

# Human Rights Watch

## Discrimination, Detention, and Deportation: Immigration & Refugees

[https://www.hrw.org/legacy/worldreport/Asia-06.htm#P563\\_147545](https://www.hrw.org/legacy/worldreport/Asia-06.htm#P563_147545)

### Annual reports

--	--	--

□

#### Human Rights Watch World Report 1998

### INDIA

Preoccupied with its own political survival, India's United Front (UF) government made little progress in advancing human rights in 1997. Although India signed the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in October, the U.N. special rapporteur on torture in a 1997 report noted with regret "the reluctance of the government to invite him to visit the country." India's long-delayed report on compliance with the International Covenant on Civil and Political Rights (ICCPR) also downplayed a number of serious violations, and India was one of the most prominent nations to state that it would not sign a new global treaty banning the use of anti-personnel mines.

Military operations against insurgent groups in Jammu and Kashmir and India's northeast resulted in many of the worst abuses, as federal forces engaged in extrajudicial executions and torture, and armed opposition groups carried out attacks on civilians. Outside these areas of conflict, the most serious abuses were the result of local police practices that had the sanction of state officials. Deaths in police custody and custodial abuse remained a major problem throughout the country. Police also threatened and assaulted human rights activists and routinely beat and jailed demonstrators protesting against development projects. They were also complicit in incidents of communal violence against low-caste or tribal activists. On a positive note, a December 1996 Supreme Court ruling marked a serious step forward in enforcing laws banning bonded labor. Following a shake-up in India's United Front coalition government in May, Prime Minister H. D. Deve Gowda was replaced by Inderjit Gujral, whose reputation for promoting better relations with neighboring countries raised hopes for a rapprochement with Pakistan. By year's end, however, there had been no major breakthrough in relations between the two countries, and artillery exchanges across the border had resulted in a number of civilian casualties.

#### Human Rights Developments

The restoration of an elected government in Jammu and Kashmir in October 1996 did not translate into improved human rights conditions. Three human rights groups who conducted a fact-finding mission in June documented a large number of extrajudicial executions that had occurred in the year since Farooq Abdullah's government took power. In one case in early March, suspected militants Mohammed Yusuf Ganai, Manzoor Ahmad Khan, Firdous Ahmad Kirmani, and Abdul Majid Wani were killed in custody by the Special Operations Group (SOG) of the Jammu and Kashmir state police. On October 27 the bodies of two teenaged boys who had been detained by the SOG in Srinagar on August 5 were exhumed in Pampore, some twenty miles south of the city. State-sponsored paramilitary groups working with Indian security forces also committed serious human rights abuses. Imtiyaz Ahmed Wani, a hospital employee, reportedly died in police custody in May after he was abducted by members of the pro-government militia, Muslim Brotherhood (Ikhwan-ul-Muslimoon). Wani had organized a protest against army harassment of medical employees the day of his abduction.

Indian human rights groups also documented an increase in reports of rape by Indian troops. In one incident, members of an Indian army unit, the Rajputana Rifles, reportedly raped six women in the village of Wawoosa on the night of April 22-23. The women, whose ages ranged from about thirteen to thirty, filed a complaint with the police on April 24, but the latter declined to register a case, according to human rights activists who interviewed five of the women. After the local community protested, the state government and army initiated a joint investigation. As of October, no findings had been made public.

On August 8, the Jammu and Kashmir state government appointed a human rights commission to investigate complaints of abuse but gave it no jurisdiction over the army or other federal forces. Although the government claimed to have prosecuted security personnel in a number of human rights cases, it continued to refuse to make public the nature of both the abuses and the punishments, despite requests by human rights groups that it do so.

Abuses by militant groups in Kashmir also continued. On March 21, seven Hindu villagers in Sangrampora were murdered by a militant group which reportedly had close links to Pakistan. On October 31 a car bomb in Srinagar killed three and injured at least thirty. On March 29, a car bomb in Jammu killed sixteen civilians and injured more than seventy. Militants also assassinated members of the state's governing National Conference party and other officials. In Punjab, Sikh separatist groups launched a number of surprise attacks. One of the bloodiest occurred on July 8 when an unidentified militant group detonated a bomb on a train in the state, killing at least thirty-eight passengers.

