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India is a multiparty federal, parliamentary democracy with a bicameral parliament and a population of approximately 1.2 billion. The president, elected by an electoral college, is the chief of state, and the prime minister is the head of the government. India's constitution--the source of authority--provides the legal framework for the guarantee of human rights through its Fundamental Rights and Directive Principles. Under the constitution, the 28 states have a high degree of autonomy and have primary responsibility for issues of law and order. President Pratibha Patil was elected in 2007 to a five-year term with 65.8 percent of the vote, and Manmohan Singh became prime minister for a second term following the Congress Party-led coalition's victory in the 2009 general elections, which were considered free and fair, despite scattered instances of violence. Separatist insurgents and terrorists committed numerous serious abuses. Security forces reported to civilian authorities; unlike in previous years, there were no reported instances of security forces acting independently of government authority.

Major human rights problems included reported extrajudicial killings of persons in custody, killings of protesters, and torture anc

Separatist insurgents and terrorists in Jammu and Kashmir, the Northeastern States, and the Naxalite belt committed numerous serious abuses, including killing armed forces personnel, police, government officials, and civilians. Insurgents engaged in widespread torture, rape, beheadings, kidnapping, and extortion. The number of incidents, however, declined compared with the previous year.

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, especially in areas of conflict such as Jammu and Kashmir, the Northeastern States, and the Naxalite belt, where nongovernmental forces also committed such killings (see section 1.g.).

According to the Institute for Conflict Management, as of October 17, there were 1,616 fatalities in the country--including members of security forces, individuals classified by the government as terrorists, and civilians--which represented a decrease from 2,231 fatalities in 2009.

Most encounter killings, in which security forces and police extrajudicially killed alleged criminals or insurgents, occurred in areas in conflict, but the practice reportedly occurred elsewhere in the country as well.

In March a number of media outlets reported that in response to a Right to Information (RTI) request the National Human Right

The Asian Human Rights Commission (AHRC) reported that on January 21 Manipur security personnel abducted and killed a shop owner in Chekon. Memcha Fazeruddin stated that her husband's body was returned with 15 bullet holes, but the body was clad in combat dress that was free of any bullet holes, which suggested tampering with the body. Police claimed that Fazeruddin had been shot in an encounter with troops from the 33 Assam Rifles in Kwakta Khuman and that they had found arms and ammunition on his body. In a meeting set up by community members, the Manipur chief minister assured Fezeruddin's wife that he would give her family compensation and find a suitable job for one of her relatives. The AHRC stated that the official did not offer to investigate the matter.

On March 14, according to the ACHR, members of the Manipur State Police Commando Unit arrested Chongtham Nanao. The next morning police informed the local village head that they had recovered a dead body from the location of an alleged exchange of gunfire between police and armed militants. Nanao's relatives later identified his body. The local media stated that a combined team of Thoubal Police Commandos and 21 Assam Rifles were involved in the killing.

Also according to the AHRC, on April 8, Irengbam Gunindro was abducted and killed in Manipur. The local police reported that evening that they had killed him in an armed encounter. On April 10, a local daily newspaper quoted the inspector general of the Assam Rifles as saying that the 28 Assam Rifles killed Gunindro in an encounter killing and that a nine-millimeter pistol had been recovered from Gunindro's body. According to his family, Gunindro had no known history of previous involvement with police and no known prior criminal record.

In September the state government reinstated the four police officials allegedly involved in the May 2009 killing of Neelofar Jan and Asiya Jan in the Shopian district of Jammu and Kashmir. On June 28, Shakeel Ahmad Ahangar, Neelofar's husband and Asiya's brother, filed a petition to reinstate inquiry into the killings of the two women. The petition remained pending before a Srinagar court at year's end. Relatives and police discovered the bodies of Neelofar and Asiya in a stream, and local residents and examining doctors alleged that Indian Security Forces gang-raped and killed Neelofar and Asiya. In addition several government officials stated that police involvement in the killings could not be ruled out. In July 2009 the High Court ordered the arrest of four police officers on charges of suppressing and destroying evidence in the case. In September 2009 the court granted bail to the officers, and the Central Bureau of Investigation (CBI) took charge of the case from the Special Investigation Team. In December 2009 the CBI submitted its report to the High Court, concluding the women died of drowning and ruling out foul play. The report prompted renewed protests and a general strike in the state. The CBI formally concluded its investigations into the incident, dismissing charges against police.

There were no updates in the May 2009 incident in which Mumbai police killed alleged criminal Anil Mhatre or the June 2009 incident in which Maharashtra police killed Vishwanath Munna Katari in Nasik.

On September 9, the CBI charged nine members from the Manipur Rapid Action Police Force with the July 2009 killing of Chongkham Sanjit in Imphal. Officials initially claimed they shot him after he fired on them, but a local photographer published pictures of the incident that showed police escorting Sanjit calmly into a pharmacy. When police emerged from the pharmacy, a witness photographed the officers dragging Sanjit's corpse to a waiting truck. Although the CBI charged them with the nonbailable offence of murder, none were arrested, and on September 27, the chief judicial magistrate

granted them bail, despite the opposition of the CBI. At the end of the year, seven of the nine were suspended; two remained working as law enforcement officers.

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Custodial deaths, in which prisoners were killed or died in police custody, also remained a serious problem, and authorities often delayed or failed to pursue prosecutions against members of the police or security forces. In April the AHRC reported that, "according to the [most recent] statistics submitted to parliament by the MHA … under the United Progressive Alliance (UPA) rule from 2004-2005 to 2007-2008, prison custody deaths increased by 70.72 percent"; there was no current data regarding custodial deaths. While the NHRC published guidelines that directed all the state governments to report to it within 48 hours all cases of deaths in police actions, state governments did not consistently comply with the guidelines. In addition the armed forces were not required to report custodial deaths to the NHRC, and the commission did not have the power to investigate the armed forces. The NHRC was empowered to seek only reports from the central government regarding deaths in custody, and the central government was not bound by its recommendations.

On April 11, according to a report in *India Today,* 28-year old Naresh Yadav died after spending a week in pretrial detention in Jamui prison (in the state of Bihar) on charges of being a Maoist. He had complained that his ribcage ached and was transported to a hospital, where he died a few hours later. Yadav's wife stated, "They tortured him in captivity. He succumbed to internal injuries."

On December 10, following a petition submitted by the deceased's relatives, the High Court of Kerala ordered the CBI to submit the case diary before the court in connection with the March 2009 custodial death of Sampath. Sampath died in police custody prior to his trial on charges of murder. According to media reports, an autopsy revealed Sampath had multiple injuries, including bleeding in the brain from head trauma. In May 2009 the Kerala High Court transferred the investigation from the state police to the CBI.

Security forces killed demonstrators during the year, including during the protests that occurred between June and September in Jammu and Kashmir (see section 1.g.).

On September 13, according to Reuters news service, four persons were killed in Kashmir when police fired on Muslim protesters who set fire to a Christian missionary school to denounce international reports that copies of the Qur'an had been defaced.

The government made no progress in holding officials accountable for abuses that occurred during the period of the Punjab counterinsurgency between 1984 and 1994. In January the Human Rights Data Analysis group published research findings that supported claims by human rights groups that "…more Amritdharis (or baptized Sikhs) were the victims of state-attributed lethal violence than non-Amritdharis, that most victims of state-based lethal violence were young males of military age, and that police, although claiming to carry out a focused counterinsurgency against members of the militancy, ended up killing and disappearing a sizable number of individuals who were not known to have any links to the militancy."

The government made some movement in holding police and security officials accountable for killings committed during the Delhi anti-Sikh violence of 1984. On July 7, a Delhi court brought charges of murder and rioting against senior Congress Party leader Sajjan Kumar and others in connection with an incident in which six persons were killed in New Delhi. On September 20, the Supreme Court rejected Kumar's petition challenging initiation of criminal proceedings against him and directed the trial court to continue proceedings against him. The court had not issued a verdict in the case by year's end.

There were media reports and allegations by nongovernmental organizations (NGOs) of excessive use of force by the Indian Border Security Force (BSF) along the India-Bangladesh border. According to the NGO Odhikar, between 2000 and the end of the year, the BSF killed approximately 1,000 Bangladeshi nationals. The BSF usually explained these killings

by stating that those individuals were evading arrest or that security force members had to fire in self-defense. Human Rights Watch (HRW) found that those who were killed had been armed only with sickles, sticks, and knives, which are tools commonly carried by villagers. HRW also reported that the BSF seldom mentioned injuries received by its own personnel, which suggested that the BSF may have used lethal force instead of attempting arrest. In many cases those killed had been shot in the back, indicating that they may have been shot while running away. There also were reports that Bangladesh Border Guards engaged in shootings along the border as well.

On January 21, according to Odhikar, a Bangladesh human rights organization, Indian forces detained and tortured a 15-year-old boy whose family lived adjacent to the border. The boy was swimming in the river that demarcates the border. After his release the boy died from the injuries that he reportedly sustained during torture.

On February 5, according to HRW, the BSF killed Bangladeshi Farid Hossian, who reportedly crossed the border illegally to transport a cow into Bangladesh. An autopsy revealed he had bullet wounds to his chest.

There was at least one killing during the year attributed to a political figure. On July 21, two individuals on a motorcycle, allegedly Shailesh Pandya and Pachan Shiva, shot and killed Amit Jethwa, an RTI Act activist. Jethwa was campaigning against illegal mining in the Gir forest and had filed a public interest lawsuit in the Gujarat High Court in June. Jethwa's lawsuit named politician Dinubhai "Dinu" Boghabhai Solanki and his family members as parties responsible for the illegal activity. On September 6, police arrested Shiva Solanki, Dinu's nephew, also a politician, based on reports that he had asked police constable Bahadursinh Wadher to arrange Jehwah's killing. On November 10, Gujarat police filed charges in the case. At year's end, the hearing had not begun, and Pandya, Shiva, Wadher, and Solanki remained in prison.

There were multiple killings related to societal violence, including honor killings and mobs killing members of Scheduled Castes (see section 6). According to the Ministry of Home Affairs' (MHA) most recent annual report, 125 persons died in violent altercations between religious communities in 2009.

Civil society activists continued to express concern about the Gujarat government's failure to arrest those responsible for communal violence in 2002 that resulted in the killing of more than 1,200 persons, the majority of whom were Muslim. In one instance in 2002, an armed group attacked the Gulbarg Society, a lower middle-class **Muslim** neighborhood in Chamanpura, **Ahmedabad**. The attackers burned many houses, and at least 69 persons (including former **Congress** Party member of parliament **Ehsan Jafri**) died in the fires.

The Gujarat government appointed the Nanavati-Mehta Commission to investigate the violence in 2002, and the Supreme Court appointed a Special Investigative Team (SIT) in 2008. Several witnesses accused the SIT of pressuring them to change earlier testimony given before the commission. Many cases tried in Gujarat's lower courts resulted in acquittals as a result of a lack of evidence or changes in testimony. By the end of January, the Gujarat government completed paying compensation to the next of kin to all victims, including those of 228 missing persons whom the government declared dead in February 2009.

During the year Citizens for Justice and Peace, an advocacy group for victims of the 2002 violence, raised doubts about the impartiality of the SIT investigations in 10 cases. On February 9, the Supreme Court appointed Solicitor General Gopal Subramanian to study the SIT reports, and it halted the Gulberg Society trial on March 15. On March 27, at the request of the Supreme Court, the SIT questioned Gujarat Chief Minister Narendra Modi regarding a complaint filed by Zakia Jafri, a survivor of the Gulberg Society events. Since 2006 Jafri had sought to register a formal complaint against Modi and 60 other high-level state officials for their alleged role in the 2002 violence. On April 6, the Supreme Court ordered the removal of two high-level officers from the SIT and, on May 14, ordered the appointment of two new officers. The SIT submitted its final report on the Jafri complaint to the Supreme Court on May 14. The court did not release the contents of the report to the public.

b. Disappearance

There were reports that police throughout the country failed to file required arrest reports for detained persons, resulting in hundreds of unresolved and unreported disappearances. Police and government officials typically denied these claims. The central government reported that state government screening committees that determined which detainees were eligible for release provided information about detainees to their families, but credible sources stated that families often needed to bribe prison guards to confirm detention of their relatives.

Disappearances attributed to governmental forces occurred in areas of conflict during the year (see section 1.g.).

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

The law prohibits torture, but many NGOs alleged that such practices were common, especially in areas of conflict (see section 1.g.). In December parliament passed the Prevention of Torture Bill to comply with the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, but a number of nongovernmental activists expressed concerns about the act's provisions. Activists were concerned that the act requires that complaints regarding torture be made within six months, that previous sanctions by appropriate government bodies must be sought before a court is empowered to consider a complaint, that the legal framework to address cases of torture is insufficient because there is no independent agency to receive torture complaints and conduct prompt investigations, and that there is no effective procedure for victims to receive redress and rehabilitation.

The law generally does not permit authorities to admit into evidence confessions that have been coerced, but NGOs and citizens alleged that authorities used torture to coerce confessions, which in some instances were submitted as evidentiary support for death sentences. Authorities allegedly also used torture to extort money or as summary punishment.

The ACHR stated in its April report, *Torture in India 2010*, "[t]orture in police custody remains a widespread and systematic practice in the country" and "[t]he lack of any effective system of independent monitoring of all places of detention facilitates torture." NGOs asserted that custodial torture was common in Tamil Nadu, and credible sources claimed police stations in Punjab, Andhra Pradesh, Haryana, and Chandigarh used torture to obtain desired testimony. The AHRC claimed police used torture and assault in Kerala and Gujarat as a means of criminal investigation. While guidelines against torture exist, states reportedly continued to use it to extract information or obtain statements from those in custody.

A report by the AHRC detailed inhuman and degrading treatment of a woman from Delhi's Mayapuri area. On May 22, the woman went to the Rajouri Garden Police Outpost in Delhi to inquire about her two sons (ages 10 and 12 years old) who had been detained at police station on accusations that they had stolen money. The AHRC stated that police used torture and abuse to force the 12-year-old boy to confess and return the money. On May 23, the officers reportedly forced the mother to strip naked and ordered her to have sex with her son. Upon her refusal one of the officers ordered the woman to have sex with him. The woman later filed a complaint with the Office of the Delhi Police Commissioner, who suspended three of the officers. The assistant sub-inspector who was in charge of the outpost was transferred as a result of the incident.

According to an October 29 report by *India Today,* an unknown source filmed three men in khaki clothing torturing a fraud suspect inside a police station in Punjab's Jalandhar district. The report stated that police officers made the suspect lie face-down on the floor and beat him with belts, causing the victim serious injuries. The district police instituted a probe and suspended three police personnel after the film became public.

On December 22, Maharashtra police arrested sub-inspector Munir Shaikh in Mumbai on the charge of abetting the suicide of domestic worker Kunda Shinde. According to media reports, the inspector illegally detained Shinde on the basis

of a theft complaint made by her neighbor. Police allegedly tortured her for two days, after which she committed suicide while in custody. Police arrested Shaikh for "abetment to suicide, wrongful restraint, and wrongful confinement to extort confession from a person."

No action was taken by Delhi police regarding the human rights complaint filed in 2009 by Joel Elliott, a journalist who has written for *The Christian Science Monitor, The New York Times*, and other publications. Elliott suffered severe wounds on his head, legs, and back and a black eye when police allegedly beat and tortured him during the six to seven hours he was in custody.

On December 16, the Andhra Pradesh (AP) state government admitted that police tortured 21 Muslim detainees after the 2007 Mecca Masjid bombing; however, at year's end the government had not initiated criminal proceedings against any police officers involved. AP Home Minister Sabita Reddy stated that the government was waiting for the final report of Justice V Bhaskara Rao commission's probe into the events following the attack and that the government would take action against any police officers found guilty of misconduct based on the report.

