



**India Chapter**  
**Addition to the 2009 Annual Report of the**  
**United States Commission on International Religious Freedom**  
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**ON THE COVER:** Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)

## India

The Commission views India as a critically important country in terms of religious freedom, given its experience with democracy following its colonial past. India is the world's largest democracy, is home to a multitude of religious communities that have historically coexisted peacefully, occupies a key geopolitical position, and enjoys increasing stature on the global stage even as it faces violent acts of terrorism on its soil. Nonetheless, several incidents of communal violence have occurred in various parts of the country, resulting in many deaths and mass displacements, particularly of members of the Christian and Muslim minorities, including major incidents against Christian communities within the 2008-2009 reporting period.

<sup>1</sup> Because the government's response at the state and local levels has been found to be largely inadequate and the national government has failed to take effective measures to ensure the rights of religious minorities in several states, the Commission decided to place India on its Watch List for 2009.<sup>2</sup>

The Commission grew concerned about religious freedom conditions in India in 2002 after observing a disturbing increase in communal violence against religious minorities associated with the rise of organizations with Hindu nationalist agendas, including the Bharatiya Janata Party (BJP), one of the country's major political parties. Under the national leadership of the BJP, whose term heading the government ended in 2004, the Commission found the Indian government's response to violent attacks against religious minorities to be inadequate. In response to severe riots in the state of Gujarat and elsewhere, the Commission recommended that India be designated a "country of particular concern" (CPC) in 2002 and 2003.

Following the election in 2004 of the Congress Party, the Indian government espoused an inclusive platform and has repeatedly pledged its commitment to religious tolerance. This commitment was reiterated by the Congress Party in the 2009 general elections for the Lok Sabha, or lower house of Parliament, in which the Congress Party emerged victorious. Although the BJP retained a strong presence in certain states, including Gujarat, some viewed Congress's

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<sup>1</sup> In June 2009, USCIRF requested to visit India to discuss religious freedom conditions with officials, religious leaders, civil society activists and others, but the Indian government did not issue visas to the USCIRF delegation. Nor did the Indian government offer alternative dates for a visit, which the Commission requested.

<sup>2</sup> Commissioner Gaer dissents from the Commission's recommendation to place India on its Watch List. Like others, I am very concerned over incidents of religiously-based violence and reprisals in parts of India that have resulted in loss of life, physical abuse, displacement, and more. However, as documented in this chapter, India is a country with "remarkable pluralism and general commitment to religious freedom."

India is credited specifically in this report as elsewhere with having taken "preventive measures in Orissa so that the 2008 Christmas holiday occurred without incident," and with "swift state and central government action ... to prevent communal violence" after a wave of terrorist bombings in 2008 that killed hundreds --in Jaipur, Ahmedabad, Delhi, Bangalore, and Mumbai. As the Commission previously noted, the 2007-2008 violent incidents in Orissa have involved retaliatory measures including Hindu-Christian and Christian-Hindu violence, complicated by local factors, poverty, and disputes.

The central Indian government could undoubtedly do more to prevent and also to redress religious-based violence in Orissa and elsewhere, especially in states governed by individuals or groups that may be hostile to religious minorities, but it is inappropriate at this time to claim across the board that the government of India has "failed to take effective measures" to prevent violence to such a degree that there is a pattern of inaction that merits placement on the Commission's Watch List. India has the legal and democratic traditions to deal with religious intolerance and should be strongly encouraged to do so.

victory as a repudiation of the BJP, and other analysts claimed that the surprisingly large margin by which the Congress Party won is statistically attributable to decreased support for “Left Front” parties, rather than decreased support for the BJP.

Despite the Congress Party’s commitment to religious tolerance, communal violence has continued to occur with disturbing results, and the government’s response, particularly at the state and local levels, has been largely inadequate. Following incidents and reprisals at and after Christmas 2007, the murder of an influential Hindu leader in August 2008 sparked a prolonged and violent campaign targeting Christians in the state of Orissa. Over several weeks, at least 40 individuals were killed, the vast majority of whom were Christians, church properties and thousands of homes were destroyed, and an estimated 60,000 or more Christians fled their homes, seeking refuge in the jungle or in government relief camps. The inadequate police response failed to quell the violence, and early central government intervention had little impact. Mass arrests following the Orissa violence did not translate into the actual filing of cases. Also, efforts continue to lag to prosecute the perpetrators of the 2002 Hindu-Muslim riots in Gujarat, in which over 2,000 were killed, the majority of whom were Muslim.

