

## 2006 ANNUAL REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

### India

The positive developments in India affecting freedom of religion or belief that began in 2004, when parliamentary elections resulted in installation of a coalition government led by the Congress Party, continued in the past year. Under the previous leadership of the Bharatiya Janata Party, or BJP, the Commission found the Indian government's response to increasing violence against religious minorities in the state of Gujarat and elsewhere to be inadequate. In addition, several senior BJP government leaders had publicly allied themselves with, or refused to disassociate themselves from, extremist organizations that were implicated in that religious violence. In response, in 2002-2004, the Commission recommended that India be designated a "country of particular concern," or CPC. As a result of the changes that took place in India after the 2004 elections, the Commission in 2005 no longer recommended that India be designated a CPC.

Unlike many of the other countries that draw Commission attention, India has a democratically elected government, is governed generally by the rule of law, and has a tradition of secular governance that dates back to the country's independence. India has a judiciary that is independent, albeit slow-moving and frequently unresponsive, that can work to hold the perpetrators of religious violence responsible; contains a vibrant civil society with many vigorous, independent non-governmental human rights organizations that have investigated and published extensive reports on the rise of religiously motivated violence; and is home to a free press that has widely reported on and strongly criticized the situation on the ground in India and the growing threats in the past decade to a religiously plural society.

Despite these democratic traditions, religious minorities in India have been the victims of violent attacks, including killings, in what is called "communal violence." In the late 1990s, there was a marked increase in violent attacks against members of religious minorities, particularly Muslims and Christians, throughout India, including killings, torture, rape, and destruction of property. Those responsible for communal violence were rarely held responsible for their actions. The increase in violence against religious minorities coincided with the rise in political influence of groups associated with the Sangh Parivar, a collection of organizations that view non-Hindus as foreign to India and aggressively press for governmental policies to promote a Hindu nationalist agenda. The ascent to power in 1998 of the Sangh Parivar's political wing, the BJP, helped to foster a climate in which violence against religious minorities was not systematically punished. Although it was not directly responsible for instigating the violence against religious minorities, the BJP-led national government clearly did not do all in its power to pursue the perpetrators of the attacks and to counteract the prevailing climate of hostility against these minority groups, especially at the state and local levels.

Of particular concern to the Commission were the February 2002 events in the state of Gujarat, when, after a fire on a train resulted in the death of 58 Hindus, hundreds of Muslims were killed across Gujarat by Hindu mobs. In addition, hundreds of mosques and Muslim-owned businesses and other kinds of infrastructure were looted or destroyed. More than 100,000 people fled their homes and, in the end, as many as 2,000 Muslims were killed. India's National Human Rights Commission, an official body, found evidence of premeditation in the killings by members of extremist groups espousing Hindu nationalism, complicity by Gujarat state government officials, and police inaction in the midst of attacks on Muslims. Christians were also victims in Gujarat, and many churches were destroyed.

In the months following the violence, the BJP-led state government in Gujarat headed by State Minister Narendra Modi was widely accused of being reluctant to bring the perpetrators of the killings of Muslims to justice. Few persons had been arrested and held to account for the deaths. In response to the failures of the Gujarat government, India's Supreme Court declared in October 2003 that it had "no faith left" in the state's handling of the investigations and instructed the Gujarat state government to appoint new prosecutors to examine the religious violence of 2002. In April 2004, in what was described as an indictment of the Gujarat government, the Supreme Court overturned the controversial acquittal of the 21 accused in a particular case and ordered a new trial of those indicted. In August 2004, the Supreme Court ordered the Gujarat government to reopen its investigation of the 2002 violence, criticizing the local police officials for poor investigative practices and follow-up. The Court set up an inquiry committee to reexamine 2,000 cases; as a result, it was announced in February 2006 that the Gujarati police would reopen nearly 1,600 cases and take action against 41 police officials for their alleged role in the Gujarat violence. In addition, Gujarati police have announced that they will pursue more than 600 others accused in these reopened cases.

