



India

Country Reports on Human Rights Practices - [2007](#)

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India is a multiparty, federal, parliamentary democracy with a bicameral parliament and a population of approximately 1.1 billion. Manmohan Singh became prime minister following his Congress Party-led coalition's victory in the 2004 general elections, which were considered free and fair, despite scattered instances of violence. Serious internal conflicts affected the state of Jammu and Kashmir, as well as several states in the north and east. While the civilian authorities generally maintained effective control of the security forces, there were several instances in which some elements of the security forces acted independently of government authority.

The government generally respected the rights of its citizens; however, numerous serious problems remained. Major problems included extrajudicial killings of persons in custody, disappearances, and torture and rape by police and other security forces. A lack of accountability permeated the government and security forces throughout the country, creating an atmosphere of impunity. The Chhattisgarh state government supported the formation of the "Salwa Judum" village militia to fight the Maoist insurgency. In West Bengal, violence in the Nandigram district led to accusations of state government failure to control ruling Communist party cadres, which were accused by human rights groups of killing more than 30 rural villagers and intimidating them through violence and rape. Although the country has numerous laws protecting human rights, enforcement was inadequate and convictions rare. Poor prison conditions, lengthy pretrial detention without charge, and prolonged detention while undergoing trial remained significant problems. Government officials used special antiterrorism legislation to justify the excessive use of force while combating terrorism and several regional insurgencies. While security officials who committed human rights abuses generally enjoyed impunity, there were investigations into individual abuse cases as well as legal punishment of some perpetrators. Endemic corruption existed at all levels within the government and police, and attempts to combat the problem were unsuccessful. The government continued to apply restrictions to the travel and activities of visiting experts and scholars. Significant restrictions on the funding and activities of NGOs also continued. Attacks against religious minorities and the promulgation of antireligious conversion laws were concerns. Social acceptance of caste-based discrimination often validated human rights violations against persons belonging to lower castes. Domestic violence, dowry-related deaths, honor crimes, female infanticide, and feticide were serious problems. Trafficking in persons and exploitation of indentured, bonded, and child labor were ongoing problems.

Separatist guerrillas and terrorists in Kashmir, the northeast, and the Naxalite belt committed numerous serious abuses, including killing armed forces personnel, police, government officials, judges, and civilians. Insurgents also engaged in widespread torture, rape, beheadings, kidnapping, and extortion.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

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

According to human rights groups, security forces in Jammu and Kashmir targeted suspected terrorists, insurgents, and their supporters, but there was no widely accepted data on the magnitude of extrajudicial killings, which included encounter killings and custodial deaths. For example, according to the Jammu and Kashmir Coalition of Civil Society, 18 cases of custodial killings and extrajudicial killings took place during the year. Of those, six cases were under investigation by the local government at year's end. In March, Jammu and Kashmir Chief Minister Ghulam Nabi Azad claimed that only five custodial deaths occurred during his eighteen-month tenure and that the overall situation improved considerably with a 95 percent reduction in custodial deaths over the last two years. Between January 1994 and December 2006, according to the Home Ministry's 2006-2007 Report, citizens registered 1,222 complaints of human rights abuses against the Army and

Central Police Force. Of those, 1,084 cases were investigated; 1,052 cases were found false; 32 cases were considered "genuine;" 61 persons were penalized; and compensation was awarded in six cases. The Justice Makhan Lal Kaul Commission of Inquiry tasked with the investigation of alleged custodial killings and falsified encounters in Jammu and Kashmir, received only five complaints during the year.

There were developments regarding the December 2006 encounter killing of Abdur Rahman Padder, a Kashmiri carpenter. On February 4, police unearthed five unmarked graves, one of them Padder's, in an ongoing investigation of custodial killings. According to press reports, authorities arrested a number of officers directly implicated in the case. In February a civil court in Srinagar charged seven policemen, including Ganderbal Hans Raj, Senior Superintendent of Police, for the murder of Padder.

On October 20, the army arrested Mohammed Tariq, a soldier, for the torture and encounter killing of schoolteacher Abdur Rashid Mir in Jammu. At year's end the case was under investigation.

An update of the 2005 alleged false encounter death in Ahmedabad (Gujarat) of Sohrabuddin Shaikh, a suspected Lashkar-e-Tayyiba (LET) operative, his wife Kausarbi, and key witness Prajapti, indicated that in August, the Gujarat Criminal Investigations Department (CID) filed charges against 13 police officers from Gujarat and Rajasthan. At year's end the case was in trial in the Ahmedabad court. On December 6, the Election Commission sent Gujarat Chief Minister Narendra Modi a notice for allegedly justifying the encounter killing at an election rally in the state's Jamnagar district. Modi denied those allegations. On December 19, the Gujarat High Court transferred the judge hearing the case.

There was a consistently high rate of encounter killings by law enforcement and security forces in the northeast, particularly in the states of Assam and Manipur, as law enforcement attempted to combat insurgent groups, many of whom financed their operations through criminal activities such as extortion, kidnapping, and trafficking in narcotics.

On March 14, thousands of local villagers in the Nandigram district of West Bengal attacked police and Communist Party of India—Marxist (CPM) supporters who tried to enter an agricultural area earmarked for conversion to an industrial zone. Acting on orders from the CPM-led state government, police fired on the crowd, killing 14 individuals and injuring 45. The Kolkata High Court ordered an inquiry by the Central Bureau of Investigation (CBI), but the court later revoked the CBI's investigative authority and asked the CBI to preserve evidence.

On July 10, members of the Anti-Naxal Special Police Force killed five persons including an alleged leader of the CPI-Maoist cadre at Ammadlu village in Chikmagalur district. According to Karnataka police, all five were members of the local Naxalite unit, while human rights groups alleged that four of those killed were residents of a house caught in the crossfire. At year's end a magisterial inquiry into the encounter was underway.

From November 6 to 11, CPM members, whom human rights groups claim had state government support and direction, conducted a violent campaign of intimidation to regain control over the Nandigram area from the Bhumi Uchhed Protirodh Committee (BUPC). The BUPC included those opposed to the CPM's plan to acquire local land for industry, some former CPM supporters, and opposition party workers and was backed by the Trinamul Congress, part of the West Bengal opposition. News reports and eyewitness accounts noted that CPM cadres fired on BUPC supporters and local villagers, killing at least three and injuring others, burned many houses, and engaged in numerous rapes. On November 27, journalists reported the discovery of mass graves in the area. Following a government order on December 7, the CID initiated an inquiry into the identity of the bodies.

On April 1, according to the Asian Human Rights Commission (AHRC), Border Security Forces (BSF) shot and killed Asif Iqbal and Sahin Sk, age 13 and 15 respectively, on the Indo-Bangladesh border in Murshidabad district. Police allegedly shot the two boys as they tried to take two cows across the border. At year's end the government had not taken action to investigate this case.

On May 10, Chhattisgarh police registered a First Information Report against "unknown uniformed people" for the March 31 killing of seven villagers near Santoshpur village in Dantewara district. Media reports alleged that police personnel and "Salwa Judum" militia members apprehended villagers from Santoshpur, took them to a nearby forest, and shot them because they were Naxalite sympathizers. Media reports further claimed that the police buried the bodies to hide the deaths. Because of media pressure, the police exhumed the bodies and performed autopsies, which confirmed death by gunshot.

On December 28, police fired on a crowd and killed at least three individuals in Orissa after a village police station was set afire. The actions were part of a period of communal violence that began four days earlier.

In November a key witness in a 1984 anti-Sikh riots case involving senior Congress leader Jagdish Tytler resurfaced two months after the CBI declared that he was unreachable. In December a Delhi court ordered the CBI to reinvestigate the 1984 riots case and file a fresh report. Tytler was accused of orchestrating the riots by encouraging Congress party workers, police, and mobs in Delhi to kill Sikhs and destroy their houses and businesses in retribution for the assassination of Indira Gandhi.

There were no developments regarding the January 2006 case in which security forces allegedly abducted and killed a boy in the Barramulla District, the January 2006 killing of Fayaz Ahmad Bhat, or the March 2006 encounter killing of two suspected LET terrorists in Delhi.

There were no developments in the August 2006 staged encounter killing of Abu Osama, an alleged Pakistani national. Several journalists had claimed that the police arranged the encounter and that the person killed was associated with the July 2006 perpetrators of the terror attack on Mumbai trains.

At year's end the November 2006 encounter killing case of Ram Narayan Gupta was ongoing in the Mumbai High Court. Navi Mumbai police allegedly had apprehended Ram Narayan Gupta and a friend from a shop, and later police claimed they had killed Gupta in an encounter that night. The friend had disappeared.

At year's end the 2005 CBI investigation of four army officers, including Senior Superintendent of Police Farooq Khan, for the killing of five civilians in a staged encounter death in 2000 was still pending.

Custodial deaths, often made to appear as encounter deaths, remained a serious problem, and authorities often delayed prosecutions.

During 2005 the Home Ministry reported 139 deaths in police custody. However, the National Human Rights Commission (NHRC) confirmed 1,730 deaths in police and judicial custody during the same time period. During 2006 the National Crimes Record Bureau reported 38 unnatural deaths in police custody. According to the Home Ministry's 2006-2007 Report, the NHRC reported 1,159 total deaths in police custody between April and December 2006.

Although Andhra Pradesh police recorded an 11 percent decrease in custodial deaths in 2005 compared with the previous year, they also had the largest number of deaths in judicial and police custody with a total of 145. Andhra Pradesh police recorded five custodial deaths throughout the year. In 2004, according to media reports, Maharashtra police transferred officers linked to encounter killings from the Mumbai crime branch; as a result, staged encounter killings in Maharashtra reportedly decreased from 94 in 2001 to 13 in 2004. Figures for encounter killings in Maharashtra for 2005 and 2006 were not available. In June, according to a media report, the Government of Maharashtra retracted its May 21 order requiring a CID probe into each encounter death. The government conducted only internal police department inquiries. The change reportedly was implemented to avoid "demoralizing the police force."

The Kerala State Human Rights Commission (KSHRC) registered 25 cases of custodial deaths from January to June, compared with 39 cases in 2005. According to KSHRC, 46 persons died in state custody throughout the year. The commission-led investigation of these deaths was ongoing at year's end.

During the year in Manipur, there were several killings by police. For example, on January 31, Assam Rifles (AR) personnel entered a church campus in Khoken village and opened fire without warning on suspicion that the villagers were insurgents. AR officers shot and killed Henpu Singsit and injured several others. On February 8, police commandos shot and killed Ashangbam Shyamchand while he was shopping at Lamlai Bazaar.

On February 9, according to AHRC, authorities from the Pathor Pratima Police arrested Krishnapada Das, a resident of Purba Dwarikapur village in West Bengal. The next day, Das's body was found hanged at the police station. By year's end authorities had not taken action to resolve the case.

On March 17, according to AHRC, authorities from the Beldanga police station arrested Hayat Seikh at his residence, allegedly because his relative had been involved in a murder the previous week. Authorities took Seikh to Beldanga police station where they detained him until March 23. Although he was released, Seikh died March 25 allegedly from beatings while incarcerated. At year's end the government had not taken action to investigate the case.

There were developments concerning the 2005 death in custody of Udayakumar, a citizen from Kerala. According to the Confederation of Human Rights Organizations, police had arrested Udayakumar for "suspicious movements" in a nearby park, questioned, beat, and killed him. After preliminary investigations, authorities arrested three police constables and charged two with murder. In July a key prosecution witness turned hostile in court, denying his previous statement that he had witnessed his co-prisoner being beaten by policemen. Udayakumar's mother petitioned the Kerala High Court for a reinvestigation by the CBI. On September 20, a Division Bench of the Kerala High Court directed the CBI to conduct an investigation into the case.

Human rights activists argued that the police response to custodial deaths varied according to the socioeconomic status of the victims. Media reported that Mumbai police routinely conducted internal inquiries into all custodial deaths, but authorities did not convict any officer of a crime in connection with the 15 cases reported since 2001.

Police did not launch any inquiries into the 2005-6 custodial deaths of Shivkumar Jaiswala and Prem Yadav in Mumbai.

There were no developments in the January 2006 death in custody of Gurmail Singh, the April 2006 investigation of police officials for the 2004 custodial death of Uday Bhandge, or the June 2006 death in custody of Madan Lal. At year's end the April 2006 custodial death of Premnath Janardan Rao remained under investigation.

Developments in the cases of the 14 Mumbai police and constables held for the 2003 custodial killing of Khwaja Yunus included that, in July, the Maharashtra CID sought permission from the Government of Maharashtra (GOM) to prosecute 10 of the 14 and the GOM determined that there was enough evidence to prosecute four out of the 14 officers. By the year's end hearings had not commenced. One of the accused resigned from the police service, while the other three remained suspended.

At year's end the trial of two railway police constables for the May 2005 custodial killing of porter Vijay Singh was still pending.

There were no developments in the April 2006 death of Captain Sumit Kohli in Kupwara, Jammu and Kashmir. Kohli's family alleged that he was killed because he was scheduled to testify as a witness against another officer in a 2004 case of an encounter killing. The army stated that suicide was the cause of death.

From May to August 2006, newspapers and opposition parties in Kerala reported seven deaths in police custody of persons arrested for misdemeanor offenses. During the same period, another seven individuals drowned in separate incidents, allegedly while being pursued by the Kerala police. In August 2006 following a media outcry, the government of Kerala announced a judicial inquiry into the deaths.

In July the judicial inquiry commission led by Justice Rajendra Babu presented its report to the Kerala state government regarding the investigation of 15 custodial deaths that took place in 2006. The commission refrained from directly accusing any police officer but recommended reinvestigation of four deaths (Prasannan, Mavelikkara; Rajan, Kozhikode; Anandaraj, Thiruvananthapuram; and Milton, Kodungallur). A prominent Kerala human rights organization charged that the judicial inquiry failed to expose effectively the law-breaking officers. The Kerala Home Minister declared that the state government would pay monetary compensation to the families of nine persons who died in custody.

On July 11, the Imphal bench of the Guwahati High Court ordered the AR to pay approximately \$8,900 (350,000 rupees) to Athokpam Bandana of Imphal, whose husband, Athokpam Purnima Singh, died in AR custody in 2001. The AR claimed he was shot in an encounter.

During the year the killing of civilians continued in the course of counterinsurgency and counterterrorism operations, including those that took place in Jammu and Kashmir. Human rights activists stated that accurate numbers were not available due to limited access to the region, but the Asian Centre for Human Rights (ACHR) alleged that 355 civilians were killed and 373 injured in police shootings in 2005. The security forces often claimed that those killed were insurgents or civilians who died in crossfire. According to the NHRC, state governments had not investigated at least 3,575 previous deaths in custody cases.

Government agencies funded, exchanged intelligence with, and directed the operations of counterinsurgents, former separatist guerillas who surrendered to the Jammu and Kashmir government and participated in the counterinsurgency effort with their own weapons as part of police auxiliary units. During 2006 killings and abductions of suspected progovernment counterinsurgents continued to be a significant problem in Jammu and Kashmir, although the number of such instances declined substantially from the 1990s.

Countrywide, there were allegations that military and paramilitary forces engaged in abduction, torture, rape, arbitrary detention, and the extrajudicial killing of insurgents and noncombatant civilians, particularly in areas of insurgency. According to human rights activists and journalists, during the year a few Naxalites (Maoist guerillas) in eastern and central parts of the country who surrendered were allowed to retain their weapons and worked for the police as "anti-People's War Group (PWG) officers." Human rights groups alleged that police used former Naxalites to kill current Naxalites and human rights activists with Maoist links. Police denied the charges, attributing such killings to internal feuds within the PWG.

Unlawful killings due to societal violence, including vigilante action, continued. For example, in September, villagers in Bihar beat to death a group of 10 suspected robbers.

There were no further developments concerning the March 2006 public beheading, by 200 villagers in Sonitpur district of Assam, of five members of a family for allegedly practicing witchcraft, or the July 2006 killing of eight civilians during protests of the custodial death of Ajit Mahanta.

