

United States Commission on International Religious Freedom
“Religious Freedom in India”

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The commission’s focus on religious freedom in India is welcome and timely.

Over the last decade there has been an undeniable increase in the number and frequency of attacks against religious minorities in India, especially Muslims and Christians.

This increase appears to stem largely from the 2014 election of Prime Minister Narendra Modi and his Hindu nationalist Bharatiya Janata Party (BJP). As the commission has previously documented, BJP leaders and affiliated groups across India have a long track record of stigmatizing religious minority communities, making [divisive, hate-filled remarks against Muslims](#) around state and national elections, and insinuating that non-Hindu Indians are a threat to national security and to the “Hindu way of life.”

Divisive political discourse by the BJP has increased since 2014 and served to further normalize violence against minorities, especially Muslims. BJP leaders have also embedded prejudices into government agencies and formerly independent institutions, such as the police, institutionalizing impunity and further empowering supporters of the BJP to threaten, harass, and attack religious minorities. The BJP government has [adopted several laws and policies that systematically discriminate against Muslims](#) and stigmatize critics of the government.

Violence between Hindu BJP supporters and Muslim and Christian communities has become common in recent years in India, especially in BJP-ruled states. Violence has often been provoked, for instance, during Hindu religious processions led by BJP-affiliated groups in which some brandish swords and weapons and chant anti-Muslim slogans. Police action responding to resulting violence is almost always biased, with Hindu government supporters largely protected from arrest and prosecution, while religious minorities are unlawfully targeted with impunity.

The recent [communal violence in Haryana](#) in July and August highlights these concerns. Events like these fit into a pattern, in which authorities respond to communal violence mainly to protect Hindu communities while retaliating against Muslims, by [illegally demolishing hundreds of Muslim properties](#) and arbitrarily detaining Muslim boys and men, among other abuses.

Authorities are also misusing laws in at least 10 states in India forbidding forced religious conversion. Police often [misuse the laws](#) to target Christians, particularly from Dalit or Adivasi communities, and against interfaith couples, harassing or arresting Muslim men in relationships with Hindu women.

Authorities have also increasingly engaged in [summary collective punishments against Muslims](#). In several BJP-run states, including Gujarat, Uttar Pradesh and Madhya Pradesh, authorities have demolished hundreds of Muslim homes and properties without legal authorization, and in one case, publicly flogged Muslim men accused of disrupting a Hindu festival.

And as we have previously told the commission, Human Rights Watch has documented widespread abuses by BJP-linked “[Cow Protection](#)” groups, vigilante mobs that often attack Muslims. States use [laws against cow slaughter](#) to prosecute Muslim cattle traders even as BJP-affiliated groups attack Muslims and Dalits on rumors that they killed or traded cows for beef.

We have also documented major problems with the government’s passage of a [citizenship law in 2019 that discriminates against Muslims](#) and push for a nationwide citizenship verification process through a National Population Register and a proposed National Register of Citizens.

We have also repeatedly flagged human rights consequences of the government’s 2019 [revocation of the constitutional autonomy](#) of India’s only Muslim-majority state, Jammu and Kashmir. Today, four years later, authorities there are still [restricting free expression, peaceful assembly, and other basic rights](#), and regularly shut down the internet. Several [journalists](#) and [human rights defenders](#) have been arrested on spurious terrorism charges and authorities regularly harass critics, including through use of [counterterrorism raids](#).

The commission is also aware of the [ethnic violence](#) since May in India’s northeast Manipur state between the majority Meitei community (mostly Hindu) and the Kuki tribal groups (mostly Christian). Prime Minister Modi [responded to the violence after nearly three months](#), only after a video emerged on July 20 showing a Meitei mob on May 4 stripping and parading two Kuki women. But there has been little evidence of meaningful actions by Modi or the BJP leadership to stem or address the violence.