On October 25, the Supreme Court sentenced three police officers from Rajasthan for cutting off the genitals of a man suspected of having an illicit affair in 1994. The court sentenced Kishore Singh to life imprisonment, Sumer Dan to 10 years' imprisonment, and Sohan Singh to six months' imprisonment. In its decision overturning a high court verdict that had given lighter sentences, the Supreme Court stated, "Policemen who commit criminal acts deserve harsher punishment than others … because it is the duty of the policemen to protect the people and not break the law themselves."

NGOs claimed the NHRC underestimated the number of rapes that police committed. Due to the lack of oversight and accountability, some rape victims, especially if the perpetrator is a police or other official, are unlikely to come forward and report the crime; victims often feel shame and fear retribution. Many of the reported rapes by security forces occurred in relation to internal conflicts and insurgencies (see section 1.g.).

There were no updates in the investigation of the alleged gang rape by Madhya Pradesh police officers of a Dalit woman in Betul district in June 2009.

Despite an ongoing investigation, there were no updates to the 2008 case in which two commandos from the Haryana police allegedly raped a woman after pulling her out of a moving rickshaw.

Prison and Detention Center Conditions

Prison conditions were frequently life threatening and did not meet international standards. Prisons were severely overcrowded, sanitation and other environmental conditions often did not meet international standards, and food and medical care were inadequate. The state's 64 prisons were designed to 40,000 prisoners but reportedly housed approximately 90,000 prisoners during the year. *India Today* also indicated that the average capacity of each of the 58 district jails, five central jails, and one model jail in the state's 73 districts was 500 to 800 inmates, but each contained approximately 2,400 to 3,000 inmates. According to the report, the overcrowding caused extremely inhuman conditions in most facilities, which reportedly caused high rates of disease and the deaths of an average of 300 inmates per year in the various state prisons.

In 2009 the NHRC asked Uttar Pradesh's director general of police for a detailed report concerning allegations that the conditions in Mirzapur prison for female inmates were extremely poor; that the prison lacked medical facilities; and that authorities were holding minor female prisoners with adult prisoners instead of in government homes for children, in violation of the law. At the end of the year, the NHRC had not published the report.

There was no information as to whether the Maharashtra health secretary had submitted to the Mumbai High Court a report on AIDS-related deaths in prison, pending at the end of 2009.

The physical status of the prison and detention center infrastructure often did not meet international standards. On December 8, the MHA informed parliament that according to the federal Home Ministry's National Crime Records Bureau (NCRB), at the end of 2008, the 1,356 prisons across the country were 30 percent over capacity. In 2008 there were 384,753 inmates despite an authorized capacity of 297,777, and there were 19,670 vacant prison staff positions. The NCRB did not release more recent statistics during the year.

Two-thirds of the prison population reportedly consisted of persons awaiting trial. Female prisoners accounted for approximately 4 percent of the total prison population, and juveniles composed less than 1 percent. Men and women were held separately. The law requires juveniles to be detained in rehabilitative facilities, although at times they were detained in prison, especially in the rural areas. Pretrial detainees were held with convicted prisoners.

Prisoners were permitted reasonable access to visitors, although some family members stated they were denied access to relatives held in detention, particularly in areas of conflict, including Jammu and Kashmir. Prisoners have the right to engage in religious observances, and in most cases that right was respected in practice. As in previous years, the government allowed some NGOs to provide assistance to prisoners, within specific guidelines.

Investigations of the prisoner complaints were within the purview of the NHRC, which received and investigated prisoner complaints of human right violations throughout the year, but some activists indicated that many complaints were not filed due to fear of retribution by prison guards or officials. Most investigation findings and NHRC recommendations were published on the NHRC Web site; however, there were allegations by NGOs that investigations and recommendations of controversial issues were not disclosed.

Most state governments permitted prison monitoring by independent groups such as the International Committee of the Red Cross (ICRC) and the NHRC. During the year the central government rescinded the requirement of obtaining permission prior to visiting the Manipur, Nagaland, and Mizoram, and the special permits are no longer required. In many states the NHRC made surprise visits to state prisons but not to military detention centers. The NHRC lacks jurisdiction over the armed forces and their detention centers.

According to the most recent statistics, in 2009 the ICRC visited 860 detainees and interviewed 826 individually during 73 visits to 36 detention centers. The ICRC was not authorized to visit interrogation or transit centers in the northeastern states of Manipur, Mizoram, and Nagaland. NGOs' observations of prison conditions often remained confidential due to agreements with the government.

The NHRC had a special rapporteur to ensure that state prison authorities performed medical checkups on all inmates. The rapporteur visited prisons on a regular basis throughout the year.

A report released on March 31 by the Comptroller and Auditor General stated that the National Commission of Women (NCW) had failed to make the mandatory jail visits to assess the living conditions of women for the past four years.

In an effort to improve conditions, the MHA acknowledged in its 2009-10 annual report that prisons were overcrowded and required repairs and renovations, including improvements in sanitation and water supply. During the year the central government began implementing a plan to modernize the prisons. According to the MHA 2009-10 annual report, the plan had been implemented in 27 states and resulted in the construction of 99 new jails and 1,365 additional barracks in existing prisons.

In April Maharashtra State created an "open" prison for women in Pune, where reportedly women are to be offered paid employment opportunities outside jail premises under minimal supervision. Some prisons gained recognition for their efforts to help inmates gain useful skills during their time detained. In December the Bureau of Standards granted a quality license to the Indira Gandhi National Open University Centre at Tihar Jail (New Delhi), where inmates can enroll in degree or certificate programs.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but both occurred during the year. The HRW country summary for the year described the situation as follows: "[police] abuses occur in part because of failure by the government to properly train or modernize its police force. Police officers face dismal working conditions and recruitment lags far behind increasing duties, creating an overstretched force that is likely to take short-cuts to gain convictions. Embittered and overworked, the police regard themselves as enforcers of the law--but not beholden to it."

Police also used special security laws to delay judicial review of arrests. Pretrial detention was arbitrarily lengthy and sometimes exceeded the sentence given.

Role of the Police and Security Apparatus

Although the central government provides guidance and support, the 28 states and seven union territories have primary responsibility for maintaining law and order. The MHA controls most paramilitary forces, the internal intelligence bureaus, and the nationwide police service, and it provides training for senior police officers of the state-organized police forces. According to HRW, cases of arbitrary arrest, torture, and forced confessions by security forces were common. Several laws, including part of the criminal procedure code and the Armed Forces Special Powers Act (AFSPA), were used to provide legal protection for members of security forces who violated human rights.

Officers at all levels acted with impunity, and officials rarely held them accountable for illegal actions. Military courts investigated cases of abuse by security officials. When a court found an officer guilty of a crime, the punishment often was a transfer.

According to the MHA's 2008-09 report, citizens filed 1,185 reports of human rights violations countrywide against army and central paramilitary personnel. Authorities investigated 1,162 cases, found 1,129 false, and judged 33 genuine. The military imposed penalties on 69 individuals and awarded compensation in six cases.

On September 7, Defense Minister A.K. Antony ordered a new inquiry into the death of Captain Sumit Kohli. The army claimed Kohli committed suicide while serving in Lolab Valley, Jammu and Kashmir in 2006, but family members claimed Kohli had been killed because he found out about an extrajudicial killing of four railway porters staged by his senior officers. On December 4, Kohlis' mother rejected the claim by Antony that her son's death was suicide and announced to the media her intent to file a petition with the Punjab and Haryana High Court. At year's end the petition had not been filed.

On November 10, the Ministry of Defense informed parliament that the army had taken disciplinary action against personnel for violating human rights. Thirty-eight officers, 12 junior commissioned officers, and 79 individuals of other ranks were found guilty of violations and given punishments including imprisonment, dismissal from service, or termination.

On January 6, in an effort to promote reform, the Indira Gandhi National Open University (IGNOU) announced the launch of sensitization programs for police officers. The NHRC and IGNOU agreed in 2009 to develop and conduct jointly courses for police personnel covering issues related to human rights and best practices. On December 11, IGNOU, in partnership

with the MHA, announced an antitrafficking certificate course to accelerate improvement in the sensitization, awareness, and training of law enforcement officials, prosecutors, governmental departments, and NGOs.

Arrest Procedures and Treatment While in Detention

Under the code of criminal procedure, a magistrate may authorize the precharge detention of an accused person for a period of no more than 90 days. Under the regular criminal procedure, the accused must be released on bail after 90 days. Article nine of the code prohibits arbitrary arrest or detention. Those detained on criminal charges must be promptly informed of the charges against them and of their rights to legal counsel. Article 39A of the constitution mandates free legal aid to the poor and weaker sections of society; however, need is not assessed systematically. By law authorities must allow family members access to detainees. In practice authorities granted access only occasionally. Arraignment of detainees must occur within 24 hours, unless the suspect is held under a preventive detention law.

Authorities could also arrest and detain individuals under several other laws. In a February 11 report, HRW stated, "[S]tate police, jail officials, and other authorities have committed a range of human rights violations, including arbitrary arrest and detention…." HRW called for the repeal of the "unlawful provisions of counterterrorism laws, including overly broad definitions of terrorism, expanded police powers of search and seizure, the presumption of guilt under certain circumstances, and draconian precharge detention periods." The ACHR stated in its April report, *Torture in India 2010*, "There are no [legal] safeguards to ensure that a person taken into custody will have his detention recorded, have prompt access to a lawyer, or have an impartial medical examination upon his arrival at the place of detention or at the time of his release."

In 2008 parliament passed the Unlawful Activities Prevention Act (UAPA), which gives authorities the ability to detain persons without charge in cases where insurgency or terrorism was suspected. Under the UAPA police can detain an individual without charge for up to 30 days. The UAPA also permits authorities to hold a detainee in judicial custody without charge for up to 180 days (including the 30 days in police custody). A court can authorize an initial period of 90 days precharge detention without special grounds and can extend detention for up to 90 days if the public prosecutor files a report with the court indicating the progress of the investigation. The UAPA also denies bail for foreigners and makes it easier for courts to deny bail in the case of detained Indian citizens. It presumes the accused to be guilty if the prosecution can produce certain incriminating evidence against the accused, such as the possession of arms or explosives or the presence of fingerprints at the crime scene, regardless of whether criminal intent exists.

State governments also held persons without bail for extended periods before filing formal charges under the UAPA. For example, Maharashtra police arrested four alleged Naxalite sympathizers (Arun Ferreira, Sridhar Srinivasan, Murali Ashok Reddy, and Vernon Gonsalves) under the UAPA in 2007. In December 2009 the four were acquitted in one of the cases against them. However, the four remained in a jail near Mumbai at year's end.

In 2004 the government repealed the Prevention of Terrorism Act (POTA), which created special courts, allowed the identity of witnesses to be withheld, and allowed admission into evidence of custodial confessions. By law, however, persons arrested under a prior law continue to be prosecuted under that law even after its repeal. There were conflicting reports during the year of how many persons remained detained under POTA. In 2008 Union Minister Kapil Sibal announced there were between 90 and 100 pending POTA cases.

During the year 85 Muslims detained in the 2002 Godhra train burning case remained in jail in Gujarat under POTA, despite a 2005 POTA review committee ruling that POTA did not apply to them, a 2008 ruling by the Supreme Court granting their release, and a Gujarat high court ruling in February 2009 that POTA charges did not apply to the accused and that they should be granted bail. Of the original 134 persons accused, 104 were formally charged, five died, and 14

were released on bail. By year's end the trial in Gujarat had concluded, but judgment had not been released pending the Supreme Court's permission to the lower court to announce the verdict.

The National Security Act (NSA) allows 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. The law stipulates that family members and lawyers can visit NSA detainees and that authorities must inform a detainee of the grounds for detention within five days (10 to 15 days in exceptional circumstances). In practice these rights sometimes were not enforced.

On July 18, the Tamil Nadu government detained film director Sebastian Seeman under the NSA. Seeman was trying to secure bail after being arrested on charges of engaging in inflammatory speech. After the court dismissed his bail plea, the city police commissioner ordered his detention under NSA. On December 10, the Madras High Court overturned the preventive detention of Seeman and ordered his release. Seeman was released from jail the same day.

On September 9, railway police arrested four poultry farm workers for allegedly placing stones on the railway track between Erode and Uttukuli stations in Tamil Nadu. The Erode district collector ordered the suspects be charged under the NSA. At year's end there was no further information about the four.

In June 2009 police detained five Manipur University students in Imphal under the NSA on charges of connection with militant organizations involved in the killing of a professor. On April 19, the court ordered the release of one of the students. At year's end the CBI continued to investigate the matter, and the other students remained in custody.

The Public Safety Act (PSA), which applies only in Jammu and Kashmir, permits state authorities to detain persons without charge or judicial review for as long as two years. During this time family members do not have access to detainees, and detainees do not have access to legal counsel. In 2005 the NHRC set guidelines regarding arrest under the PSA that included establishing reasonable belief of guilt, avoiding detention if bail is an option, protecting the dignity of those arrested, prohibiting public display or parading, and allowing access to a lawyer during interrogation. In practice police routinely employed arbitrary detention and denied detainees, particularly the destitute, access to lawyers and medical attention.

On February 24, the Jammu and Kashmir governor stated that 728 persons had been detained under the PSA during 2008-10. On December 29, a Kashmir newspaper reported more than 3,500 youths were arrested and 120 persons detained under the PSA during the June to September protests in the Kashmir valley.

In 2005 the Chhattisgarh state government enacted the Special Public Security Act (SPSA), which permits detention for as long as three years for loosely defined unlawful activities. NGOs criticized the law as overly broad. Human rights groups voiced concerns that the law criminalizes any support given to Naxalites (Maoists), even support provided under duress.

At year's end the Chhattisgarh High Court had not yet heard the petition filed by the People's Union of Civil Liberties (PUCL) in April 2009 challenging the SPSA's constitutionality. Police arrested PUCL human rights activist and physician, Dr. Binayak Sen in 2007 for alleged links with the Maoists. On December 24, the Raipur Sessions Court sentenced Sen to life imprisonment under the SPSA on the charge of sedition. Prominent intellectuals and members of the ruling Congress Party criticized the verdict.

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 the AFSPA the government can declare any state or union territory a "disturbed area," a declaration that allows security forces to fire on any person to "maintain law and order" and to arrest any person "against whom reasonable suspicion exists" without informing the detainee of the grounds for arrest. The law also gives security forces immunity from prosecution for acts committed under the AFSPA. There were no records available for acts committed under the AFSPA.

On September 29, the Jammu and Kashmir state government created two committees to review areas in the state in which AFSPA could be lifted; however, the committees did not meet during the year.

A number of arbitrary arrests occurred during the year. According to media reports, on January 31, Devi Singh Rawat, a human rights lawyer, was arbitrarily arrested for "voluntarily causing hurt to deter a public servant from his duty" and "assault or criminal force to deter public servant from discharge of his duty" during a fight between members of the public and police officials during Panchayati Raj Institution elections in the village of Palra. He was released on bail on February 2. NGOs claimed that his arrest was due to his work on human rights.

On April 9, according to the AHRC, security forces arrested 14-year-old Mushtaq Ahmad Sheikh for allegedly throwing stones in Srinagar. He was detained for eight days before being released on bail, but, on April 21, he was once again detained without charge or trial. At year's end he remained in jail.

On May 23, according to the AHRC, Central Reserve Police Force (CRPF) personnel killed Iskandar Ali Barbhuiy when they opened fire indiscriminately in Panchaboti, a small market place in Cachar, Assam. They later arbitrarily arrested Moniruddin Barbhuiya and Abdul Khalik. Police claimed they opened fire on and arrested the individuals due to suspicious behavior during a routine patrol of the market; witnesses said that the CRPF did not warn the people before approximately 10 CRPF started firing, causing all to run in panic.