Civilians continued to be victims of Indian military operations against armed opposition groups seeking autonomy in India's northeastern states. Security forces, who were granted extraordinary powers under the Armed Forces (Special Powers) Act, engaged in arbitrary arrests and detentions, extrajudicial executions and torture, including rape. On the night of February 8, 1997, Junmoni Hangique, sixteen, sister of a member of the armed opposition United Liberation Front of Assam (ULFA), was reportedly raped by officers from the 79th Sikh regiment. The family filed charges, but as of October, none of the officers had been prosecuted.

Armed opposition groups in turn carried out attacks on security personnel and government officials and engaged in arbitrary killings of noncombatants. Bodo separatists in Assam were accused of train bombings that killed over one hundred civilians in 1997. Armed opposition groups in Assam, Tripura and Manipur were all accused of attacks on villagers of rival ethnic groups. Kidnapping and extortion also remained hallmarks of militant operations in the region; managers and laborers on tea estates were particular targets. In August, police in Assam began an unprecedented crackdown on persons thought to be providing logistic or financial support to ULFA, and charged senior tea industry executives with supporting ULFA through the payment of protection money.

A three-month cease-fire between Indian forces and the National Socialist Council of Nagaland (Isak-Muivah) (NSCN-IM) went into force in Nagaland on August 1. It was later unilaterally extended to other Naga groups but did not include Manipur. Despite the truce, the chief minister of Nagaland, S.C. Jamir, and former government ministers Rajesh Pilot and Pawan Singh Ghatowar were the targets of a September 27 assassination attempt when unidentified gunmen fired at their convoy near the town of Kohima.

Progress in prosecuting police responsible for abuses in some states was offset by official indifference or endorsement of abuse in others. In Punjab, the courts continued to hear evidence in cases of custodial torture, killings and "disappearances" by senior police officers. Prosecutions of senior officers continued despite protests by police following the suicide in June of Superintendent Ajit Singh Sandhu, who had been charged in a number of human rights cases. As of October, cases were pending against 123 police officers.

In October forty-three policemen in Uttar Pradesh were indicted in connection with the 1996 murder of two young men. In Maharashtra, meanwhile, state Home Minister Gopinath Munde vowed that a policy of "encounters," that is, extrajudicial executions, would be followed to restore law and order. Human rights groups documented a surge in police "encounter" killings of suspected criminals in the Maharashtra state capital, Bombay. On July 10, India's official National Human Rights Commission (NHRC) issued a notice to the Maharashtra director-general of police asking for information on the increase in encounter killings in Bombay. In July, Bombay police opened fire on low-caste protesters who had organized a demonstration against discriminatory state policies, killing ten.

A reported increase in deaths in juvenile custodial facilities prompted the NHRC to launch a nationwide investigation in May. In an attempt to address increasing complaints of custodial violence, on August 10 the NHRC announced that it would initiate visits to police lock-ups throughout the country.

Detention of persons under the notorious Terrorist and Disruptive Practices (Prevention) Act (TADA) continued for offenses allegedly committed before the law lapsed in 1995-a practice that authorities have reportedly abused through the spurious backdating of violations. Those detained joined more than 3,000 TADA detainees who were held under a provision authorizing their continued detention, even though the law itself was no longer in force.

Police in Maharashtra arrested and beat demonstrators protesting against the construction of the Dabhol power plant, a joint venture involving U.S.-based multinational corporations. Protesters were held for periods ranging from five to ten days, apparently in an effort to prevent further demonstrations of dissent. Women and young girls were reportedly singled out for arrest. In June, some one hundred demonstrators staging a peaceful protest against a World Bank-financed power project in Singrauli, Orissa, were beaten and detained by police.