The actions and omissions I have outlined here—and in further detail in our submitted appendix—are violations of India’s obligations under international human rights law, in particular, provisions prohibiting discrimination based on race, ethnicity, or religion, and requiring equal protection under law. They also violate corresponding provisions of Indian domestic law. The Indian government is also obligated to protect religious and other minority populations, and to fully and fairly prosecute those responsible for discrimination and violence against them.

The government of India is failing to uphold these obligations.

Recommendations

The US government and members of Congress should—first and foremost:

- [Publicly](#) speak out about the Indian government’s abusive and discriminatory policies and practices against religious minorities and [publicly](#) raise concerns over the increasing attacks on religious minorities and incitement and hate speech by government officials.

Private diplomatic communications are insufficient and will not impact the actions of the Indian government. Prime Minister Modi and the BJP leadership have spent years cultivating India’s international image and geopolitical standing. Targeted and fact-based public criticism by US officials is essential for compelling Indian leaders to rein in the toxic rhetoric against religious and other minorities and undercut the sense of impunity that underlies the government’s worsening human rights violations. Public statements demonstrate that the US government is scrutinizing the Modi government’s actions and that failures to address worsening abuses will affect US-India relations.

More specifically, US officials should:

- Urge the India government to implement long-pending police reforms and ensure police are free from political influence and are able to take effective action during communal violence and carry out fair investigations to prosecute perpetrators.
- Urge the Indian government to meaningfully prosecute party leaders and supporters responsible for inciting and carrying out attacks on religious minorities.
- Call on Indian authorities to:
 - End politically motivated investigations and harassment of civil society groups under the Foreign Contribution Regulation Act (FCRA), the Unlawful Activities Prevention Act (UAPA), and other laws used to intimidate or censor civil society.
 - Stop targeting civil society groups by censoring online free speech content and requesting or ordering social media takedowns.
 - Restore internet access in Manipur state, including for mobile phones. Promptly and impartially investigate killings by ethnic groups and security forces in Manipur and work with community leaders to restore security.
 - End routine internet shutdowns, which are undermining the government's Digital India initiative.
 - Drop charges and release human rights defenders and peaceful critics of the government, including those being prosecuted in the Bhima Koregaon case; in cases related to the Citizenship Amendment Law; and in Jammu and Kashmir.

Background

Laws and Policies to Discriminate Against Religious Minorities

The Indian government passed a [citizenship law in December 2019 that discriminates against Muslims](#), making religion the basis for citizenship for the first time. The Citizenship (Amendment) Act, or CAA, fast-tracks asylum claims of non-Muslim irregular immigrants from the neighboring Muslim-majority countries of Afghanistan, Bangladesh, and Pakistan. Coupled with the government's push for a nationwide citizenship verification process through a National Population Register and a proposed National Register of Citizens, aimed at identifying "illegal migrants," it has heightened fears that millions of Indian Muslims could be stripped of their citizenship rights and disenfranchised. Before the government passed the law, [Home Minister Amit Shah said](#) at an election rally in Delhi in September 2018: "Illegal immigrants are like termites and they are eating the food that should go to our poor and they are taking our jobs." He promised that "if we come to power in 2019, we will find each and every one and send them away."

Since October 2018, Indian [authorities have threatened](#) to deport [Rohingya Muslim refugees](#) to Myanmar despite the risks to their lives and security, and have already repatriated over a dozen. Indian authorities have also [detained hundreds of Rohingya refugees](#) in at least New Delhi, Jammu, Manipur, and Assam for immigration-related offenses. On July 24, 2023, Indian police reportedly [arrested 74 Rohingya refugees](#), including women and children, in Uttar Pradesh state, saying they did not have valid documents. Earlier, in a separate incident, on July 18, 2023, hundreds of Rohingya refugees detained in Jammu protested their indefinite detention, including through a hunger strike. Indian authorities responded with tear gas and beatings, injuring several refugees. Two days after the incident, a Rohingya infant present during the incident [reportedly died](#).

States use [laws against cow slaughter](#) to prosecute Muslim cattle traders even as BJP-affiliated groups attack Muslims and Dalits on rumors that they killed or traded cows for beef.