In many states police made "preventive arrests" in the name of curbing public unrest. For example, in Maharashtra, on September 29, the day before the judgment on a contentious case that was to be delivered regarding the Babri Mosque-Ram Temple dispute in Ayodhya, Uttar Pradesh, Mumbai police officials detained approximately 4,000 individuals for one day, purportedly to "prevent disturbances."

Arbitrarily lengthy detention was a major problem as a result of overburdened court systems and lack of sufficient safeguards and oversight of the law. On September 13, Chief Justice Kurian Joseph said the number of pending cases in the high court decreased from 54,000 in February to 45,000 in August. Some of the cases dated to 1987. The chief justice said the goal was to clear all pending cases up to 2001, bringing the number of pending cases to approximately 20,000.

The government continued efforts to reduce lengthy detention and alleviate prison overcrowding by using "fast-track" courts, which specify a trial date or timeline and directions for case management and encourage use of bail. Critics contended that poor detainees were unable to make bail and would remain in detention. As of November 25, there were 1,292 functional fast-track courts across the country, which disposed of more than 16,000 cases in 2008 and 14,000 cases in 2009.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence in practice, although citizens reported that judicial corruption was widespread. In Jammu and Kashmir, insurgents sought to threaten and intimidate members of the judiciary.

The legal system was seriously overburdened and lacked modern case management systems, often delaying or denying justice. The court system had an estimated backlog of 30 million cases; one estimate during the year was that courts would require 320 years to clear that backlog.

Many citizens reported that they offered bribes to move cases through the overburdened court system. In 2009 Minister of Law Veerappa Moily reported there were four million civil and criminal cases pending in the country's 21 high courts and 27 million pending civil and criminal cases in the lower courts. According to Moily the average time for a case to work its way through court was 15 years.

There were allegations of bias in cases stemming from the 2002 Gujarat violence (see section 1.a.).

Trial Procedures

The criminal procedure code provides for public trials, except in proceedings that involve official secrets, trials in which someone might make statements prejudicial to the safety of the state, or under provisions of special security legislation. Defendants enjoy the presumption of innocence and can choose their counsel. The state provides free legal counsel to indigent defendants, but in practice access to competent counsel often was limited, especially for the poor, and the overburdened justice system usually resulted in major delays in court cases.

The law allows defendants access to relevant government evidence in most civil and criminal cases; the government reserved the right to withhold information and did so in cases it considered sensitive. While defendants have the legal right to question witnesses against them, in practice underprivileged defendants sometimes did not enjoy this right. Courts must announce sentences publicly, and there are effective channels for appeal at most levels of the judicial system.

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 a study by the South Asia Forum for Human Rights and the Centre for Law and Development, thousands of habeas corpus cases were pending in the courts throughout the Kashmir valley.

Political Prisoners and Detainees

There were reports of political prisoners or detainees in the country. NGOs reported that the Jammu and Kashmir government held political prisoners and also temporarily detained hundreds of persons characterized as terrorists, insurgents, or separatists. Human rights activists based in Jammu and Kashmir estimated there were 150 political prisoners in detention, and on December 23, members of the central government in Jammu and Kashmir announced that 2,950 political detainees who were arrested during the June-September protests had been released while 50 remained in prison. Prisoners arrested under one of the special antiterrorism laws often were not formally charged, nor did their family or other visitors have access to them.

In West Bengal, 150 political prisoners remained in detention at year's end awaiting trial. Most were arrested in 2008 on charges of collaborating with the Maoists. On December 10, the prisoners at Mednipur Central Jail began a hunger strike protesting prison conditions and the noninitiation of court trials, and they demanded that a dialogue begin between the government and the People's Committee Against Police Atrocities. The hunger strike continued at the end of the year.

In May All Parties Hurriyat Conference (APHC) chairman Mirwaiz Umar Farooq was placed under house arrest. Activists argued the arrest was made to prevent him from leading a rally to be held in Shopian in connection with the May 2009 killing of two women there (see section 1.a.). In August 2009 the APHC released a list of 19 activists arrested as a result of protests of the Shopian incident; the activists were all released within several days of arrest.

Kartam Joga, an indigenous political activist, arrested on September 14, remained imprisoned in Chhattisgarh at year's end on charges of collaborating with Maoists in ambushing and killing 76 CRPF personnel on April 6, murdering a leader of the ruling Bharatiya Janata Party Budhram Sodi in May, killing the father of a special police officer attached to the CRPF in August, and ambushing a truck and killing four persons in December 2009. Amnesty International maintained that the government held Joga to prevent his peaceful political activities as an activist of the Communist Party of India (CPI) and an elected member of a local district government body and to deter him from defending the rights of adivasi (indigenous) communities.

At year's end the trial of Marimuthu Barathan, a Dalit supporter with the Human Rights Education and Protection Council, for his alleged involvement in a January 2009 triple murder case had not begun. In June 2009 authorities released Barathan from prison on bail.

Civil Judicial Procedures and Remedies

The NHRC is an independent and impartial investigatory and advisory body. It has a mandate to address public servants' violations of human rights or negligence in the prevention of violations, intervene in judicial proceedings involving allegations of human rights violations, and review any factors (including acts of terrorism) that infringe on human rights. The NHRC has the ability to summon and enforce witness attendance, produce documentation, and requisition public records. The NHRC also recommends appropriate remedies for alleged wrongs by offering compensation to the families of individuals killed or harmed extrajudicially by government personnel; however, it cannot force the implementation of its recommendations. The NHRC is not empowered to address allegations against military and paramilitary personnel.

Nineteen states also have human rights commissions, which hold independent investigations but work under the NHRC.

On October 12, the NHRC chair reported that the NHRC received 82,021 complaints related to human rights violations in 2009-10, a decrease from the 90,946 complaints received in 2008-09.

Individuals or NGOs can file "public interest litigation" (PIL) petitions in any high court or directly in the Supreme Court to seek judicial redress of public injury. These injuries may have been a result of a breach of public duty by a government agent or as a result of a violation of a provision of the constitution. NGOs credited PIL petitions for making government officials accountable to civil society organizations in cases involving allegations of corruption and partiality.

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

The law prohibits such actions, and the government generally respected these laws in practice; however, at times the authorities infringed upon the right to privacy. Police are required to obtain warrants to conduct searches and seizures, except in cases in which such actions would cause undue delay. Police must justify warrantless searches in writing to the nearest magistrate with jurisdiction over the offense. In Jammu and Kashmir, Punjab, and Manipur, authorities have special powers to search and arrest without a warrant, and in terrorism cases under UAPA (amended), police are provided greater discretion to conduct searches and seizures.

The Information Technology Act allows police 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 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 intercept telephone conversations, that evidence is generally inadmissible in court. The UAPA allows use of evidence obtained from intercepted communications in terrorist cases.

On January 8, the central government defended its November 2009 decision to ban prepaid mobile services in Jammu and Kashmir, explaining that terrorists used such services to detonate landmines targeting military convoys in the state. On January 21, the government lifted the ban but placed strict conditions on telecommunications providers for verification of customers for both prepaid and postpaid connections. On June 29, the state government blocked mobile phone and

messaging (SMS) services in the Kashmir Valley for one day to prevent further violence there but restored mobile services the next day.

On August 15, the Department of Telecommunications and the country's security agencies issued a warning to Research in Motion (RIM), the creators of the Blackberry mobile device and its related services, that unlimited access to their devices was now a requirement. The department declared that if RIM did not grant unconstrained access to e-mails, text messages, and other communications in real time, the government would ban their services. On October 15, the Prime Minister's Office intervened, delaying the deadline from October 31 to January 31, 2011. At year's end RIM and the government remained in negotiations, and Blackberry service continued uninterrupted.

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

During the year the country's armed forces, individual states' security forces, and paramilitary forces continued to engage in armed conflict with insurgent groups in Jammu and Kashmir, in several northeastern states, and in the Naxalite belt in the central and eastern parts of the country. All parties to the conflict used excessive force on occasion, killing and injuring conflict participants and civilians. The central and state governments and the armed forces investigated complaints and punished human rights violations committed by their own forces, and they arrested and tried insurgents under terrorism-related legislation. Investigations and prosecutions into human rights violations, however, were slow and few in number. There was no evidence that insurgent forces made attempts to prevent or punish human rights violations by their members.

In November the Ministry of Defense informed parliament there had been 230 complaints of human rights violations lodged aga

In Jammu and Kashmir, between June and September, security forces killed demonstrators during protests and injured many others. According to the government, many of the protests turned violent after protesters threw stones and rocks at security forces, and security forces retaliated with excessive or deadly force. Deaths and injuries to protesters, including a number of children, spurred anger and renewed protests, deepening a cycle of violence. The MHA reported 101 civilians were killed from June 11 to October 31. In September the government sought to calm tempers through dialogue, by releasing arrested protesters and providing financial compensation for deaths. During the violence the state government arrested 2,266 individuals; 81 of them were charged under the PSA for leading the protests.

On October 6, Jammu and Kashmir Chief Minister Omar Abdullah stated that his government had ordered judicial inquiries into 13 cases of alleged human rights violations in the state in the past 20 months and an inquiry commission into 17 cases of civilian casualties during disturbances between June 11 and July 29.

The conflicts in Jammu and Kashmir also resulted in the mistreatment and abuse of individuals. On April 1, the Jammu and Kashmir State Human Rights Commission informed the state assembly that there were 404 cases of human rights violations, including six rapes, 43 disappearances, and six custodial deaths in 2008-09, 11 of which were specific complaints against paramilitary forces and the Jammu and Kashmir police. In three cases the army courts-martial court granted permission for the prosecution of the violators.

The army prosecuted and punished some soldiers for human rights violations; on October 20, the army's Northern Command informed the media that 104 soldiers, including 48 officers, had either been dismissed from service or suspended for human rights violations in Jammu and Kashmir in the last 20 years. However, government investigations generally revealed a large percentage of the claims to be false and unjustified. The Northern Command reported that their investigations determined 97 percent of the 1,508 claims it investigated over the past 20 years were false. Similarly, on March 2, the Jammu and Kashmir government stated that as many as 384 complaints of the 623 human rights violations made to the State Human Rights Commission in the past two years were found to be false.

The MHA's most recent annual report showed a decline in the number of violent incidents and people arrested and killed in the Northeastern tates, where a variety of ethnic groups sought independence or greater autonomy. According to the United NGO Mission of Manipur, human rights violations and excessive use of force by federal security forces in the state decreased, but there was an increase in the number of human rights violation committed by local security forces.

In West Bengal's Naxalite (Maoist) affected districts, there were continued reports of excessive use of force by security agencies. The Andhra Pradesh police noted that large-scale Maoist (Naxalite) violence had declined in the state during the year, although there was a marginal increase in targeted killings as compared with 2009.

Killings

According to the South Asia Terrorism Portal (**SATP**) database, total terrorism and insurgency-related fatalities continued to decrease from the previous year. There were reports that government security forces committed extrajudicial killings of persons in custody, including staging encounter killings to cover up the deaths of captured militants. Human rights groups claimed police refused to turn over bodies in cases of suspected staged encounters. In 2002 the Supreme Court ordered the central government and local authorities to conduct regular checks on police stations to monitor custodial violence, but government officials often failed to comply with the order. The armed forces are not required to report custodial deaths to the NHRC.

The Institute for Conflict Management reported as of October 17, there were 375 fatalities in Jammu and Kashmir, including 270 alleged terrorists, 69 members of the security forces, and 36 civilians.

There was no information about fatalities related to insurgencies during the year in the Northeastern States; they dropped from 1,054 in 2008 to 843 in **2009**.

The ACHR reported that casualties among civilians and security forces resulting from Naxalite (Maoist) violence across at least 15 states exceeded those resulting from violence by separatist insurgents in Jammu and Kashmir. The SATP database reported that during the year 990 persons--including 212 militants, 250 security force personnel, and 528 civilians--were killed as a result of Naxalite (Maoist) violence. Maoist-related fatalities in West Bengal, which had the most civilian fatalities during the year, have increased exponentially since 2005.

On January 24, according to media reports, security forces allegedly used civilian Mushtaq Ahmad as a human shield. Police said he was caught in the exchange of gunfire during the operation to flush out insurgents at Karimpora village in south Kashmir's Pulwama. Locals, however, alleged that Mushtaq, son of the village headman, was used as a human shield against a barrage of fire directed at the forces.

On February 3, crossfire between security forces and United Liberation Front of Asom militants in Udaigiri district, Orissa, killed 10-year-old student Lakhya Jytoi Deka.

On February 5, 17-year-old Zahid Farooq was shot dead in Srinagar. Police investigations found the involvement of BSF personnel in the crime. Two months after Farooq's killing, which sparked widespread protests, the Jammu and Kashmir police charged BSF Commandant R K Birdhi and Constable Lakhvinder Kumar Singh with the murder. The killing of Zahid Farooq followed the death of 14-year-old Wamiq Farooq on January 31, who died when he was struck by a tear gas canister as police tried to disperse a crowd protesting Indian rule in Kashmir.

On April 24, personnel of the Rashtriya Rifles paramilitary force allegedly killed civilian Ghulam Muhammad Kalas and injured four others in Shopian district, Jammu and Kashmir. The NHRC sought a detailed report from the central government regarding the allegation. At year's end there was no further update.

On May 29, an army major, a special police officer, and three army soldiers, were charged with murdering three civilians--Shahzad Ahmad Khan, Riyaz Ahmad Lone, and Muhammad Shafi Lone--on April 30. The officials allegedly promised the civilians a wage of 2,000 rupees ($45) per day to work as army porters in the Machil sector of the Line-of-Control. Instead, they took them to Sogam village and shot them. The accused claimed the civilians were armed terrorists who died in a foiled infiltration attempt. Army investigators established that security forces killed the villagers extrajudicially, and the Jammu and Kashmir government owed the families compensation. On August 14, the media reported the victims' kin had received unsigned checks for 100,000 rupees ($2,222). The government administrators promised to reissue the checks, but there was no information about whether they had done so by year's end.

On July 15, police charged 11 persons, including a colonel and two majors from the army, in connection with a fake encounter case that led to the killings of three youths in the Kupwara district, Jammu and Kashmir, on April 30. The 11 were charged with allegedly conspiring and kidnapping the three youths on the pretext of giving them jobs and later killing them in the higher reaches of Kupwara, claiming they were terrorists.

On July 25, police allegedly tortured to death Tariq Ahmed Dar from Varmul District, Jammu and Kashmir, in custody. Police claimed he was a Laskar-e-Toiba (LeT) operative. His family filed a formal complaint, and at year's end investigations continued.

On September 30, soldiers from the Nagaland unit of Indian Reserve Battalion shot at a vehicle and killed its two occupants near Balarampur town of West Bengal's Purulia District, reportedly without provocation. There were also reports of abuses by armed militias ("harmads"), affiliated with the CPI-M party, in West Bengal.

There were no developments in the case of police allegedly killing 19 persons in a staged encounter in Chhattisgarh in January 2009. Police claimed that Naxalite insurgents engaged them and that they recovered large amounts of explosives and weapons. Local villagers and journalists claimed, however, that the persons killed by police had no connection to Naxalites. According to villagers' reports, 150 to 170 special police officers assembled villagers and forced them to put on Naxalite uniforms before shooting them. Villagers also alleged the officers raped female victims. At year's end the case continued in the state's high court.

There were no developments in the January 2009 report of the army's high-level inquiry into the shooting death of Abdur Ahad Reshi, a deaf and mute man in Veer Saran Pahalgam in Kashmir.

