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India: Human Rights Assessments

Overview

India is identified by U.S. government agencies, the United Nations, and some nongovernmental organizations as the site of numerous human rights abuses, many of them significant, some seen as perpetrated by agents of both state and federal governments. The scope and scale of such abuses reportedly has increased under the leadership of Prime Minister Narendra Modi and his Hindu nationalist Bharatiya Janata Party, particularly since their convincing national reelection in 2019.

Many analyses also warn of democratic backsliding in India. For example, since 2019, the Sweden-based Varieties of Democracies project has classified India as “an electoral autocracy.” In 2021, U.S.-based nonprofit Freedom House re-designated India as “Partly Free,” contending that “Modi and his party are tragically driving India itself toward authoritarianism,” with negative implications for global democratic trends. The New Delhi government issued a “rebuttal” of the Freedom House conclusions, calling them “misleading, incorrect, and misplaced.” The following sections describe selected areas of human rights concerns.

Religious Freedom

About 80% of Indians are Hindu and roughly 14% are Muslim. The State Department’s *2021 Report on International Religious Freedom* (IRF) asserts that, “Attacks on members of religious minority communities, including killings, assaults, and intimidation, occurred throughout the year” in India. It notes “cow vigilantism” against non-Hindus based on allegations of cow slaughter or trade in beef, the near-doubling of the number of reported violent attacks against Christians to an average of more than nine per week, and adoption of laws restricting religious conversions in ten Indian states. Secretary of State Antony Blinken has asserted, “[W]e’ve seen rising attacks on people and places of worship” in India, and the U.S. Ambassador at Large for IRF added, “[I]n India some officials are ignoring or even supporting rising attacks on people and places of worship.” The Indian government’s response noted what it called “ill-informed comments by senior U.S. officials” and suggested that the IRF report was “based on motivated inputs and biased views.”

Since 2020, the U.S. Commission on International Religious Freedom has recommended that the Secretary of State designate India as a Country of Particular Concern (CPC) under the International Religious Freedom Act “due to the Indian government’s promotion of Hindu nationalism, and engagement and facilitation of systematic, ongoing, and egregious violations of religious freedom.”

In March 2022, the U.N. High Commissioner for Human Rights (HCHR) expressed concern about “recent statements

and actions expressing hatred and violence against religious minority communities” in India, in particular two incidents in late 2021, when Hindu nationalist leaders “called for the murder of Muslims, in a context purporting to make India a Hindu nation.” She also decried “problematic” religious conversion bans that “may foster hatred or even violence.”

Press Freedom

The State Department’s *2021 Country Reports on Human Rights Practices* (Human Rights Reports or HRRs) states that, while the Indian government generally respected press freedom in 2021, “there were instances in which the government or actors considered close to the government allegedly pressured or harassed media outlets critical of the government, including through online trolling.” It notes “restrictions on free expression and media, including violence, threats of violence, or unjustified arrests or prosecutions against journalists.” Paris-based Reporters Without Borders’ (RSF) *2022 Press Freedom Index* ranks India 150th of 180 countries (just below Turkey; the United States is 42nd), down from 142nd in 2021 and continuing a six-year downward trend. RSF sees “press freedom in crisis” in India, which it calls “one of the world’s most dangerous countries for the media.” It finds “charges of defamation, sedition, contempt of court and endangering national security are increasingly used against journalists critical of the government, who are branded as ‘anti-national.’” According to Freedom House, “attacks on press freedom have escalated dramatically under the Modi government,” with Indian authorities using various laws “to quiet critical voices in the media.”

Freedom of Expression

According to the 2021 HRR, violations of online freedoms in 2021 included restrictions on access to the internet, disruptions of access to the internet, censorship of online content, and reports the government occasionally monitored users of digital media, as well as “use of criminal libel laws to prosecute social media speech.” Access Now, a global digital rights group that calls internet shutdowns “dangerous acts of digital authoritarianism,” named India the “world’s largest offender” for the fourth consecutive year for blacking out the internet at least 106 times in 2021. In 2022, the group declared that, “Free expression is not safe in India.” Freedom House finds that, in India, “Academic freedom has significantly weakened in recent years, as intimidation of professors, students, and institutions over political and religious issues has increased.” Meanwhile, U.S.-based tech platforms including Facebook, Twitter, and WhatsApp face escalating pressure from the Indian government over the companies’ reluctance to comply with data and takedown requests, and video streaming services such as Netflix and Amazon have

come under scrutiny for content deemed controversial by Hindu nationalists and their allies in the Indian government.