In 2005 the National Crime Record Bureau (NCRB) reported that there were 26,127 cases of crimes against persons belonging to the Scheduled Castes (SCs) and 5,713 cases of crimes against those belonging to the Scheduled Tribes (STs). The average conviction rate for the crimes against SCs was 29.8 percent and, for crimes against STs, 24.5 percent. In 2006 the NCRB reported that there were 27,070 cases of crimes against SCs and 5,791 cases of crimes against STs,

with the average conviction rate for SCs of 27.6 percent and for STs 28 percent. Approximately 55 percent of the population displaced by development projects were tribals, although they constituted only 8.2 percent of the total population of the country according to the 2001 census.

b. Disappearance

Although government complicity was not always confirmed and numbers of those disappeared varied widely, numerous persons disappeared in insurgency-torn areas during the year. Additionally, insurgents in Jammu and Kashmir and the northeastern states continued to use kidnappings to terrorize the population, obtain the release of detained comrades, and extort funds.

There were credible reports that police throughout the country often failed to file legally required arrest reports, resulting in hundreds of unresolved disappearances in which relatives claimed that an individual was taken into police custody and never heard from again. Police usually denied these claims, pointing to the lack of an arrest record.

The government maintained that screening committees administered by the state governments provided information about the unacknowledged detainees to their families. Other sources indicated that families could only confirm the detention of their relatives by bribing prison guards. During 2006 the screening committees released 140 persons detained under the (Jammu and Kashmir) Public Safety Act (PSA). During the year, the government did not release any additional detainees.

Chief Minister Ghulam Nabi Azad announced that no custodial disappearances occurred in Kashmir during the year. The government made little progress, however, in holding hundreds of police and security officials accountable for many disappearances committed during the Punjab counterinsurgency and the Delhi anti-Sikh riots of 1984-94, despite the presence of a special investigatory commission.

The NHRC also continued to investigate 2,097 cases of murder and cremation that occurred between 1984 and the early 1990s. In May 2006 it ordered monetary compensation to the next of kin of 45 persons whom the Punjab government admitted were in police custody immediately before they were killed and illegally cremated. The NGO Ensaaf estimated that security forces killed and caused to disappear more than 10,000 Punjabi Sikhs and cremated 6,017 Sikhs in Amritsar in counter insurgency operations during the militancy.

There were no developments in the 2006 case filed by Paramjit Kaur Khalra, the widow of human rights activist Jaswant Singh Khalra, seeking prosecution of former police chief K.P.S. Gill in the abduction, illegal detention, torture, and murder of her husband. At year's end Khalra's case had not been tried in court. According to Ensaaf and other human rights organizations, in 1995 members of the Punjab police operating under Gill's command abducted and killed Khalra for investigating and exposing the disappearances and secret cremations of thousands of Sikhs in Punjab by security forces.

There were no developments in the May 2006 case of Ghulam Nabi Mir, who disappeared in Pulwama (Jammu and Kashmir) after Rashtriya Rifle (RR) officers allegedly raided his home.

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

The law prohibits torture and generally did not allow for confessions extracted by force to be admissible in court; however, authorities often used torture during interrogations to extort money and as summary punishment. There were allegations of confessions derived under torture. In some instances, these confessions subsequently were used as evidentiary support for an execution sentence. The Code of Criminal Procedure (Amendment) Act of 2005 mandated a judicial inquiry into any death or rape of a woman in police custody; however, human rights groups asserted that the new law had not decreased the prevalence of custodial abuse or killings.

The ACHR alleged that custodial deaths were a severe problem and that police regularly used torture. Because many alleged torture victims died in custody, and other victims were afraid to speak out, there were few firsthand accounts. Marks of torture, however, were often found on the bodies of deceased detainees. The prevalence of torture in detention facilities by police throughout the country was reflected in the number of deaths in police custody. Police and jailers typically assaulted new prisoners or threatened violence in exchange for money, favors, and personal articles. In addition, police commonly tortured detainees during custodial interrogation. Although police were subject to prosecution for such offenses, the government often failed to hold them accountable. According to Amnesty International (AI), torture is "endemic" to the justice system and often used against individuals "on the basis of their caste, religion, socioeconomic, and sexual identity."

NGOs asserted that custodial torture was common in Tamil Nadu, and one human rights lawyer claimed that all police stations in Punjab, Andhra Pradesh, Haryana, and Chandigarh have torture cells to "soften up" the accused prior to court appearance. However, increased reporting of custodial torture may be the result of greater awareness. The AHRC claimed that local police in Kerala continued to use torture and assault as a means of criminal investigation. According to the AHRC, though not verified by other sources, Gujarat interrogation centers function in public view. The suspects allegedly

are brought in, kept in illegal detention and tortured as part of questioning.

Between February 12 and 16, according to AHRC, officers at the Bally police station in the Howrah district of West Bengal tortured Ajay Yadav Kumar, whom they arrested after finding a skeleton in a well near his home. Authorities suspected the skeleton to be that of Kumar's wife, who been missing since December 2006. At year's end, Ajay Yadav remained in jail, and the government had not investigated the case.

On August 2, according to AHRC, Julfikaqr Ali Mollah, the Inspector in Charge of the Deganga Police (West Bengal), allegedly burned with acid Giasuddin Mando, an iron scrap dealer. On August 13, the local magistrate ordered Mando released and sent to the hospital. By year's end the government had not investigated the case.

On December 11, Chennai police arrested 50-year-old Syed Ali, a tea shop worker in Vadapalani, Chennai, for the alleged unlawful sale of lottery tickets. Syed died in custody. The Tamil Nadu government ordered an inquiry into the incident after Chennai shopkeepers alleged that the death was due to police torture. At year's end, the investigation was ongoing.

According to media reports, the police in Rajkot, Gujarat, employed public humiliation as a tool to shame and punish certain accused persons. For instance, in September police forced 12 youths accused of vandalism to perform situps in public. In October the police forced a 61-year-old accused of raping his daughter-in-law to crawl on hands and knees through a crowded market place. Media reports indicate that the police, although aware that such treatment was a breach of the rights of the accused, viewed public humiliation as an effective crime deterrent.

There were no developments in the September 2006 torture case of Saju, a private bus driver. According to the AHRC, police demanded a bribe from Saju of \$68 (3,000 rupees) and abused him when he refused. Saju later died while in police custody. An official inquiry was ordered into the incident, and authorities suspended three police officers. The investigation was ongoing at year's end.

In Jammu and Kashmir, torture victims or their relatives reportedly had difficulty filing complaints, as local police allegedly were instructed not to open a case without permission from higher authorities. In addition, under the (Jammu and Kashmir) Armed Forces Special Powers Act (AFSPA) of 1990, no "prosecution, suit, or other legal proceeding shall be instituted against any person in respect of anything done or purported to be done in exercise of the powers of the act," without the approval of the central government. The act gives security forces the authority to shoot suspected lawbreakers and those disturbing the peace and to destroy structures suspected of harboring violent separatists or containing weapons. Human rights organizations alleged that this provision allowed security forces to act with virtual impunity.

The rape of persons in custody was part of a broader pattern of custodial abuse. NGOs asserted that rape by police, including custodial rape, was more common than NHRC figures indicated. A higher incidence of abuse appeared credible, given other evidence of abusive behavior by police, and the likelihood that many rapes went unreported due to the victims' shame and fear of retribution. However, legal limits placed on the arrest, search, and police custody of women appeared to reduce the frequency of rape in custody. There were no recent NHRC data on the extent of custodial rape.

There was a pattern of rape by paramilitary personnel in Jammu and Kashmir and the northeast as a means of instilling fear among noncombatants in insurgency-affected areas, but these incidents were not included in NHRC statistics, as the NHRC does not have direct investigative authority over the military.

Prison and Detention Center Conditions

Prison conditions were life threatening and did not meet international standards. Prisons were severely overcrowded and food and medical care inadequate.

In March 2006 an NHRC report indicated that the country's prisons were overcrowded on average by 38.5 percent. According to the NHRC report, the country's prisons had a population of 324,852 persons, with an authorized capacity of 234,462.

The NHRC reported that it requested the Chief Justices of High Courts to determine how to resolve the problem of overcrowded prisons. In 2006 the government introduced a plea bargain option for prisoners to reduce the pending time of cases in trial courts and overcrowded prisons. For disposal of long pending sessions and other cases, the government set up 1,562 Fast Track Courts during the year.

According to the 2006 NHRC report, a large proportion of the deaths in judicial custody were from natural causes, in some cases aggravated by poor prison conditions. Tuberculosis caused many deaths, as did HIV/AIDS. The NHRC assigned its special rapporteur and chief coordinator of custodial justice to ensure that state prison authorities performed medical checkups on all inmates. By the end of 2006, only a few examinations had been performed.

While local authorities often attempted to hide custodial killings, the NHRC and the courts investigated cases brought to

their attention and prosecuted some perpetrators. In most cases, the courts awarded monetary compensation of \$400-\$2,200 (17,600-97,000 rupees) to the next of kin. NGO sources stated that relatives often had to pay bribes to receive the compensation awarded, and in many cases never received it at all.

There were no developments in the Maharashtra State Human Rights Commission investigation into the June 2006 allegations, made by a former inmate of Arthur Road Jail in Mumbai, that the prison's medical doctor ignored a prisoner who died after suffering from chest pains.

By law, juveniles must be detained in rehabilitative facilities, although at times they were detained in prison, especially in rural areas. Pretrial detainees were not separated from convicted prisoners.

The government allowed selected NGOs to work in prisons, within specific guidelines, but NGO findings remained largely confidential as a result of agreements made with the government. Increased press reporting and parliamentary questioning provided evidence of growing public awareness of custodial abuse. The NHRC identified torture and deaths in detention as one of its priority concerns.

According to the Home Ministry, the International Committee of the Red Cross (ICRC) conducted visits to 21 detention centers and 1,174 detainees during the year, including all 25 acknowledged detention centers in Jammu and Kashmir, and all facilities where Kashmiris were held elsewhere in the country. The ICRC visited and individually monitored 10 females, 26 minors, and 462 newly registered detainees during 41 visits to detention facilities throughout the country. The ICRC was not authorized to visit interrogation or transit centers, nor did it have access to regular detention centers in the northeastern states. August 2006 amendments to the 1993 Protection of Human Rights Act (PHRA) eliminated the requirement that the NHRC had to notify state governments before visiting prisons, thus enabling surprise visits.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but both occurred during the year.

On May 22, authorities arrested Manipur human rights activist Irom Sharmila on charges that she had attempted suicide. Sharmila had returned to Manipur on March 6 following her six-year hunger strike at a government hospital in Imphal, Manipur, against the AFSPA. AFSPA gives security forces the right to "shoot to kill" suspects. At year's end Irom Sharmila remained in government custody, and the AFSPA had not been repealed.

On August 2, authorities acquitted Abdul Nasser Madhani, Chairman of Kerala-based People's Democratic Party, after he had spent nine years in detention while awaiting trial for the 1998 terrorist bombings in Coimbatore. Madhani had been denied bail during his stay in prison despite appeals by the Kerala Legislative Assembly and several human rights organizations who had pointed out his poor health. Madhani's wife filed a habeas corpus case, which authorities rejected. Madhani's eventual acquittal and release focused popular attention on the condition of prisoners who are awaiting completion of long-drawn out trials.

There were no updates concerning the February 2006 report that authorities had incarcerated Shanka Dayal without trial in the Unnao District Jail for 44 years for "wrongfully restraining a person and causing hurt"--an offense that warrants a one year sentence.

The NHRC requested Assamese authorities to submit reports on five other pretrial prisoners detained at the LGB Regional Institute of Mental Health in Tezpur, Assam.

Role of the Police and Security Apparatus

Although the governments of 28 states and seven union territories have primary responsibility for maintaining law and order, the central government provides guidance and support. The Ministry for Home Affairs controls most paramilitary forces, the internal intelligence bureaus, and the nationwide police service, and provides training for senior police officers of the state-organized police forces.

Corruption in the police force was pervasive and acknowledged by many government officials. Officers at all levels acted with considerable impunity and were rarely held accountable for illegal actions. Should authorities find an officer guilty of a crime, transfer to a different post or position was the common response. Human rights activists and NGOs reported that bribery was often necessary to receive police services.

According the Ministry of Home Affairs, the NHRC recorded 6,923 cases against the police; 35 against armed forces, and 39 against the paramilitary forces for violation of human rights during 2006.

In 2005 the government worked with a foreign government and the UN Office on Drugs and Crime (UNODC) on a two-year

program to train and sensitize law enforcement officials and prosecutors in the country about victims of human trafficking and to bring abusers to justice. Training material developed through this project was used to conduct courses for law enforcement officials in target states and worked on developing standard operating procedures and protocols to be used nationally and in police training academies.

Arrest and Detention

The law requires that detainees be informed of the grounds for their arrest, be represented by legal counsel, and, unless held under a preventive detention law, arraigned within 24 hours of arrest, at which time the accused must either be remanded for further investigation or released. However, thousands of criminal suspects remained in detention without charge during the year, adding to already overcrowded prisons.

The law provides arrested persons the right to be released on bail and prompt access to a lawyer; however, those arrested under special security legislation received neither in most cases. Court approval of a bail application is mandatory if police do not file charges within 60 to 90 days of arrest. In most cases, bail was set between \$11 (485 rupees) and \$4,500 (198,000 rupees).

By law, detainees should be provided an attorney and allowed access to family members. However, this was rarely implemented.

In 2004 the government repealed the Prevention of Terrorism Act (POTA) and replaced it with the Unlawful Activities Prevention Act (UAPA). Human rights groups reported that the revised UAPA contained important improvements over the POTA. For example, it does not allow coerced confessions to be admitted as evidence in court.

The South Asia Human Rights Documentation Centre (SAHRDC) reported that more than 1,000 persons remained in detention awaiting prosecution under lapsed special terrorism legislation, and that cases opened under POTA continued through the judicial system. In June 2005 the POTA review committee reported that there were 11,384 persons wrongfully charged under POTA who should have been charged under regular law. According to the Ministry of Home Affairs, following the repeal of POTA in 2004, three review committees reviewed 263 cases involving 1,529 accused persons and determined that there was no prima-facie evidence under POTA against 1,006 of them.

The Terrorist And Disrupted Activities (TADA) courts curtailed many legal protections provided by other courts. For example, defense counsel was not permitted to see prosecution witnesses, who were kept behind screens while testifying in court, and confessions extracted under duress were admissible as evidence. Despite the fact that the TADA Act was terminated in 1995, cases initiated under the original act are still considered legally valid.

UAPA is used to hold people without bail in jail for extended periods prior to the filing of formal charges. For instance, on May 9, Mumbai police arrested and held under UAPA alleged urban sympathizers of Naxalites Arun Ferreira and Vernon Gonsalves, alias Vikram. On August 22, police arrested Sridhar Srinivasan alias Vishnu. At year's end no charges had been filed in either of these cases.

The National Security Act (NSA) permits police to detain persons considered security risks anywhere in the country, except Jammu and Kashmir, without charge or trial for as long as one year on loosely defined security charges. State governments must confirm the detention order, which is then reviewed by an advisory board of three high court judges within seven weeks of the arrest. NSA detainees were permitted visits by family members and lawyers, and must be informed of the grounds of their detention within five days (10 to 15 days in exceptional circumstances).

Human rights groups expressed concerns that the NSA would allow authorities to order preventive detention at their own behest after only a cursory review by an advisory board and that no court would overturn such a decision. In January 2006 Lucknow authorities arrested a doctor from the King George Medical University in Uttar Pradesh and charged him with arson and violence. After the state's chief minister, Mulayam Singh Yadav, warned that "trouble-makers" at the university would be punished, authorities charged the doctor on January 19 under the NSA.

