when such charges were actionable if defamation occurred against a specific individual rather than comments regarding a generic class of persons. The conviction, if applied, would have disqualified Gandhi from holding any public office and made him ineligible to contest the

2024 general elections, which the opposition noted was an attempt by the BJP to prevent “the leading face of the opposition” and the Congress Party from freely participating in the electoral process. On August 4, the Supreme Court suspended Gandhi’s March conviction on the grounds that the lower courts did not offer any reason for the imposition of the maximum sentence. The Supreme Court observed that public figures were expected to exercise caution while making public speeches and that Gandhi ought to have been more careful. On August 7, Gandhi was reinstated as a member of parliament.

### **Participation of Women and Members of Marginalized or Vulnerable**

**Groups:** Religious, cultural, and traditional practices were barriers to women’s proportional participation in political institutions. In September, parliament passed the Constitution (One Hundred and Sixth Amendment) Act, known as the Women’s Reservation Bill. The law reserves 33 percent of the seats in the lower house of parliament and state legislative assemblies for women.

## **Section 4. Corruption in Government**

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. Nevertheless, there were numerous reports of government corruption during the year.

**Corruption:** Corruption was present at multiple levels of government. The

office of the country's anti-corruption ombudsman reported it had received 169 formal corruption complaints from 2021 until June.

NGOs reported the payment of bribes to expedite services, such as police protection, school admission, water supply, and government assistance. Civil society organizations drew public attention to corruption throughout the year, including through demonstrations and websites that featured stories of corruption.

For additional information regarding corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

Some domestic and international human rights groups engaged in advocacy or monitoring of human rights trends operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Nevertheless, numerous human rights groups faced restrictions, noting government officials rarely cooperated with human rights NGOs.



In March, the minister of state for home affairs told parliament the government canceled registration certificates of 1,827 nonprofit associations across the country under the provisions of the FCRA between 2017 and 2022. Many international organizations active in monitoring or inquiring on human rights or working with local organizations had their FCRA licenses suspended or revoked, prohibiting them from accessing foreign funding. In some cases, following the loss of a FCRA license, the tax authority revoked the organization's nonprofit status and associated tax benefits. Organizations reported a climate of self-censorship and fear, while some stated they were denied FCRA renewals as reprisal for their work on "politically sensitive" topics such as human rights or environmental activism. According to a media report, 5,789 of these NGOs did not apply for renewal, stating the renewal and potential cancellation of the FCRA license was one of "the biggest hazards of our operations." Activists indicated some organizations found it difficult to comply with the FCRA, especially after the government further strengthened regulations in a 2020 amendment. In April, the Central Bureau of Investigation filed a case against Oxfam India alleging violations of the FCRA. On August 4, media reported the Ministry of Home Affairs withdrew the FCRA permit for Save the Children's domestic partner Bal Raksha Bharat, a child rights NGO. The Ministry of Home Affairs also suspended the FCRA licenses of the Center for Policy Research and the Center for Equity Studies.

On July 17, the Ministry of Home Affairs set up a helpdesk for NGOs to

submit queries related to the FCRA.

The NHRC worked cooperatively with numerous NGOs, and several NHRC committees had NGO representation. Some human rights monitors in J&K were able to document human rights abuses, 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.

**Retribution against Human Rights Defenders:** There were numerous reports of threats and violence against human rights defenders, particularly those representing women, religious minorities, and marginalized communities. The Front Line Defenders' *Global Analysis 2022* report noted the case of the human rights defender Gokarakonda Naga Saibaba, who remained imprisoned under the UAPA. In August, the UN special rapporteur on the situation of human rights defenders said Saibaba's detention was inhuman, noting his severe health conditions.

**The United Nations or Other International Bodies:** The government generally cooperated with visits by UN representatives or UN-recognized regional organizations, but the United Nations had limited to no access to J&K and the northeastern states, including Manipur.