India is a multi-ethnic, multi-religious, multi-lingual democracy of more than a billion people that boasts the vibrant representation of all the world’s major religions. In this majority Hindu country with one of the world’s largest Muslim populations, the current, two-term Prime Minister is Sikh, the past president is Muslim, and the national governing alliance remains headed by a Catholic. India is the birthplace of Buddhism, the current host country to the Tibetan government-in-exile, and home to small Jewish and Parsi (Zoroastrian) communities that have lived for centuries without persecution. Buddhist, Christian, Hindu, Muslim, Sikh, and Parsi holidays are recognized as public holidays. Nevertheless, despite this remarkable pluralism and general commitment to religious freedom, Hindu nationalist organizations retain broad popular support in many communities in India, in part because some provide needed services or function as community social organizations. Many of these organizations exist under the banner of the Sangh Parivar, a “family” of over 30 organizations that includes the Vishwa Hindu Parishad (VHP), Bajrang Dal, Rashtriya Swayamsevak Sangh (RSS), and the BJP. Sangh Parivar entities aggressively press for governmental policies to promote their Hindu nationalist agenda, and adhere in varying degrees to an ideology of *Hindutva*, which holds non-Hindus as foreign to India.

Unlike many of the other countries of concern to the Commission, India has a democratically elected government with a tradition of secular governance dating back to the country’s independence. India also has an independent judiciary, an influential and independent media that is relentlessly critical of the government, and a dynamic civil society with numerous non-governmental organizations (NGOs) that act as government watchdog groups. In practice, however, India’s democratic institutions charged with upholding the rule of law, most notably state and central judiciaries and police, lack capacity and have emerged as unwilling or unable to consistently seek redress for victims of religiously-motivated violence or to challenge cultures of impunity in areas with a history of communal tensions.

The failure to provide justice to religious minorities targeted in violent riots in India is not a new development, and has helped foster a climate of impunity. In 1984, anti-Sikh riots erupted in Delhi following the assassination of Prime Minister Indira Gandhi by her Sikh

bodyguard. Over 4 days, nearly 3,000 Sikhs were killed, allegedly with the support of Congress Party officials. Few perpetrators were ever held accountable, and only years after the fact. In April 2009, the Congress Party dropped Jagdish Tytler and Sajjan Kumar from its roster of general election candidates over their suspected role in the 1984 riots. In the late 1990s, there was a marked increase in violent attacks among members of religious communities, particularly Muslims and Christians, throughout India, including incidents of killings, torture, rape, and destruction of property. Perpetrators were rarely held responsible. For example, there has been little justice for the victims of riots between Hindus and Muslims after the 1992 destruction of the Babri mosque at a contested religious site in Ayodhya. At least 900 people, mostly Muslims, were killed in Bombay in the 1992-1993 riots, but few have been successfully prosecuted. For instance, several high-profile trials that commenced over 10 years after the riots resulted in acquittals. A probe by India's Central Bureau of Investigation into one high-profile act of riot violence was announced in February 2009, 16 years after the riots.

### Gujarat Violence in 2002

In February 2002 in the state of Gujarat, a fire on a train resulted in the death of 58 Hindus returning from Ayodhya. Following this, 2,000 Muslims were killed across Gujarat by Hindu mobs, thousands of mosques and Muslim-owned businesses were looted or destroyed, and more than 100,000 people fled their homes. Christians were also victims in Gujarat, and many churches were destroyed. India's National Human Rights Commission (NHRC), an official government body, found evidence of premeditation in the killings by members of Hindu nationalist groups, complicity by Gujarat state government officials, and police inaction in the midst of attacks on Muslims. In 2007, the investigative newsmagazine *Tehelka* revealed further evidence of state government and police complicity in the riots, including the complicity of Gujarat Chief Minister Narendra Modi. Since the riots, Chief Minister Modi has been reelected twice, and enjoys the support of the central BJP and numerous prominent Indian business leaders.