The PSA, which applies only in Jammu and Kashmir, permits state authorities to detain persons without charge and judicial review for up to two years. During this time detainees do not have access to family members or legal counsel. According to the Office of Director General of Jammu and Kashmir Police, authorities arrested 473 persons in 2005 and 420 in 2006 under PSA. According to the ACHR, there were 140 foreign nationals in prisons in Jammu and Kashmir under the PSA.

Police continued to ignore the 2005 guidelines announced by the NHRC regarding arrest, which included establishing reasonable belief of guilt; avoiding detention if bail is an option; protecting the dignity of those arrested; refusing public display or parading, and allowing access to a lawyer during interrogation.

Police routinely employed arbitrary and incommunicado detention, denied detainees access to lawyers and medical

attention, and used torture or ill treatment to extract confessions. Human rights experts claimed that discrimination and custodial torture of those too poor to afford legal assistance was common. During 2006 the media reported that lower-caste individuals were more likely to be illegally detained than others. Human rights activists maintained that the government increasingly avoided prosecuting security officers involved in illegal conduct by providing financial compensation to victims' families in lieu of punishment. In some instances victims or their families who distrusted the military judicial system petitioned to have their cases transferred to a civil court. The NHRC has no jurisdiction over any courts, including military courts.

On June 25, a Gujarat court convicted 12 persons under POTA for the 2003 killing of former Gujarat Home Minister Haren Pandya. The judge sentenced nine people to life and gave lesser terms to three other persons.

At year's end, according to the Islamic Relief Committee of Gujarat, 130 persons remained in custody in Gujarat under POTA awaiting trial. Since 2003 the Supreme Court has stayed trials in nine high-profile cases, including the Godhra train arson case. The Supreme Court had not determined how these cases would proceed.

In March 2006 the Chhattisgarh State Government enacted the Special Public Protection Act, which Human Rights Watch (HRW) deemed "a vague and overly broad law that allows detention of up to three years for unlawful activities." HRW asserted that the law loosely defined what "unlawful activities" entails and threatens the fundamental freedoms and protections set forth in the constitution. The Public Union for Civil Liberties in India filed suit, alleging that the ordinance is "amenable to gross abuse and misuse, arbitrariness and partiality" and "can result in harsh and drastic punishment to innocent persons without hearing or remedy." HRW noted particular concern that the law also criminalizes any support given to Naxalites, regardless of evidence of duress. On May 14, Chhattisgarh police arrested Dr. Binayak Sen under the provisions of this act, alleging that Dr. Sen provided material support to Naxalites. At year's end Dr. Sen remained in judicial custody and had been denied bail.

The AFSPA remained in effect in Nagaland, Manipur, Assam, and parts of Tripura, and a version of the law was in effect in Jammu and Kashmir. Under AFSPA the government can declare any state or union territory a "disturbed area." This allows the security forces to fire on any person in order to "maintain law and order" and to arrest any person "against whom reasonable suspicion exists" without informing the detainee of the grounds for arrest. Security forces are also granted immunity from prosecution for acts committed under AFSPA.

In 2005 a Home Ministry committee, chaired by Justice B.P. Jeevan Reddy, reviewed AFSPA and submitted its report and recommendations. In October 2006 the ministry released the report, which recommended the repeal of the act and gave the central government power to send forces where required to enforce the repeal. In April a working group on Jammu and Kashmir appointed by the prime minister also recommended that the act be revoked. The government had not acted on these recommendations by year's end.

The Manipur government extended AFSPA for another six months from June 1 after declaring the state a "disturbed area," as defined under the AFSPA. The AFSPA does not apply to seven assembly constituencies in the Imphal Municipal area that had not been declared a disturbed area. The law provides a person in detention the right to a prompt trial; however, due to a severe backlog, this was not the case in practice. Human rights organizations reported that 60 to 75 percent of all detainees were in jail awaiting trial, drastically contributing to overcrowding. Human rights organizations asserted that approximately 65 percent of those detained were found innocent. Due to persistent inefficiencies in the judicial system, there were numerous instances in which detainees spent more time in jail under pretrial detention than they would have if found guilty and sentenced to the longest possible term.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice; however, serious problems remained. In Jammu and Kashmir, members of the judiciary were subject to threats and intimidation by insurgents and terrorists.

The judicial system is headed by a Supreme Court, which has jurisdiction over constitutional issues, and includes state high courts, state lower courts, and special tribunals. Lower courts hear criminal and civil cases and send appeals to state high courts. The president appoints judges, who may serve until the age of 62 on state high courts and 65 on the Supreme Court.

Trial Procedures

The Criminal Procedure Code provides that trials be conducted publicly, except in proceedings involving official secrets, trials in which statements prejudicial to the safety of the state might be made, or under provisions of special security legislation. Defendants enjoy a presumption of innocence and have the right to choose their counsel. Sentences must be announced publicly, and there are effective channels for appeal at most levels of the judicial system. The state provides free legal counsel to indigent defendants. The law allows defendants access to relevant government-held evidence in most civil and criminal cases; however, the government had the right to withhold information and did so in cases it considered

sensitive.

There was continued concern about the failure of the Gujarat government to arrest and convict those responsible for the 2002 violence following the train burning in Godhra in which 59 men, women, and children died. For example, Muslims continued to voice anger over police unwillingness to register or properly investigate complaints against perpetrators of the violence. In June, after agreeing to reexamine the closure of 1,600 complaints per instruction of the Supreme Court, Gujarat police concluded that a majority of cases could not be reinvestigated due to lack of witnesses. Convictions of Hindu perpetrators of the violence were minimal, while acquittals were common. According to an October 2006 report submitted by the federal government to a UN agency, six cases resulted in convictions, whereas 182 cases were acquittals.

According to Government of Gujarat figures, 223 persons remained "missing" after the 2002 violence, a majority of whom were Muslims. Family members and NGOs maintained that many of these persons were killed and their bones interred in mass graves. In December 2005 and August 2006, two such mass graves came to light in Kidiad town and in the Panam river bed near Lunawada town. The victims' kin and an NGO filed a case in the Gujarat High Court that the remains should be identified and returned to the kin. During 2006, on the directives of the Gujarat High Court, the Government of Gujarat sent the remains for DNA analysis. Although the report was submitted to the Gujarat High Court in May 2006, the victims' kin were not able to access it. At year's end the Gujarat High Court had not ruled whether the remains should be returned.

The other high-profile trial from the 2002 Gujarat violence, the Bilkis Bano gang rape case, was ongoing in a Mumbai court at year's end.

The Gujarat Government claimed that police initially arrested 5,384 persons in the city of Ahmedabad and 24,683 persons in the state as a whole. However, a 2006 analysis by the Islamic Relief Committee of Gujarat revealed that a very few number of these investigations actually led to convictions. The Gujarat Government's legal department advised against appealing most of the acquittals in the remaining cases. As a result, only a handful of cases were appealed to higher courts. From April 2002 through year's end, the Justice Nanavati-Shah Commission had also conducted public hearings in the Godhra train arson and subsequent Gujarat violence incidents. At year's end the commission's inquiry was ongoing.

HRW reported in 2006 that Hindu extremists threatened and intimidated victims, witnesses, and human rights activists attempting to investigate those who committed crimes during the 2002 Gujarat riots. HRW asserted that instead of pursuing the perpetrators of violence, the Gujarat Government nurtured a climate of fear by launching selective tax probes against some Islamic organizations to pressure Muslim witnesses to withdraw murder and arson charges against Hindu nationalists. According to AI's 2007 annual human rights report, "justice continued to evade" victims and survivors of the riots." Muslims faced difficulty obtaining housing and access to public resources, and few successful prosecutions took place. However, 41 police were being tried for their alleged roles in the violence.

Fast Track Courts concentrated on a specific type of case, allowing judges to develop expertise in a given area of law. These courts gave preference to cases pending for extended periods and often focused on civil issues. Court fees were generally lower for these courts, since trials were shorter.

As in previous years, courts were regularly in session and the judicial system began to normalize in Jammu and Kashmir. Nevertheless, the judicial system was hindered because of judicial tolerance of abuses committed as part of the government's anti-insurgent campaign and because of the frequent refusal by security forces to obey court orders.

Due in part to intimidation by insurgents and terrorists, courts in Jammu and Kashmir often were reluctant to hear cases involving insurgent and terrorist crimes and failed to act expeditiously, if at all, on habeas corpus cases. According to the Ministry of Home Affairs, in addition to Kashmiris, there were currently 377 persons of unidentified ethnicity and 136 foreigners in jails in 2006.

Political Prisoners and Detainees

While the government maintained that there were no political prisoners, the All Parties Hurriyat Conference (APHC) claimed there were approximately 500 political prisoners in Jammu and Kashmir, and human rights activists based in the state placed the number at 150, although among these were persons whom the government claimed had engaged in violent acts.

The government permitted international humanitarian organizations, such as the ICRC, access to such persons on a regular basis.

In March the trial of 34 Burmese nationals, suspected members of the National United Party of Arakan and Karen National Union who had spent nine years in detention, began in West Bengal. Authorities arrested the Burmese nationals in February 1998. Due in large part to a campaign by local human rights organizations, the West Bengal Government withdrew a decision to hold the trial in secret in prison. The trial began in the Kolkata High Court but was closed to the

public and media; the Central Bureau of Investigation (CBI) prosecuted the men on charges of illegal possession of weapons. In December the government transferred the judge presiding over the case, and the proceedings were placed on hold.

There were no reports of political detainees during the year, although the government temporarily detained hundreds of suspected terrorists, insurgents, and separatists.

Civil Judicial Procedures and Remedies

There are different personal status laws for the various minority religious communities, and the legal system accommodates religion-specific laws in matters of marriage, divorce, adoption, and inheritance. Muslim personal status law governs many noncriminal matters, including family law and inheritance.

The Government of Karnataka formally established the Karnataka Human Rights Commission on July 25 with the appointment of a former Chief Justice of the Chhattisgarh High Court to head the body, along with two other members. It took four months for the Karnataka government to allot the necessary infrastructure for the commission to start operations. According to human rights groups, the commission held approximately ten hearings during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice; however, at times the authorities infringed upon them. Police must obtain warrants to conduct searches and seizures, except in cases where such actions would cause undue delay. Police must justify such warrantless searches in writing to the nearest magistrate with jurisdiction over the offense. The authorities in Jammu and Kashmir, Punjab, and Manipur have special powers to search and arrest without a warrant.

The Information Technology Act grants police power under certain circumstances to search premises and arrest individuals without a warrant. The act specifies a one-year sentence for persons who fail to provide information to the government on request and a five-year sentence for transmitting "lascivious" material.

The Indian Telegraph Act authorizes the surveillance of communications, including monitoring telephone conversations and intercepting personal mail in cases of public emergency or "in the interest of the public safety or tranquility." The central government and state governments used these surveillance techniques during the year.

Although the Telegraph Act gives police the power to tap phones to aid an investigation, they were not allowed to use such evidence in court. The UAPA allows such evidence to be used in terrorist cases, and some human rights activists noted that UAPA confers additional powers on police to use intercepted communications as evidence in terrorism cases. While there were elaborate legal safeguards to prevent police from encroaching on personal privacy, there were no such protections in terrorist cases.

Laws limiting families to two children remained in place in seven states. The laws, lightly enforced, provide government jobs and subsidies to those who have no more than two children and sanctions against those who do. National health officials in New Delhi noted that the central government was unable to regulate state decisions on population issues.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Terrorist and insurgent groups killed members of rival factions, government security forces, government officials, and civilians in Jammu and Kashmir, several northeastern states, and in the Naxalite belt in the eastern part of the country.

Killings

Security forces often staged encounter killings to cover up the deaths of captured non-Kashmiri insurgents and terrorists from Pakistan or other countries. Human rights groups noted that police officials often refused to turn over bodies in cases of suspected staged encounters. The bodies were often cremated before their families could view them. Most police stations failed to comply with a 2002 Supreme Court order requiring the central government and local authorities to conduct regular checks on police stations to monitor custodial violence.

According to the Jammu and Kashmir Human Rights Commission, insurgent groups killed 678 persons from April 2005 through March.

Human rights groups maintained that, in Jammu and Kashmir and in the northeastern states, numerous persons continued to be held by military and paramilitary forces. Human rights activists feared that many of these unacknowledged prisoners were subjected to torture and that some may have been killed.

The AFSPA and the Disturbed Areas Act (DAA) remained in effect in the Jammu and Kashmir districts of Kathua, Udhampur, Poonch, Rajouri, Doda, Srinagar, Budgam, Anantnag, Pulwama, Baramulla, and Kupwara, where active and violent secessionist movements existed. The DAA gives police extraordinary powers of arrest and detention, and the AFSPA provides search and arrest powers without warrant. Human rights groups alleged that security forces operated with virtual impunity in areas under the act. The government did not repeal the act despite the January 2006 Supreme Court recommendation that the UAPA provides sufficient authority to combat the insurgency.

Accountability by the Jammu and Kashmir government remained a serious problem. Human rights groups estimated that 30,000 to 35,000 persons died during two decades of conflict in Jammu and Kashmir. The Jammu and Kashmir governor, Lt. General S.K. Sinha, reported 39,000 deaths during the conflict. Security forces committed thousands of serious human rights violations over the course of the insurgency, including extrajudicial killings, disappearances, and torture.

Killings of security force members by insurgents and terrorists in Jammu and Kashmir declined to 330 during 2005, according to home ministry statistics. As of August 2005, the Jammu and Kashmir police claimed fighting in Kashmir had resulted in the deaths of 167 security forces, 359 civilians, and 622 insurgents. According to the Jammu and Kashmir police, militants killed 385 civilians, security forces killed 554 terrorists, and insurgents killed 177 members of the security forces. According to South Asia Terrorism Portal (SATP), at year's end, 164 civilians, 121 security force personnel, and 492 terrorists had been killed as a result of terrorist violence.

There were continuing reports of civilians killed in crossfire in Jammu and Kashmir during the year.

Terrorists and insurgents operating in Rajouri, Poonch, Udhampur, and Doda areas of Jammu and Kashmir repeatedly targeted the minority Pandit (Hindu Brahmin) community, killing entire families in several incidents throughout the year.

There were no further developments regarding the RR killing in 2006 of a 62-year-old village headman, Sanaulah Magray. The army had said the killing was a case of mistaken identity and that the villager had entered an ambushed area and ignored warnings to stop. While the government conducted an investigation and the army ordered a separate inquiry into the incident, authorities did not take corrective action to resolve this case during the year.

As in previous years, tension along the Line of Control (LOC) in Kashmir was minimal. The Home Ministry reported no cases of artillery shelling, mortar, or small arms fire across the LOC or on the Siachen glacier.

The government did not take action to resolve the February 2006 army killing of four youths in Kupwara district. While the NHRC had asked the Jammu and Kashmir government to provide a detailed report of the killing, the government had not done so by year's end.

In the northeast, human rights groups observed that violence persisted despite ongoing talks between separatist groups and state government officials and a 1997 government ceasefire. In August the government and the National Socialist Council of Nagaland Isak-Muivah (NSCN-IM) extended the ceasefire indefinitely. Factional violence between the NSCN-IM and the National Socialist Council of Nagaland Khaplang (NSCN-K) continued, resulting in numerous deaths. The Institute for Conflict Management's provisional data for 2007 indicates that of the 108 people killed by insurgency violence, 88 were killed due to intrafactional insurgent fighting. On December 17, the NSCN-K, NSCN-IM, and the Naga National council agreed to a six-month cease-fire agreement.

On February 2, Border Security Force members operating near Mayai Leikai, Heirok Part II, in Manipur, beat and arrested Wairokpam Ibosana after blaming him for sheltering members of the People's Liberation Army.

On April 6, police commandos stopped three persons riding a moped through Imphal West. According to Human Rights Alert, the persons attempted to flee but police caught them and shot them. Witnesses reported that police then fired blanks at the crowd seeking to aid the victims. Police stated that they acted in self-defense after the young men threw hand grenades at the officers.