**Government Human Rights Bodies:** The NHRC was the statutory body established by an act of parliament to investigate and remedy instances of human rights violations and to promote public awareness of human rights. It was directly accountable to parliament but worked in close coordination with the Ministry of Home Affairs and the Ministry of Law and Justice. The law authorized the NHRC to issue summonses and compel testimony, produce documentation, and requisition public records. The NHRC also recommended appropriate remedies for abuses in the form of compensation to the victims of government killings or their families.

The NHRC had neither the authority to enforce the implementation of its recommendations nor the power to address allegations against military and paramilitary personnel. In March, a UN-affiliated agency deferred the NHRC's reaccreditation for one year, making it ineligible to represent the country at the UN Human Rights Council. The NHRC's status was not reauthorized due to concerns of police involvement in NHRC investigations, political interference in appointments, and insufficient action to protect marginalized groups, among other concerns.

The law mandated the creation of state human rights commissions. As of September, there were 26 state-level human rights commissions. Human rights groups alleged local politics influenced state committees, which they claimed were less likely to offer fair judgments than the NHRC.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** The law provided varying degrees of punishment for rape based on factors such as the age of the survivor. The law criminalized rape in most cases with a minimum punishment of 10 years' imprisonment, but marital rape was not illegal when the woman was older than 15. According to legal experts, the law did not criminalize rape of adult men. The minimum sentence for the rape of a girl younger than 16 was between 20 years and life imprisonment; the minimum sentence for gang rape of a girl younger than 12 was either life imprisonment or the death penalty. The NCRB's *2021 Crime in India* report stated 428,278 crimes against women were reported in 2021 (the most recent data available), including rape and domestic violence. National crime statistics indicated women from marginalized, vulnerable, and tribal communities, including Dalit women, were disproportionately victimized.

Law enforcement and legal recourse for rape survivors were inadequate, and the judicial system was unable to address the problem effectively. The NGO International Center for Research on Women noted low conviction rates in rape cases was one of the main reasons sexual violence continued unabated and at times unreported. NGOs observed the length of trials, lack of survivor support, and inadequate protection of witnesses and survivors

were major concerns.

The government made efforts to address the length of rape trials and sought to expedite cases involving women. As of July, 855 fast-track courts were functioning across the country. In addition, several high courts also directed state governments to establish more fast-track courts to promptly conclude pending rape cases. In some cases, police encouraged reconciliation between rape survivors and their attackers or encouraged women rape survivors to marry their attackers. There were reports that so-called virginity tests were employed during forensic examinations of rape survivors.

Civil society organizations provided sexual-assault awareness and survivor-centered, nonstigmatizing, confidential, and free care to survivors of violence and facilitated referrals to tertiary care, social welfare, and legal services. Some also provided short-term shelter for women and child survivors of rape. Some of these services were intended to encourage women and children to report cases.

The central government implemented programs to improve the safety and security of women while reporting violence. This included centers for reporting and accessing health support, women help desks at police stations to facilitate reporting, an emergency response support system via a mobile application for reporting emergencies, and training programs for police, prosecutors, medical officers, and the judiciary to respond to victims in

compassionate and respectful ways.

In May, several women wrestlers were detained by police in Delhi during protests demanding the arrest of Wrestling Federation of India President Brij Bhushan Sharan Singh concerning allegations of sexual harassment. The case against Singh was under investigation.

As of October 26, the Supreme Court had not ruled on the petitions challenging the early release of 11 men serving life sentences after being convicted of gang-raping Bilkis Bano and killing 14 members of her family during the 2002 Gujarat riots, including Bano's daughter, age three. The men were released from prison in 2022 after they became eligible for parole under court sentencing guidelines.

**Female Genital Mutilation/Cutting (FGM/C):** There was no national law that addressed FGM/C, although litigation was pending in the Supreme Court since 2017 seeking to ban the practice. Between 70 and 90 percent of Dawoodi Bohras, a religious group of approximately one million persons concentrated in Maharashtra, Gujarat, Rajasthan, and Delhi, were believed to engage in the practice of FGM/C, according to human rights groups and media reports.

**Other Forms of Gender-based Violence or Harassment:** Widespread 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.”

