

THE HUMAN RIGHTS SITUATION IN INDIA

ISSUE

Human rights abuses continue in India despite a comprehensive legal framework protecting the rights of Indian citizens. On-going violence and abuse in Kashmir and Punjab are of particular concern with police and security forces as well as opposition groups involved in human rights violations.

BACKGROUND

India is a multi-ethnic country with most states created along ethnic/linguistic lines. About 30 per cent of India's population remain below the poverty line. Although India is officially a secular state, problems of communal or inter-religious tensions and violence remain. These problems were highlighted in 1992 with the demolition of the Babri mosque in Ayodhya and subsequent violence, and in 1993 with bomb attacks in Bombay, but have been less evident in the past year. While protection of human rights is generally well covered in India's legal framework, India has not implemented these laws effectively and human rights abuses continue in a range of areas.

Recently we have welcomed measures taken by India aimed at improving the human rights and humanitarian situation in Kashmir. India has released several Kashmiri leaders from detention, promised economic relief for Kashmir, negotiated an agreement with the ICRC regarding its presence there, and is considering access for groups such as Amnesty International. Despite these measures and the Indian Government's promise to hold elections in 1995, it remains to be seen if the political situation in Kashmir will stabilize. Kashmir is the only state in India with a Muslim majority and, over the past three years, secessionist sentiments and activities have escalated. The current phase of unrest had its origins in the rigged state assembly elections of 1987, and resulted in violent protests in Srinagar in December 1989. The introduction of over 250,000 Indian military personnel, the dissolution of the state assembly and the imposition of President's Rule further alienated the local population. There are continuing reports of serious human rights violations by government forces and civilian control does not exist.

In Punjab, state and national elections took place in February 1992 after a long period of President's Rule. A campaign by Indian security forces to eradicate militant groups within the Punjab has been largely completed, and the general level of violence, including killings by the police and militant groups, has declined. The Punjab police, however, continue to be accused by many local and international human rights groups of custodial brutality and extra-judicial killings. Militant Sikh organizations, pressing for a state of "Khalistan" in the Punjab, continue to pose a terrorist threat and problems could recur if the Indian Government fails to address the genuine grievances of Sikhs.

Women and girls suffer from low status and unequal access to education, employment, health care, income, and political participation in India despite an extensive legal framework, beginning with the Constitution, which gives equality to women. The problem is deeply