In March 2009 the army ordered disciplinary action against three soldiers found guilty of killing two civilians in February 2009 in Bumai, Jammu and Kashmir. Army authorities initially claimed the victims died as a result of an exchange of gun fire between militants and security forces. An army inquiry determined, however, that the three soldiers did not exercise adequate restraint in the use of their weapons.

There were no updates regarding the March 2009 report that CRPF members killed Sahbir Ahmad Ahangar in Nowhatta, Jammu and Kashmir.

In May 2009 the army ordered an inquiry into the alleged custodial death of Manzoor Ahmed Beig, who was found dead after Special Operation Group (SOG) inspector Khurshid Ahmad had summoned him to the SOG camp. At year's end Ahmad remained under suspension, but criminal proceedings had not been initiated against him.

In September the Assam government paid 500,000 rupees ($11,000) each to the families of Ram Nath Chauhan and Jawahar Singh Gour, following recommendations of the NHRC. The two were victims of excessive use of firearms against protesters by police in Kabi Anglong district in 2008.

On July 26, the family of Jalil Andrabi, human rights lawyer and activist, filed a petition before the Budgam chief judicial magistrate for further investigation into Andrabi's 1996 death in Srinagar, Jammu and Kashmir. The city court replied that it did not possess the power to reopen the case.

On February 21, the Jammu and Kashmir State Human Rights Commission sought sanction from the MHA and Ministry of Defense to prosecute two army officers indicted in the custodial killing of Muhammed Ayub Bhatt in 1991.

Insurgents in the three conflict zones also committed killings during the year.

On March 16, insurgent forces attacked a group of policemen in Baramulla district, Jammu and Kashmir, killing one policeman and one civilian and injuring six others.

On April 6 and 10, Naxalites killed 75 and 76 police personnel, respectively.

On May 2, two grenade blasts by insurgent forces in Doda district, Jammu and Kashmir, injured four civilians, including two children.

On May 17, Naxalites blew up a private bus killing more than 40 persons, including 18 local special police officers, in Dantewada, Chhattisgarh.

On May 28, the Gyaneshwari Express derailed in West Bengal, resulting in the deaths of 148 passengers. It was disputed as to whether sabotage or a bomb caused damage on the railway track, which in turn led to a train's derailment before an oncoming freight train hit the loose carriages. An inquiry by the railway blamed "sabotage" for the train accident. The Maoist-backed People's Committee against Police Atrocities claimed responsibility. Police arrested several leaders with Maoist links, and on August 27, key suspect Umakanto Mahato was killed in an overnight encounter in Mohanpur forest.

On May 3, a special fast-track court in Mumbai found Mohammed Ajmal Amir Kasab, the lone LeT terrorist captured alive from the 2008 terrorist attacks in Mumbai, guilty of murder and waging war against the country and sentenced him to death. On October 18, the Mumbai High Court began hearing an appeal filed by Kasap against the death penalty. At year's end there was no verdict.

Abductions

Human rights groups maintained that military, paramilitary, and insurgent forces abducted numerous persons in Jammu and Kashmir, the Northeastern States, and the Naxalite belt. Human rights activists feared that some of the unacknowledged prisoners were tortured or killed during detention.

Estimates of the number of missing persons varied. Human rights organizations stated there were 8,000 to 10,000 people missing in custody in Jammu and Kashmir. The Jammu and Kashmir government reported in 2009 that 3,429 persons were missing from their homes and 110 disappeared after arrest from 1999 to July 2009. During the year the Jammu and Kashmir government revised these figures and reported that 1,105 persons had disappeared from the state since 1989.

The Jammu and Kashmir Human Rights Commission handled 43 disappearance cases in 2008-09. During the year there were no verifiable, documented disappearance cases involving security forces, police, or Naxalites.

On August 3, personnel from the 12 Maratha Light Infantry arrested Leimakhujam Kokulo Singh at a checkpoint near Patsoi Lai Umang along the Imphal-Sangaithel Road. Kokulo was returning home with his wife and sister in an auto rickshaw. According to witnesses, security forces asked him to exit the vehicle, questioned and searched him, and dragged him into a white vehicle. The army did not issue an arrest memo, which is mandatory according to the guidelines of the Supreme Court. Kokulo's whereabouts remained unknown at year's end.

On July 2, the Central Information Commissioner, Wajahat Habibullah, summoned to Delhi two top officials of the BSF in Jammu and Kashmir to provide information regarding the alleged disappearance of Muhammed Ashraf Yatoo in 1990 from Bandipora, Jammu and Kashmir. The BSF officials were summoned after Kashmir-based activist Raja Muzaffar Bhat filed an RTI request regarding Yatoo's death. No further action was taken against the BSF.

Naxalites also abducted individuals during the year. On August 29, Naxalites abducted four policemen in Lakhisarai District, Bihar. The insurgent group killed one but released the others on September 6. According to media reports, the abduction was in retaliation for the July security force killing of Naxal leader Cherukuri Rajkumar (alias Azad).

In October Naxalites abducted an intelligence officer and a teacher in West Bengal. At year's end their whereabouts were unknown.

Physical Abuse, Punishment, and Torture

There were reports that government security forces tortured, raped, and mistreated insurgents and alleged terrorists in custody and injured demonstrators. All parties to the conflicts injured civilians on occasion.

The NHRC looked into media reports and photographs that were published on June 18 of what appeared to be security force members carrying the dead bodies of Naxalites, including women, with their hands and feet tied to bamboo poles. It was alleged that the photographs were taken following an anti-Maoist operation in West Midnapore, West Bengal. The security members included members **of armed CRPF counterinsurgency units and West Bengal police.** The NHRC requested and received a report on the matter from the MHA and closed the case; a PIL petition requesting the reason why the security forces transported the dead bodies in such a manner was pending before the Kolkata High Court at year's end. The government of West Bengal stated that security personnel had no intention of carrying the victims trussed in bamboo poles but were forced to as they were facing a hostile situation. At year's end the Kolkata High Court had held two sessions but had not pronounced a verdict.

On September 5, police registered a case against Battalion 46 of the Rashtriya Rifles for opening fire and causing injury to five civilians in Baramulla, Jammu and Kashmir.

On September 14, Amnesty International urged authorities to carry out an effective investigation into a three-minute video clip, allegedly recorded by one of the security force members, that showed Jammu and Kashmir police and CRPF personnel herding at least four naked youth to a nearby police station.

Unlike in the previous two years, there were no reports of significant violence against out-of-state migrants by the regional political party Maharashtra Navnirman Sena (MNS). Investigations continued in the violent incidents perpetrated by MNS members in 2008 and February 2009. Several MNS activists were arrested, but at year's end they were released on bail.

Child Soldiers

There were no credible reports of any government security forces using child soldiers during the year; however, insurgent groups reportedly used child soldiers. According to an April 13 UN secretary-general report on children and armed conflict, there were reports that Naxalites recruited and used child soldiers, especially in Chhattisgarh. According to an October 2009 MHA statement, intelligence information indicated forced recruitment of children by the Naxals in areas south of Chhattisgarh. In 2008 the NHRC stated that the Naxals forced many families to send at least one adolescent boy or girl to join their ranks. NGOs alleged that militants often used children as shields against government security forces. The UN conducted investigations into these allegations throughout the year.

On November 23, the media reported on the escape of a 13-year-old tribal girl from a Maoist hideout near Bankura, West Bengal.

Other Conflict-related Abuses

The conflicts in Jammu and Kashmir, the Northeastern States, and the Naxalite belt have displaced an estimated 621,000 persons; most remained without permanent homes during the year.

In the Kashmir Valley region, from 1990 onwards, Islamist militants threatened, abducted, and killed Pandits and demanded that they leave. Tens of thousands of Kashmiri Pandits fled to Jammu, Delhi, and other areas in the country because of conflict between the Indian army and Muslim insurgents. As of June, 250,000 Kashmiri Pandits were displaced, most of them in camps in Jammu and Delhi. During the year protests in the Kashmir Valley region against Indian rule continued to make their return unlikely. According to the MHA's 2009-10 annual report, there were 57,863 Kashmiri Pandit migrant families, of whom 37,285 resided in Jammu, 19,338 in Delhi, and 1,240 in other states and territories. A February 2009 survey found 2,865 Kashmiri Pandits residing in Jammu and Kashmir, compared with 19,900 in 1998. The governments of Jammu and Kashmir, the National Capital Territory of Delhi, and other states and territories provided aid to resident Kashmiri Pandit displaced families.

In response to the deteriorating conditions of the camps, in 2004 the prime minister announced the construction of approximately 5,000 apartments for the Kashmiri Pandits, scheduled to be inhabited as of December; however, as of June only half had been completed. The plan was based on the assumption that all displaced Kashmiri Pandit families would eventually return to Kashmir.

In the Northeast, violence between communal groups in the states of Assam, Manipur, and Mizoram displaced more than 25,000 persons from January 2009 through June; more than 202,000 remained displaced from previous incidents of communal violence from as early as 1993. According to the MHA's 2008-09 annual report, the central government began discussions with the northeastern state of Mizoram regarding repatriation to Mizoram of 32,500 Brus (also known as Reang) internally displaced persons (IDPs) living in six relief camps in Tripura. In 2005 the Supreme Court ordered the MHA, the election commission, and the governments of Mizoram and Tripura to resettle approximately 30,000 displaced Brus (Reangs) and add them to the electoral rolls. A 2007 survey by the Mizoram Bru Displaced Peoples Forum (MBDPF) of 5,328 families found that more than 94 percent of camp inmates possessed at least one document issued by national or Mizoram authorities proving they were residents of Mizoram State. The first phase of the resettlement was delayed due to a November 2009 arson following the killing of a Mizo youth, which resulted in renewed Mizo-Bru violence and the displacement of an additional 5,000 Brus from Mizoram to Tripura. On May 1, 115 Brus displaced to Tripura in 2009 returned to Mizoram. As of August a census performed by the MBDPF counted 31,703 Brus remaining in camps in Tripura. Most had been displaced in 1997; 2,183 were displaced in 2009.

In central India armed conflicts over land and mineral resources in tribal forest areas continued, and fighting between Naxalite (Maoist) insurgents and government security forces, supported by state-supported, civilian anti-Naxalite Salwa Judum militia and Special Police Officers, affected more than 200 of the country's 626 districts in 20 of its 29 states. Most of the conflict areas overlap with the Dandakaranya forest, which covers parts of West Bengal, Jharkhand, Orissa, Chhattisgarh, Andhra Pradesh, and Maharashtra. The forest also has large deposits of mineral resources, such as bauxite, iron ore, and uranium, and is home to millions of tribal people. The Ministry of Rural Development in 2009 estimated up to 400,000 individuals have been displaced since the conflict began.

In 2009 the government initiated Operation Green Hunt against Naxalites in Chhattisgarh, Jharkhand, Orissa, and West Bengal, including in the Dandakaranya forest. Human rights advocates argued that the operation seeks not only to

suppress the Naxalites but also to force these tribal people off their land, allowing for commercial development. Also in 2009 the British newspaper *The Guardian* reported that the government had signed several hundred memorandums of understanding with companies to build power plants, dams, and steel factories in the affected areas.

IDP camps that opened in Chhattisgarh for displaced tribal persons caught in fighting between Naxalites and the Salwa Judum in 2006 continued to operate. A 2008 NHRC report identified 23 government relief camps, with an estimated camp population of 40,000 IDPs, reduced from 27 camps with as many as 60,000 IDPs in 2006. The camps lacked adequate shelter, food, health care, education, and security. Civil society groups alleged that some men, women, and children from the camps were trafficked for labor and sexual exploitation. Some sources alleged that both Naxalites and Salwa Judum activists armed displaced children, but there was no confirmed evidence. Police acknowledged that some displaced minors may have been armed unintentionally by police officers but stated that police dismissed minors upon learning their ages. NGOs alleged that hundreds of Chhattisgarh IDPs settled in forest reserve areas in Andhra Pradesh were denied basic assistance, including food, water, shelter, medical facilities, and sanitation. Little was known about the population or their living conditions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and expression, but it does not explicitly mention freedom of the press. While the government generally respected freedom of speech and press in practice, certain forms of expression, such as obscenity or speech that the government feared might disrupt public order, are not protected. In addition both the state and central governments imposed restrictions on media in Jammu and Kashmir during the violent protests in the summer as they attempted to restore law and order.

Individuals could generally criticize the government publicly or privately without reprisal; however, on June 29, the Jammu and Kashmir government blocked SMS in North Kashmir and, on June 30, expanded its blockage to all parts of Jammu and Kashmir. Official justified the blockage as a measure to prevent "antinational" elements and separatists from "misusing" the service. The ban was lifted on December 22.

In October law enforcement authorities began investigating writer and activist Arundhati Roy and four others for sedition regarding public comments they made regarding the status of Jammu and Kashmir. At year's end no charges had been filed against Roy or the others.

The independent media were active and expressed a wide variety of views without restriction. Independent newspapers and magazines were regularly published, and television channels broadcast investigative reports, including allegations of government wrongdoing. The media generally promoted human rights and criticized perceived government violations.

AM radio broadcasting remained a government monopoly. Private FM radio station ownership was legal, but licenses authorized only entertainment and educational content. With the exception of radio, foreign media generally operated freely. Widely distributed private satellite television provided competition for Doordarshan, the government-owned television network. There were allegations that the government network manipulated the news. Some privately owned satellite channels promoted the platforms of political parties their owners supported.

The Press Council, a statutory body of journalists, publishers, academics, and politicians with a government-appointed chairman, investigates what it considers irresponsible journalism and sets a self-regulated code of conduct for publishers. The code includes injunctions against publishing stories that might incite caste or communal violence. The council publicly criticized those it believed had broken the code.

On July 1, the Jammu and Kashmir government banned publication of three daily newspapers after allegations of inflammatory reporting. The ban was lifted on July 6.

On July 30, the Jammu and Kashmir government banned transmissions of two local television channels accused of broadcasting "provocative" telecasts and creating law and order problems. The channels allegedly violated the 1995 Cable Television Network (Regulation) Act and were restricted to broadcasting news for only 15 minutes at a predetermined time.

Journalists experienced violence and harassment as a result of their reporting during the year.

On January 7, police in Srinagar fired upon Amaan Farooq and Yawar Nazir after demanding the journalists cease photographing the scene following a battle between police and armed militants. Police assaulted three other journalists at the scene.

On March 3, unidentified men attacked the Mangalore offices of *Kannada Prabha* and *New Indian Express*, reportedly in response to an article written by Bangladeshi writer Taslima Nasreen that argued against the wearing of the burqa. Protests against the publication allegedly led to street violence in Shimoga and Hassan that killed two persons.

On April 26, security forces in Srinagar beat Gowhar Bhat for covering a demonstration of the People's Democratic Party.

On July 12, the government refused to renew the work visa for Japan Broadcasting Corporation New Delhi bureau chief, Shogo Takahashi, purportedly due to his documentary programs that touched on the caste system.

Local media reported 12 attacks and six instances of intimidation against journalists in Orissa from January through July.

The central government banned some books from being imported or sold in the country because they contained material that government censors deemed inflammatory and apt to provoke communal or religious tensions.

Internet Freedom

There were some government restrictions on access to the Internet and reports that the government occasionally monitored users of digital media. A 2008 amendment to the Information Technology Act reinforced the government's power to block Internet sites and content, and it criminalized sending messages it deemed inflammatory or offensive. Both central and state governments have the power to issue directions for the interception, monitoring, or decryption of computer information. The Information Technology Ministry is responsible for enforcing the rules and regulations.

According to International Telecommunication Union statistics during the year, 6.9 percent of the country's inhabitants used the Internet. Lack of infrastructure limited public access to the Internet, but large segments of the population (706 million) had mobile phones and used SMS to send and receive information.

On August 20, the central government delayed implementation of a ban on Blackberry devices (see section 1.f.).