On August 11, according to Human Rights Alert, members of the AR killed Md. Ramesh and Md. Isir. AR claimed they killed three members of the People's United Liberation Front, but the victims' families denied that the victims had any connection with armed groups. The families filed formal complaints at Heingang police station.

According to the Home Affairs Annual Report, 76 districts in the nine states of Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Orissa, Maharashtra, Madhya Pradesh, Uttar Pradesh and West Bengal were affected by Naxalite violence. Chhattisgarh was a center of Naxalite activity, with over 350 insurgent-related casualties from January to December. In Chhattisgarh, the government touted the Salwa Judum Movement, a village level self-defense militia created in June 2005, as a successful counterweight to the Naxalite threat. Naxalite retaliations against the movement resulted in violent civil conflict in Dantewara district and a large number of civilian deaths.

Throughout the year, according to data compiled from news reports by SATP, 619 deaths related to Naxalite violence

occurred throughout the country. These deaths occurred during Naxalite attacks on Internally Displaced Persons (IDP) camps, government installations, police patrols, and remote villages, and in police-Naxalite skirmishes. Of the 336 individuals killed in Chhattisgarh, 93 were civilians, 170 police personnel (regular forces, as well as Special Police Officers) and 73 were alleged Naxalites. According to Andhra Pradesh police, Maoists killed 44 civilians throughout the year. The police were responsible for 47 encounter killings of Maoists during the year, compared with 110 in 2006.

During the year SATP reported 426 deaths related to insurgency in Assam, where the United Liberation Front of Assam (ULFA) continued its violent campaign against Hindi-speakers from mainland India. From January through December, ULFA militants killed more than 110 persons in bomb attacks in the Dibrugarh, Tinsukia and Sivsagar districts of Assam.

From January through December 18, SATP reported the following deaths as a result of insurgency-related violence in the seven northeast states: 445 civilians, 65 security forces, and 470 militants.

Abductions

Human rights groups maintained that, in Jammu and Kashmir and in the northeastern states, numerous persons continued to be held by military and paramilitary forces. Human rights activists feared that many of these unacknowledged prisoners were subjected to torture and that some may have been killed.

There were no reliable figures for disappearances in Jammu and Kashmir during the year. According to Association of Parents of Disappeared Persons (APDP) and other NGOs such as ACHR and SAHRDC, the number of newly reported disappearances decreased compared with the early years of the conflict. Reports varied widely on the number of disappearances that occurred in that area. For example, the Jammu and Kashmir Government stated in 2003 that 3,931 persons had disappeared in the state since the insurgency began in 1990, compared with an APDP estimate of approximately 8,000 to 10,000. ACHR reported in September 2005 that more than 6,000 cases of disappearances remain unresolved in the state. There was virtually no information about the fate of individuals who disappeared since the beginning of the Jammu and Kashmir insurgency.

On December 31, the United Liberation Front of Barak Valley insurgents along the Assam-Mizoram border kidnapped three persons, including the son of a Congress party leader and demanded a ransom of approximately \$25,000 (1,000,000 rupees).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and expression; however, freedom of the press is not explicitly mentioned. The government generally respected these rights in practice. An independent press, a somewhat effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. Under the 1923 Official Secrets Act, the government may prosecute any person who publishes or communicates information that could be harmful to the state. However, no cases were reported during the year.

Designed to be a self-regulating mechanism for the press, the Press Council is a statutory body of journalists, publishers, academics, and politicians, with a government-appointed chairman, that investigates complaints of irresponsible journalism and sets a code of conduct for publishers nationwide. This code includes a commitment not to publish stories that might incite caste or communal violence. The council publicly criticized newspapers or journalists it believed had broken the code of conduct, especially regarding communal violence or vandalism.

Independent newspapers and magazines regularly published and television channels regularly broadcast investigative reports, including allegations of government wrongdoing, and the press generally promoted human rights and criticized perceived government lapses. Most print media and 80 percent of television channels were privately owned. However, by law only government-controlled radio stations were allowed to report news over the radio.

With the exception of radio, foreign media generally was allowed to operate freely, and private satellite television was distributed widely by cable or satellite dish, providing competition for Doordarshan, the government-owned television network. While the public frequently accused the government network of manipulating the news in the government's favor, some privately owned satellite channels often promoted the platforms of political parties their owners supported.

The government often held foreign satellite broadcasters, rather than domestic cable operators, liable under civil law for what it deemed objectionable content on satellite channels--notably, tobacco and alcohol advertisements and adult content.

AM radio broadcasting remained a government monopoly. Private FM radio station ownership was legal, but licenses only authorized entertainment and educational content. Local editions of foreign press were prohibited; however, the

government allowed country-specific editions published by a local company, with no more than a 26 percent foreign partnership.

The authorities generally allowed foreign journalists to travel freely, including in Jammu and Kashmir, where they regularly met with separatist leaders and filed reports on a range of issues, including government abuses.

The Newspapers Incitements to Offenses Act remained in effect in Jammu and Kashmir, which allows a district magistrate to prohibit publication of material likely to incite violence; however, newspapers in Srinagar reported in detail on alleged human rights abuses by the government and regularly published separatist Kashmiri groups' press releases.

There were some attacks on the media that were apparently intended to harass or inhibit the free expression of opinions.

On May 9, a faction of Tamil Nadu's ruling DMK party set fire to the *Dinakaran* newspaper offices in Madurai, killing two employees of the newspaper and a security guard. According to the newspaper's staff, the police were present but did nothing to prevent the mob from entering the compound. The mob reportedly was enraged by a published survey in the newspaper that showed their leader, a son of the Tamil Nadu Chief Minister, trailing in the race to succeed the Chief Minister.

In August members of the Shiv Sena party damaged the office of *Outlook*, a weekly in Mumbai, to protest the weekly's description of Shiv Sena founder Bal Thackeray as one of the "villains" of India. No one was injured.

In August the Manipur government imposed restrictions on the publication of insurgent group statements they deemed subversive or threatening to the state, following an August 1 incident in which insurgent groups planted a bomb at the office of the daily newspaper *Sangai Express*.

In August suspected Communist Party of India (Marxist) (CPI(M)) workers assaulted three journalists of the Malayala Manorama Group during a demonstration at Kannur. The attackers also shouted slogans against the alleged political bias of the newspaper and its television channel.

Violent intimidation of the press by terrorist groups in Jammu and Kashmir caused significant self-censorship, according to journalists based in the state. During the year the threat of losing government revenue contributed to self-censorship by smaller media outlets that relied heavily on state government advertising for their survival.

Despite the fact that local police filed a case, there were no developments in the June 2006 death of Arun Narayan Dekate, a rural correspondent with the Marathi daily *Tarun Bharat*, killed by unknown assailants. According to press reports, Dekate had exposed and informed police about an illegal gambling racket headed by alleged gambling boss Dhampal Bhagat. In June the Indian Federation of Working Journalists protested police and government inaction over Dekate's murder. By year's end no suspects had been identified and the police investigation was still pending.

The government maintained a list of banned books that may not be imported or sold in the country. Censors claimed that some books, such as Salman Rushdie's *Satanic Verses*, aggravated communal tensions.

On August 9, three legislators of the All India Majlis-e-Ittehadul Muslimeen in Hyderabad attacked Taslima Nasreen for alleged anti-Muslim remarks. The Bangladesh-born writer was there for the release of the Telugu version of her book *Sokhe*. In November Nasreen self-censored her autobiography, *Dwik-handita*, after a series of protests in West Bengal led the state government to ask the author to leave the state. The national government granted Nasreen asylum in New Delhi but noted that those living in asylum should behave a "certain way: and not disturb public harmony." At year's end charges had not been filed.

In Uttar Pradesh the AHRC reported that the executive magistrate in the Varanasi district assaulted several journalists who attempted to lodge a complaint against treatment of journalists in the area.

In March and April 2006 the government of Rajasthan banned *Haqeeqat* (Reality), a Hindi translation of a controversial anti-Hindu book by Kerala-based evangelist M.G. Mathew, claiming it would incite communal violence, and held Samuel Thomas, president of Emmanuel Ministries International (EMI), a Christian charitable institution, in judicial custody from March 17 to May 2 for distributing the publication. The book *Wo Sharm Se Hindu Kahate Hain Kyon?* (Why Do They Say With Shame They Are Hindus) was banned at the same time as *Haqeeqat*.

A government censorship board reviewed films before licensing them for distribution, censoring material it deemed offensive to public morals or communal sentiment.

Internet Freedom

The Informational Technology Act provides for censoring the Internet on public morality grounds, and defines "unauthorized access to certain types of electronic information" as a crime. According to Reporters Without Borders, the law theoretically allows police to search the homes or offices of Internet users at any time without a warrant, but that claim had not been tested in court. The government retained the right to limit access to the Internet, specifically information deemed detrimental to national security. The act requires Internet cafes to monitor Internet use and inform the authorities of offenses.

Academic Freedom and Cultural Events

The government continued to apply restrictions to the travel and activities of visiting experts and scholars. In 2003 the Ministry of Human Resources Development (HRD) passed academic guidelines requiring all central universities to obtain HRD permission before organizing "all forms of foreign collaborations and other international academic exchange activities," including seminars, conferences, workshops, guest lectures, and research. While the restrictions remained in force, in most cases, the HRD ultimately permitted the international academic exchanges to take place after bureaucratic delays. During 2006 the Ministry of Home Affairs denied visa to 21 scholars. During the year the Ministry of Home Affairs denied visa to three scholars.

In February cinema owners and distributors in Gujarat refused to screen the film *Parzania*, arguing that its depiction of a Parsi family suffering during the 2002 violence would rekindle communal tension. Hindutva groups threatened to attack theaters that showed the film. The Indian Censor Board had approved the film for countrywide distribution, and the film was shown elsewhere in India.

In April the Supreme Court directed the government of Maharashtra to drop criminal proceedings against a foreign scholar. The Government of Maharashtra had banned his book on the 17th century Maratha warrior Shivaji and had charged him with defaming the king and disrupting communal harmony. At year's end, despite the Supreme Court judgment, the Government of Maharashtra had not lifted the ban on the book.

In May Vishwa Hindu Parishad (VHP)-Bajrang Dal activists vandalized the work of art student Chandramohan Srimantula at M.S. University, Vadodara. Initially, the Gujarat police arrested the student for "hurting religious sentiments." Police released him after five days, with assurances that he would not leave the country, after one of his teachers posted bail for him. University Vice Chancellor Manoj Soni suspended Arts Faculty Dean Shivaji Pannikar, allegedly for his support of his student's right to exhibit the works.

In December Shiv Sena activists attacked an art exhibition by self-exiled artist M.F. Hussain at Delhi's India International Center because they found his portraits of Hindu goddesses to be obscene.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected this right in practice.

Freedom of Assembly

The authorities normally required permits and notification prior to holding parades or demonstrations, and local governments ordinarily respected the right to protest peacefully, except in Jammu and Kashmir, where the local government sometimes denied permits to separatist parties for public gatherings and detained separatists engaged in peaceful protest. During periods of civil tension, the authorities may ban public assemblies or impose a curfew under the Criminal Procedure Code.

There were some instances of demonstrations where security forces either claimed harsh tactics were warranted or failed to protect demonstrators from violence.

On May 18, in Hyderabad, police fired on a crowd protesting a bombing earlier that day at the city's historic Mecca Masjid mosque, killing five persons. After an inquiry, the government awarded each victim's family \$12,500 (491,000 rupees) and one government job.

On July 28, Andhra Pradesh police shot and killed six villagers in Mudigonda in the Khammam district after a two month political protest demanding free land for the poor. The government announced compensation of \$12,500 (491,000 rupees) and a government job for one family member of each person killed, as well as two acres of agricultural land and education for victims' children.

Freedom of Association

The law provides for the freedom of association, and the government generally respected this right in practice.

NGOs must secure approval from the Ministry of Home Affairs before organizing international conferences. Human rights groups contended that this provided the government with substantial political control over the work of NGOs and restricted their freedom of assembly and association. NGOs alleged that some members from abroad were denied visas arbitrarily.

c. Freedom of Religion

The law provides for secular government and the protection of religious freedom, and the central government generally respected these provisions in practice; however, occasionally the government did not act effectively to counter societal attacks against religious minorities and attempts by state and local governments to limit religious freedom. This failure resulted in part from legal constraints inherent in the country's federal structure and in part from shortcomings in the law enforcement and judicial systems. There is no state religion, although the fact that the majority of citizens are Hindus adversely affected on occasion the religious freedom of others. Some Hindu hardliners interpreted ineffective investigation and prosecution of their attacks on religious minorities as evidence that they could commit such violence with impunity.

Legally mandated benefits were assigned to certain groups, including some defined by their religion. For example, the government allowed educational institutions administered by minority religions to reserve seats for their coreligionists even when they received government funding. Benefits accorded Dalits (formerly known as "untouchables") were revoked once they converted to Christianity or Islam, but not to Buddhism or Sikhism, ostensibly because once a Dalit converted to Christianity or Islam, he or she would no longer technically be a Dalit.

The Religious Institutions (Prevention of Misuse) Act of 1988 criminalizes the use of any religious site for political purposes or the use of temples to harbor persons accused or convicted of crimes. While specifically designed to deal with Sikh places of worship in Punjab, the law applies to all religious sites. The Religious Buildings and Places Act requires a state government-endorsed permit before construction of any religious building. The act's supporters claimed that its aim is to curb the use of Muslim institutions by Islamic extremist groups, but the measure became a controversial political issue among Muslims.

The states of Arunachal Pradesh, Chhattisgarh, Madhya Pradesh, and Orissa have laws against forcible conversions.

On May 25, the Gujarat High Court ordered police to drop a case filed under Gujarat's anticonversion law on the grounds the law was not fully operational, as the Governor of Gujarat had refused to sign it. The Court instructed the Director General of Police to notify all state police about the decision.

In March 2006 the Rajasthan government introduced and the state assembly passed legislation banning conversions by "force, allurement, or fraudulent means." The Governor of Rajasthan refused to sign her state's anticonversion law, effectively nullifying it.

In May 2006 the Tamil Nadu Assembly repealed the Tamil Nadu Prohibition of Forcible Conversion of Religion Act, 2002.

In May the Andhra Pradesh Government enacted the "propagation of other religion in places of worship or prayer (Prohibition)" Law. The Andhra Pradesh Government passed an ordinance forbidding the distribution of literature or other propagation of one religion within the vicinity of designated places of worship of a different religion. The Andhra Pradesh assembly passed an act modeled on this ordinance on July 23. At year's end only Hindu sites had been notified, and authorities had not prosecuted anyone under this act.

While there were some reported arrests throughout the country, there were no convictions under anticonversion laws during the year.

Reports from faith-based NGOs and the media indicated that there were four arrests under the anticonversion laws in Andhra Pradesh, 14 in Chhattisgarh, 28 in Madhya Pradesh, two in Orissa, and one in Uttar Pradesh between July 2005 and June 2006. In most cases police released on bail those arrested, often after a night in jail. Faith-based NGOs alleged that this was a systematic strategy to discourage Christian prayer meetings.

There is no national law barring a citizen or foreigner from professing or propagating his or her religious beliefs; however, the law prohibits visitors in the country on tourist visas from engaging in religious proselytizing without prior permission from the Ministry of Home Affairs. During the year, state officials continued to refuse permits to foreign missionaries to enter some northeastern states on the grounds of political instability in the region. Missionaries and religious organizations must comply with the Foreign Contribution (Regulation) Act (FCRA) of 1976, which restricts funding from abroad. The government can ban a religious organization that violates the FCRA, provokes intercommunity friction, or has been involved in terrorism or sedition.

The legal system accommodates minority religions' personal status laws, and there were different personal laws for different religious communities. Religion-specific laws are paramount in matters of marriage, divorce, adoption, and inheritance. The personal status laws of the religious communities sometimes discriminated against women.

