

INDIA

ISSUE

India's legal framework protects the rights of Indian citizens to a large extent. Implementation, however, is uneven and human rights abuses continue in areas of insurgency, such as Kashmir, and, more generally, because of poverty, illiteracy and lack of awareness of human rights.

BACKGROUND

Although India is a parliamentary democracy and a secular state with an open society, the combination of poverty and entrenched customs such as the caste system has a strong negative effect on the human rights situation, despite the protections established within India's legal framework.

The situation in Kashmir has improved somewhat in recent years, and the army has been withdrawn from certain areas. Nevertheless, the armed conflict continues, as do abuses of human rights committed by the police, security forces, irregular auxiliaries, and militant groups. Likewise, in the remote states of northeastern India, fighting continues between government forces and rebels, giving rise to human rights abuses.

Despite constitutional guarantees of equality and secularism, and institutionalized affirmative action programs (eg, reserved parliamentary seats), unofficial discrimination against religious minorities (particularly Muslims), tribal peoples and the lower castes is widespread. Recent months have witnessed heightened concern by many Indians over statements and actions of "communalist" (Hindu nationalist) organizations. The great majority of Indians, including national leaders, are worried that recent localised outbreaks of anti-Christian violence in tribal areas could lead to a wider, dangerous breakdown of relations among ethnic and religious groups. Although the central government has condemned this violence and made some arrests, certain ministers have made ambiguous statements about its origin.

Notwithstanding efforts by the judiciary and the National Human Rights Commission, mistreatment of people in police and military custody and in jails is widespread, but awareness of and respect for human rights obligations within security and legal institutions is growing. India ratified the UN Convention Against Torture in 1997, but because of opposition from state governments did so with reservations to certain key articles. India's overburdened courts mean that justice is often delayed indefinitely or denied altogether, and that accused prisoners awaiting trial are often incarcerated for periods longer than the maximum sentence if found guilty.

The situation in Punjab has improved dramatically since the early 1990s, and is now at a level comparable to that prevailing in India as a whole. There is greater accountability of the state police, and greater respect for human rights, but no official action yet has been taken to look into "disappearances" during the insurgency.