Court convictions since the Gujarat riots have been minimal. Efforts to pursue the perpetrators continue, albeit slowly, and human rights groups report that many cases will likely continue to be closed or result in acquittals, due to alleged lack of evidence or insufficient effort on the part of local police officials. Since there were many eyewitnesses to these public acts of brutality, this suggests that endemic impediments to justice exist within the police, the judiciary, and the state government apparatus. In August 2004, the Indian Supreme Court ordered the Gujarat government to reopen its investigation of the 2002 violence, criticizing the local police officials for poor investigative practices and inadequate follow-up. In July 2006, a report from a committee attached to the Prime Minister's office again chastised the Gujarat government for failing to improve the situation for Muslims in that state, noting that a "state of fear and insecurity" still existed for many Muslims there. This was corroborated by the January 2009 report of the UN Special Rapporteur for the Freedom of Religion or Belief, Asma Jahangir, who visited India in March 2008 and noted the systemic, economic, and social marginalization of members of Gujarat's Muslim community.

International human rights groups have named the VHP, RSS, BJP, and Bajrang Dal as perpetrators of the violence in Gujarat, as well as other acts of violence against non-Hindus.

After a controversial 2002 non-governmental organization report described links between a Maryland-based charity and India's RSS and other "violent and sectarian Hindu organizations," Silicon Valley companies Cisco and Oracle suspended matching company donations to the charity. India's central and state police and judicial apparatuses have neglected to consistently or adequately examine evidence linking Sangh Parivar entities such as the BHP, RSS, BJP, and Bajrang Dal to acts of violence.

Orissa Violence in 2007 and 2008

Attacks on Christian churches and individuals, largely perpetrated by individuals associated with Hindu nationalist groups, continue to occur across the country, and perpetrators are rarely held to account. In December 2007 in Orissa's Kandhamal district, violence between Christians and Hindus resulted in several deaths, dozens of injuries, the destruction of at least 20 churches and hundreds of homes, and the displacement of hundreds, many from minority religious communities. According to reports by India's National Commission for Minorities (NCM), the tensions between the Christians, many of whom are from low-caste communities, and the Hindus, many of whom are from tribal communities, were well-known and longstanding. According to Christian groups and news reports, the influential local VHP leader Swami Lakshmanananda Saraswati played a central role in fomenting and encouraging the December 2007 violence against Christians.

In the wake of unresolved communal tensions from the December 2007 violence, the August 23, 2008 murder of Swami Saraswati in Kandhamal sparked a prolonged and destructive violent campaign targeting Christians in Orissa. Unlike the rest of the state, the Kandhamal district is 25-27 percent Christian and several of Kandhamal's 2,500 villages are entirely Christian. Over several weeks, newspapers reported at least 40 individuals were killed, although some Christian groups report more; thousands of church properties and homes were destroyed; at least 20,000 fled their homes to government-run relief camps; and approximately 40,000 were driven into hiding in jungles, the majority of whom were Christian. The displaced persons reportedly lived in squalid conditions in the camps, and according to interviews with Indian Christian leaders, religious leaders and aid agencies were denied access by state and/or district officials to refugees in Kandhamal, the hardest-hit area. In January 2008, after the December 2007 violence targeting Christians, the Kandhamal District Collector also prevented religious organizations from conducting relief work. This disproportionately affected Christians, as those killed and displaced in the Fall 2008 riots were overwhelmingly Christian, though some Hindus were killed and displaced as well.

By March 2009, several state and central police units remained in Kandhamal, and at least 3,000 individuals were still in government camps, reportedly because of their inability to return to their homes unless they "reconvert" to Hinduism. Numerous press and NCM reports document widespread forced conversions of Christians to Hinduism in villages and relief camps in Orissa, following the Fall 2008 attacks. The Orissa state VHP chief declared on September 12 that the death of Swami Saraswati was an impetus to halt Christian conversions in Orissa. About two weeks later, a month-long series of so-called "reconversion" ceremonies and processions of the Swami's ashes throughout Kandhamal was announced. There was no immediate police or state government reaction. Insecurity and the threat of harassment, property destruction, and/or

additional violence allegedly have caused many Christians to partake in “reconversion” ceremonies. According to the NCM report, even retired high-ranking officials were “threatened with every sort of retaliation if they did not forthwith change their religion and embrace Hinduism.”