On June 16, former Director General of Police in Tamil Nadu Rajesh Das was found guilty of sexual abuse by a court in Villupuram and sentenced to a three-year prison term and a fine. A woman Indian Police Service officer accused Das of the abuse in 2021.

NGOs reported tribal women experienced disproportionate levels of sexual violence, with cases of rape among women in Scheduled Castes and Scheduled Tribes (SC/ST) representing 15 percent of total reported incidents despite SC/ST representing 5 percent of the population. A report by the Parliament Standing Committee on Home Affairs on atrocities and crimes against women and children highlighted the poor conviction rates and high rate of pending cases related to crimes against women belonging to SC/ST communities. The report stated that while there was an increase of approximately 16 percent in crimes against women and children from SC/ST communities in 2017-19, the conviction rate in the same period was as low as 27 percent, with the pending rate at 84 percent.

The law forbade the acceptance of marriage dowries, but many families continued to offer and accept dowries, and dowry disputes sometimes led to violence. Most states employed dowry prohibition officers. All trial courts were required to charge defendants in dowry death cases with murder. On May 19, a woman was allegedly strangled to death by her in-

laws in Jharkhand's Palamu District. Her parents informed police she was tormented on a regular basis because her in-laws demanded rupees 500,000 (\$6,000) in dowry, which they could not afford. Police later registered a case against seven family members, including her husband.

In some cases, the widespread practice of arranged marriage resulted in forced marriage, which was illegal. There were reports of women being attacked when they refused to marry. In May, villagers physically assaulted a tribal girl, shaved her head, and paraded her with shoes around her neck on the directions of the village council in the Palamu District of Jharkhand after she refused to marry the man chosen by her family.

There were reports women and girls in the *devadasi* system of symbolic marriages to Hindu deities (a form of ritual prostitution) were victims of rape or sexual abuse at the hands of priests and temple patrons, including sex trafficking. This practice was found in Karnataka, Maharashtra, Andhra Pradesh, and Tamil Nadu, and it almost always targeted girls from SC/ST communities. NGOs suggested families exploited girls from lower castes to mitigate household financial burdens and the prospect of marriage dowries. The practice deprived girls of their education and reproductive rights and subjected them to stigma and discrimination. Legislation in Tamil Nadu, Andhra Pradesh, Karnataka, and Maharashtra prohibited the devadasi system and provided aftercare services to women and girls affected by the practice. Enforcement of these laws was lax.



No federal law addressed accusations of witchcraft, but some states had laws criminalizing accusing others of witchcraft. Authorities could use other legal provisions as an alternative for punishing an individual accused of witchcraft. The NCRB reported 68 deaths with witchcraft listed as the motive in 2021. On July 24, two women were reportedly killed in Odisha on suspicion of practicing witchcraft. Men were also sometimes accused, and in Kendrapara District, media reported a mob of villagers killed a man on suspicion of practicing sorcery. The case was under investigation.

Some states, such as Jharkhand and Odisha, carried out awareness campaigns to reduce witchcraft-related killings. According to a media report, the government's objective was to encourage a rational approach, dissuade persons from believing in superstitions, and urge persons to consult physicians instead of relying on village healers and shamans.

**Discrimination:** Women faced discrimination in employment, occupation, and access to credit. Many tribal land systems, including in Bihar, denied tribal women the right to own land. Other laws or customs relating to the ownership of assets and land accorded women little control over land use, retention, or sale. The government did not effectively enforce discrimination laws.

The law prohibited discrimination in the workplace and required equal pay for equal work, but employers reportedly often paid women less than men for the same job, discriminated against women in employment, and

promoted women less frequently than men.

**Reproductive Rights:** There were reports of coerced abortion or involuntary sterilization on the part of government authorities. 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 and guidelines that penalized families with more than two children were not widely enforced but remained in place in various states. Certain states maintained quotas for government jobs and subsidies for adults with no more than two children. For example, Assam linked a two-child policy to accessing state government benefits and running for certain offices.