Civil Society

The 2021 HRR finds “overly restrictive laws on the organization, funding, or operations of nongovernmental [NGOs] and civil society organizations” in India, as well as “government harassment of domestic and international human rights organizations.” Freedom House reports that some NGOs in India, particularly those working on human rights, “continue to face threats, legal harassment, excessive police force, and occasionally lethal violence.” Foreign NGOs have for years faced financing restrictions in India via the Foreign Contribution (Regulation) Act. The act has been “misused by government agencies to silence NGOs,” according to London-based Amnesty International, which in 2020 ended its India operations following what it called “years of official threats, intimidation and harassment.”

Corruption

The 2021 HRR contends that India suffers from “serious government corruption,” and, “Despite government efforts to address abuses and corruption, a lack of accountability for official misconduct persisted at all levels of government, contributing to widespread impunity.” Berlin-based Transparency International’s “Corruption Perceptions Index,” which measures relative degrees of global corruption, ranks India 85th of 180 world countries (just below Belarus; the United States is 27th). Its “Global Corruption Barometer” found 89% of Indian citizens “think government corruption is a big problem.” Freedom House argues that, “Large-scale political corruption scandals have repeatedly exposed bribery and other malfeasance, but a great deal of corruption is thought to go unreported and unpunished, and the authorities have been accused of selective, partisan enforcement.”

Human Trafficking and Bonded Labor

The State Department’s 2022 *Trafficking in Persons Report* places India in the “Tier 2” category, meaning its government “does not fully meet the minimum standards for the elimination of trafficking, but is making significant efforts to do so. ... However, the government did not meet the minimum standards in several key areas,” including “inadequate” anti-trafficking efforts against bonded labor and increasing acquittal rates (89%) for accused traffickers. Freedom House notes that, while the Indian constitution bans human trafficking and bonded labor is illegal, estimates suggest that 20-50 million workers are affected, and, “The use of child labor reportedly surged during the COVID-19 lockdowns.”

Human Rights in Kashmir

Until recently Jammu and Kashmir was India’s only Muslim-majority state; today it has none. In 2019, the government repealed Article 370 of the Indian Constitution and Section 35A of its Annex, removing the state’s (nominally) autonomous status and bifurcating it into two “Union Territories,” each with reduced administrative powers. The U.N. Office of the HCHR said the changes “risk undermining minorities’ rights.” The 2021 HRR states, “Journalists working in Jammu and Kashmir continued to face barriers to free reporting through

communications and movement restrictions,” and notes reports that human rights monitors have been “restrained or harassed” by state agents there. Human Rights Watch’s (HRW) *World Report 2021* finds that, “The government continued to impose harsh and discriminatory restrictions on Muslim-majority areas” of Kashmir in 2021, and it criticizes the “draconian” Public Safety Act and the Armed Forces (Special Powers) Act as allowing for mass detentions without charges and impunity for security forces “even for serious human rights abuses.”

Women’s Status

According to the 2021 HRR, there was a “lack of investigation of and accountability for gender-based violence” in India in 2021: “Rape continued to be a persistent problem, including gang rape, rape of minors, rape against lower-caste women or women from religious and nonreligious minority communities by upper-caste men, and rape by government officials.” Dowry disputes and so-called honor killings also “remain serious problems.” HRW reports “systemic barriers to justice for survivors of sexual violence in India, including stigma, fear of retaliation, hostile or dismissive police response, and a lack of access to adequate legal and health support services.”

Other Issues

The 2021 HRR also finds significant human rights issues in India included “credible reports of” unlawful and arbitrary killings, including extrajudicial killings by the government or its agents; torture and cases of cruel, inhuman, or degrading treatment or punishment by police and prison officials; harsh and life-threatening prison conditions; arbitrary arrest and detention by government authorities; politically motivated imprisonments or detentions; arbitrary or unlawful interference with privacy; refoulement of refugees; and crimes involving violence and discrimination targeting members of minority groups based on social status or sexual orientation or gender identity.

Issues for Congress

In March 2021, the Chairman of the Senate Foreign Relations Committee sent a public letter to the U.S. Secretary of Defense urging him to “raise democracy and human rights concerns” during travel to New Delhi, asserting that “the Indian government has been trending away from” democratic values.

Resolutions Before Congress

S.Res. 609 (introduced May 2022), recognizing widening threats to press freedom and free expression around the world—and taking note of retaliatory killings of journalists and internet blackouts in India—has garnered nine co-sponsors to date. A similar bill, **H.Res. 1095** (introduced the same month), has garnered 16 co-sponsors to date. **H.Res. 1196** (introduced June 2022), “condemning human rights violations and violations of international religious freedom in India,” has garnered 11 co-sponsors to date.

The Biden Administration requests \$117 million in foreign assistance to India for FY 2023. Congress could consider whether or not to condition some or all of such aid on improvements in human rights and civil liberties in India.

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