In both 2007 and 2008, inadequate police forces failed to quell the violence in Orissa, and initial central government intervention was largely inadequate. According to news reports, prior to the violence, only 500 police officers at 13 stations served Kandhamal’s population of 740,000. Inadequate police equipment and training for riot control also impeded an effective emergency response. As with the 2007 violence, the synchronization of some attacks across wooded and remote terrain suggests premeditation, as well as the awareness and perhaps assistance of local officials and/or police. While the violence was still ongoing, the Orissa state government permitted a funeral procession for Swami Saraswati to cover a distance of 150 kilometers across Kandhamal two weeks after his murder, despite calls from religious leaders that such a procession could further inflame communal tensions. According to news reports, some police prevented individuals from filing police reports, and other watched passively as violence occurred. Central government paramilitary forces did not arrive in Orissa until August 27, but were reportedly prevented from reaching the most sensitive areas because of the strategic felling of trees across key access roads.

Mass arrests following the riots did not translate into the actual filing of cases, exacerbating the existing culture of impunity. According to the NCM, 187 people were arrested and 127 cases were registered following the December 2007 violence. By April 2008, only 14 individuals had been formally charged with a crime. In March 2009, the BJP nominated one of the main individuals accused in the anti-Christian violence for an assembly seat in the general elections. Despite remaining imprisoned for the duration of the elections, he won the seat. Also in March 2009, Orissa’s ruling party, the Biju Janata Dal (BJD), ended its 11-year coalition with the BJP, a decision fueled in part by the BJD’s repudiation of the BJP’s Hindu nationalist agenda, and the alleged support of some state BJP officials for the VHP, the Sangh Parivar entity implicated in riots. Several high-profile state and central government investigative teams have visited Orissa. Almost none of the dozens of recommendations for state reform offered by the NCM, the UN Special Rapporteur, and Indian Christian organizations have been implemented. Nevertheless, fears that violence would resume in Orissa on Christmas 2008 were assuaged by a series of preventative measures undertaken by the government, and the holiday occurred without incident.

#### *Other Recent Incidents*

On September 14, 2008, shortly after the outbreak of violence in Orissa, over a dozen prayer halls and churches in three Karnataka state districts were attacked by individuals allegedly associated with the Bajrang Dal, a Hindu nationalist organization. In one district, six individuals were injured after attacks on two New Life Church prayer halls. The New Life Church has been accused of distributing pamphlets denigrating Hinduism. Police cases have been registered following some, but not all of the incidents. Apart from this spate of violence, violent, sporadic attacks against Christians and church properties were also reported throughout 2007 and 2008 in Karnataka and in Chhattisgarh. For instance, in November 2007, a mob of 150 members of a



Hindu extremist group attacked a church in the state of Chhattisgarh, destroying the church building, beating the pastor, and kidnapping a young member of the church, who was later found dead. Despite the fact that the police were provided with the names of the attackers, officials reportedly waited until the following day to file a complaint. In January 2008, also in Chhattisgarh, more than 80 people were injured in an attack on a large Christian meeting carried out by extremists. The attackers reportedly beat the Christian worshippers and vandalized the makeshift church structure. The State Department also reports communal clashes between Hindus and Muslims in several districts in Maharashtra and Gujarat in 2007 and 2008, causing injuries and the destruction of property.

The state response to these attacks has been inconsistent. Karnataka Chief Minister BS Yeddyurappa did not order additional state security for churches and prayer halls until over a week after the first attack. On September 19, 2008, Karnataka state leader of the Bajrang Dal, Mahendra Kumar, was arrested by state police after he publicly announced his group's leading role in the attacks. However, in the aftermath of the attacks, Mr. Yeddyurappa attributed the violence to conversion activity.

Hindu nationalist groups have been implicated in attacks against Hindus as well. In January 2009, about 40 members of the right-wing Hindu nationalist group, the Sri Ram Sena, attacked a group of women at a pub in Mangalore, Karnataka, on the premise that the women's behavior violated Hindu values. The attacks sparked a national outcry from activists, and several arrests were made, although all were released on bail. In September 2008, a bomb attack in Malegaon, Maharashtra that killed seven and injured over 70 was traced to "Hindu extremists." Eleven individuals were arrested by the Maharashtra Anti-Terrorism Squad amidst a national debate regarding the contours of emergent "Hindu terrorism" and allegations of anti-Hindu bias by political parties seeking to appease minority electorates.