Many states promoted sterilization of women as a family planning method, which resulted in risky, substandard procedures and limited access to nonpermanent methods. The central government did not have the authority to regulate state public health policies. Authorities in some areas paid health workers and facilities a fixed amount for each sterilization

procedure and imposed quotas for sterilizations of women. Care provided to women at public health facilities, particularly to those from marginalized and low-income groups, was often inadequate, and this contributed to a reluctance to seek treatment. Government initiatives resulted in a significant increase in institutional births, but there were reports that health facilities continued to be overburdened, underequipped, and undersupplied.

Government directives instructed health facilities to ensure survivors of all forms of sexual violence received immediate access to health-care services including emergency contraception. Implementation of the directives was uneven due to limited resources and social stigma.

Limited access to quality reproductive and maternal health-care services – including prenatal care, skilled care at childbirth, and support in the weeks after childbirth – contributed to maternal mortality. In 2022, the Registrar General released a special bulletin on the country’s maternal mortality rate (MMR), which dropped from 113 in 100,000 during 2016-18 to 103 in 100,000 during 2017-19. The states of Rajasthan, UP, Madhya Pradesh, Chhattisgarh, Bihar, Odisha, and Assam had a “very high” MMR of 130+ in 100,000 live births. The percentage of women receiving the recommended number of prenatal care visits, delivering at a health facility, and receiving a postnatal checkup was lowest among those from the poorest households.

## **Systemic Racial or Ethnic Violence and Discrimination**

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

Discrimination against SC/ST continued, particularly in rural areas. The NCRB reported 50,900 crimes against Scheduled Castes in 2021.

There were several media reports of societal violence against members of the Dalit castes. On April 6, media reported six individuals were arrested after the March 26 mob killing of M. Mallesh, a Dalit living in the Sangareddy District of Telangana who was accused of stealing electric cables from agricultural fields.

On September 23, press reported moneylender Pramod Singh, his son, and other unidentified persons in Bihar's Patna District allegedly stripped, beat, and urinated on a Dalit woman regarding a loan dispute. The chief minister stated action would be taken against the perpetrators.

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 that some teachers refused to correct the homework of Dalit children, refused to provide midday meals to Dalit children, and asked Dalit children to sit separately from children of upper-caste families.

In December 2022, media reported human feces were allegedly dumped in the overhead drinking water tank supplying water to Dalit families in Vengaivayal Village in Tamil Nadu. Several persons were hospitalized after drinking the water allegedly contaminated by upper-caste individuals. Authorities found credible allegations of caste discrimination in the village, which banned Dalits from entering the local temple. Villagers petitioned the court, and their counsel said there had been no tangible progress in the investigation. On July 3, the Madras High Court granted more time to a commission to investigate the case.

Discrimination occurred in the informal sector with respect to Dalits, Indigenous persons, and persons with disabilities. The American Bar Association report, *Challenges for Dalits in South Asia*, noted, “Dalits have been provided with reservations (or quotas) for government jobs; however, reservations do not apply to private sector jobs.”

## Indigenous Peoples

The constitution provided for the social, economic, and political rights of disadvantaged groups of Indigenous persons. The law provided special status for Indigenous individuals, but authorities often denied their rights in practice, and there were reports the government or its agents threatened or inflicted violence on Indigenous persons.

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

On July 5, Madhya Pradesh police arrested Pravesh Shukla under the National Security Act after a viral video on social media showed him abusing and urinating on a tribal laborer.

On July 11, Madhya Pradesh police arrested a government official for sexually harassing tribal girl students during an unannounced inspection of their hostel in Jhabua.

## Children

**Birth Registration:** Children lacking citizenship or birth registration could be unable to access public services, enroll in school, or obtain identification documents later in life.

**Child Abuse:** The law prohibited child abuse, but did not recognize physical abuse by caregivers, neglect, or psychological abuse as punishable offenses. The *Crime in India Report 2021* showed 53,874 cases of child sexual abuse were registered in 2021 under the Protection of Children from Sexual Offences Act (POCSO). According to the report, 5,079 persons were convicted and 10,099 acquitted. A 2022 report from the Vidhi Centre for Legal Policy and the World Bank found that 78 percent of POCSO cases filed between November 2012 and February 2021 were pending.