Academic Freedom and Cultural Events

The government continued to apply restrictions to the travel and activities of a few visiting experts and scholars. Academic guidelines issued by the Ministry of Human Resources Development in 2003 required all central universities to obtain the ministry's permission before organizing "all forms of foreign collaborations and other international academic exchange activities," including seminars, conferences, workshops, guest lectures, and research. Although the restrictions remained in force, in most cases the ministry permitted the international academic exchanges to take place after bureaucratic delays.

b. Freedom of Peaceful Assembly and Association

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

Freedom of Assembly

The law provides for freedom of assembly. Authorities normally required permits and notification before parades or demonstrations, and local governments generally 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 security forces occasionally detained and assaulted separatists engaged in peaceful protest (see section 1.g.). During periods of civil tension, authorities used the criminal procedure code to ban public assemblies or impose a curfew.

Freedom of Association

The law provides for the freedom of association, and the government generally respected this right in practice; however, there were restrictions on foreign funding and organization of international conferences (see section 5).

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at **www.state.gov/g/drl/irf/rpt**.

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. At year's end the government lifted the requirement for nationals and foreigners, except persons from Pakistan and China, to apply for a special permit to travel to Manipur, Mizoram, or Nagaland; however, it continued to require special permits to travel to Jammu and Kashmir.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to some but not all IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Security forces often searched and questioned vehicle occupants at checkpoints, mostly in troubled areas in the Kashmir Valley, before public events in New Delhi or after major terrorist attacks. The government maintained a 330-mile security fence along the Line-of-Control in Jammu and Kashmir, causing difficulties as the fence cuts through some villages and agricultural lands.

The government legally may deny a passport to any applicant who it believes may engage in activities outside the country "prejudicial to the sovereignty and integrity of the nation." 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.

Citizens from Jammu and Kashmir continued to face extended delays, often as long as two years, before the Ministry of External Affairs would issue or renew their passports. The government subjected applicants born in Jammu and Kashmir--even children born to military officers during their deployment in the state--to additional scrutiny, requests for bribes, and police clearances before issuing them passports.

The law allows for forced exile; however, the government did not use forced exile in practice, and there were no reports of it during the year.

Internally Displaced Persons

There were several groups of IDPs in various locations in the country, including those displaced by internal armed conflicts in Jammu and Kashmir, the Naxalite belt, and the Northeast (see section 1.g.), as well as in Gujurat. In September the Norwegian Refugee Council (NRC) estimated that regional conflicts had displaced at least 650,000 persons, and the Internal Displacement Monitoring Center, operated by the NRC and the UN, put the total number of IDPs at approximately 500,000. It was difficult to estimate the exact number of those displaced by conflict or violence as there was no central government agency responsible for monitoring the numbers of those displaced or returning, and humanitarian and human rights agencies had limited access to camps and affected regions. While those who resided in IDP camps were registered, an unknown number stayed outside the camps.

The violence in Gujarat in 2002 displaced more than 250,000 persons, many of them Muslims from Gujarati villages and cities. According to the NRC, 19,000 IDPs remained in camps as of September 2, living in 86 relief colonies that lacked adequate infrastructure.

The government has no national policy or legislation to address internal displacement resulting from armed conflict and ethnic or communal violence, and the responsibility for protecting and assisting the displaced has often been delegated to the state governments and district authorities. The lack of a central policy allowed states to remain unaccountable for internal displacement and to claim they are unable to protect or assist displaced people. When state- or district-level authorities provide assistance, it is often temporary and varied. The government provided assistance to IDPs and allowed them access to NGO and human rights organizations, but neither access nor assistance was standard for all IDPs or situations. As in previous years, there were no reports that the government attacked or forcibly resettled IDPs.

Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees, and there is no law or clear policy for refugees. The 1946 Foreigners Act, the law consulted by authorities with regard to refugees and asylum seekers, does not contain the term "refugee"; the word "foreigner" is used, placing refugees, migrants, and tourists in the same category. Under this act physical presence in the country without valid travel or residential documents is a criminal offense, rendering refugees without appropriate documentation eligible to be deported; nevertheless, there were no reports that the government deported refugees during the year. The government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Although the government lacks a legal framework for addressing refugees, it used an ad hoc approach and occasionally granted asylum and refugee status on humanitarian grounds in accordance with international law. However, this approach resulted in varying standards of protection for different refugee groups. The government recognizes refugees of Tibet and Sri Lanka and honors UNHCR decisions on refugee status determination for individuals from other countries. According to the UNHCR, as of January there were 185,323 refugees in the country, including approximately 72,000 Sri Lankan refugees, 100,000 Tibetan refugees, and more than 14,000 urban refugees from other countries living in New Delhi. Of the 6,037 asylum seekers and 15,216 refugees registered with the UNHCR in New Delhi, a majority were from Afghanistan and Burma.

The UNHCR had no formal status in the country, but the government permitted its staff access to refugees in urban centers and allowed it to maintain a local office in Tamil Nadu; however, the UNHCR was not permitted direct access to

Sri Lankan refugee camps, Tibetan settlements, or asylum seekers in Mizoram. In contrast the government generally permitted NGOs, international humanitarian organizations, and foreign governments access to Sri Lankan refugee camps and Tibetan settlements but also generally denied them access to asylum seeker populations in Mizoram.

As of December approximately 70,000 Sri Lankan Tamil refugees lived in 112 refugee camps throughout Tamil Nadu and one camp in Orissa. The central government and the state of Tamil Nadu jointly provided monthly cash payments and food subsidies to the refugees. According to NGOs, conditions in the Sri Lankan Tamil refugee camps in Tamil Nadu were generally acceptable, although much of the housing, as well as water and sanitation facilities, was of poor quality. There were some reports of gender-based violence including domestic violence, sexual abuse, and early marriage. The government of Tamil Nadu estimated that there were an estimated 33,000 Sri Lankan refugees living at large in the state.

The UNHCR provided refugee status and assistance to approximately 3,000 to 4,000 Burmese living in Delhi, primarily Chins, but did not have access to the larger population of ethnic Chins living in the northeastern states. NGOs estimated that there were between 50,000 and 100,000 Burmese Chin asylum seekers in Mizoram. Chin refugees generally reported fair access to housing, education, and health services. However, because most Chin refugees lacked legal status and were unable to work legally, they had inadequate income to meet their basic needs and remained vulnerable to abuse, discrimination, and harassment.

While the government respected the UNHCR's mandate of protection for UNHCR-recognized groups in New Delhi and provided residential permits to many of the UNHCR-recognized urban refugees, the government did not recognize these populations in Delhi and other cities as "refugees," leaving them ineligible for certain rights and services and vulnerable to harassment and gender-based violence. They did not have the legal right to work and thus often worked for low wages in the informal market. Many refugees did not have sufficient access to education or basic services, although they received medical care in free clinics. Refugees without residency permits or other official documents did not have access to police or courts. One organization also reported a number of cases of abuse of refugees and arbitrary detentions. The organization noted that many urban refugees worked in the informal sector or in highly visible occupations such as street vendors, where they were subject to police extortion, nonpayment, and exploitation.

Stateless Persons

According to the 1955 Citizenship Act, citizenship is derived by one's parents; birth within the country does not guarantee citizenship. A person born within the country is considered a citizen only if at least one parent is a citizen and the other is not an illegal migrant. Citizenship can also be obtained through registration under specific categories and via naturalization after residing in the country for 12 years.

According to the UNHCR and NGOs, the country has a large population of stateless persons, but there were no accurate estimates of the number. Stateless populations include Chakmas and Hajongs, who migrated to India from East Pakistan (now Bangladesh), and groups affected by the 1947 partition of the Indian Subcontinent into India and Pakistan. The UNHCR was working to identify and map stateless groups. In addition as of May, there were approximately 28,500 stateless Sri Lankan Tamils living in refugee camps in Tamil Nadu. The Sri Lankan government passed laws to grant citizenship to the Tamil refugees in 2009, but restoration of citizenship to the refugees was a slow process.

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

The constitution provides citizens 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 held a five-phase national election in April and May 2009 that included 714 million eligible voters. National and local security forces helped to ensure a relatively smooth election, although 65 persons were killed in voting-related violence. The Congress-led United Progress Alliance government (a coalition of parties), headed by Prime Minister Manmohan Singh, returned to power for a second term.

Citizens elected state governments and local municipal or village council governments at regular intervals. During the year free and fair assembly elections were held in Bihar. While no voters were killed in election violence in Bihar, a bomb planted by Naxalites, who had urged a boycott of the election, killed two law enforcement officers.

There were also cases of political violence during the year in Uttar Pradesh. For example, on October 11, four persons were killed and more than 36 others were injured during violence in the Uttar Pradesh Panchayat elections. The districts of Farukkhabad, Allahabad, Auraiya, Sitapur, Lucknow, and Gorakhpur reported incidents of booth capturing and seizure of ballot boxes. As of October 31, a reported total of nine persons had been killed and 59 others had been injured in the Uttar Pradesh Panchayat elections. On December 22, two persons were killed and several others were injured during violence between supporters of the ruling Bahujan Samaj Party and the opposition Samajwadi Party in the Block president elections in Uttar Pradesh.

Political parties could operate without restriction or outside interference; however, violence between political parties that began following the 2009 Lok Sabha (lower house of parliament) polls continued in West Bengal. Between mid-May 2009 and June 30, 245 Left Front members and about 240 Trinamool Congress workers were killed in West Bengal.

Women held many high-level political offices, including the presidency, leader of the ruling Congress Party, 78 members (including the speaker) of the Lok Sabha, railways minister, chief minister position in Uttar Pradesh, and one seat on the Supreme Court bench. Women participated in politics throughout the country at all levels, including more than one million women in local village councils (panchayats).

Implementation of an amendment increasing the quota for women in elected village councils from 33 percent to 50 percent continued at year's end. The state of Kerala began implementation in October.

The constitution stipulates that to protect historically marginalized groups and to assure representation in the lower house of parliament, each state must reserve seats for scheduled castes and scheduled tribes in proportion to their population in the state. Only candidates belonging to these groups can contest elections in reserved constituencies. In the 2009 elections, 84 seats for candidates from scheduled castes and 47 seats from scheduled tribes were reserved, representing 24 percent of the total seats in the lower house.

Section 4 Official Corruption and Government 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. During the year Transparency International (TI) reported that the perception of corruption in the country had again increased. TI reported that 54 percent of the population admitted to bribing authorities, with lower-income earners reportedly paying more bribes. Bribes were typically paid to speed procedures such as police protection, school admission, water supply, or government assistance. Half of bribes were paid for the benefit of registering for government assistance. The report also stated that the population considered political parties to be the most corrupt institution in the country.

According to a survey released in January 2009 by Trace International, a not-for-profit association that helps companies combat bribery, 91 percent of bribe demands came from government officials. Police officers accounted for 30 percent of bribe demands; the national customs office, 13 percent; and the national offices of taxation and water, 9 percent each. A

May 2009 HRW report corroborated that corruption in the police force was pervasive, which several government officials reportedly acknowledged. Human rights activists and NGOs reported that citizens often had to pay bribes to receive police services. Many citizens reported they offered bribes to move cases through the court system. Government officials often demanded bribes for applicants from Jammu and Kashmir who required special clearances for passports.

Both the Election Commission and the Supreme Court upheld mandatory disclosures of criminal and financial records for election candidates. Election campaigns for parliament and state legislatures often were funded with unreported money, and the government failed to control the practice.

The law mandates asset declarations for all Indian Administrative Service officers. On January 13, the Delhi High Court upheld the November 2009 ruling that required judges to declare their assets. On December 30, newspapers reported that the Bihar chief minister had requested all state government employees to make annual declarations of their assets, as part of a campaign to eliminate corruption in the state. Previously the minister established a special vigilance unit to stop corrupt officials.

To increase transparency, on December 2, the Central Vigilance Commission (CVC) established a toll-free hotline so that persons across the country could lodge complaints against corrupt government officials. The number was advertised in newspapers, on television, and circulated to the public via an SMS.

On December 9, International Anticorruption Day, the CVC launched a new portal, VIGEYE (Vigilance Eye), a platform to share information between the public government agencies and the vigilance commission. Registered users could upload video or audio acts of corruption. The portal was launched in an attempt to stop corruption.

There was at least one killing during the year attributed to corrupt politicians (see section 1.a.).

On November 16, following press accusations, the national comptroller general and auditor reported to parliament that mismanagement in 2007 by Telecommunications Minister Andimuthu Raja in the issuance of radio spectrum licenses to mobile phone companies had led to a notional loss to the government of 1.72 trillion rupees ($38.1 billion). On November 15, Raja resigned his post. The issue paralyzed parliament during the entire winter session as opposition party members forced daily adjournments by shouting slogans and demanding the formation of a special investigatory parliamentary committee. At year's end the CBI was investigating the allegations to determine whether criminal charges should be filed.

On October 3-14, New Delhi hosted the Commonwealth Games, which were plagued by allegations of financial mismanagement, work safety violations, construction accidents, and massive delays. On October 16, the prime minister ordered a probe into the games' organizing committee, and on November 30, the CBI raided the homes and offices of two organizing committee officials, T.S. Darbari and Sanjay Mahindroo, charging them with criminal conspiracy, misuse of official post, cheating, and forgery. On December 24, the CBI raided the homes and offices of organizing committee head Suresh Kalmadi. The probe continued at year's end.

On November 9, the Congress Party forced Ashok Chavan, chief minister of Maharashtra state, to resign due to his alleged involvement in a housing fraud in which Congress Party politicians, bureaucrats, and military officials were implicated in the sale of apartments reserved for veterans and war widows. The CBI began investigations, and the government rescinded permissions that allowed owners to occupy the apartments.

On November 24, the CBI arrested five officials from public-sector banks who were accused of taking bribes to facilitate large corporate loans. Those arrested included senior officials of Central Bank of India, Punjab National Bank, and the Bank of India.

The following 2009 cases remained pending in court at year's end: the April cases of senior government bureaucrats in Tamil Nadu for corruption, accepting bribes, and abuse of official position for monetary gain; the August cases of the director of medical and rural health services in Tamil Nadu, who would have allegedly received 853,000 rupees ($17,700) in exchange for a 150 million rupee ($3.1 million) drug supply contract, and the vice chancellor of Coimbatore Anna University for accepting bribes; and the November case of former Jharkhand chief minister Madhu Koda for allegedly possessing assets disproportionate to his income and laundering 50 million rupees (approximately $1.1 million).

The law provides for public access to information. Although the government was often slow in response to 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. RTI information can be requested only by citizens, not foreign nationals or foreign media. The government charged 10 rupees (approximately $0.21) as a fee at the time of the request. If a request is denied, one can appeal to the Central Information Commission and then to the high court. Study findings announced in August 2009 revealed that public authorities had not planned adequately in their implementation of the 2005 RTI Act, hindering the supply of information, and that rural inhabitants were not always aware of their rights under the act. Many states, including Jammu and Kashmir, also have right-to-information laws.

On August 16, media reported that 11 persons, including three senior officials of the Municipal Corporation of Delhi, had been arrested in two separate cases for allegedly harassing and threatening individuals who had sought information under the RTI.

Section 5 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 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. The country hosts more than three million NGOs that advocate for social justice, sustainable development, and human rights. The government generally met with domestic NGOs, responded to their inquiries, and took action in response to their reports or recommendations. The NHRC works cooperatively with numerous NGOs, and NGOs are present on several NHRC committees. However, while human rights monitors in Jammu and Kashmir were able to document human rights violations, security forces, counterinsurgents, and police at times restrained or harassed them.

On September 15, parliament passed a new Foreign Contributions (Regulation) Act (FCRA). Many NGOs believed the law's revised regulations were vague and were concerned the ban on funding for organizations of a "political nature" made the law vulnerable to abuse and corruption by government officials. On November 16, the MHA informed parliament that 41 NGOs were banned from receiving foreign contributions due to complaints of corruption and/or irregularities in the use of funds received under the FCRA.