The law limits inheritance, alimony payments, and property ownership of persons from interfaith marriages and prohibits the use of churches to celebrate marriage ceremonies in which one party is a non-Christian. Clergymen who contravene its provisions could face up to 10 years' imprisonment. However, the act does not bar interfaith marriages in other places of worship.

In response to EMI headquarters' distribution of *Haqeeqat*, deemed disrespectful of Hindu beliefs, a prominent Hindu leader offered a bounty of \$26,000 (1.15 million rupees) for the mission archbishop's "head on a plate." According to the media, Hindu activists attacked a school run by EMI and burned an effigy of its founder. In February 2006 the Government of Rajasthan suspended the registration of EMI property and froze its assets. By the end of 2006, EMI's bank account had been reopened and its registration had been restored.

In May a bomb explosion killed nine persons and injured more than 50 others in the Mecca Masjid in Hyderabad. At year's end, Harkat-ul-Jehad-i-Islami activist Mohammed Abdul Sahed alias Bilal remained the key suspect in the attack.

On July 28, according to the All India Christian Council, authorities in Mayurbhanj, Orissa, arrested two Catholic nuns reportedly on false charges of forcible conversion and torturing students in their school; on February 22, Hindu extremists reportedly demolished a church building under construction at Chandrasekharpur, Bhubaneswar, and on February 28, Hindu radicals entered the campus of Believers Church Bible College at Brajaraj Nagar, Jharsuguda, Orissa.

There were no updates concerning the April 2006 communal clashes between Hindu and Muslim residents in Aligarh, the March 2006 Hindu attack on Muslim shops in Goa, or the May 2006 police killing of two Muslim protesters in Gujarat. The government did not take action on the investigation of the September 2006 attacks against Muslim worshipers in Maharashtra.

Societal Abuses and Discrimination

Several human rights and religious freedom NGOs, including the All-India Christian Council and the All-India Catholic Union (AICU), expressed concern over continued anti-Christian violence in several states governed by the Bharatiya Janata Party (BJP) and claimed that some of the attackers had affiliations with the Hindu extremist group Rashtriya Swayamsevak Sangh (RSS). The AICU reported there were approximately 190 cases of persecution against Christians throughout the country and noted that the intensity of attacks on Christians increased.

Unlike previous years, NGO contacts reported that attacks against Christians occurred in more urban areas. On September 10, a group of approximately 35 people from the Hindu extremist group RSS beat the principal of a Bible college in Geddahalli village on Hennur Road in Bangalore. On December 5, a group destroyed machinery at a Church construction site in north Delhi.

On December 24, a Hindu group led allegedly by a leader of the RSS shot at two Christian children in the Kandhamal district of Orissa. A VHP leader leading an anticonversion drive in the area was also injured. The events started a series of communal clashes in the tribal-dominated Kandhamal and Phulbani districts of eastern Orissa, provoking the Prime Minister to call for calm and a return to peace, and ask the state government to ensure security for Christians. A group of NGOs submitted a memorandum to the chairperson of the NHRC alleging that 5,000 persons had been affected by these attacks and about 600 houses had been damaged. They also alleged that the police had sided with the perpetrators of violence and dissuaded the victims from lodging complaints.

The Bangalore-based Global Council for Indian Christians (GCIC) reported a series of attacks against Christian groups in Karnataka following the founding of the short-lived BJP coalition with the Janata Dal. According to GCIC, on September 30, a group of alleged Bajrang Dal activists attacked a church at Kodlipet in Kodagu district, injuring several people. Similarly, on October 7 in Mayasandra village of Tumkur district, Hindu extremists attacked and seriously injured a Christian missionary while he was conducting a service.

Muslims in some Hindu-dominated areas continued to experience intimidation and reported a lack of government protection, resulting in their inability to work, reside, or send their children to school. In some areas, primarily in Gujarat, Hindutva groups displayed signs stating "Hindus only" and "Muslim-free area." Hindutva is the ideology that espouses politicized inculcation of Hindu religious and cultural norms above other religious norms. There were also allegations of prohibitions on the Muslim call to prayer.

Hindu organizations frequently alleged that Christian missionaries forced or lured Hindus, particularly those of lower castes, to convert to Christianity. In Christian majority areas, there were occasional reports that Christians harassed members of other communities.

On September 21, the body of Rizwanur Rehman, a Muslim who had married the daughter of a Hindu businessman, was found by the railway tracks in Kolkata. Rehman reportedly had been intimidated and threatened by the police, whom the businessman had approached for help in breaking up the interreligious relationship. Amid public protests, the police

commissioner stepped down after being held responsible for undue interference in personal issues. The high court ordered a CBI inquiry into Rehman's death. A CBI report indicated "suicide prompted by circumstances" was the cause of Rehman's death.

There were no reports during the year of anti-Semitic acts.

Most of the Jews from India emigrated to Israel in 1948. There are believed to be only 13 Indian-born Jews from seven families still living in Kochi and approximately 40 Jews living in Delhi. Small but active communities remain in Mumbai. Most of the Jews from Mumbai are known as Baghdadi Jews who come from Iraq, Iran, Syria and Afghanistan and are thought to have arrived 250 years ago. In Northeastern India, an estimated 9,000 Indians started practicing Judaism in the 1970s, saying they were a lost tribe and descendants of the tribe of Manasseh. In recent years, over 1,400 members of the community emigrated to Israel.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement, and the government generally respected this in practice; however, in certain border areas the government required special permits.

Security forces often searched and questioned occupants at vehicle checkpoints, mostly in troubled areas in the Kashmir Valley or after major terrorist attacks. The government also completed construction (except in areas of difficult terrain) of a 330-mile security fence along the LOC in Jammu and Kashmir, causing occasional difficulties for local residents, as it cut through some villages and agricultural lands. The government erected the security fence to stop arms smuggling and infiltration by Pakistani-based terrorists or insurgents. The government attributed a decline in insurgent crossings during the year in part to the fence.

Under the Passports Act of 1967, the government may deny a passport to any applicant who "may or is likely to engage outside India in activities prejudicial to the sovereignty and integrity of India." In the past, the government used this provision to prohibit foreign travel by some government critics, especially those advocating Sikh independence, and members of the separatist movement in Jammu and Kashmir.

Unlike in previous years, there were no reports of the government using the issuance of passports or travel documents to restrict travel of separatist leaders in Jammu and Kashmir. However, citizens from Jammu and Kashmir continued to face extended delays, often up to two years, before the Ministry of External Affairs would issue or renew their passports. Government officials also regularly demanded bribes before issuing passports from Jammu and Kashmir that required special clearances. Applicants born in Jammu and Kashmir—even the children of serving military officers born during their parents' deployment in the state—were subjected to additional scrutiny, requests for bribes, and police clearances prior to passport issuance.

There was no law banning forced exile and no reports of its use during the year.

Internally Displaced Persons (IDPs)

According to the Norwegian Refugee Council, regional conflicts in Jammu and Kashmir, Gujarat, and the northeast displaced at least 650,000 persons. Approximately 300,000 Kashmiri Pandits forced to flee the Kashmir Valley in the early 1990s after the outbreak of separatist violence remained in IDP camps in Jammu and New Delhi. They were unable to return to their homes in Jammu and Kashmir because of safety concerns, including the ongoing killings of Hindus in the state.

According to the Ministry of Home Affairs' Annual Report for 2006-2007, there were 55,950 Kashmiri Pandit migrant families, of which 34,562 resided in Jammu, 19,338 in Delhi, and 2,050 in other states. There were 230 migrant families living in 14 camps in Delhi and 5,778 families in 16 camps in Jammu.

In October 2006 according to the National Commission for Minorities (NCM), 5,307 Muslim families still lived in "precarious conditions" in 46 makeshift camps across Gujarat following the violence in 2002. On August 11, Gujarat Chief Secretary Sudhir Mankad reportedly conceded in a meeting with the NCM that 3,600 families in 46 makeshift camps had not been able to return to their original residences. Mankad also acknowledged that many of the poorest families in the camps had not received "Antyodaya" cards, which allow them access to subsidized food grains.

More than 87,000 persons lived under poor conditions in IDP camps in Assam as a result of ongoing violence in the northeast. According to press reports, nearly 2,000 families who were riot victims from the Kokrajhar, Bongaigaon, and Dhubri districts in Assam awaited rehabilitation grants sanctioned by the state government following the 1993-99 riots in these areas.

An NGO reported that the Assam state government released part of the grants during the year. The government also provided assistance to IDPs and allowed them access to NGO and human rights organizations during the year. As in previous years, there were no reports that the government attacked or forcibly resettled IDPs. There were no reports of government programs specifically designed to facilitate resettlement.

During 2006 the Chhattisgarh government opened IDP camps in Dantewara district for tribals caught in fighting between Naxalites and activists of a counterinsurgent movement called "Salwa Judum." An estimated 60,000 tribal villagers were encamped in 27 locations. By most accounts the camps lacked adequate shelter, food, and security. There were allegations of trafficking in persons in the camps. Civil society and media alleged there was trafficking in child soldiers by Naxalites and "Salwa Judum" activists. NGOs in Chhattisgarh also criticized the practice of hiring teenage children of police personnel slain in Naxalite attacks as "Bal-police (child police.)" The children were not given actual policing duty but ran errands in police stations. Several such "Bal-police" continued to be employed in police stations in Madhya Pradesh and Chhattisgarh.

Protection of Refugees

The law does not provide for the granting of asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees or asylum seekers. In practice, the government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, to Tibetans and Sri Lankans. The government provided temporary protection to certain individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol. According to the Office of the UN High Commissioner for Refugees (UNHCR), by December 31, there were 11,406 refugees under UNHCR mandate in the country. Since 1960, the government has hosted approximately 110,000 de facto refugees from Tibet. During the year Tibetan leaders in India stated that the government treated them extremely well.

The government generally denied NGOs, international humanitarian organizations, and the office of the UNHCR direct access to refugee and IDP camps, particularly in Mizoram. However, UNHCR was given limited access and maintained a local office in Tamil Nadu. The UNHCR had no formal status, but the government permitted its staff access to refugees living in urban centers. The government did not formally recognize UNHCR grants of refugee status, although it provided "residential permits" to many Afghans and Burmese. The government considered Tibetans and Sri Lankans in settlements and refugee camps to be refugees, and provided assistance to them, but since it regarded most other groups, especially Bangladeshis, as economic migrants, it did not provide them with aid. However, in recent years, a number of court rulings extended protection to refugees whom the government had formerly considered economic migrants.

The government permitted recognized refugees to work, and the state and central governments paid for the education of refugee children and provided limited welfare benefits.

According to NGOs, conditions in the Sri Lankan refugee camps were generally acceptable, although much of the housing, as well as water and sanitation facilities, were of poor quality. The UNHCR continued to meet outside the camps with Tamil refugees considering voluntary repatriation. The NGO Organization for Eelam Refugee Rehabilitation had regular access to the camps during the year. The government provided refugees with subsidized rice and other essential goods. As of December 28, a total of 73,300 Sri Lankan refugees resided in 117 refugee camps in Tamil Nadu. The central government and that of Tamil Nadu jointly provided monthly cash payments (up to \$10 per person) and food subsidies to the refugees. The refugees were free to move in and out of the camps, but they must return for periodic roll calls. The refugees were subject to surveillance by police, and housing and sanitation were very poor. Refugee children were generally enrolled in local schools.

Those living in the country not formally recognized as refugees included approximately 80,000 Chakmas and approximately 200,000 Santhals, both from Bangladesh, who remained in Arunachal Pradesh, Mizoram, and Assam. In addition, there were Afghans, Iraqis, and Iranians without valid national passports living in the country. The government chose not to deport them, issued them renewable residence permits, or ignored their presence. Due to financial and other reasons, many refugees were unable or unwilling to obtain or renew their national passports and could not regularize their status.

UNHCR provided refugee status and assistance to approximately 1,800 Chins from Burma living in New Delhi. However, UNHCR did not have access to the larger population of ethnic Chin living in the northeastern states. An estimated 80,000 Chins lived and worked illegally in Mizoram. NGOs estimated that, in 2005, 10,000 Chins with alleged ties to Burmese insurgent groups were expelled to Burma, where the military government reportedly jailed them. Mizoram human rights groups estimated that approximately 31,000 Reangs, a tribal group from Mizoram displaced by sectarian conflict, remained in six camps in North Tripura. Conditions in these camps were poor, and the Tripura government asked the central government to allot funds for their care.

More than 1,000 Hmar refugees, one of the numerous tribes that belonged to the Chin-Kuku-Mizo tribe, were reportedly displaced in and around Mizoram, some of them from Manipur.

In 2005 the Supreme Court ordered the Ministry of Home Affairs, the election commission, and the governments of Mizoram and Tripura to resettle approximately 40,000 displaced Reangs and add them to the electoral rolls. To date, approximately 1,000 Reangs have been resettled in Mizoram.

The Bru National Liberation Front (BNLF) and Mizoram government agreed on a \$6.3 million (277.9 million rupees) financial package and paved the way for the return of Reang IDPs in North Tripura.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

The country has a democratic, parliamentary system of government, with representatives elected in multiparty elections. The government changed hands following free and fair national parliamentary elections in April and May 2004. Parliament sits for five years unless dissolved earlier for new elections, except under constitutionally defined emergency situations.

Citizens elected state governments at regular intervals, except in states under the president's rule. On May 11, elections in Uttar Pradesh resulted in Dalits winning a majority of seats in the State Assembly.

Political parties could operate without restriction or outside interference.

In July Pratibha Patil became the country's first female President. There were 73 women in the 784-seat national legislature, two in the 32-member cabinet of ministers, and eight among the 47 Ministers of State. Numerous women were represented in all major parties in the national and state legislatures. The constitution reserves 33 percent of seats for women in elected village councils.

The constitution reserves seats in parliament and state legislatures for scheduled tribes and scheduled castes in proportion to their population. Indigenous peoples actively participated in national and local politics.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflect that corruption was a severe problem.

Both the Election Commission and Supreme Court upheld mandatory disclosures of criminal and financial records for election candidates. However, election campaigns for parliament and state legislatures often were funded with unreported money, and the government failed to combat the problem. In 2005 the media highlighted a videotape showing 11 members of parliament accepting bribes. No one faced legal action related to that bribery.

In July 2006 the government launched a national antibribery campaign to raise public awareness of the right to information. The 2005 Right to Information Act (RTI) mandates stringent penalties for failure to provide information or affecting its flow and requires agencies to self-reveal sensitive information. While the government took extended periods of time to reply to information requests, local community members as well as noncitizens could access the RTI online portal to get information on personal documentation, city plans, and other public records. Nine state governments have right to information laws.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating abuses and publishing their findings on human rights cases; however, in a few circumstances, groups faced restrictions. Government officials were somewhat cooperative and responsive to their views.

In February 2006 the Ministry of Home Affairs barred 8,673 organizations from seeking foreign funds under the Foreign Contribution and Regulation Act (FCRA), reportedly for failing to provide the proper paperwork. NGOs called the FCRA restrictive and claimed that the government failed to notify organizations when the requisite paperwork was needed.

Some domestic NGOs and human rights organizations faced intimidation and harassment by local authorities, such as in May 2006 when the Maharashtra Home Ministry placed 57 NGOs under investigation for allegedly assisting Maoist groups.

Human rights monitors in Jammu and Kashmir were able to move around the state to document human rights violations, but they were at times restrained or harassed by security forces, counterinsurgents, and police. HRW visited Kashmir in 2006 and was able to meet a broad range of civilian and official contacts.

The main domestic human rights organization was the government-appointed NHRC, which acted independently and often voiced strong criticism of government institutions and actions. Some human rights groups claimed the NHRC was nevertheless hampered by institutional and legal weaknesses. The NHRC received 82,233 complaints of human rights abuses during the year. The NHRC did not have the statutory power to investigate allegations and could only request that a state government submit a report, which state governments often ignored. Human rights groups such as ACHR claimed that the NHRC did not register all complaints, dismissed cases on frivolous grounds, did not adequately protect complainants, and did not investigate cases thoroughly.