**Child, Early, and Forced Marriage:** The law set the legal age of marriage for women at 18 and men at 21, and empowered courts to annul early and forced marriages. Authorities did not consistently enforce the law or address the practice of rape survivors being forced into marriage. According to NCRB data, 1,062 cases were registered under the Prohibition of Child Marriage Act in 2021, a significant increase from 792 cases in 2020. Additionally, NFHS data for the years 2019-2021 indicated the rate of child marriage decreased to 23 percent of women, compared to 27 percent of women in the prior NFHS.

The law did not characterize a marriage between a girl younger than 18 and a boy younger than 21 as illegal but recognized such unions as voidable. The law also set penalties for persons who performed, arranged, or participated in child marriages. The law established a full-time child marriage prohibition officer in every state to prevent child marriage. These individuals had the power to intervene when a child marriage was 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 February 3, the Assam government launched a major campaign against child marriage, which resulted in the arrest of more than 3,000 individuals.

**Sexual Exploitation of Children:** The law prohibited child pornography and set the legal age of consent at 18, and the law was enforced effectively. It was illegal to pay for sex with a child, to induce a child into any form of “illicit sexual intercourse,” or to sell or buy a child for the purposes of commercial sex exploitation or child sex trafficking. Violators were subject to 10 years’ imprisonment and a fine.

**Infanticide, Including Infanticide of Children with Disabilities:** The law prohibited prenatal sex determination. According to the UN Population Fund, however, as of 2021 the sex ratio was estimated to be 903 females per 1,000 males. The UN agency attributed this to gender-biased sex selection and excess deaths of girls below five.



## Antisemitism

The Jewish community was estimated to comprise approximately 4,650 persons.

In May, members of the Bnei Menashe Indo-Tibetan community in Manipur were subjected to violence and targeting, in part because of their religion and ethnicity, during the conflict between the Kuki and Meitei. The violence resulted in the killings of two members of the Bnei Menashe community and the destruction of two synagogues, a religious school, and three Jewish villages, with many members of the community displaced within Manipur and into the neighboring state of Mizoram. According to civil society, the Bnei Menashe community was also denied access to the bodies of its deceased members to conduct appropriate religious burial ceremonies. Members of Bnei Menashe reported being accused by their community of being illegal immigrants, with some reporting they were instructed “to return to Israel.”

Government officials made public statements and released social media posts alleging certain opposition political party figures and diaspora leaders were connected to George Soros, playing on an antisemitic conspiracy theory of an “all-controlling Jewish individual” who was influencing events in the country. On October 6, the BJP’s official X account posted an edited image depicting Rahul Gandhi being controlled by Soros.

For further information on antisemitic incidents in the country, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

**Criminalization:** The Supreme Court decriminalized same-sex relationships in 2018. In 2022, the Madras High Court directed state and union governments to develop plans for reforms that protected the rights of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons.

**Violence and Harassment:** NGO activists reported discrimination and violence, including physical attacks and rape against members of the LGBTQI+ community. There were reports police officers committed crimes against LGBTQI+ individuals 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. Experts acknowledged some law enforcement officials tended to side with family interests against LGBTQI+ individuals.

On June 29, media reported Andhra Pradesh police filed cases against four men under the 2019 Transgender Persons (Protection of Rights) Act (TPRA) for allegedly molesting a transgender woman in Visakhapatnam.

**Discrimination:** The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. The government was inconsistent in enforcing these laws. The TPRA sought to ensure the rights of transgender or third-gender persons were safeguarded from discrimination. Civil society experts reported problems with implementation of the TPRA, which included difficulties for transgender persons to obtain medical treatment and other services.