On December 10, 1996, India's Supreme Court reached a landmark decision aimed at freeing child laborers from hazardous industries by promoting compulsory education through the creation of a trust fund from employers and the government. It also recommended a program of job replacement aimed at providing jobs to adult family members instead of children. The decision had broad implications for India's bonded child laborers, estimated to number about fifteen million or from one-fourth to one-eighth of the total child labor force. Under the court's plan, offending employers were to be fined for each child worker, and the funds collected would be used for the child's education and welfare. Employers would remain liable to contribute to the fund even if they dismissed their child workers.

In another ruling on December 11, 1996, the Supreme Court prohibited shrimp farming along coastlines protected under India's environmental laws. The ruling served as an indictment of the shrimp industry and effectively put an end to abuses by shrimp company employees and the local police who had engaged in beatings and arrests of local villagers and activists organizing protests against the shrimp farms.

In accordance with the 1993 Chemical Weapons Convention, India acknowledged that it possessed chemical weapons, but declined to make public any information about its program.

### **The Right to Monitor**

Human rights groups who operated in major cities or enjoyed an international reputation continued to operate fairly freely, although some were obstructed from investigating specific incidents of abuse. For example, in June, members of the Committee for Initiative on Kashmir were prevented from visiting Pahalgam, the site of widespread abuses by Indian troops.

A pattern of state-tolerated intimidation against civil liberties lawyers and other political activists continued in Andhra Pradesh, where the state government has been engaged in a longstanding conflict with armed Maoist groups collectively known as Naxalites. In April and May a group calling itself the "Green Tigers"-a reportedly fictitious name used by a police counter-insurgency unit-claimed responsibility for assaults on two senior members of the Andhra Pradesh Civil Liberties Committee (APCLC) and a protest singer, and threatened to attack four other prominent civil liberties activists. In June, the Andhra Pradesh government ordered state colleges and universities to take disciplinary action against any academic with ties to APCLC. Several universities responded by sending letters to APCLC office holders ordering them to disassociate themselves from the human rights group. In September, a police official entered the offices of the South Asia Human Rights Documentation Centre (SAHRC) in New Delhi and questioned the director, Ravi Nair, about the group's activities. When Nair requested that the official provide proper identification, he left. Subsequently, Nair received a call from the deputy commissioner of police who threatened to arrest Nair and give him "special treatment" if he did not cooperate.

In October, R. N. Kumar, an activist from the Committee for Initiative and Action in Punjab, received anonymous death threats over the telephone. Kumar had been instrumental in bringing about investigations into the "disappearances" of over 980 people in Punjab between 1984 and 1994. Also in October, Babloo Singh Loitongbam of the Committee on Human Rights in Manipur was interrogated by police in Imphal, Manipur, after he criticized India's human rights record at the U.N. Human Rights Committee's hearings in Geneva in the last week of July.

Progress was slow in the investigation of the 1996 murder of Jilil Andrabi, a prominent human rights lawyer and political activist associated with the pro-independence Jammu and Kashmir Liberation Front. A special investigation into Andrabi's killing was launched under the direction of the Jammu and Kashmir High Court. As of October, the army major who arrested Andrabi had been indicted but remained at large, although the NHRC had called on the army to disclose his whereabouts.

Attacks on activists by non-state actors also posed special problems for Indian nongovernmental organizations (NGOs). On October 27, the decapitated body of Father A.T. Thomas, a Jesuit priest who together with other priests had worked on development issues among low caste communities, was found in the Hazaribagh district of Bihar. The murder followed other attacks on Christian and low caste communities in the region which are believed to have been carried out with the sanction of police and local officials. In July, Indian social worker Sanjoy Ghose, head of the Association of Voluntary Agencies for Rural Development (AVARD), was abducted and killed by members of ULFA who were unhappy with his rural organizing efforts. The abduction galvanized the Indian NGO community, and a global campaign was launched to call for Ghose's release. Critics believe, however, that Ghose was killed soon after his abduction.