The NHRC could investigate cases against the military and recommend—but not mandate—compensation to victims of abuse. On January 15, the NHRC announced interim relief of about \$700,000 (28,000,000 rupees) to 89 victims of violence committed during the Tamil Nadu and Karnataka joint search operation for a criminal named Veerapan. Many states had their own human rights commissions, and human rights groups alleged that state human rights commissions were more likely than the NHRC to be influenced by local politics and less likely to offer fair judgments.

During the year the NHRC developed guidelines for handling child rape cases and issued a report and recommendations on missing children.

International human rights organizations faced difficulties obtaining visas to visit the country for investigative purposes, and in-country, there was occasional harassment. In March the AHRC reported that the District Magistrate of Leh ordered the arbitrary closure of some NGOs and banned the public use of the materials produced by these organizations. International humanitarian organizations, such as ICRC, had access to most regions, with the exception of the northeast and Naxalite-controlled areas. UNHCR did not have access to the Northeast; Burmese Chin and others refugees had to travel to New Delhi to seek refugee status.

In 1996 the Supreme Court ordered the NHRC to investigate and address all issues that arose from the mass cremations following the Punjab disappearances from the 1980s to mid 1990s. The NHRC recommended that the government should provide compensation of \$6,250 (249,600 rupees) to the next of kin for each of the 195 identified deceased persons as well as \$4,375 (175,000 rupees) to the next of kin for the remaining 1,103 identified deceased person whose remains were cremated by the Punjab police.

As of October, only 17 of the 28 states had state human rights commissions, as recommended by the 1993 Protection of Human Rights Act (PHRA). The Jammu and Kashmir state legislature established its state human rights commission in 1997. The commission does not have the authority to investigate alleged human rights violations committed by members of the security forces.

In August 2006 the government amended the PHRA to strengthen the NHRC by removing the requirement of prior notification and approval for visits to state-managed prisons. However, NGOs stated the government did not address the NHRC's inability to inquire independently into human rights violations by the armed forces, initiate proceedings for prosecution, and grant interim compensation. Further, NGOs argued that the amendment did not guarantee the NHRC's financial independence or the extension of its mandate to investigate abuses more than one year old.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, sex, religion, place of birth, or social status, and the government worked to enforce these provisions with varying degrees of success.

Women

The law sets criminal penalties for rape, including spousal rape, but the government did not enforce the law effectively. Although the government prosecuted rape cases during the year, only 10 percent were adjudicated fully by the courts, and police typically failed to arrest rapists, perpetuating a climate of impunity. Rape and other violent attacks against women continued to be a serious problem. While official statistics confirmed a dramatic increase in reported crimes against women, this may have reflected a growing sense of security in reporting such crimes. The 2005-2006 National Family Health Survey (NFHS) reported that only one in four abused women had ever sought help to end the violence they experienced and only two percent of abused women had ever sought help from the police. According to the NCRB, two rapes took place every hour nationwide, and 19 of 20 victims knew their attackers. NGOs asserted that rape by police, including custodial rape, was common. The 2005-2006 NFHS reported that one-third of women ages 15 to 49 had experienced physical violence and approximately one in ten had been a victim of sexual violence.

In May 2005 parliament amended the Code of Criminal Procedure to stipulate mandatory DNA tests in all rape cases. In

an effort to protect women from sexual assault by police, the bill also prohibits the arrest of women after sunset and before sunrise except in "exceptional circumstances."

Upper caste gangs used mass rape to intimidate lower castes, and there were reports of gang rape as punishment for alleged adultery or as a means of coercion or revenge in rural property disputes.

In response to an NHRC recommendation to investigate a January 2006 incident in which 18 armed insurgents belonging to the United National Liberation Front and Kanglaipak Communist Party raped 25 women in Manipur, the government of Manipur established a Justice Commission to investigate the case. At year's end, the investigation was underway.

Dalit women were often singled out for harassment. For example, they were occasionally stripped by mobs and paraded in public for offending persons belonging to higher castes. In November, an Adivasi (tribal) woman was stripped in public and assaulted during an Adivasi rally in Guwahati, Assam, by local shopowners in retaliation after the Adivasis ransacked shops. The CBI reported numerous rape and looting incidents that occurred during the Nandigram massacres.

There was no response to an NHRC request of state officials to investigate an August 2006 case in which upper caste men raped seven Dalit women in Lakshimpursarai district.

At year's end a district court in Bhandara was hearing the case regarding the September 2006 incident in which Kunbi caste villagers allegedly killed four members of a Dalit family in Khairlanji village of Bhandara district of Maharashtra.

The Protection of Women from Domestic Violence Act, passed in October 2006, recognizes all forms of abuse against women in the home, including physical, sexual, verbal, emotional, and/or economic abuse. Domestic violence includes actual abuse or the threat of abuse. The law recognizes the right of women to reside in a shared household with her spouse or partner even while the dispute continues, although women can be provided with alternative accommodations, to be paid for by the spouse or partner. The law also provides women with the right to police assistance, legal aid, shelter, and access to medical care. The new law bans harassment by way of dowry demands and empowers magistrates to issue protection orders where needed. Under the new Act, spousal rape is also criminalized. Punishment ranges from jail terms of up to one year and/or a fine of approximately \$450 (19,800 rupees). As of November the Act had been ratified by four of 28 state governments: Andhra Pradesh, Tamil Nadu, Uttar Pradesh, and Orissa. Citizens registered 8,000 nationwide criminal cases under the Act since it was brought into force.

The law forbids the provision or acceptance of a dowry, but dowries continued to be offered and accepted, and dowry disputes remained a serious problem. The law also provides extensive powers to magistrates to issue protection orders to deal with dowry-related harassment and murder. Andhra Pradesh police reported 541 dowry deaths; Tamil Nadu recorded 208; and the Karnataka State Commission for Women recorded 68 dowry deaths during the year. NCRB reported 11,300 incidents of dowry deaths that occurred from 2004-6 in the country.

Under the law courts must presume that a husband and/or his family are responsible if his wife dies an unnatural death during the first seven years of marriage and if harassment is proven. NGOs claimed that accused in-laws often avoided legal consequences by bribing police officials. According to press reports, the rate of acquittal in dowry death cases was high, and due to court backlogs, cases took an average of six to seven years to conclude.

Madhya Pradesh, Kerala, Bihar, and several other states had a chief dowry prevention officer, although it was unclear how effective these officers were. Madhya Pradesh also required that all government servants seeking to marry produce a sworn affidavit by the bride, the groom, and his father that no dowry exchanged hands.

The government banned sati, the practice of burning a widow on the funeral pyre of her husband, and there were few instances of sati in recent years.

Honor killings continued to be a problem, especially in the northern states of Punjab and Haryana. Human rights organizations estimated that up to 10 percent of all killings in those two states were honor killings. In July 2006 the Supreme Court condemned honor killings and directed police to take action against anyone harassing couples that married despite objections by their caste and religious communities.

On July 15, police in Punjab arrested three suspects wanted in connection with the killing of a Jat woman, Baljeet Kaur, and her Valmiki husband. Kaur's father and brothers had kidnapped her and her husband and killed them for marrying without familial consent.

In August 2006 Delhi police arrested Deep Chand and his three sons for the alleged honor killing of Chand's daughter, Kamlesh, because she refused to marry the man her parents selected. When interrogated, all four assailants confessed to killing the woman and leaving her body by a railway track. At year's end the case was pending in court.

In 2006 there were 20 cases reported in Assam in which informal courts passed death sentences on women labeled

witches. Assam Police, in coordination with organizations like the All Bodo Students Union, launched project Prahari in 2000 to create public awareness of the problem.

While the act of prostitution is not illegal, most activities surrounding prostitution are illegal. The law criminalizes the selling, procuring, and exploiting of any person for commercial sex as well as profiting from the prostitution of another individual. Unlike in previous years, Section 8 of the Immoral Trafficking Prevention Act (ITPA), which criminalizes the act of solicitation for prostitution, was infrequently used to arrest and punish women and girls who were victims of trafficking. The country is a significant source, transit point, and destination for trafficked women.

In October the Jammu and Kashmir High Court criticized the CBI's "lax and deficient" handling of the Sabeena case and directed the CBI to redo the investigation. In April 2006 authorities arrested the former state minister for Tourism in Jammu and Kashmir and his wife Sabeena for allegedly trafficking and blackmailing approximately 40 local girls into prostitution.

Sexual harassment of women in the workforce included physical and verbal abuse from male supervisors, restricted use of toilets, and the denial of lunch breaks. In January 2006 the Supreme Court instructed all state chief secretaries to comply with its mandate that all state departments and institutions with over 50 employees establish committees to deal with matters of sexual harassment.

The law prohibits discrimination in the workplace; however, enforcement was inadequate. Employers paid women less than men for the same job, discriminated against them in employment and credit applications, and promoted women less frequently than men. State government and NGO-supported microcredit programs for women began to have an impact in many rural districts. In March 2006 the government amended the law to provide flexibility for women to work in factories on the night shift.

In 2005 the All-India Muslim Personal Law Board adopted new *tafaq* ("divorce" in Urdu) guidelines, which called for the husband to pay compensation to the wife's family in case of divorce, equality in property rights, protection against physical and emotional abuse by husbands, and assurances that remarried women will be able to maintain contact with their families. In November 2006 the All India Shi'a Personal Law Board unanimously approved a model *nikahnama* (marriage contract) that provided women the same divorce rights as men.

In 2005 parliament removed discriminatory clauses from the Hindu Succession Act by giving equal inheritance rights to Hindu, Buddhist, Jain, and Sikh women, including giving married daughters the same inheritance rights as male heirs. In November 2006 the Supreme Court ruled that if a woman remarries after divorce, her custody rights over the child born in wedlock would not be affected.

Many tribal land systems, notably in Bihar, denied tribal women the right to own land. Shari'a (Muslim traditional law) determines land inheritance for Muslim women rather than state statutes. Other laws relating to the ownership of assets and land accorded women little control over land use, retention, or sale. However, several exceptions existed, such as in Ladakh and Meghalaya, where women traditionally controlled family property and enjoyed full inheritance rights.

Children

The Registration of Birth and Death Act, 1969, provides for state governments to frame rules establishing the registration machinery and procedures in their state. According to the National Commission on Population, approximately 55 percent of national births are covered by the registration machinery at present, and the level of registration varies substantially across states. During the year, as part of a pilot program in cooperation with the UNICEF, the government of Kolkata provided birth certificates to 50,000 street and working children belonging to some of the most disadvantaged castes/classes.

The constitution provides free, compulsory education for children between the ages of six and 14 years of age; however, the government did not enforce this provision. In practice, children in poor and rural areas often did not attend school. UNICEF and the National Institute of Educational Planning Administration reported that approximately 60 percent of the 203 million children between the ages of six and 14 were in schools, and net attendance in the primary level was 66 percent of enrollment.

The 2005-6 NFHS indicated that girls are almost as likely to attend primary school as boys. Nationwide, 85 percent of boys and 81 percent of girls ages six to 10 attend primary school. By ages 15 to 17, 49 percent of boys and only 34 percent of girls attend school. The government launched programs to increase literacy among girls from marginalized social groups through the National Program for Education of Girls at Elementary Level and the Kasturba Gandhi Balika Vidyalaya.

A January 2006 report commissioned by the Human Resource Development Ministry showed that lower caste and Muslim student attendance rates were much lower than those of children in high caste families. The report noted that nationwide seven percent of children were out of school, although the rate varied widely from one region or social or religious group to another.

While both boys and girls had legal access to state-provided medical care, society and families tended to seek out care more regularly for boys.

Abuse of children in both public and private educational institutions was a problem. Although corporal punishment is banned, schoolteachers often used it on their students. On August 4, Brijesh Prajapati, a sixth grade student at Kakraiya Primary School in Farukhabad, Uttar Pradesh, died after succumbing to injuries sustained by a beating from his teacher, Kishan Singh. Authorities suspended Singh and the school principal for failing to provide the student emergency medical care. Singh was arrested on a murder charge and at year's end, the case was pending.

In August 2006 Parliament passed the Juvenile Justice (Care and Protection of Children) Amendment Bill, which is the primary law for not only the care and protection of children but also for the adjudication and disposition of matters relating to children in conflict with law. In 2005 the juvenile justice court ruled that any failure by school management or teachers to protect students from sexual abuse or provide them with a safe school environment is punishable with a prison term of up to six months. Despite these legal protections, there were societal patterns of neglect and physical, sexual, and emotional abuse of children, and child labor was a problem.

In April the Ministry of Women and Child Development released its first study of child abuse; according to the comprehensive two-year survey, two out of three children were physically abused with a higher percentage reported among children aged five to 12. The states of Andhra Pradesh, Assam, Bihar, and Delhi consistently reported the highest rates of abuse in all forms. Sixty five percent of school-going children reported facing corporal punishment. Fifty-three percent of children reported experiencing one or more forms of sexual abuse; and 22 percent experienced severe sexual abuse.

Sponsored by the Childline India Foundation, UNICEF, NGOs, the government and private individuals, a toll-free 24-hour help line for children in distress was available in 72 cities. The "Childline" number could be accessed by either a child or an adult to request immediate assistance, including medical care, shelter, restoration, rescue, sponsorship, and counseling.

The 1939 child marriage restraint act prohibits child marriage, a traditional practice that occurred throughout the country, and sets the legal marriage age for girls at 18 and boys at 21. In December 2006 the government tightened its legislation against child marriage and passed the Prohibition of Child Marriage Bill declaring that existing child marriages were null and void.

Despite legal constraints, according to a 2005 Health Ministry report on population and development, half of all women were married by the age of 15. The 2005 NFHS reported that forty-five percent of women (18-24) and 32 percent of men (18-29) marry before the legal age of 18 years and 21 years, respectively. According to another 2005 report from the Office of the Registrar General of India, 240 girls die every day due to pregnancy-related complications in early child marriages. The International Center for Research on Women (ICRW) concluded that those married under the age of 18 were twice as likely to be abused by their husbands compared with women married later; they were also three times more likely to report marital rape. ICRW reported that child brides often showed signs of child sexual abuse and post-traumatic stress. Child marriages also limited girls' access to education and increased their health risks, since they had higher mortality rates and exposure to HIV/AIDS than girls married after 18.

Trafficking and commercial sexual exploitation of children was a serious problem. According to UNICEF, in 2004 the country supplied half of the one million children worldwide who entered the sex trade.

Female feticide was an acute problem in Punjab, Haryana, and Rajasthan. The states of Punjab, Haryana, Gujarat, Uttar Pradesh, Himachal Pradesh, Delhi, parts of Tamil Nadu, Maharashtra, and Karnataka reported particularly low female/male ratios. Nationally, there were only 933 girls per 1,000 boys. In 14 districts of Haryana and Punjab there were fewer than 800 girls per 1,000 boys. The low male/female ratio resulting from female feticide encouraged families in Punjab and Haryana to import brides from Bihar and other northeastern states.

Baby girls were either aborted or, after birth, left in the cold to contract pneumonia and perish. NGOs alleged that medical practitioners and government workers often were complicit in pushing or persuading women to abort their girl children. Sex determination tests are illegal under the 1994 Pre-Natal Diagnostic Techniques Act. However, NGOs reported that some family planning centers continued to reveal the sex of fetuses. According to the NGO IFES, feticide is a \$116 million industry. Officials claim that the practice is prominent among educated and urban sections of society.

On June 15, the *Hindustan Times* reported a Haryana Health Department raid on a maternity clinic run by an unlicensed doctor, A.K. Singh. Officials arrested Singh and seized a portable ultrasound machine and equipment used to terminate pregnancies, in addition to a large quantity of fetal remains. Haryana has registered 35 cases against doctors illegally conducting sex determination tests in the past two years.