In an October 17 ruling, a five-judge panel of the Supreme Court deferred the matter of the legalization of same-sex marriage to parliament, stating that the court lacked the authority to reinterpret existing marriage law to cover same-sex couples. According to analysts, the Supreme Court issued four separate opinions and several of the justices made statements urging the central government and state governments to ensure that LGBTQI+ individuals were protected from discrimination. The chief justice's opinion supported the legal recognition of queer couples to enter civil unions, although three of the five justices disagreed, asserting this also should be

decided by parliament. The government committed to form a panel to examine the rights of LGBTQI+ persons. Media reports asserted the panel would examine financial rights and additional legal protections for LGBTQI+ persons but not the legalization of same-sex marriage. Members of the LGBTQI+ community expressed disappointment that the Supreme Court did not legalize same-sex marriage but noted some of the statements made by the justices demonstrated support for the community.

LGBTQI+ groups reported pervasive societal discrimination and violence, particularly in rural areas. Public support for same-sex marriage continued to rise. A July survey found that 42 percent of respondents supported equal marriage rights, opposed to 50 percent disapproval. According to a survey by the Pew Research Center, 53 percent of adults were in favor of legalizing same-sex marriage. As of December 4, there was no pathway for same-sex couples to legally marry.

According to a May 18 media report, the Tripura government agreed to constitute a transgender welfare board under the supervision of the Social Welfare and Social Education Department to protect LGBTQI+ rights.

On February 13, the Odisha government amended pension rules to allow a single, dependent transgender person to claim family pension in the case of death of any parent who served in the government.

On July 7, Telangana High Court struck down the 1919 Telangana Eunuchs

Act that gave police arbitrary powers to arrest transgender persons without a warrant and imprison them for up to two years if they were found “in female clothing or ornamented or singing, dancing, or participating in public entertainment in a street.”

In August, the Madras High Court directed the Tamil Nadu state government to initiate steps to grant spots for transgender persons in local governing bodies. A justice from the court also directed district authorities to remove a local village leader who sought the cancellation of land allotted in his village by that state government to transgender persons.

**Availability of Legal Gender Recognition:** The law recognized the right of their citizens to change their gender identity and access government identity documentation, employment opportunities, gender-affirming health care, and other services based on the principle of self-determination. Every instance where someone changed their gender had to be officially presented as a notification in the weekly gazette, published by the government’s Department of Publication, to be legally valid.

The TPRA provided two ways to change one’s gender to a third gender. The first was for a person wanting their identification as a “transgender” person (T) to make an application to the district magistrate with an affidavit; it was not necessary to provide a medical history. The magistrate could not insist on a medical or physical examination. The second was for an individual to first get a certificate with (T) and then apply to the magistrate again for a

change in gender to (M) or (F). The second type of application required proof of surgery (for (T) to (M/F)) or any “medical intervention,” which could include counseling, hormone therapy, or surgical intervention.

On April 27, the Bombay High Court directed the Maharashtra government to ensure all educational institutes applied changes to the names and genders of transgender individuals in their official records.

**Involuntary or Coercive Medical or Psychological Practices:** The law made it illegal to treat adults without their express consent or that of a nominated representative in case they could not give informed consent. The law also prohibited mental health professions from prescribing medicines or performing treatments “not authorized by the field” of their profession. In 2018, the Indian Psychiatric Society stated that homosexuality was not a disease and that all forms of “treatment/therapy” to reverse sexual orientation were based on an erroneous premise that such orientations were diseases. In 2022, the National Medical Commission instructed all state medical councils to ban so-called conversion therapy and called it “professional misconduct.”

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no reports of restrictions on speaking out regarding LGBTQI+ matters or on the ability to legally register or convene related events.

## Persons with Disabilities

The law provided equal rights for persons with disabilities. The law required the government to provide persons with disabilities with equal access to physical infrastructure, health-care institutions, and public transportation systems, and the law was generally enforced. Disability rights organization the National Center for Promotion of Employment for Disabled People, however, reported accessible infrastructure was not always available.

The law stated the appropriate government and local authorities should endeavor to ensure that all educational institutions provided inclusive education to children with disabilities, which included providing admittance without discrimination, opportunities for sports and recreation, access to buildings, campuses, and facilities, and reasonable accommodations. By law, the government was required to take measures to promote, protect, and ensure participation of persons with disabilities in adult education and continuing education programs equally with others.