At least 10 states in India forbid forced religious conversion, but in fact [misuse the laws](#) to target Christians, particularly from Dalit or Adivasi communities. They are also used against interfaith couples, especially to harass and arrest Muslim men in relationships with Hindu women. The law has created considerable fear among interfaith couples already at risk of censure from families and Hindu nationalist groups. Violent BJP supporters and members [harass and attack interfaith couples](#) and file cases against them.

Summary and Abusive Punishments Against Muslims by Authorities

The authorities are increasingly using [summary and abusive punishments against Muslims](#) deemed to have broken the law. In several states ruled by the Hindu nationalist Bharatiya Janata Party (BJP), the authorities have demolished Muslim homes and properties without legal authorization, and in one case, publicly flogged Muslim men accused of disrupting a Hindu festival.

On October 4, 2022, in Kheda district, Gujarat state, police arrested 13 people for allegedly throwing stones at a "garba" ceremonial dance during a Hindu festival. A police officer in civilian clothes wearing a gun holster was filmed [publicly flogging several Muslim men](#) with sticks while other officials held the men against an electricity pole. In videos shown and even praised on some pro-government television news networks, several uniformed police officers watch the flogging and strike the accused with sticks,

while a crowd of men and women cheer and applaud. The police [ordered an inquiry](#) only following social media criticism of the video recordings.

There is an emerging pattern of violence against Muslims by BJP supporters followed by state crackdown on Muslims.

On October 2, 2022, in Mandsaur district, Madhya Pradesh state, police filed a case of attempted murder and rioting against 19 Muslim men accused of throwing stones at a garba event and detained seven of them. Two days later the authorities [demolished the homes of three of the men, claiming](#) they were constructed illegally, but without any legal authorization.

In April 2022, the authorities in Khargone district in Madhya Pradesh state, Anand and Sabarkantha districts in Gujarat state, and Jahangirpuri neighborhood in Delhi responded to communal clashes by summarily demolishing property, most of it owned by Muslims. The clashes occurred after [religious processions of armed Hindu men](#) passed through Muslim localities during Hindu festivals. The men shouted anti-Muslim slogans in front of mosques while the police, failed to take any action.

The authorities tried to justify the demolitions by claiming the structures were illegal, but their actions and statements indicated that the destruction was intended as collective punishment for Muslims, holding them responsible for the violence during the communal clashes. “Houses that were involved in stone pelting will be turned into rubble,” the [BJP home minister in Madhya Pradesh stated](#).

The authorities razed at least [16 houses and 29 shops in Khargone in Madhya Pradesh](#). The [district collector, a local administrator, said that](#), “Finding out culprits one by one is a time-taking process, so we looked at all the areas where rioting took place and demolished all the illegal constructions to teach rioters a lesson.”

In Khambhat city in Anand district, the authorities reportedly demolished at least [10 shops](#) and [17 warehouses](#). The [district collector said](#) that he had “launched a drive, using bulldozers, to remove the bushes as well as illegal structures standing on government land,” to punish “miscreants” for stoning a religious procession. The authorities also [demolished at least six properties](#) in Himmatnagar city in Sabarkantha district in Gujarat.

In Delhi, the authorities used nine bulldozers and demolished at least [25 shops, vending carts, and houses](#). Before the demolitions, the [Delhi BJP president wrote to the BJP-run municipal authority](#) to identify allegedly unlawfully constructed properties of those accused of communal clashes and “run bulldozers over them.”

In June 2022, a BJP politician’s remarks about the Prophet Mohammed led to widespread protests by Muslims across the country. Police in Jharkhand state [allegedly used excessive force against protesters](#), killing two people while the authorities in Uttar Pradesh unlawfully demolished homes of Muslims suspected of being “key conspirators” behind the violence that erupted during the protests.

The authorities have carried out the demolitions without any legal authorization or due process, including proper prior notice or an opportunity to be heard even though affected families had been living there for decades and in many cases, possessed the necessary documents to prove this.