The Health and Family Welfare Ministry set up a "National Support and Monitoring Cell" to curb the practice of female feticide by targeting and apprehending those who carry out or abet female feticide. The government also encouraged education campaigns to change the social preference for male children and launched a "Save the Girl Child" campaign

designed to highlight the achievements of young girls.

During the year the New Dehli municipal government sponsored a program that provided every girl born in a government hospital with a gift deposit of \$114 (5,000 rupees) that accumulated interest and could be cashed once the girl reached the age of 18. Authorities from the village of Lakhnarpal in central Punjab ran a program to end female feticide, and as a result, the latest figures showed 1,400 female and 1,000 male births. Historically, Punjab had the lowest girl-to-boy ratio in the country, at 776 to 1,000.

Trafficking in Persons

The ITPA prohibits trafficking in human beings; however, trafficking in persons remained a significant problem. The law provides for imprisonment for seven years to life for offenses committed against a child (under 16), or seven to 14 years for offenses against minors between 16 and 18. The minimum term of imprisonment for brothel keeping was one year for the brothel offense and seven years' to life imprisonment for detaining a person, with or without consent, for prostitution.

The country was a significant source, transit point, and destination for trafficking victims, primarily for the purposes of prostitution and forced labor. Many girls were internally trafficked for the purpose of forced marriages, while other persons, including children, were trafficked for bonded labor. Women and girls were lured into commercial sexual exploitation through deception and expectations of opportunities in other parts of the country. Tribal women and those from economically depressed areas were particularly vulnerable to sexual exploitation. Extreme poverty, combined with the low social status of women, often resulted in parents handing over their daughters to strangers for what they believed was employment or marriage. In some instances, parents received payments or the promise that their children would send wages home.

To a lesser extent, the country was a point of origin for women and children trafficked to other countries in Asia, the Middle East, and the West for forced domestic servitude or commercial sexual exploitation. Men were also trafficked to the Arabian Gulf for involuntary servitude in the construction sector. Women from Kerala reportedly were trafficked into commercial sexual exploitation and abusive domestic employment in the Gulf.

Women and girls as young as seven years of age were trafficked from economically depressed neighborhoods in Nepal, Bangladesh, and rural areas of the country to the major prostitution centers of Mumbai, Kolkata, and New Delhi. In West Bengal, organized traffic in illegal Bangladeshi immigrants was a principal source of bonded labor. Kolkata was a transit point for traffickers sending Bangladeshis to New Delhi, Mumbai, Uttar Pradesh, and the Middle East. The government cooperated with groups in Nepal and Bangladesh to deal with the problem and began to negotiate bilateral antitrafficking agreements, particularly through the South Asian Association for Regional Cooperation.

Trafficking of children into domestic servitude and sweatshops remained a problem. States in the northeast region (Assam, Meghalaya, Nagaland, Manipur, Mizoram, Tripura, Arunachal Pradesh, Sikkim), and Bihar served as main source areas for domestic servants in Kolkata, Delhi, Hyderabad, Mumbai, and, to a certain extent, Bangalore. The increasing number of domestic servant recruitment agents suggested that large trafficking networks operated in the region. In many cases women and girls were first brought by agents to Siliguri, West Bengal; they then traveled to different destinations with the traffickers. Often traffickers used truck drivers to carry women and girls from the northeast through National Highway 31, which connects the region to the central part of the country.

A survey by the Indian National Trade Union Congress noted that trends in trafficking could be determined by monitoring the reports of "missing girls" filed by parents in northeast states. The report stated that 40 percent of the police officials interviewed were unaware of the growing trade in women and children.

Traffickers usually targeted minors and Dalit women. A study prepared by Bhoomika Vihar, an NGO from Bihar, said that out of the 173 identified cases of women who had become victims of the sex trade, 85 percent were minors and half were Dalits. The report claimed that trafficking, although not often reported, occurred almost everywhere. Conflicts in the northeastern states made women and children highly vulnerable.

The National Commission for Women reported that trafficked women and children were frequently subjected to extortion, beatings, and rape. Although a few women were abducted forcibly or drugged, most were trafficked through false offers of marriage, employment, or shelter. Victims of trafficking often did not speak the local language and were subject to threats, including emotional blackmail, violence, and confinement, as well as the threat of apprehension by authorities, detention, prosecution, and deportation. Women involved in prostitution in Mumbai and Kolkata claimed that harassment, extortion, and occasional arrests on soliciting charges usually characterized police intervention. NGOs alleged that corruption at the enforcement level helped perpetuate trafficking.

NGOs knowledgeable about the trafficking situation frequently identified traffickers and the locations of girls being held captive by brothel owners. However, other NGOs were reluctant to trust police with this information, due to their past conduct in brothel raids and the likelihood that many trafficking victims would be arrested and revictimized rather than assisted by such raids. Several NGOs had significant successes, however, in working with police to target brothels with

children.

During the year charges were brought against more than 1,400 traffickers in Andhra Pradesh, Bihar, Goa, Tamil Nadu, Uttar Pradesh and West Bengal, and 27 individuals were convicted on trafficking charges in Andhra Pradesh, Delhi, Maharashtra and Tamil Nadu. Eight joint operations between the Andhra Pradesh and Maharashtra police resulted in an additional 107 victims rescued and 77 traffickers arrested. A total of eight police Anti-Human Trafficking Units (AHTU) were created (three in Andhra Pradesh, three in Bihar, one in Goa, and one in West Bengal).

Although arrests and prosecutions under the ITPA increased, the rate of trafficking convictions remained low, and collection of law enforcement data was difficult because there was no national system for collecting arrest information. ITPA's requirement of an inspector-level officer to investigate cases made charges unlikely. Many police officials preferred to use India Penal Code (IPC) provisions to arrest traffickers, both because they claimed to have more success in getting convictions and because many IPC provisions were not bailable.

The ITPA required police to use only female police officers to question girls rescued from brothels. The ITPA also required the government to provide protection and rehabilitation for victims. In the past, the vast majority of arrests made under ITPA were for solicitation rather than for trafficking or trafficking-related crimes, but this is no longer the norm. Most police no longer arrested trafficked women and children for soliciting, and such arrests diminished significantly.

The government significantly increased police training and modestly improved interstate coordination of antitrafficking efforts, cooperated with NGOs, supported awareness campaigns, and increased the number of shelter facilities available to rescued trafficking victims. However, NGOs claimed that the conditions of shelters were not always suitable. They also stated that persons claiming to be parents would remove girls and reinsert them into the industry.

The Ministry of Women and Child Development improved coordination with its state counterparts and NGOs to deliver counseling, legal aid, medical care, repatriation and restoration services, as well as awareness generation programs such as peer education, rallies, posters, booklets, and street plays.

The Home Ministry, through its Bureau of Police, Research and Development, continued a law enforcement training program, considered a significant achievement by NGOs, to sensitize police and improve trafficking arrests and convictions. In July the West Bengal government allotted \$254,712 (10,000,000 rupees) to form a network coordinated by the women and child development and social welfare departments to fight human trafficking. The government of Andhra Pradesh offered \$255 (10,000 rupees) in compensation to trafficking victims, similar to that available to victims under the Bonded Labor Act. In September 2006 the Ministry of Home Affairs created a "nodal cell" to coordinate national law enforcement efforts against human trafficking. That office convened quarterly meetings of state representatives and ensured that information on trafficking in persons was shared across the country.

Persons with Disabilities

The constitution does not explicitly mention disability as a prohibited ground for discrimination. The Persons with Disabilities Act (PDA) provides equal rights to all persons with disabilities; however, advocacy organizations acknowledged that its practical effects were minimal, in part due to a clause that makes the implementation of programs dependent on the "economic capacity" of the government. Widespread discrimination occurred against persons with physical and mental disabilities in employment, education, and access to health care. Neither law nor regulation required accessibility for persons with disabilities. Government buildings, educational establishments, public transportation and public spaces throughout the country had almost no provisions for wheelchair access. According to the 2001 census, there were 22 million persons with disabilities in the country, but NGOs estimated the actual number to be much higher.

A World Bank report noted that eight percent of the population is disabled. The employment rate of disabled individuals decreased from 42.7 percent in the 1990s to 37.6 percent in the 2000s. Despite the PDA's requirement that three percent of public sector jobs be reserved for people with physical, hearing, and visual disabilities and the government's development of a list of jobs for people with these disabilities, only 0.44 percent of public sector employees are disabled. The government increased funds to NGO partners to implement the national policy. The PDA provides benefits to private companies at which persons with disabilities constitute more than five percent of the workforce. The government recently began implementing these benefits. Private sector employment of persons with disabilities remained low.

According to the Central Coordination Committee established under the PDA, approximately 100,000 children with special needs attended approximately 2,500 schools that provided integrated and inclusive education or nonformal education. The Human Resource Development Ministry reported in January 2006 that children with mental disabilities had the lowest rate of school attendance out of any group at 53 percent, followed by the speech disabled at 57.5 percent and the hearing disabled at 68 percent.

The Equal Opportunities, Protection of Rights and Full Participation Act of 1995 stipulates a three percent reservation in all educational institutions for persons with disabilities; however, statistics showed that only about one percent of students had disabilities. In 2005 the Times Insight Group reported that most colleges and universities were unaware of the law. The

Ministry of Social Justice and Empowerment offered 500 educational scholarships to persons with disabilities to pursue higher education. However, university enrollment of students with disabilities was still very low for reasons including inaccessible infrastructure, poor availability of resource materials, nonimplementation of the three percent reservation, and harassment. In 2005 the central board for secondary education issued guidelines requiring barrier-free education in schools, colleges, libraries, and hostels. It also took steps to provide Braille books to educational institutions.

Hospitals were overcrowded and often served primarily to house persons with disabilities. Patients generally were ill-fed, denied adequate medical attention, and kept in poorly ventilated halls with inadequate sanitary conditions. At the end of the year, no action was taken on the 2001 NHRC recommendation to remove all persons with mental illness from jails.

The disability division of the Ministry of Social Justice and Empowerment delivered rehabilitation services to the rural population through 16 district centers. A national rehabilitation plan committed the government to provide rehabilitation centers to more than 400 districts, but services were concentrated in urban areas. The impact of government programs was limited due to the concentration of funding provided to a few organizations.

National/Racial/Ethnic Minorities

The law provides that the practice of untouchability, which discriminated against Dalits and others defined as scheduled castes, is a punishable offense; however, such discrimination remained ubiquitous, stratifying almost every segment of society.

The law gives the president the authority to identify historically disadvantaged castes, Dalits, and tribal persons (members of indigenous groups historically outside the caste system) for special quotas and benefits. These "scheduled" castes, Dalits, and tribes were entitled to affirmative action and hiring quotas in employment, benefits from special development funds, and special training programs. According to the 2001 census, scheduled castes, including Dalits, made up 16 percent (166.6 million) of the population, and scheduled tribes eight percent (84.3 million). In December 2006 parliament passed a bill to reserve 27 percent of seats at educational institution for scheduled castes and backward classes.

Dalits faced significant discrimination despite laws to protect them; they often were socially prohibited from using the same wells, attending the same temples, and marrying upper-caste Hindus. They faced social segregation in housing, land ownership, and public transport and were the majority of bonded laborers. Many Dalits were malnourished and lacked access to health care and basic education. There were episodes of vigilante retribution against Dalits who tried to assert their rights. While rare in urban settings, examples of intolerance occurred regularly in rural areas. Many rural Dalits worked as agricultural laborers for caste landowners without remuneration. Reports from the UN Committee on the Elimination of Racial Discrimination found systematic abuse against Dalits, including torture and extrajudicial killings, and an "alarming" rate of sexual violence against Dalit women. NGOs reported that crimes committed by upper caste Hindus against Dalits often went unpunished, either because the authorities failed to prosecute such cases or because the crimes were unreported by victims fearing retaliation.

On September 11, villagers of Multai, in Baitul district of Madhya Pradesh, allegedly killed two members of the Pardhi tribe, and destroyed 62 houses of Pardhi tribe members. The villagers suspected some members of the Pardhi community of having raped a higher caste woman. Although police arrested the alleged rapists, the villagers insisted on carrying out reprisals against nearly 300 members of the Pardhi settlement, who fled to Bhopal, the state capital. While the National Commission for Minorities visited the relief camp in Bhopal and the village and urged the Pardhi to return to Multai, villagers remained adamant against the Pardhi's return to their village. At year's end police had registered a complaint about the murder and the destruction of the houses.

There were no updates regarding the January 2006 case in which a high-caste mob in the Vaishali district of Bihar burned alive a man, woman, and five of their children, despite direct involvement from the Bihar Chief Minister.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act lists offenses against disadvantaged persons and prescribes stiff penalties for offenders; however, the Act had only a modest effect in curbing abuse, and there were very few convictions. Human rights NGOs alleged that caste violence was on the increase. Caste violence was especially pronounced in Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Tamil Nadu, Karnataka, and Andhra Pradesh.

In July 2006 the Supreme Court passed a judgment stating that police and government are obliged to help intercaste couples and prevent social ostracism. In September 2006 the Ministry of Social Justice and Empowerment directed state governments to increase the incentive for intercaste marriage to \$1,050 (46,000 rupees). The central government pays 50 percent.

Indigenous People

The Innerline Regulations enacted by the British in 1873 provide the basis for safeguarding tribal rights in most of the northeastern border states, and in practice the regulations were followed. These regulations prohibit any nontribal person,

including citizens from other states, to cross an inner boundary without a valid permit. No rubber, wax, ivory, or other forest products may be removed from the protected areas without prior authorization. No outsiders were allowed to own land in tribal areas without approval from tribal authorities.

The 2001 census indicated that 8.2 percent of the population belonged to scheduled tribes. According to the Indian Confederation of Indigenous and Tribal Peoples, 80 percent of the tribal population lived below the poverty level, and more than 40,000 tribal women, mainly from Orissa and Bihar, were forced into situations of economic and sexual exploitation.

There was encroachment on tribal land in almost every eastern state, including by illegal Bangladeshi immigrants, and by businesses that illegally removed forest and mineral products.

Numerous tribal movements, such as the Jharkhand movement in Bihar and the Bodo movement in Assam, demanded the protection of tribal land and property rights. As a result of complaints, tribal-majority states were created in 2000 from the Jharkhand area of Bihar and the Chhattisgarh region of Madhya Pradesh, and authorities provided local autonomy to some tribal people in the northeast.

On November 26, a CPM operation in Munnar, Kerala, claimed approximately 1,500 acres of land after party cadres forcibly removed 200 tribal families from the area.

In Assam, conflict between indigenous Assamese tribals, including the Bodos, and nonnative "tea tribes" or Adivasis increased with the Adivasi demand for Scheduled Tribe (ST) status under the constitution. On November 24, the All Assam Adivasi Students Union organized a violent rally in Guwahati, Assam, to demand ST status. One person died, scores of others were injured and one Adivasi woman was stripped by a local citizen before police arrived and took control of the situation.

Civil rights organizations, working with indigenous people in Kodagu district of Karnataka, accused the state government of actively promoting the establishment of jungle lodges in the Nagarhole National Park at their expense. The groups alleged that 1,600 families had been evicted since 1972, and that individuals removed from the park area were settled in locations that lacked fresh drinking water, electricity, health care, adequate job opportunities and access to forests. During 2006 the court committee found that only 250 of the 1,738 families had been relocated.

Other Societal Abuses and Discrimination

The law punishes acts of sodomy, buggery, and bestiality; however, the law was often used to target, harass, and punish lesbian, gay, bisexual, and transgender persons. Human rights groups argued that gay and lesbian rights were not addressed along with other human rights concerns in the country. Gays and lesbians faced discrimination in all areas of society, including family, work, and education. Activists reported that in most cases, homosexuals who did not hide their orientation were fired from their jobs. Homosexuals also faced physical attacks, rape, and blackmail. Police committed crimes against homosexuals and used the threat of arrest to coerce victims into not reporting the incidents.