Private-sector employment of persons with disabilities remained low, despite governmental incentives. 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 was illiterate.

**Institutionalized Children:** The law required care and protection for a child

who was mentally ill, mentally or physically challenged, or suffering from a terminal or incurable disease. Once a child in need of care and protection was identified by police, an NGO, or an individual, the child appeared before a committee, and could be placed in institutional care. Children might be placed in a facility identified by the District Child Protection Unit.

Child welfare experts said children with disabilities were often placed in the same shelter home where children without disabilities were placed. In most cases, staff lacked specialized training and resources to address the needs of children with disabilities. Experts suggested the situation was more difficult in rural districts, which did not have many provisions to place children with disabilities in special homes. This sometimes led to a child being sent to distant areas within a state.

## **Other Societal Violence or Discrimination**

There were several reports of societal discrimination and violence against members of religious minorities (see the Department of State's *International Religious Freedom Report*).

There were credible reports of militant groups killing Muslims and Dalits for transporting or slaughtering cattle. The Supreme Court issued guidelines in 2018 to reduce these acts of vigilantism. Twenty states had laws partially or fully banning cow slaughter.

On February 16, Haryana police found the bodies of two men in a burned-



out car in Bhiwani District, whom they subsequently identified as Mohammad Junaid and Mohammad Nasir, two Muslim men from Rajasthan's Bharatpur District. According to media reports and the men's relatives, Junaid and Nasir were accused of cow smuggling while visiting a relative in Haryana and their car was allegedly stopped by members of a cow vigilante group. Members of the vigilante group allegedly beat the two men and attempted to take them to two different police stations but were turned away. According to the police report, members of the vigilante group then drove the men nearly 100 miles away and set fire to their car while the two men were still inside. As of August, 10 individuals had been arrested for their involvement in the incident.

There were credible reports of violence between religious communities. On May 13, a rioting mob in Maharashtra's Akola Town reportedly killed a man and injured eight others during communal violence between Hindus and Muslims after a right-wing Hindu leader insulted Muslims and the Prophet Mohammed on social media. Police arrested 147 persons and briefly shut down internet service in the town.

There were a number of other reports of discrimination against religious minorities. On February 9, the Gujarat High Court upheld the approval of the sale of a shop in Vadodara City by two Hindu persons to a Muslim man. Ten Hindu petitioners objected to the sale under a Gujarat state law that restricted property transactions between persons of different faiths without

prior government approval. The court fined the 10 petitioners.

Thirteen state governments had laws prohibiting forced conversions and forced religious conversion for the purpose of marriage. In practice, these were often used to limit conversion to non-Hindu religions and peaceful religious activities of members of religious minority communities.

Supporters of the laws sometimes characterized them as preventing “love jihad,” which was used to describe Muslim men attempting to marry Hindu women for the purposes of religious conversion.

There were a number of press and civil society reports of representatives of political parties using disinformation tactics against civil society organizations, religious minorities, such as Sikhs and Muslims, and the political opposition, sometimes depicting them as security threats.

In June, college authorities in Maharashtra’s Malegaon Town suspended the principal following objections by a right-wing Hindu nationalist group to the recitation of an Islamic prayer at a college event and allegations of illegal religious conversion. Police subsequently filed a complaint against Nikam.

The law prohibited discrimination based on race, sex, gender, disability, language, sexual orientation, gender identity, or social status with respect to employment and occupation. A separate law banned discrimination against individuals with HIV or AIDS. The law did not forbid employment discrimination against individuals with communicable diseases or based on

color, religion, political opinion, national origin, or citizenship.

Foreign migrant workers were largely undocumented and typically did not enjoy the legal protections available to workers who were nationals of the country.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provided for the right to form and join unions and to bargain collectively, but there was no legal obligation for employers to recognize a union or engage in collective bargaining. Unions were required to have at least 100 members in an enterprise or 10 percent of the workforce (whichever was less) to be recognized and had to account for two-thirds of the workforce to have standing to engage in collective bargaining. In Sikkim, trade union registration was subject to prior permission from the state government, and the public could raise objections to the registration of a union.