In June 2022, three [United Nations special rapporteurs wrote to the Indian government](#) expressing

concern that “some of these evictions have been carried out as a form of collective and arbitrary punishment against the Muslim minority and low-income communities for alleged participation in inter-communal violence, while authorities reportedly failed to investigate these incidents, including incitement to violence and acts of intimidation that contributed to the outbreak of the violence.”

The summary demolitions of homes and structures of Muslim communities have compounded the vulnerability of women, children, older persons, and people with disabilities who live there.

The [International Covenant on Civil and Political Rights](#), to which India is a party, prohibits discrimination on any ground and obligates states to ensure that everyone is equal before the law and to ensure equal protection of the law. The International Covenant on Economic, Social and Cultural Rights guarantees the right to an adequate standard of living, including adequate housing. In its [General Comment No. 7](#), the UN Committee on Economic, Social and Cultural Rights, an independent expert body that monitors compliance with the covenant, noted that house demolition as a punitive measure is contrary to the Covenant.

Bias in the Justice System

In February 2020 in Delhi, communal clashes and Hindu mob attacks on Muslims [resulted in 53 deaths, most of them Muslim](#). Witness accounts and video evidence show police involvement in the violence. However, the authorities are yet to investigate allegations of police complicity. At the same time, Delhi police told a court in July 2020 that it [has no “actionable evidence”](#) against BJP leaders although there are videos with some of them advocating violence, [complaints by witnesses](#), and transcripts of [WhatsApp conversations](#) the police have submitted in court showing [Hindu rioters took inspiration from BJP leaders](#). Earlier, in February 2020, the Delhi High Court, while hearing petitions about the riots, had questioned the [Delhi police decision to not file cases against BJP leaders](#) for advocating violence, saying it sent the wrong message and perpetuated impunity.

In contrast, the Delhi police have filed politically motivated charges, including terrorism and sedition, against 18 activists, students, opposition politicians, and residents – 16 of them Muslim, several of them involved in organizing peaceful protests against the Citizenship (Amendment) Act. The [police case relies extensively](#) on disclosure statements that are suspiciously similar, WhatsApp chats and social media messages about organizing and announcing peaceful protests, as evidence of complicity in a larger conspiracy to defame the Indian government. The authorities have [filed charges under the draconian counterterrorism law](#), the Unlawful Activities (Prevention) Act, related to unlawful activity, terrorist funding, and planning and committing acts of terrorism.

Activists say that the police have focused more on [investigating allegations against Muslims](#) and arresting them. Muslim victims of abuses and witnesses said that the police initially turned them away, refusing to file their complaints, and that even when police filed the cases based on their accounts, they [omitted names of BJP leaders](#) or police officials allegedly complicit in the attacks. The police have also implicated Muslim victims in these cases. In some cases, Muslim families who had succeeded in identifying [BJP leaders](#) and [police officials](#) when they filed complaints said they [faced increasing pressure](#) to withdraw the complaints. [Lawyers representing riot victims also allege](#) that the police have them under scrutiny.

In a series of cases, [courts in Delhi while granting bail](#), called the police out for “[vague evidence and general allegations](#),” a “[shoddy probe](#),” “[absolutely evasive](#)” and “[lackadaisical](#)” attitude. In one case, courts noted that the police “casually” added charges under the counterterrorism law. The police added

these charges only after the courts had released them on bail under ordinary criminal law provisions, in a blatant attempt to keep them in custody pending trial.

Jammu and Kashmir

On August 5, 2019, the Indian government, [promising security and reform](#), revoked the constitutional autonomy of Jammu and Kashmir and split the state into two federally governed territories. The government action was accompanied by [serious rights violations](#) including [arbitrary detention of hundreds of people](#), a [total communications blackout](#), and severe restrictions on freedom of movement and peaceful assembly. Since then, the authorities have released many of the detainees and restored the internet, but have intensified their [crackdown](#) on [media](#) and [civil society groups](#), including through frequent use of counterterrorism and public safety laws.