NGOs must secure approval from the MHA before organizing international conferences; permission was typically granted, but the process was lengthy. Human rights groups contended that this practice provided the government with political control over the work of NGOs and restricted their freedom of assembly and association.

International human rights NGOs faced difficulties obtaining visas for their representatives, and occasional official harassment and restrictions limited the public distribution of materials.

The government permitted representatives of the UN and other international humanitarian organizations, such as the ICRC, access to the Northeastern States and Naxalite-controlled areas.

On December 3, the ICRC, along with the Indian Red Cross, relaunched a physical rehabilitation center in Dimapur, Nagaland. The ICRC also worked with the Indian Red Cross in Chhattisgarh and Assam, where teams provided household items, water, and sanitation facilities for persons displaced by ethnic violence.

The government-appointed NHRC generally acted independently, but some human rights groups claimed institutional and legal weaknesses hampered it. The president appoints members after recommendations from parliament. While the NHRC has the authority to initiate investigations, inquire into complaints, or request that a state government submit a report--a request that state governments often ignored--it does not have the statutory power to enforce requests, initiate proceedings for prosecution, or grant interim compensation, nor could it inquire independently into human rights violations by the armed forces. Human rights NGOs criticized the NHRC's financial dependence on the government and its failure to investigate abuses more than one year old. They claimed the NHRC did not register all complaints, dismissed cases on frivolous grounds, failed to investigate cases thoroughly, and did not adequately protect complainants.

Nineteen of the 28 states had human rights commissions at year's end. Human rights groups alleged that state human rights commissions were limited by local politics and less likely to offer fair judgments than the NHRC. For example, the Jammu and Kashmir commission did not have authority to investigate alleged human rights violations committed by members of paramilitary security forces.

The government has also designated chief vigilance officers to address public complaints and grievances in the banking, insurance, and other sectors that are serviced by private, public, and corporate bodies. In addition several states had Lokpal or Lokayukta offices, which serve as ombudsmen with the authority to investigate allegations of corruption and poor administration.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Crimes against women were common. The NCRB estimated there were 194,787 crimes against women during the year and noted that underreporting of such crimes was likely. The MHA informed parliament it recorded 109,559 cases of crime against women--including molestation, sexual harassment, rape, dowry deaths, and abduction--through August 2009. The state of Andhra Pradesh recorded the worst record with 23,224 crimes against women, including 1,188 cases of rape, 1,526 cases of kidnapping and abduction, 546 cases of dowry deaths, and 11,297 cases of domestic violence. Uttar Pradesh recorded 22,941 cases of violence, including 2,232 cases of dowry deaths, 1,759 cases of rape, and 5,078 cases of kidnapping. Bihar reported that 2,532 married women were victims of domestic violence and recorded 7,480 cases of violence against women, including 929 rape cases, 1,295 dowry deaths, and 1,986 kidnapping and abduction cases.

According to a joint survey released on July 8 by the Delhi Department of Women and Child Development, the NGO Jagori, and the UN Development Fund for Women, approximately 80 percent of women in Delhi feared for their safety.

The law criminalizes rape, including spousal rape. Punishment ranged from prison terms as long as one year, a fine of 19,800 rupees (approximately $450), or both. Official statistics point to rape as the fastest growing crime in the country, even when compared to murder, robbery, and kidnapping. Despite assurances from law enforcement, the NCRB states that a woman is raped in the country every 30 minutes. Since 1971 when rape cases were first recorded officially, the NCRB has registered a 678 percent increase in the crime. According to the NCRB, there were 21,397 rape cases

registered in the country in 2009. Law enforcement and legal avenues for rape victims are inadequate, overburdened, and unable to address the issue effectively.

Women in conflict situations, such as in Jammu and Kashmir, and vulnerable women, including lower-caste or tribal women, were often victims of rape.

On November 26, a call center employee from Mizoram was allegedly abducted from the Dhaula Kuan area of Delhi and gang-raped in a moving car, then dumped in a different part of the city. She had been returning from work and was walking home after her colleague dropped her off a few blocks from her home. The victim was able to identify two persons, Shamshad and Osman, who were put in judicial custody. At year's end the case continued, and the victims name had not been publicly released.

The law provides for protection from all forms of abuse against women in the home, including physical, sexual, verbal, emotional, or economic abuse, as well as threat of abuse; however, domestic abuse remained a serious problem. The law recognizes the right of a woman to reside in a shared household with her spouse or partner while the dispute continues, although a woman can be provided with alternative accommodations at the partner's expense. The law also provides women with the right to police assistance, legal aid, shelter, and access to medical care.

While the Ministry of Women and Child Development has issued guidelines for the establishment of these social services, in practice lack of funding, personnel, and proper training resulted in limited services, primarily available in metropolitan areas.

The Delhi Commission for Women received 1,975 complaints of violence against women in 2009-10, of which 1,122 complaints related to domestic violence. The Ministry of Women and Child Development informed parliament that 2,256 cases were registered under the Domestic Violence Act and 349 convictions took place in 2008. Lack of law enforcement safeguards and pervasive corruption limit the effectiveness of the law.

Another form of societal violence targeting women occurred in October 2009 when villagers branded five Muslim widows in Pattharghatia village, Jharkhand, as witches and forced them to eat human excrement. Police arrested four persons and placed the victims under police protection. At year's end there was no update.

The law forbids the provision or acceptance of a dowry, but families continued to offer and accept dowries, and dowry disputes remained a serious problem. The law also bans harassment in the form of dowry demands and empowers magistrates to issue protection orders. Deaths associated with the nonpayment of dowries rose in the past several years. According to the NCRB, in 2009 there were 8,383 reported dowry deaths. However, since many cases were not reported and not properly monitored, statistics were not accurate.

Madhya Pradesh, Kerala, Bihar, and several other states had a chief dowry prevention officer, although it was unclear whether these officers were effective. Madhya Pradesh required all state government employees to produce sworn affidavits that no dowry was exchanged. On November 23, the Supreme Court made it mandatory for all trial courts across the country to add the charge of murder against persons accused in dowry death cases.

So-called honor killings continued to be a problem, especially in Punjab and Haryana, where as many as 10 percent of all killings were honor killings. Although statistics for honor killings are difficult to verify, on October 10, *The Guardian* reported police officially recorded 19 honor killings in the northern part of the country between April 19 and June 30. According to the same report, one recent study estimated more than 1,000 honor killings every year, most of them occurring in the northern states of Haryana, Punjab, and Uttar Pradesh. The most common justification for the killings offered by those accused or by their relatives was that the victim married against their family's wishes. During the year a survey conducted by the NCW along with the NGO Shakti Vahini revealed that in 88.9 percent of the cases, the

perpetrators of the honor killing were the girl's family members. In 2009 the MHA issued an advisory to all state governments and union territories to review their policies and tackle the problem of such killings.

On May 13, relatives of newlywed bride Gurleen Kaur killed Kaur and her mother-in-law and injured the groom, reportedly because the couple had married against the wishes of the bride's family. Police had registered cases against eight persons at year's end. The incident happened despite the couple being under the protection of the Punjab and Haryana High Court after their marriage.

On June 22, two male cousins killed their sisters for marrying outside of their caste in New Delhi.

On July 15, Aisha Saini's father and uncle beat Saini and Yogesh Kumar, both 19 years old, with rods and electrocuted them to death allegedly because they disapproved of the teenagers' relationship. At year's end police had arrested the girl's father and uncle, but three other accused remained at large.

On March 30, five men were sentenced to death and one jailed for life for the 2007 murder of a young couple, Manoj Banwala and Babli, who married outside the wishes of village elders in Haryana.

A 2009 nationwide study by **NGO** Gram Niyojan Kendra commissioned by the Ministry for Women and Child Development studied 68 places of tourist interest and found that sex tourism occurred in major cities and places for sightseeing and that pilgrim centers were a growing hub of sex tourism. The report said that domestic tourists were "overwhelmingly involved" in sex with commercial sex workers and pointed to the lack of legislation at the state level or effective measures to control sex offenders from revisiting sites. In response to the study, the tourism ministry began working on a code of conduct for ethical tourism.

There are no legislative enactments or statutory policies against sexual harassment and abuse at work places; all charges of sexual harassment use the guidelines set forth in a 1997 judgment. The guidelines are treated as law declared by the Supreme Court and enforceable. The law does not provide for penalties; it outlines what conduct is considered harassment and makes it incumbent on the employer to include a prohibition of sexual harassment in employees' rules of conduct and discipline. All state departments and institutions with more than 50 employees are required to have committees to deal with matters of sexual harassment. According to the NCRB, 11,009 cases of sexual harassment were reported in 2009, the latest year for which figures were released. In 2008 the NCW reported 153 cases of sexual harassment registered from 2006-08. The UN-Jagori survey report revealed that two of three women in Delhi had been victims of sexual harassment. Eighty percent of respondents reported incidents of verbal harassment, and 45 percent reported incidents of stalking. Fifty-four percent reported feeling unsafe and vulnerable in crowded public transports and at bus stops. Only 0.8 percent reported these incidents, due to lack of confidence in police.

The government permits health clinics and local health NGOs to operate freely in disseminating information about family planning. There are no restrictions on the right to access contraceptives. Laws favoring families that have no more than two children remained in place in seven states, but authorities seldom enforced them. The laws provide reservations for government jobs and subsidies to those who have no more than two children and reduced subsidies and access to health care for those who have more than two. National health officials noted that the central government did not have authority to regulate state decisions on population issues.

In 2008 the World Bank estimated 53 percent of births were attended by skilled help. The UN Children's Fund (UNICEF) estimated 49 percent of women did not receive prenatal care. According to 2008 UN estimates, the maternal mortality rate was 230 deaths per 100,000 live births.

The government and NGOs have advanced numerous initiatives to improve women and children's health, including providing financial incentives for women willing to give birth in a hospital, improving midwife training, and increasing

prenatal care via SMS, which provide information on vaccinations, exercise, diet, medication, and how to deal with emergencies that may arrive during pregnancy.

Female feticide (aborting a fetus after determining that its gender is female) occurred in some states, such as Punjab and Haryana, and there were reports of relatives forcing women to engage in female feticide.

In May 2009 Mitu Khurana became the first woman to file formal charges against her husband under the Preconception and Prenatal Diagnostic Techniques Act. She accused her husband and his family of having tried to force her to abort her twin female fetuses. When she refused to abort the fetuses, she was harassed, starved, and beaten. After giving birth she left her husband's home when her mother-in-law physically harmed one of the twins. Khurana filed the complaint after her husband filed for divorce. Supporters of Khurana claimed that a high court judge asked her to drop the case and settle with her husband.

There were no new developments in the June 2009 complaint by a woman in Gujarat against her husband and in-laws claiming that they forced her to abort five female fetuses.

The Gujarat state government launched a "Beti Bachao Andolan" (Save the Girl Child movement) in the areas practicing female feticide. Security forces conducted raids of medical offices and seized medical equipment, and civil society leaders pledged to end the practice. During the year a survey conducted by the Gujarat State Health Department revealed that the sex ratio in the state had improved from 883 girls per 1,000 boys in 2001 to 905 girls per 1,000 boys in 2009. Numerous NGOs throughout India had Save the Girl Child campaigns, and the Ministry of Health and Family Welfare launched a national Save the Girl Child campaign in 2007.

The National AIDS Control Organization (NACO), which formulates and implements programs for the prevention and control of HIV and AIDS, reported that women accounted for approximately one million of the estimated 2.27 million citizens with HIV/AIDS. Women were equally diagnosed and treated for sexually transmitted infections, including HIV; however denial of treatment occurred due to lack of access to medical facilities (particularly in rural areas), lack of money, and societal taboos on dispensing aid to members of other religions or other castes. Infection rates for women were highest in urban communities, and care was least available in rural areas. In 2007 NACO noted that traditional gender norms left women especially vulnerable to infection. NACO reportedly worked with NGOs to train women's HIV/AIDS self-help groups.

Many tribal land systems, notably in Bihar, denied tribal women the right to own land. Sharia (Islamic law) determines land inheritance for Muslim women, allotting them less than men. Other laws relating to the ownership of assets and land accorded women little control over land use, retention, or sale. Several exceptions existed, such as in Ladakh, Meghalaya, and Himachal Pradesh, where women traditionally controlled family property and enjoyed full inheritance rights.

The law prohibits discrimination in the workplace; in practice employers paid women less than men for the same job, discriminated against women in employment and credit applications, and promoted women less frequently than men.

In March the Delhi High Court ordered the country's armed forces to grant permanent commissions to women in noncombat roles. Women would be eligible for permanent commissions as long as they are not in branches where there is the possibility of direct contact with the enemy. Previously women in the armed forces were granted short-term commissions and then forced to retire after a specified time frame. On July 17, the air force agreed to grant permanent commissions to women officers in nonmedical fields; however, at year's end no woman had been granted a permanent commission.

Children

The law establishes state governments' procedures for birth registration. According to the National Commission on Population, approximately 55 percent of national births were registered at year's end, and the registration rate varied substantially across states. Any person born in the country on or after January 26, 1950, but before July 1, 1987, obtained citizenship by birth. A person born in the country on or after July 1, 1987, obtained citizenship if either parent was a citizen at the time of the child's birth. Those born in the country on or after December 3, 2004, were considered citizens only if at least one parent was a citizen and the other was not an illegal migrant at the time of the child's birth. Persons born outside the country on or after December 10, 1992, were considered citizens if either parent was a citizen at the time of birth; however, those born outside the country since December 3, 2004, were not considered citizens unless their birth was registered at an Indian consulate within one year of the date of birth. Only in certain circumstances and with the permission of the central government was it possible to register after one year. Children lacking citizenship or registration may not be able to access public services, enroll in school, or obtain identification documents later in life (see also section 2.d.).

The constitution provides free education for children from six to 14 years of age, but the government did not enforce this provision. According to the World Bank, the number of children reportedly enrolled in elementary education in the country increased from 57 million to 192 million between 2003 and 2009; however, in 2009 8.1 million children between the ages of six and 14 did not attend school.

On April 1, the Right of Children to Free and Compulsory Education Act, passed by parliament in August 2009, became legally enforceable. The act makes education a fundamental right for children and enables every child between the ages of six and 14 years to demand free elementary education. At year's end the central and state governments were negotiating over funding mechanisms and regulations to implement the act.

In a 2009 UNICEF report, UNICEF stated that school attendance among girls between the ages of six and 10 had increased from 61 percent to 81 percent during 2005-06. Once girls reach puberty, their dropout rate increases, particularly in rural areas. Reasons include family pressure, lack of dedicated sanitation facilities for girls, and lack of secondary schools in rural areas.

The law provides for protection against various forms of child abuse, but child abuse remained common, including in school and institutional settings, and the government failed to educate the public adequately against child abuse or enforce the law. Although corporal punishment is banned, teachers often used it. According to the MHA 2009-10 annual report, there were 22,500 cases of crime reported against children in 2008.

According to a 2007 study by the Ministry of Women and Child Development, approximately 69 percent of children reported having been physically abused, 65 percent of schoolchildren reported receiving corporal punishment at school, 53 percent of children reported sexual abuse, 48 percent of children reported emotional abuse, and 71 percent of female children reported neglect.

According to the NCRB, 5,368 cases of child rape were registered in 2009. On October 26, a survey conducted by London -based Plan International estimated that 50 percent of children had faced sexual abuse. The survey covered 12,500 school children in 13 states between the ages of five to 18. The survey found corporal punishment was widespread in the country and 54 percent of boys and 45 percent of girls had been victims of such punishment. On October 31, the National Commission for Protection of Child Rights noted that it had received 785 reports of child abuse, including cases of corporal punishment.