In August, police in Assam arrested six prominent human rights activists and journalists for alleged links with ULFA, including Ajit Kumar Bhuyan, editor of Pratadin, a popular Assamese daily, and chairman of the Organization for the Struggle for Human Rights (Manab Adhikar Sangram Samiti, MASS), a local human rights organization, and Ashish Gupta, secretary general of the North East Human Rights Coordination Committee (NECOHR). Although Bhuyan had been vocal in his criticism of the abduction of Sanjoy Ghose, he was charged by authorities with complicity in Ghose's murder and held in virtual incommunicado detention for almost three weeks.

Human rights organizations concerned about deteriorating conditions in India's northeast launched a country-wide campaign in April calling for the repeal of the Armed Forces (Special Powers) Act. The law gives sweeping powers to the security forces operating in the northeast and in Kashmir. The campaign, based on an earlier fact-finding mission to all seven northeastern states by fourteen prominent Indian activists, significantly raised the profile of human rights concerns in the region. On August 20, the Supreme Court reserved judgment on a petition brought by a participating organization, the Naga People's Movement for Human Rights, challenging the act on the grounds that it provided no procedure to file complaints about violations of the right to life or indiscriminate use of the law in conflict areas. The court was expected to frame rules for application of the act, but as of October, no date had been set for a final hearing.

### **The Role of the International Community**

#### **United Nations**

In July, the U.N. Human Rights Committee considered India's long-overdue report on compliance with the ICCPR. In its concluding observations, the committee, while commending India for some initiatives, including the establishment of a national human rights commission, criticized the government for its use of special powers legislation in disturbed areas, including continued use of laws permitting preventive detention, and for its failure to adequately prosecute security personnel for abuses.

## European Union

As the E.U. continued to expand trade relations with India, few human rights issues attracted international attention apart from child labor, although a number of countries expressed concern about the need for progress in talks between India and Pakistan on Kashmir.

At the beginning of September, representatives of the past, present and future chairs of the E.U. (the so-called troika ) met with representatives of India in Luxembourg to discuss improving relations between the E.U. and India, the situation in Kashmir, including the unresolved case of Western hostages, and human rights, including forced child labor. The E.U. and India also decided to elevate relations from a twice-yearly ministerial meeting to an ongoing dialogue that would involve more regular meetings of senior officials. They also discussed India's potential membership in the Asia Europe Meeting (ASEM), which in 1997 included only nations from East and Southeast Asia and the E.U. A working group was established within the E.U. on strengthening democracy in the region and tackling child labor issues.

## United States

The U.S. State Department's 1997 report on human rights was a notable improvement over the 1996 report and reflected better consultation with local and international NGOs. The report, however, relied on inaccurate government statistics on bonded labor and ignored the fact that existing laws prohibiting bonded labor were seldom enforced.

In September, Assistant Secretary of State Karl R. Inderfurth visited India in the first of a series of high-level visits designed to enhance trade relations and boost discussions between the two countries on disarmament and other security issues; Secretary of State Albright was due to follow in mid-November and President Clinton in early 1998. Also in September, U.S. President Bill Clinton and Indian Prime Minister Gujral at the U.N.

In October, the U.S. Congress introduced a bill to ban the import of goods made by forced child labor.

## World Bank

In June, pressure on the World Bank by well-coordinated networks of Indian and international NGOs concerned about the use of child and bonded child labor in World Bank-funded projects led the bank to convene meetings with Indian NGOs to determine means by which it might address child labor issues in India. The bank agreed to canvas existing projects to determine if they employed children and to ensure that social assessment work be carried out for projects under preparation that posed a strong risk of employing child labor. The overall response of NGO participants in these meetings was cautiously positive. They urged the bank to continue and expand its efforts to consult with nongovernmental organizations on child labor issues and to encourage India's government to do likewise. NGOs stressed the need for the bank to emphasize prevention through quality primary education as well as the need for law enforcement.

[email Human Rights Watch](#)

--	--	--

This Web page was created using a Trial Version of [Transit Central Station 3.0](#).