The authorities have invoked the Jammu and Kashmir Public Safety Act, as well as terrorism allegations, to conduct raids and arbitrarily detain journalists, activists, and political leaders without evidence and meaningful judicial review. The authorities [have also barred](#) several prominent Kashmiris [from traveling abroad](#) without providing reasons. Since August 2019, militants have killed at least 118 civilians in the state, including [21 people from minority Hindu and Sikh communities](#).

In November 2021, the authorities arrested a prominent Kashmiri human rights activist, [Khurram Parvez](#), on [politically motivated charges](#) under the abusive counterterrorism law, the Unlawful Activities Prevention Act (UAPA). Parvez, 45, is the program coordinator of the Jammu and Kashmir Coalition of Civil Society and the chair of the Asian Federation Against Involuntary Disappearances. He has documented cases of enforced disappearances and investigated unmarked graves in Kashmir, and as a result, Indian authorities have repeatedly targeted him.

[United Nations human rights experts](#), calling for his immediate release, expressed “regret that the Government continues to use the UAPA as a means of coercion to restrict civil society’s, the media’s and human rights defenders’ fundamental freedoms.”

Journalists in Kashmir face [increasing harassment by security forces](#), including raids and arbitrary [arrests on terrorism charges](#). Authorities in India have [shut down the internet](#) more often than anywhere else in the world. A majority of those shutdowns have been in Kashmir, where they are used to silence protests and curb access to information.

Since August 2019, at least [35 journalists in Kashmir](#) have faced police interrogation, raids, threats, physical assault, restrictions on freedom of movement, or fabricated criminal cases for their reporting. In June 2020, the government announced a [new media policy](#) that made it easier for the authorities to censor news in the region. In 2022, the authorities [rearrested Fahad Shah](#), Aasif Sultan, and Sajad Gul under the Public Safety Act after they had been granted bail separately in other cases filed against them in retaliation for their journalism work.

Since 2019, the security forces have been implicated in numerous abuses including routine harassment and ill-treatment at checkpoints, arbitrary detention, torture, and [extrajudicial killings](#). In March 2021, [five UN expert mandates wrote to the Indian government](#) seeking information about the detention of a Kashmiri politician, Waheed Para; the alleged killing in custody of a shopkeeper, Irfan Ahmad Dar; and the enforced disappearance of Naseer Ahmad Wani, a resident of Shopian district. They raised concerns about “the repressive measures and broader pattern of systematic infringements of

fundamental rights used against the local population, as well as of intimidations, searches, and confiscations committed by national security agents.”

There has been no accountability for these recent alleged extrajudicial killings or past killings and abuses by security forces in part because of the [Armed Forces \(Special Powers\) Act \(AFSPA\)](#), which gives members of the armed forces effective immunity from prosecution. Since the law came into force in Jammu and Kashmir in 1990, the Indian government has not granted permission to prosecute any security force personnel in civilian courts. Rights groups have long documented that the law has become a tool of state abuse, oppression, and discrimination, and called for its repeal. Affected residents, activists, government-appointed committees, politicians, and UN human rights bodies have also criticized the law.

Hundreds of thousands of Kashmiris – [many of them Hindu, known as Pandits](#) – were displaced from the Muslim-majority Kashmir Valley after a spate of attacks by militant groups in 1989-90. The government has failed to provide for their safe return. Kashmiri Pandits employed in government jobs in Kashmir Valley have been on an [indefinite strike](#), demanding relocation, after gunmen shot Rahul Bhat, a [Kashmiri Pandit government employee, in his office](#) in the Budgam district in May 2022.

The government claims that it has provided government jobs for 5,502 Kashmiri Pandits in the Kashmir Valley, and that [no Kashmiri Pandit has migrated](#) from this region since 2019. However, on June 1, 2022, the [Kashmiri Pandit Sangharsh Samiti](#), a group representing the minority population in the region, wrote to the region’s chief justice raising concerns for their safety, accusing the government of preventing them from relocating, and seeking high court intervention.