In addition to the steps taken by the Supreme Court, the government continued its efforts to redress a number of aspects of the Hindu nationalist agenda of the previous government. After a government-appointed committee of historians was tasked in June 2004 with removing the "distortions and communally biased portions" of the new textbooks, the latter were replaced in 2005 with revised editions. In addition, the government has continued to act decisively to prevent communal violence in situations where it has erupted in the past. In July 2005, six Muslim militants attacked a religious site in Ayodhya, in the state of Uttar Pradesh, where in 1992 Hindu extremists destroyed the sixteenth century Babri mosque, resulting in nationwide riots that left up to 3,000 dead, mostly Muslims. There were protests organized by the BJP in response to the July attack, but police dispersed the crowds and no violence ensued. In February 2006, a mass rally of Hindu nationalists was held in the Dangs district of Gujarat calling on members of the indigenous "tribal" people to "reconvert" to Hinduism. In the weeks leading up to the event, the Hindu groups issued a number of highly inflammatory statements, particularly against Christians, and violence against local Christian communities was feared, as has happened in the past. However, the military was sent into the area to maintain peace; riot police were reportedly posted outside churches and

temples and no violence occurred. In March 2006, after bombs exploded in the Hindu holy city of Varanasi killing 20 persons, allegedly instigated by Islamist groups, authorities reportedly acted swiftly to prevent retaliation against Muslims. Prime Minister Manmohan Singh appealed for calm, and soldiers and police were deployed at holy sites across the country.

Despite the improved situation, concerns about religious freedom in India remain. Attacks on Christian churches and individuals, largely perpetrated by individuals associated with extremist Hindu nationalist groups, continue to occur, and perpetrators are rarely held to account by the state legal apparatus. For example, in February 2006 alone, a mob attacked a Catholic school in Maharashtra state, destroying some of the church's contents; extremists incited Hindu residents in a town in Orissa state to attack the Christian residents, injuring 10, with two requiring hospitalization; and three separate attacks on Christians occurred in the state of Madhya Pradesh in a period of four days, resulting in several persons requiring hospitalization. In one instance, a mob threw stones at the site of a Christian gathering and attacked some of the participants with sticks and rods. In the first case noted above, police arrested 18 of the attackers and subsequently provided protection for the school; in the second case, the police made no attempt to arrest the accused. Similar attacks occur, sometimes in greater numbers, every month, particularly in states where the BJP heads the state government, including in Rajasthan, Madhya Pradesh, Gujarat, Chhatisgarh, and Jharkhand.

The state of Rajasthan was the scene of particularly serious attacks on Christian individuals and institutions carried out by members of Hindu nationalist groups in the first months of 2006. In March, the head of a Christian organization that runs a number of educational and charitable institutions was arrested on charges of "hurting religious sentiments" and "insulting the religious beliefs of a community" because of a book that was on sale in one of his establishments. The man and his father had reportedly received death threats the previous January. In addition, the BJP-led Rajasthan government froze the group's financial accounts and revoked its licenses to operate its institutions, which include a hospital, an orphanage, and a number of schools. An Indian parliamentary delegation visited Rajasthan and reported that the attacks on Christians had been "unprovoked." The delegation also reported that "Sangh Parivar elements are using the controversial book as a convenient tool to carry out a systematic campaign against the minority groups."

Several of the BJP-led states, including Orissa, Madhya Pradesh, and Chhatisgarh, as well as Arunchal Pradesh, still have laws against "forced" or "induced" religious conversions, which require government officials to assess the legality of conversions and provide for fines and imprisonment for anyone who uses force, fraud, or "inducement" to convert another. However, reports of persons having been arrested,

still less prosecuted, under these laws are not common. Significantly, the government of Tamil Nadu rescinded its law against forced conversions after the May 2004 elections. In addition, social science textbooks published in the state of Gujarat in June 2005 reportedly contained language minimizing Hitler's role in the Holocaust (Hitler is a respected figure among some extreme Hindu nationalists) and belittling religious minorities. The national government minister responsible for education was harshly critical of the textbooks, but because education is a subject regulated by the states, the central government was reportedly unable to act on the matter.

Throughout the past year, Commission staff conducted personal interviews with members of non-governmental organizations representing various religious communities in India, as well as human rights organizations, academics, and other India experts. In March 2005, the Commission issued a statement encouraging the Department of State to prevent the planned visit to the United States of Gujarat State Minister Narendra Modi, citing evidence presented by India's NHRC and numerous domestic and international human rights investigators of the complicity of Gujarat state officials, led by State Minister Modi, in the February 2002 mob attacks on Muslims.

With regard to India, the Commission recommends that the U.S. government should:

- press the government of India to make more vigorous and effective efforts to halt the violent attacks against religious minorities that continue to occur with troubling regularity in India and to hold state governments accountable for the violence and other unlawful acts that occur in their states; and
- urge the Indian government to continue its policies aimed at returning the country to its tradition of religious tolerance, including by:
  - continuing to pursue the perpetrators of the killings in Gujarat and hold them to account; and
  - taking steps to prevent and punish communal violence, including by following through on a pledge made in 2004 to enact a law criminalizing inter-religious violence.