The law provided for the right to strike but placed restrictions on this right for some workers. The compulsory grievance redressal committee was prerequisite to settling grievances through collective bargaining, in addition to other conciliation and grievance processes in law and collective

agreements. In export-processing zones (EPZs), a 45-day notice was required before a strike because of the EPZs' designation as a "public utility." The law also allowed the government to ban strikes in government-owned enterprises and required arbitration in specified "essential industries." Definitions of essential industries varied from state to state. The law prohibited antiunion discrimination and retribution for involvement in legal strikes and provided for reinstatement of employees fired for union activity. Union leaders generally operated free from threats and violence from the government and employers. Employers rarely refused to bargain with unions.

Enforcement of the law varied from state to state and from sector to sector. Enforcement was generally better in the larger, formal-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 did not specify penalties for such abuses. Penalties were commensurate with those for other laws involving the denial of civil rights, such as discrimination. Penalties were sometimes applied against violators.

Specialized labor courts adjudicated 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. Gig and platform workers also created organizations such as the All India Gig Workers' Union, which demonstrated for increased wages and fairer ratings and response requirements for maintaining platform accounts during the year.

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 sometimes impeded registration of unions, repressed independent union activity, and 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**

See the Department of State's annual *Trafficking in Person's Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

## **d. Discrimination (see section 6)**

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

**Wage and Hour Laws:** State government laws set minimum wages and hours of work. 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.

The law mandated a maximum eight-hour workday and 48-hour work week. The law mandated a minimum rest period of 30 minutes after every four hours of work and premium pay for overtime, but it did not mandate paid holidays. The law prohibited compulsory overtime and limited the amount of overtime a worker could perform.

**Occupational Safety and Health:** The law mandated safe working conditions, which included provisions for restrooms, cafeterias, medical facilities, and ventilation. Federal law set occupational safety and health (OSH) standards. State governments enforced additional state-specific regulations. OSH standards set by the government were appropriate for the main industries in the country.

Small, low-technology factories frequently exposed workers to hazardous working conditions. Undocumented foreign workers did not receive basic OSH protections. In many instances, workers could not remove themselves from situations that endangered their health or safety without jeopardizing their employment.

**Wage, Hour, and OSH Enforcement:** State governments were responsible for enforcing minimum wage, overtime, and OSH laws. The number of inspectors generally was insufficient to enforce labor law. Inspectors had the authority to conduct unannounced inspections, and inspection locations were chosen at random. Inspectors were allowed to issue fines or other sanctions for violations but only after providing the employer an initial warning and time to come into compliance. Enforcement of OSH standards was poor. Penalties for violation of OSH standards were commensurate with those for crimes such as negligence. Penalties were sometimes applied against violators.

Manual scavenging – the practice of removing human excrement by hand

from sewer lines or septic tanks – was banned by law, but human rights activists said the practice remained prevalent in many parts of the country. On June 25, Minister of State for Social Justice and Empowerment Ramdas Athawale told the lower house of parliament there were no deaths in the country due to manual scavenging. There were nine deaths of “cleaning workers” who died while working in hazardous conditions such as cleaning septic tanks or sewers during the year. Minister Athawale stated 339 persons died in accidents while cleaning sewers and septic tanks between 2018 and 2022. Organizations working toward the eradication of manual scavenging claimed the data was a “gross underestimation,” and that there had been at least 57 deaths of manual scavengers as of July.

*The Ministry of Labor and Employment Annual Report for 2021-22* estimated there were 380 million “unorganized workers,” defined as “a home-based worker, self-employed worker, or a wage worker in the unorganized sector.” Laws on wages, hours, and OSH standards did not apply to the large informal sector, and the government did not enforce labor laws in the unorganized sector. The law and regulations did not protect informal sector workers (industries and establishments that did not fall within the purview of the Factories Act), who made up an estimated 90 percent of the workforce.