Voices Against 377, a high-profile campaign to overturn Section 377, which outlaws homosexuality, led by writers Vikram Seth and Amartya Sen, continued at year's end. In February 2006 the Supreme Court ruled that the Delhi High Court should not have dismissed an earlier case brought by two NGOs on behalf of Seth and Sen and referred the case to the Delhi High Court. There were no further developments regarding this case during the year.

In March a new media outlet based in Kolkata, Ananda Bazar Patrika, reported the attack and killing of apparently effeminate men in Kolkata. No police cases were filed.

There were no developments in the January 2006 arrests of gay men in Lucknow through a sting operation in which police officers posed as gay men on the Internet and, after entrapping one man, forced the individual to call other gay men, also arrested. Several NGOs claimed that the arrests were illegal, that evidence against the men was fabricated, and that the police violated the men's right to privacy.

There were no developments in the January 2006 complaint against two constables of the Azad Maidan police station for using decoys in a train station public toilet to entrap and extort money from gay men. The Azad Maidan police apprehended the two constables and handed them to railway police.

In March the UN Development Program (UNDP) released a report on "launda dancers", young men and boys hired to dance in women's clothing at marriage ceremonies and Hindu festivals in Bihar and Uttar Pradesh. Dancers were vulnerable to exploitation by orchestra leaders, who cheated them of earnings or forced them into prostitution. Sexual assault and gang rape by intoxicated clients were frequent and dancers were at high risk of contracting HIV/AIDS. Some laundas had illegal castrations to join the hijra (traditional transvestite) community, but they often suffered from post operation complications for which they could not get government medical care.

Authorities estimated that HIV/AIDS had infected approximately 5.1 million persons, and according to the International Labor Organization (ILO), 70 percent of persons suffering from HIV/AIDS faced discrimination. HRW reported that many doctors refused to treat HIV-positive children and that some schools expelled or segregated them because they or their parents were HIV-positive. Many orphanages and other residential institutions rejected HIV-positive children or denied them housing.

In August state government authorities readmitted five HIV-positive children who were denied education at the Mar Dionysius Lower Primary School Pampady, in the Kottayam District of Kerala. The five students were turned out of school in 2005 under pressure from parents of the other students.

In 2004 a Mumbai High Court ruled that HIV-positive persons could not be fired on the basis of their medical status. However a July 2006 survey by the National Council for Applied Economic Research, the National AIDS Control Organization, and the UNDP revealed that 29 percent of persons living with HIV were refused loans and nearly 30 percent denied promotions. More than 16 percent were forced to resign from their jobs, and 10 percent forced to take voluntary retirement.

Section 6 Worker Rights

a. Right of Association

The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and the government generally respected this right in practice. More than 400 million persons made up the country's active work force, and some 30 million of these workers were employed in the formal sector. The rest were agricultural workers and, to a lesser extent, urban nonindustrial laborers. While some trade unions represented agricultural workers and informal sector workers, most of the country's estimated 13 to 15 million union members were part of the 30-million-member formal sector. Of these 13 to 15 million, some 80 percent of the unionized workers were members of unions affiliated with one of the five major trade union centrals.

In practice legal protections of worker rights were effective only for the organized industrial sector. Outside the modern industrial sector, laws were difficult to enforce. The authorities generally prosecuted and punished those persons responsible for intimidation or suppression of legitimate trade union activities when the victims were members of nationally organized unions. Unaffiliated unions were not able, in any instance, to secure for themselves the protections and rights provided by law. Union membership was rare in the informal sector.

The Trade Union Act prohibits discrimination against union members and organizers, and employers were penalized if they discriminated against employees engaged in union activities.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right. Collective bargaining is protected by law, but is limited mostly to the private sector. Public service employees have very limited organizing and collective bargaining rights. When parties cannot agree on equitable wages, the government may establish boards of union, management, and government representatives to make a determination. Although a system of specialized labor courts adjudicates labor disputes, there were long delays and a backlog of unresolved cases. Public service employees have very limited organizing and collective bargaining rights.

Trade unions have a limited right to strike, and workers exercised this right. The Essential Services Maintenance Act allows the government to ban strikes in government-owned enterprises and requires conciliation or arbitration in specified essential industries; however, the Act is subject to varying interpretations from state to state. State and local authorities occasionally used their power to declare strikes illegal and force adjudication. The Industrial Disputes Act prohibits retribution by employers against employees involved in legal strike actions, and this prohibition was observed in practice.

The Supreme Court upheld a Kerala High Court verdict declaring all general strikes illegal and making organizers of such protests liable for losses caused by the shutdowns. While it is likely that the ruling was introduced to discourage political strikes, unions stated that it remained a potential threat to their activities. In 2004 the Supreme Court declared all strikes by government employees illegal; however, in practice this was not enforced.

The law provides workers in export processing zones (EPZs) the right to join trade unions and bargain collectively, although EPZ workers often did not exercise their full labor rights. The 2001 Trade Union Act designates the EPZs as "public utilities" and requires a 45-day strike notice.

Entry into the EPZs ordinarily was limited to employees, and such entry restrictions applied to union organizers. While workers in the EPZs have the right to organize and to bargain collectively, union activity was rare. In addition, unions did not vigorously pursue efforts to organize private-sector employees in the years since EPZs were established. Most EPZ

workers were women. The International Confederation of Free Trade Unions reported that overtime was compulsory in the EPZs, that workers often were employed on temporary contracts with fictitious contractors rather than directly by the company, and that workers feared that complaints about substandard working conditions would result in their dismissal.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or bonded labor, including by children; however, such practices remained widespread. The Bonded Labor System (Abolition) Act prohibits all bonded labor by adults and children. Offenders may be sentenced up to three years in prison, but prosecutions were rare. Enforcement of this statute, which was the responsibility of state and local governments, varied from state to state and generally was not effective due to inadequate resources and societal acceptance of bonded or forced labor. On the occasions when inspectors referred violations for prosecution, long court backlogs and inadequate funding for legal counsel frequently resulted in acquittals. NGOs estimated that there were 20 to 65 million bonded laborers in the country, including a large number of children. According to the Institute for Socio-Economic Development research on bonded labor in Bihar and Uttar Pradesh, the bondage of agricultural laborers was the main form of bondage in these two states. According to NGOs, nonagricultural sectors that had a high incidence of bonded labor were stone quarries, brick kilns, rice factories, jewelry, *beedi*-making (hand-rolled cigarettes), and carpet weaving.

Members of Scheduled Castes and tribes lived and worked under traditional arrangements of servitude in many areas of the country. In Arunachal Pradesh, the Nishi tribe traditionally subjugated the Sulungs or Puroiks as customary slaves who were not in debt to their masters but whose land and homestead were owned by their masters. Complete eradication of slavery remained difficult due to local customs and landlessness.

The Ministry of Labour and Employment (MOLE) partnered with the National Human Rights Commission and NGOs to investigate allegations of bonded labor. MOLE statistics showed a large decrease in the number of bonded labor cases brought before the courts in recent years, although the extent to which this reflected a decrease in incidents of bonded labor was in doubt. In one February rescue in Orissa, 26 persons were rescued from bonded labor in a brick kiln, with three of the owners of the kiln arrested.

In May the British Broadcasting Company reported an estimate from a local labor union that 12,000 of the 60,000 people working in silk looms in Kancheepuram district in Tamil Nadu were bonded laborers.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits forced and bonded child labor; however, the prohibition was not effectively enforced, and forced child labor remained a serious problem. Estimates of the number of child laborers varied widely. The 2001 census recorded 12.66 million working children between the ages of five and 14, with 90 percent of child workers hailing from rural areas. The government's 2004 national survey estimated the number of working children in the age group of five to 14 at 16.4 million. However, NGOs reported that the number of child laborers was closer to 60 million.

According to 2001 census figures, out of the 226 million children between the ages of five and 14, 65.3 million (29 percent) did not receive any formal education. Most, if not all, of the 87 million children not in school did housework, worked on family farms, worked alongside their parents as paid agricultural laborers, or worked as domestic servants. Children worked in the informal sector, often in private homes, with the highest rate (15 percent) in Uttar Pradesh. Social acceptance of the practice, ineffective state and federal government enforcement of existing laws, and economic hardships contributed to the continued prevalence of child labor. Children often were sent away to work because their parents could not afford to feed them or to pay off a debt. Officials claimed they were unable to stop this practice because the children were working with their parents' consent. Working conditions often amounted to bonded labor.

According to UNICEF, private companies in Andhra Pradesh reportedly employed 200,000 children in the hybrid seed industry. Most were girls between the ages of seven and 14 from other parts of the state. The majority were Dalits and members of economically disadvantaged castes and tribal groups forced to work in debt-bondage. They were routinely abused, subjected to dangerous pesticides, and denied access to education.

Human rights organizations estimated that there were as many as 300,000 children working in the carpet industry. There was evidence that child labor was also used in the following industries: gemstone polishing, leather goods, sari weaving, beadwork, sporting goods, brassware, fireworks, footwear, hand-blown glass bangles, hand-made locks, hand-dipped matches, hand-quarried stones, hand-spun silk thread, hand-loomed silk cloth, hand-made bricks, and *beedis* (hand-rolled cigarettes). A number of these industries exposed children to hazardous work conditions.

According to UNICEF and Vikasa, a community-based organization in Magadi, the number of children involved in the silk spinning industry dropped to a handful due to competition from China and concerted action by the state government against employers of child labor. The Government of Karnataka, in partnership with UNICEF, continued to monitor the child labor situation and developed a bridge program to enable former child workers to enter the state-sponsored formal education system.

NHRC officials said that implementation of existing child labor laws was inadequate, that administrators were not vigilant, and that children were particularly vulnerable to exploitation. In comparison to the magnitude of the problem, there were fewer prosecutions and convictions under the 1986 Child Labor Act because of administrative lapses and loopholes under the Act's definition of child labor. A child assisting his/her family is exempt from the provisions of the Act, and employers in cottage industries often exploited this to claim that the children were assisting the family.

There is no overall minimum age for child labor; however, work by children under 14 is prohibited in factories, mines, domestic work, roadside eateries, and other hazardous industries. In occupations and processes in which child labor is permitted, work by children was permissible only for six hours between 8 a.m. and 7 p.m. with one day's rest weekly. Those employers who failed to abide by the law were subject to penalties specified in the Bonded Labor System (Abolition) Act (such as fines and imprisonment) and to disciplinary action at the workplace.

A ruling, effective October 2006, prohibits labor in domestic work and the hospitality industry for children under the age of 14, although child labor in some other nonhazardous industries is legally permissible. In September 2006 the Delhi High Court ordered the central and state governments to develop a plan to eradicate child labor in the capital area.

The law stipulates a penalty for employers of children in hazardous industries of \$430 (20,000 rupees) per child employed, and establishes a welfare fund for formerly employed children. The government is required to find employment for an adult member of the child's family or pay \$108 (5,000 rupees) to the family. According to the South Asian Coalition on Child Servitude, authorities were pursuing over 6,000 cases against employers. NGOs noted that requiring the government to pay the family of a child laborer or finding the adult family member a job could be a disincentive to investigating crimes. The government did not effectively implement the 2006 law banning child labor.

The country made moderate progress on child labor over the past year. MOLE began public campaigns to raise awareness and prevent child labor, and conducted videoconferences with states to coordinate efforts. The MOLE, through its 250 National Child Labor Projects, rehabilitated more than 400,000 children after withdrawing them from work situations. In three separate operations in December 2006 and January, Delhi police worked with NGOs and the ILO to rescue a total of 94 children from abusive child labor worksites. Between September and November 2006, New Delhi police rescued 140 children working in zari factories (embroidering or sewing beads and colored threads to fabric) and rice mills, but it was unclear if these children were placed in effective rehabilitation programs. In Maharashtra, a governmental task force freed more than 18,000 children through rescues and voluntary repatriations in the last year and a half, and made 36 slum areas in Mumbai totally child labor free. Spurred by government raids, many employers voluntarily repatriated several thousand child laborers from zari factories, leather workshops, and restaurants. During the year Haryana and Punjab state governments attempted to ban child labor in their districts. In Punjab, an action plan and directions were sent to all district offices and departments in the state to ensure strict compliance. The Haryana government attempted to enforce its ban on child labor and opened 137 integrated child development projects within the state. In November, New Delhi labor officials conducted raids on sweatshops run by subcontractors for garment manufacturer the Gap. More than 100 children were rescued, most under the age of 14.

Despite a ban, child labor continued in Karnataka. Varying sources estimated the number of child workers to be as high as 150,000. The Ministry of Labor continued efforts to eradicate the practice through regular police raids and work with public schools to integrate rescued children into the mainstream. In January 2006 labor inspectors in Mysore, Karnataka, rescued 12 child workers from garages and roadside eateries. Charges were filed against employers, and rescued children were handed over to district child welfare committees for rehabilitation. Three former employers were awaiting trial at year's end.

Bihar is one of India's leading suppliers of children as cheap labor to other states. An estimated 25,000 children from Bihar are trafficked every year for child labor. Destination states are Delhi, Punjab, Uttar Pradesh, Gujarat, Maharashtra, and Haryana. Trafficking for other purposes such as prostitution, begging, and organ trading also occurred. Bihar is the only state to establish a State Child Labor Commission. Twenty-five districts implemented National Child Labor Projects. During the year the Department of Labor formed a task force to rescue children from hazardous work and to prosecute guilty employers.

Employers in some industries took steps to combat child labor. The 2,500 members of the Carpet Export Promotion Council (CEPC), a quasi-governmental organization that received funding from the Ministry of Textiles, agreed to bar producers from purchasing hand-knotted carpets knowingly produced with child labor. The CEPC conducted inspections to insure compliance and allowed members voluntarily to use a government-originated label to signify adherence to the code of conduct. However, the CEPC stated that even with its programs, it was impossible to ensure that a carpet had been produced without child labor, given the difficulties of monitoring a decentralized and geographically dispersed industry.

Government authorities cooperated with various intergovernmental organizations and NGOs to rescue child workers and eliminate child labor. In November the Delhi government cooperated with NGO Bachpan Bachao Andolan and rescued 74 child laborers working in zari embroidery units in the Khanpur area of South Delhi. All of the children were from Bihar and most had been trafficked from their villages.

e. Acceptable Conditions of Work

State government laws set minimum wages, hours of work, and safety and health standards. The Factories Act mandates an eight-hour workday, a 48-hour workweek, and safe working conditions, which include adequate provisions for rest rooms, canteen, medical facilities, and proper ventilation. There was a minimum rest period of 30 minutes after every four hours of work and premium pay for overtime as mandated by law. These standards generally were enforced and accepted in the modern industrial sector; however, they were not observed in less economically stable industries or in the vast informal economy, which includes nearly 93 percent of the work force.

Minimum wages varied according to the state and to the sector of industry. Such wages were inadequate to provide a decent standard of living for a worker and family. Most workers employed in units subject to the Factories Act received more than the minimum wage, including mandated bonuses and other benefits. State governments set a separate minimum wage for agricultural workers but did not enforce it effectively. Some industries, such as apparel and footwear, generally did not adhere to a prescribed minimum wage.

The enforcement of safety and health standards also was poor, especially in the informal sector. Industrial accidents continued to occur frequently due to improper enforcement of existing laws. Chemical industries had the highest number of accidents. Workers from scheduled castes and tribes often worked as rag pickers, recycling bits of trash under hazardous and generally deplorable conditions. Workers from these groups also cleaned sewers and drains of human excrement without proper equipment and under extremely unsanitary conditions.

The NHRC called for a report on the condition of tea garden workers in West Bengal, many of whom are women. Media reported in May that 750 workers died in the tea estates in the past year. Owners occasionally abandoned the estates without paying workers their dues, leaving them with no option but starvation and death. According to the media and NGOs, the miserable conditions in the tea estates also contributed to organized trafficking of girls.

Safety conditions were better in the EPZs than in the manufacturing sector outside the EPZs. The law does not provide workers with the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment. The country's undocumented foreign workers were not extended basic occupational health and safety protections.