On October 4, police arrested the principal and three teachers of Kolkata's La Martiniere School for Boys in connection with the death of an eighth-grade student who committed suicide in February after being caned by the principal. At year's

end the four were free on bail but faced charges of voluntarily causing hurt, punishment without grave provocation, and negligence of duty.

In April 2009 a female student, Shanno Khan, died after teachers from the Municipal Corporation of Delhi Girls Primary School in New Delhi forced her to stand in the sun for more than one hour the previous day. The municipal commissioner ordered an inquiry and suspended the principal and teacher. There was no update at year's end.

In September 2009 a teacher from Chhattisgarh's Koriya District reportedly forced primary school students to strip, dance, and play field games naked in a wooded area near the school. The children complained that the teacher slapped those who disobeyed. As of December 2009, police had not arrested the teacher, who fled the area when angry parents stormed the school. There was no update at year's end.

The government sponsored a toll-free 24-hour helpline for children in distress in 72 cities. A network of NGOs staffed the "Childline 1098 Service" number, accessible by either a child or an adult to request immediate assistance, including medical care, shelter, restoration, rescue, sponsorship, and counseling.

The law sets the legal age of marriage for women at 18 years old and men at 21 years old. The law prohibits child marriage in any form and empowers courts to annul such marriages. It also sets penalties for individuals who perform, arrange, or participate in such marriages. However, in practice the law was not enforced. The law does not characterize a marriage between a girl below 18 years old and boy below 21 years old as illegal but recognizes such unions as void and voidable, providing grounds for such unions to be challenged in court.

A National Family Health Survey from 2006-07 reported that more than 50 percent of women were married before the age of 18. In comparison men married at a median age of 23.4 years. On February 20, media reports announced the latest demographic indicators provided by the Health and Family Welfare Ministry revealed that the national average age of marriage for women was 20.6 years in 2008, up from 18.3 years in 2001. According to a 2005 UNICEF report, women married as children were often victims of domestic violence and often became mothers early, contributing to the country's high infant and maternal mortality.

The law establishes a full-time child marriage prohibition officer in every state to prevent and police child marriage. These individuals have the power to intervene when a child marriage is taking place, document violations of the law, and remove a child from a dangerous situation in order to deliver them to local child protection authorities.

While the country is home to a small population of Bohra Muslims, who practice various forms of female genital mutilation (FGM), there were no reported cases of FGM being practiced during the year. There is no national law addressing the practice of FGM.

The law prohibits child pornography and states that the legal age of consent is 18 years old. According to the law it is illegal to procure a minor by any means and induce a minor into prostitution or any form of "illicit sexual intercourse" or to sell or buy a minor for the purposes of prostitution. Violators are subject to 10 years' imprisonment and a fine. Nevertheless, according to UNICEF approximately 1.2 million children were prostituted and enslaved throughout the country, and the country was a destination for child sex tourism. To prevent child sex tourism, the Ministry of Tourism advised all state governments to deploy tourist police; 13 state governments had done so by the end of the year. On July 1, the Ministry of Tourism adopted a code of conduct for safe tourism; the guide was later posted on their Web site and informed readers that human trafficking and sexual relationships with children are illegal.

No information was available on how many persons under the age of 18 were serving in the armed forces. There were unproven allegations that government-supported anti-Naxalite village defense forces recruited children. Armed groups,

including Naxalites and groups in Jammu and Kashmir and in the Northeast, were reported to be using children (see section 1.g.).

Displaced children, including refugees, IDPs, and street children, faced limits on access to government services (see also section 2.d.) and were often unable to obtain medical care, education, proper nutrition, or shelter. Such children were often physically and sexually abused and were forced to work in hazardous jobs such as rag pickers (sorting garbage for recyclable material).

Weak enforcement of laws and lack of safeguards encouraged an atmosphere of impunity in group homes and orphanages. NGOs alleged that many such homes for children were operating without government oversight or approval. According to a 2007 study by the Ministry of Women and Child Development, approximately 56 percent of institutionalized children reported that staff physically abused them. In some states the percentage was higher; in Uttar Pradesh and Assam, for example, more than 80 percent of such children reported physical abuse. The reported incidence of abuse was also higher among children housed in special homes due to "conflict with the law" than among children institutionalized for other reasons.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at **http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html**, as well as country-specific information at **http://travel.state.gov/abduction/country/country_3781.html.**

Anti-Semitism

Jewish groups and the 1,500-person Jewish population cited no instances of anti-Semitism during the year.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at **www.state.gov/g/tip**.

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 for persons with the following disabilities: blindness, low vision, leprosy-cured (those cured of leprosy but who still lack sensation in extremities or suffer from deformity), hearing impairment, locomotor disability, mental retardation, and mental illness. The law is weakened by a clause that links implementation of programs to the "economic capacity and development" of the government. There were approximately 200 government-run centers across the country that provided comprehensive, integrated rehabilitation services to persons with disabilities.

During the year the Ministry of Social Justice and Empowerment (MSJE) launched its redesigned accessible Web site and called on states to do the same.

Discrimination against persons with physical and mental disabilities in employment, education, and access to health care was more pervasive in rural areas. Despite legislation that all public buildings and transport be accessible to the disabled, there was limited accessibility. One notable exception was the recently constructed Delhi metro system, designed to be accessible to those with physical disabilities.

On August 8, the Haryana state government announced free travel for persons with 100 percent physical disability on buses traveling on state roadways and on buses to Delhi or Chandigarh if traveling to a hospital for treatment.

The Ministry of Health and Family Welfare estimated that 6 to 7 percent of the population suffered from a mental disorder and that 25 percent of the mentally ill were homeless. Continued lack of awareness about the symptoms of mental illnesses led many patients, particularly in rural areas, to seek treatment from traditional healers before seeking regular medical treatment. Most of the mentally ill were dependent on public health-care facilities, and fewer than half of those who required treatment received it. There was a severe shortage of trained staff; a World Health Organization report released in September estimated that the country had less than one psychiatrist for every 300,000 individuals; most psychiatrists worked in urban areas in this largely rural nation. In rural areas, the ratio shrank to less than one psychiatrist per one million persons.

The PDA requires 3 percent of public-sector jobs be reserved for persons with physical, hearing, or visual disabilities. The government continued to allocate funds to programs and NGO partners to improve the number of filled jobs. Private-sector employment of persons with disabilities remained low despite PDA benefits to private companies where persons with disabilities constituted more than 5 percent of the workforce.

On November 27, in Lucknow, the Allahabad High Court stayed all the appointments in the state government for three months, until the backlog vacancies of the blind and persons with disabilities were filled.

On December 4, the Karnataka State Commission for Persons with Disabilities announced that persons with disabilities accounted for 3,650 of the estimated 525,000 state government employees.

The law also stipulates that 3 percent of all educational places be reserved for persons with disabilities, but the MSJE stated that students with disabilities made up only an estimated 1 percent of all students. A survey by the NGO Child Relief and You (CRY) of 30 prominent Kolkata schools found that the percentage of children with disabilities was only 0.16 in government schools and 0.31 in private schools. Some schools continued to segregate children with disabilities or deny their enrollment due to lack of infrastructure, equipment, and trained staff. UNICEF estimated that between 6 and 10 percent of all children in the country are born with disabilities.

The MSJE offered 500 scholarships to persons with disabilities to pursue higher education. University enrollment of students with disabilities remained low for reasons including inaccessible infrastructure, limited availability of resource materials, nonimplementation of the 3 percent reservation, and harassment.

The government made efforts to increase enrollment during the year. For example, in January the Central Board of Secondary Education in Delhi issued a notice threatening to disaffiliate schools that used various pretexts to deny admission to children with disabilities, and the Minister of Human Resource Development, Kapil Sibal, announced that the percentage of schools with access ramps increased from 27 percent in 2007 to 40 percent by the end of 2009.

In May 2009 the Delhi High Court noted that 650 New Delhi government schools and 1,800 Municipal Corporation of Delhi schools had not hired any teachers dedicated for the 10,000 students with disabilities. The Delhi High Court directed the state government to develop an action plan to hire teachers and build facilities for students with disabilities. On February 18, the Ministry of Human Resource Development announced that every child with disabilities was entitled to an increased annual allocation of 3,000 rupees ($65). In February Delhi's Sarva Shiksha Abhiyan (SSA -- Education for All) began training teachers to provide home tutoring for children with disabilities. Fifty teachers were deployed, and more were being hired at year's end. Home tutoring continued in Himachal Pradesh and Tamil Nadu.

National/Racial/Ethnic Minorities

The national census does not recognize racial or ethnic groups; population is categorized by language spoken. Society has traditionally been divided into castes or clans. Caste is a complex Hindu social hierarchy traditionally based on

occupations. While caste was outlawed in 1949, the registration of scheduled caste and tribes remains for the purpose of affirmative action programs. Article 15 of the constitution prohibits discrimination on the basis of caste, and the government continued to implement various programs to empower members of the low castes. The law gives the president the authority to identify historically disadvantaged castes and tribes (who are outside of the caste system) for special quotas and benefits.

The term Dalit, derived from the Sanskrit "oppressed" or "crushed," refers to members of what are traditionally regarded as the lowest Hindu castes, which are the Scheduled Castes (SC). While discrimination based on caste is officially illegal, it remained prevalent, particularly in rural areas. Many SC members continued to face impediments to social advancement. According to the 2001 census, SC members comprised 16 percent (168.6 million) of the population. The MHA 2009-10 annual report noted 33,615 cases of registered crimes against SC members in 2008, compared with 30,031 cases in 2007.

Although the law protects Dalits, in practice they faced violence and significant discrimination in access to services such as health care and education, attending temples, and marriage. Reports from the UN's Committee on the Elimination of Racial Discrimination described systematic abuse of Dalits, including extrajudicial killings and sexual violence against Dalit women. According to credible NGOs, lower caste individuals were also accused of witchcraft.

Many Dalits were malnourished. Most bonded laborers were Dalits. Dalits who asserted their rights were often attacked, especially in rural areas. As agricultural laborers for higher-caste landowners, Dalits often worked without remuneration. Crimes committed by upper-caste Hindus against Dalits often went unpunished, either because the authorities failed to prosecute or because victims did not report the crimes for fear of retaliation.

The Tamil Nadu Untouchability Eradication Front (TNUEF) held a state conference in May to highlight continuing caste-based discrimination in the state. According to the TNUEF, many Dalits were not permitted to walk on public pathways, wear footwear, access water from public taps in upper-caste neighborhoods, participate in some temple festivals, bathe in public pools, or use some cremation grounds.

A June 2009 study by a domestic NGO reflected that Dalit children often dropped out of school due to discrimination. There were reports of school officials barring Dalit children from morning prayers, asking Dalit children to sit at the back of the class, or forcing Dalit children to clean school toilets while denying them access to the same facilities.

The federal and state governments continued to implement various programs for scheduled caste members, ostensibly to provide better quality housing, reserve seats in schools and government jobs, and access to subsidized foods, but critics claimed that many programs suffered from poor implementation and corruption. For example, on December 15, Tamil Nadu officials announced the distribution of 20,000 free color television sets to SC members. On December 21, the National Commission for Scheduled Castes announced a series of awareness camps across the country to educate Dalits about their rights and how to obtain benefits from the various government programs meant for them.

On February 17, police inspector Kailashnath Dwiwedi beat a Dalit woman accused of murdering her husband in Uttar Pradesh. Authorities found the inspector guilty of misconduct and dismissed him.

On April 21, members of the Jat community, the dominant caste in the village of Mirchpur, Haryana, burned 10 Dalit homes, killing 70-year-old Tara Chand and his disabled daughter Suman and injuring more than a dozen other individuals. Approximately 150 Dalit families fled the village after the attacks. In response the Haryana government allocated four million rupees ($88,888) as compensation and provided jobs, housing assistance, and a permanent police post for victims' families. The district police arrested 27 persons, including a police officer and a revenue official, after an order from the court. After a series of hearings in which several witnesses turned hostile, the Haryana Supreme Court transferred the

court cases to New Delhi. In November the Supreme Court heard allegations that members of the dominant caste that allegedly perpetrated the violence were intimidating witnesses who testified in the case. The Supreme Court directed the trial court to submit its orders and the affidavits to the Supreme Court for review. In response to continuing protests, the state government agreed to submit the case to the CBI for further investigation.

On May 5, the Madras High Court directed the local Virudhunagar and Aruppukottai, Tamil Nadu, officials to assure that basic amenities were provided to Dalit residences and to restore their rights to live with dignity as provided by the constitution. The Dalits had been denied access to products sold at a local ration shop.

On August 28, police in Rajasthan registered a case against five persons after a Dalit woman from Jhalara village complained they had accused her of witchcraft, tied her to a tree, and beaten her.

On October 18, police and revenue officials dismantled a fence that had prevented eight Dalit families from using roads in a hamlet near Krishnagiri. Tamil Nadu police threatened the non-Dalits with severe action if they rebuilt the fence.

District authorities coordinated peace meetings between Dalit and higher caste individuals in a village in Virudhunagar, Tamil Nadu. In October 2009 several Dalit families in the village questioned their exclusion from the state government's Kalaignar medical insurance scheme for the poor. Some higher caste individuals beat members of the families and evicted them from the village. Police, instead of helping, initially allowed the higher-caste members to file First Incident Reports (FIRs) against the Dalits, but they then also recorded FIRs against the higher-caste members.

Police investigated the 2008 incident in which residents of a Jharkhand village accused Ghuchara Pahan, his son Kisun, and daughter-in-law Mukta of practicing witchcraft and then beat them to death; however, the perpetrators continued to evade justice at year's end.

Indigenous People

The constitution provides social, economic, and political guarantees to disadvantaged groups of indigenous people, and the law provides special status for indigenous people, but authorities often denied them their rights. According to the Ministry of Tribal Affairs 2009-10 annual report, there are more than 700 Scheduled Tribes in the country, and the 2001 census revealed the population of scheduled tribes as 84.3 million, approximately 8 percent of the total population. Activists claimed that approximately half of the indigenous population lived in extreme poverty, compared to 27 percent of the total population.

In most of the Northeast, where indigenous groups constitute the majority of the states' population, the laws provide for tribal rights, although some local authorities attempted to violate these provisions. The laws prohibit any nontribal person, including citizens from other states, from crossing an inner boundary without a valid permit. No rubber, wax, ivory, or other forest products may be removed from protected areas without prior authorization. Tribal authorities must approve the sale of land to nontribal persons.

According to the MHA 2009-10 annual report, there were 5,582 criminal cases reported against members of Scheduled Tribes in 2008, a slight increase over the 5,532 cases reported in 2007. Tribal women employed as domestic workers were often neither properly paid nor protected from sexual exploitation. Land encroachment on tribal lands continued in almost every state, despite limited efforts by the states to combat it, as businesses and private parties continued to exert political influence and pressure on local governments. Those displaced by the encroachments were typically not provided with appropriate relief and rehabilitation packages.

Numerous tribal movements demanded the protection of tribal land and property rights. The government created tribal-majority states in 2000 from the Jharkhand area of Bihar and the Chhattisgarh region of Madhya Pradesh, and authorities provided local autonomy to some tribes in the northeast.

On February 8, Anil Dubey, a former leader of the Hindu chauvinist political party Shiv Sena, raped and set on fire a 19-year-old tribal teacher in Barwani, Madhya Pradesh. The victim suffered serious burns and was hospitalized. Police arrested Dubey and charged him under the Scheduled Castes and Tribe (Prevention of Atrocities) Act. At year's end the trial continued.