Instead of addressing human rights concerns, Indian officials have sought to project the appearance of progress. In August 2021, the foreign minister [said](#) government policies in Kashmir have led to real “democracy, development, good governance and empowerment.” In July 2022, during a visit to Kashmir, the [home minister said](#) that “a new era was established in Kashmir,” and that it was on the “path of peace and development.”

Empowering Vigilantes

The Indian government’s discriminatory policies and practices have empowered its violent supporters to commit unlawful acts with impunity. Communal rhetoric by BJP leaders along with policies around cow protection announced by BJP-led state governments triggered attacks against Muslim herders and cattle traders. Cows are considered holy by many Hindus, and repeated false claims that cows were being slaughtered for beef has [led a mushrooming of militant cow protection groups](#), many claiming affiliation with the BJP. Police have often stalled prosecutions of the attackers, while several BJP politicians have publicly justified the attacks. In a number of cases, police have filed complaints against victims’ family members and associates under laws banning cow slaughter, leaving witnesses and families afraid to pursue justice.

Working-class Muslims are often beaten up, threatened and harassed with impunity. For several weeks following the outbreak of Covid-19 in March 2020, the BJP government singled out a mass religious congregation in Delhi, organized by the international Islamic missionary movement [Tablighi Jamaat](#), to explain a spike in cases. This led to a [surge in Islamophobia](#). Some BJP leaders called the meeting a [“Talibani crime”](#) and [“Corona Terrorism,”](#) and pro-government television channels and [social media](#) accused those who attended the gathering and Indian Muslims in general of being responsible for the outbreak. Fake videos contending that Muslims were deliberately spreading the virus went viral on

social media and WhatsApp, leading to [weeks of abuses against Muslims](#), boycotts of their [businesses](#) and of individuals, and numerous physical attacks on Muslims, including volunteers distributing relief supplies.

Crackdown on Civil Society for Raising these Issues

The Indian authorities are increasingly targeting human rights activists, journalists, peaceful protesters, academics, and other critics who work to protect the rights of vulnerable communities. They use counterterrorism, national security and hate speech laws, and also foreign funding regulations and [allegations of financial irregularities](#) to target them.

In August 2023, police filed a criminal complaint against Mohammed Zubair, cofounder of an independent fact-checking website Alt News. Zubair, like countless others, had shared a [video on social media](#) of a teacher in Uttar Pradesh state telling classmates of a seven-year-old Muslim boy to hit him as she made derisive remarks about Muslims students. Zubair has also been targeted in the past for his fact-checking and verification, calling out false and communal claims. In June 2022, Delhi police arrested Zubair, [accusing him of hurting Hindu sentiments](#) in a 2018 Twitter post. The police opposed bail, seized his electronic devices, and secured a 14-day custodial sentence while they undertook their investigation. Many believed that Zubair was being punished for [exposing the controversial remarks of a BJP politician](#) about the Prophet Mohammed that led to angry condemnation by India's [Supreme Court](#) and from [several Muslim governments](#).

Authorities are also prosecuting internationally recognized activist [Teesta Setalvad](#), accusing her of criminal conspiracy, forgery, and other crimes, in an apparent reprisal for pursuing justice for the [Muslim victims of the 2002 Gujarat riots](#). The 2002 violence targeting Muslims, which caused an [international outcry](#), led to the conviction of numerous BJP leaders and supporters. Setalvad was [detained in June 2022 for 70 days](#), after the Supreme Court denied a petition seeking the prosecution of Modi and other senior leaders.

In 2020, the Indian government also arrested [15 prominent human rights activists, academics, and poets](#), working on the rights of communities most marginalized under the UAPA, accusing them of inciting violence that occurred during a Dalit meeting in Bhima Koregaon in Maharashtra state in January 2018.

In the case of Delhi violence, the Delhi police have accused protest organizers and activists of sedition, murder, attempted murder, promotion of religious enmity, and damage to public property, among other alleged offenses. All those charged have been critical of the BJP government and the citizenship law.