On August 25, the Ministry of Environment and Forests rejected the Vedanta firm's mining project in Orissa's Niyamgiri hills, home of the Dongria Kondh tribe, citing breach of environmental law and concerns over the rights of local tribes in his decision. Local activists claimed that the rights of tribal and rural groups under the Forest Act continued to be manipulated in other regions. Weak enforcement of the act often circumvented the free and informed consent of tribal and rural groups prior to development.

On December 21, Rajasthan Gujjars began protesting delays in the implementation of a 5 percent quota for employment and educational positions. The protest continued at year's end, forcing the closure of major Rajasthani towns due to blocked roads, highways, and rail routes. The Rajasthan High Court prevented implementation of the quota, which had been approved by the previous state government, on the grounds that the new quota would exceed the 50 percent ceiling for total affirmative action quotas imposed by a 1992 Supreme Court judgment.

According to media reports, the enmity between the Gujjar tribe and the Meena caste in the state of Rajasthan decreased during the year as politicians from both communities worked to improve relations. In 2008 clashes with police killed 41 persons after the Gujjar tribe demanded affirmative action quotas via inclusion on the List of Scheduled Tribes. Members of the Meena caste had opposed the demand, which they saw as a threat to their own affirmative action quotas.

Civil rights organizations working with indigenous people in Kodagu district of Karnataka alleged that more than 1,600 families had been evicted since 1972 in state efforts to promote tourism. The Karnataka state government initiated measures to identify households eligible for property restitution or remuneration for those families that did not want to be resettled in the area. However, civil rights organizations voiced concern that corrupt political party workers would use political influence and pressure to interfere with any distribution, preventing indigenous people from benefiting. At year's end no family had received compensation.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law permits consensual sexual activities between adults. In July 2009 the Delhi High Court overturned a portion of section 377 of the penal code, which prohibited same-sex relations. Section 377 still applies to cases involving minors or coercive sex. While a few groups and individuals challenged the ruling in the Supreme Court within a few days of the announcement, the government decided not to oppose the verdict. At year's end the Supreme Court had not rendered a judgment on the appeal. The law was previously used to target, harass, and punish lesbian, gay, bisexual, and transgender (LGBT) persons.

Although LGBT groups were active throughout the country, sponsoring events and activities including rallies, gay pride marches, film series, and speeches, they faced discrimination and violence in many areas of society, particularly in rural areas. Activists reported that transgender persons who were HIV-positive often had difficulty obtaining medical treatment. Activists also reported some employers fired LGBT persons who did not hide their orientations. LGBT persons also faced physical attacks, rape, and blackmail. Some police committed crimes against LGBT persons and used the threat of arrest

to coerce victims not to report the incidents, although several states, with the aid of NGOs, had police education and sensitivity trainings.

During the week of April 3, transgender activist Laxmi Tripathi was banished from the elite Bombay Gymkhana club in Mumbai. After the club CEO told the dinner party's organizer that Tripathi had to leave, the entire group walked out of the club.

On April 10, a FIR was filed against six persons in the April 7 death of Srinivas Ramachandra Siras, a professor at Aligarh Muslim University (AMU) who was found dead in his home. In February, shortly before his retirement, the professor was secretly filmed having consensual sexual relations with another man. AMU suspended him without an inquiry, which he challenged in the Allahabad High Court. On April 2, the court ordered his reinstatement and stayed his unlawful removal from his official accommodation. On April 8, police claimed that preliminary investigations indicated suicide.

On May 6, the country's first transgender television host, Rose Venkatesan, officially announced her new gender status after undergoing sex reassignment surgery.

There were a few positive developments for transgender persons during the year. In April the state of Tamil Nadu hosted a weeklong transgender festival to facilitate the acceptance of transgender persons into mainstream society. The state, which established a transgender welfare board in 2008, continued to provide separate identity and ration cards to transgender persons. In November the central government announced that transgender persons would have the option to be counted as "Other" in the 2011 national census. On November 12, the state of Karnataka announced transgender persons would be included in the "Backward Classes" list, making them eligible for pensions, ration cards, and housing assistance through special programs.

Other Societal Violence or Discrimination

According to the 2009-10 annual report of NACO, the government agency responsible for monitoring HIV/AIDS, there were approximately 2.27 million persons with HIV/AIDS in the country, and according to the International Labor Organization (ILO), as many as 70 percent faced discrimination. HRW reported that many doctors refused to treat HIV-positive children; some schools expelled or segregated children because they or their parents were HIV-positive. Many orphanages and other residential institutions rejected HIV-positive children or denied them housing. Incidents of discrimination were more frequent in rural areas.

In June 2009 in Rajkot, Gujarat, two government health functionaries put a label marked "HIV positive" on a female patient's forehead and paraded her through different wards in a government hospital. The two were found guilty of negligence, fined, and suspended from duty for several days.

On October 11, approximately 800 participants attended a two-day summit in Bangalore supported by UNICEF to discuss the crisis of stigma and discrimination of those affected by HIV in the country. Social activists working with HIV-affected individuals claimed that they were being denied basic rights to education, employment, and nutrition.

Section 7 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. Public servants have limited organizing rights. Although there were more than 400 million persons in the country's active workforce, only 30 million worked in the formal sector; the rest were informal agricultural workers and, to a lesser extent, urban nonindustrial laborers. Most of the country's estimated 13 to 15 million union members were in the formal sector; trade unions represented a small number of agricultural and informal

sector workers. An estimated 80 percent of unionized workers were members of unions affiliated with one of five major trade federations. Unaffiliated unions generally were not able to secure the protections and rights the law provides. In practice legal protections of worker rights, including freedom of association, were effective only in the organized industrial sector, in which authorities generally prosecuted and punished persons responsible for intimidation or suppression of legitimate trade union activities.

Employers are not legally obligated to recognize a union, and some employers established and recognized company unions or "worker committees" rather than allowing representational unions.

The law allows unions to conduct their activities without interference, and the government protected this right in the formal industrial sector, including the right to strike. The Essential Services Maintenance Act allows the government to ban strikes in government-owned enterprises and requires arbitration in specified essential industries; the act is subject to varying interpretations from state to state. State and local authorities occasionally used their power to declare strikes illegal and to force adjudication. The Industrial Disputes Act prohibits retribution by employers against employees involved in legal strike actions, and this prohibition was observed in practice.

On September 21, after weeks of negotiations, a group of Foxconn India employees went on strike at a facility in Chennai. They demanded wage increases and union recognition. On September 22, the Tamil Nadu Labor Department declared the strike illegal because no prior notice was given to Foxconn management. On October 6, more than 500 employees occupied the Foxconn facility; police arrested 319 of them, but they were granted bail almost immediately. At year's end Foxconn management had not recognized the union.

b. The Right to Organize and Bargain Collectively

The government protects collective bargaining under the law, but employers are not legally obligated to engage in collective bargaining. When parties cannot agree on equitable wages, the government may establish a board of union, management, and government representatives to make a determination. Specialized labor courts adjudicated labor disputes, but there were long delays and a backlog of unresolved cases.

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

The law provides workers in export processing zones (EPZs) the right to join trade unions and bargain collectively; however, unions in the EPZs faced restrictions, such as a 45-day notice-of-strike requirement due to the EPZs' designation as "public utilities" and employee-only restrictions on entry to the EPZs, which limited union organizers. EPZ workers often were employed on temporary contracts. 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, but such practices remained widespread. Estimates of the number of bonded laborers in the country varied widely; several NGOs placed the number in the millions.

Most bonded labor occurred in agriculture; according to NGOs, nonagricultural sectors that had a high incidence of bonded labor were stone quarries, brick kilns, rice mills, construction, and beedi production (hand-rolled cigarettes).

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 Sulungs or Puroiks as customary slaves.

Prison sentences for employers of forced laborers could be as long as three years, but successful prosecutions were rare. Enforcement and compensation for victims were the responsibility of state and local governments and varied in effectiveness due to inadequate resources and societal tolerance of forced labor. When inspectors referred violations for prosecution, long court backlogs and inadequate prosecution sometimes resulted in acquittals.

Ministry of Labor and Employment statistics showed a large decrease in the number of bonded labor cases brought before the courts, although the extent to which this reflected a decrease in bonded labor was unclear.

The Ministry of Labor continued to partner with the NHRC and NGOs to investigate allegations of bonded labor. In partnership with state governments (Tamil Nadu, Andhra Pradesh, Haryana, and Orissa) and the ILO, in 2009-10 the ministry launched a new approach to prevent bonded labor, targeting historically vulnerable populations. The initiative integrated existing government programs to target workers vulnerable to bonded labor, starting with the brick kiln and construction sectors. Since 1976 the Ministry of Labor has freed and rehabilitated approximately 270,000 bonded laborers from 18 states across the country. Also see the Department of State's annual *Trafficking in Persons Report* at **www.state.gov/g/tip**.

d. Prohibition of Child Labor and Minimum Age for Employment

There is no overall minimum age for child labor. Child labor was widespread due to social tolerance of the practice, weak state and federal government enforcement of existing laws, and poverty. The absence of a minimum age for employment increased the risk of children falling victim to the worst forms of child labor.

Children of any age may be employed, with some restrictions. In occupations and processes in which child labor is permitted, children may work only for six hours a day, between 8 a.m. and 7 p.m., with one day's rest weekly. Employers who failed to abide by the law were subject to penalties specified in the Child Labor (Prohibition and Abolition) Act (CLPAA). The penalty for employers of children in hazardous industries is 20,000 rupees (approximately $454) per child employed. The fines go into a welfare fund for formerly employed children. The law requires the government to find employment for an adult member of an unlawfully employed child's family or pay 5,000 rupees ($114) to the family. NGOs noted that requiring the government to pay the family of a child laborer or find the adult family member a job could be a disincentive to investigating violations. The law does not apply to family farms or family businesses, both large sectors of the economy.

The minimum age for hazardous work is 14 years old; the international age standard for hazardous work is 18 years old. The government defines hazardous occupations and processes and prohibits work by children under 14 years old in factories, mines, domestic service, carpet weaving, roadside eateries, and other areas. During the year the government added circus work and elephant care to the list of occupations prohibited for children.

Estimates of the number of child laborers varied widely. The government's 2004 national survey estimated the number of working children between the ages five and 14 at 16.4 million. NGOs claimed the number of child laborers was between 55 and 87 million.

The majority of child labor occurred in agriculture and the informal economy. The following industries also reportedly used child labor: leather goods, carpets, embroidered textiles, brassware, fireworks, footwear, hand-blown glass bangles, handmade locks, hand-dipped matches, hand-quarried stones, hand-spun silk thread, hand-loomed silk cloth, handmade bricks, roadside restaurants, roadside auto repair, illegal mining, rice milling, sorting trash for items to resell or recycle, and beedi production. A number of these industries exposed children to hazardous work conditions.

Forced child labor, including as bonded labor, remained a serious problem. Children performed forced or indentured labor as factory workers, domestic servants, and beggars, as well as in gemstone cutting, quarrying, hybrid seed production, circuses, brick kilns, rice mills, garment assembly, silk thread production, and textile embroidery.

According to the Carpet Export Promotion Council, the incidence of bonded child labor declined in formal sector carpet production due to a combination of changing market preferences and campaigns to end child labor by the government and NGOs.

According to a 2009 UNICEF report, 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 years old; the children were predominantly Dalits and members of economically disadvantaged castes and tribal groups forced to work in debt bondage. They were routinely abused, exposed to dangerous pesticides, and denied access to education.

State governments enforce labor laws and employ labor inspectors, while the Ministry of Labor provides oversight and coordination; however, enforcement was inadequate. During 2008-09, the ministry reported 12,244 labor prosecutions and 566 convictions nationwide. Employers in cottage industries often claimed child laborers were assisting their families, an exemption under the CLPAA. Labor inspectors also generally did not investigate family businesses, including farms, as these are not covered under the labor law. The ministry reportedly conducted 2,860 inspections for domestic child labor (that is, in a home) during 2008-09, noted 2,277 violations, and pursued two prosecutions, but there were no convictions.

On February 1, police registered a case of domestic child labor against a senior bureaucrat in New Delhi for abusing an 11-year-old boy at his home. The boy was made to work from 5 a.m. until midnight every day. At year's end the case continued.

The Ministry of Labor reported more than 40,000 child laborers rescued between January and December 2009. During the year New Delhi's state government rescued more than 100 children from forced labor, including the May rescue of 54 trafficked children found enslaved in six small factories making buttons under hazardous conditions with meager pay. During Child Labor Action Week in June, the NGO Bachpan Bachao Andolan--working with state governments and local police--rescued more than 370 bonded child laborers from various parts of the country. All rescued children were entitled to rehabilitation packages of 20,000 rupees ($420) and priority access to government housing and education.

In November local police and two NGOs rescued 27 children between nine and 14 years old from forced labor conditions in a circus company in Chittoor, Andhra Pradesh. Local police cooperated with two NGOs in the rescue. Nine of the children had been trafficked from Nepal.

According to the Ministry of Labor, as of July 2009 states had provided welfare to 507,450 former child laborers during the year.

The Ministry of Labor continued to raise awareness about child labor and coordinated its efforts with states. On July 31, the ministry launched a five-year, 308.25 million rupees ($6.85 million) child labor prevention program, with an emphasis on children vulnerable to trafficking, in the areas of Orissa, Madhya Pradesh, Gujarat, Jharkhand, and Bihar. Some states were in the process of implementing action plans to eliminate child labor from hazardous industries.

The government and NGOs anticipated that the Right to Education Act, which came into force on April 1, would help reduce child labor and trafficking in the long term by increasing school enrollment among otherwise vulnerable children.

See also the State Department's annual *Trafficking in Persons Report* at **www.state.gov/g/tip**.

e. Acceptable Conditions of Work

State government laws set minimum wages, hours of work, and safety and health standards. During the year the federal government increased its floor minimum wages from 80 rupees ($1.80) to 100 rupees ($2.20), suggesting it would pay a minimum of 100 rupees for any employment. Minimum wages varied according to the state and to the sector of industry, but generally did not provide a decent standard of living for a worker and family. However, most workers 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 effectively enforce it.

In October the People's Union for Democratic Rights alleged that several contractors and government agencies had flouted labor laws by not paying minimum wages to many of the more than 70,000 laborers who built the infrastructure and buildings used for the October 3 to 14 Commonwealth Games in New Delhi. The Delhi High Court ordered various government agencies to submit by November 11 information related to the deaths of and injuries to workers at Commonwealth Games construction sites, as well as to the compensation paid to them; however, there was no information available at year's end.

The Factories Act mandates a maximum eight-hour workday and 48-hour workweek, as well as safe working conditions, which include adequate provisions for restrooms, canteens, medical facilities, and ventilation. The law mandates a minimum rest period of 30 minutes after every four hours of work and premium pay for overtime. These standards generally were enforced in the modern industrial sector; they generally were not observed in the informal economy, which employed nearly 93 percent of the workforce.

Enforcement of safety and health standards was poor, especially in the informal sector but also in some formal sector industries. The country's undocumented foreign workers did not receive basic occupational health and safety protections.

In a study conducted in 2009 and during the year, the National Referral Centre for Lead Poisoning Prevention in India found dangerous levels of lead in blood samples collected from a cross-company study of workers in the country's battery industry. The government has not established biological exposure indices for lead or other hazardous chemicals for the workplace.

Industrial accidents occurred frequently. Chemical industries had the highest number of accidents. Safety conditions were in general better in the EPZs than in the manufacturing sector outside the EPZs.

Coal mines located in Jaintia District, Meghalaya, had poor working conditions. The privately owned mines employed mostly young adults who were not provided any protective gear. The mines had no safety systems or hardware, were unregulated, and did not fall under the ambit of the safety regulations.

Members of Scheduled Castes and Tribes, including children, often worked as rag pickers, recycling 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 law does not give workers the right to leave workplaces that endanger health and safety without jeopardizing their continued employment.

Back to Top