#### *Responses to Terrorism and the Prevention of Communal Violence*

India witnessed a wave of terrorist bombings in 2008, and unlike with the cases discussed previously, swift state and central government action followed to prevent communal violence. Calls for peace and calm by local religious leaders also followed many of the attacks. In May 2008, bomb attacks killed almost 100 bystanders in crowded markets next to Hindu temples in Jaipur. At least 45 individuals died in bomb blasts in November 2008 in Ahmedabad, the capital city of Gujarat. Severe casualties also resulted from 2008 bomb attacks in Delhi and Bangalore. The central government's immediate appeals for calm and peace and the rapid response of state police helped prevent communal riots, despite varying religious undertones to the attacks, some of which occurred near places of worship, and/or were orchestrated by Islamic extremists.

In November 2008, 163 people were killed in coordinated attacks on ten prominent Mumbai sites, including two luxury hotels and a Jewish center. These attacks were carried out by members of the extremist Islamic organization Lashkar-e-Taiba, a group active in Kashmir and widely believed to enjoy the backing of Pakistan's intelligence agency. The attackers purposefully sought out an American-born rabbi and his Israeli wife residing in the upper floor of an apartment building as targets for their murder. This attack on Jews on Indian soil by foreign actors stands in marked contrast to the fact that India is one of the few countries in the

world in which a Jewish minority has lived for centuries without persecution by its nationals. Threats and fear of terrorism in India, perpetrated or threatened by both domestic actors (including Maoists) and foreign, regional actors (particularly Pakistanis and Bangladeshis) remains high. This has been exacerbated by the July 2008 attack on the Indian Embassy in Kabul, in which 41 people were killed, and by persistent acts of violence along the India-Bangladesh border.

### Legislative Climate

The Indian Constitution protects the right of citizens to change and propagate their religion. However, five Indian states, Chhattisgarh, Himachal Pradesh, Gujarat, Madhya Pradesh, and Orissa have controversial laws against “coerced” religious conversions. Laws restricting religious conversions in the states of Rajasthan and Arunachal Pradesh are pending further government action before implementation. The anti-conversion laws require government officials to determine what is or is not a “sincere” conversion. These laws provide for fines and imprisonment for anyone who uses force, fraud, “inducement,” and in some cases, the threat of “divine displeasure” to convert another.

To date, there are few, if any, reports of persons having been arrested or prosecuted under these laws. According to the NCM, there have been no cases of forced conversions registered in the Kandhamal district of Orissa, the locus of violence between Hindus and Christians in 2007 and 2008, in the 40 years of the Act’s existence in that state. No action has been taken on the two formal requests for “permission for conversion” that have been filed in the past 10 years. Nevertheless, these laws can create a hostile atmosphere for religious minorities, particularly given that they exist in states in which attacks by extremist groups are more common—and often happen with greater impunity—than elsewhere in India. For example, a June 2006 report by the NCM found that in the state of Madhya Pradesh, which remains headed by the BJP after the 2009 elections, Hindu extremists had frequently invoked the state’s anti-conversion law as a pretext to incite mobs against Christians. The NCM report also found that police in Madhya Pradesh were frequently complicit in these attacks. Similarly, the NCM report on the December 2007 violence in Orissa concluded that an important factor behind the attacks was the “anti-conversion” campaign carried out by groups associated with the Sangh Parivar. The UN Special Rapporteur has also expressed her concern over the impact of these laws on religious minorities and their inconsistency with international norms guaranteeing the freedom to change one’s religion, and has called for their repeal.

An additional factor exacerbating tensions between Hindus and Christians in Orissa—tensions that erupted into violence in 2007 and more prolonged rioting in 2008—is a quota scheme offering certain benefits to India’s most disadvantaged groups, the Scheduled Tribes and Scheduled Castes (also known as Dalits or “untouchables”). In Orissa, Hindus who are members Scheduled Castes receive job quota benefits, but Christians and Muslims from Scheduled Castes do not, as they are considered to have removed themselves from the caste system. Although affirmative action is not an internationally recognized right, the quota system, which was enacted because Scheduled Castes and Tribes represent a historically underprivileged and impoverished demographic, is oftentimes applied discriminatorily so that disadvantaged Christians and Muslims are excluded from benefiting. However, in many cases, the economic and social

challenges facing this demographic do not appear to be eliminated by their religious affiliation. The UN Special Rapporteur has condemned this discriminatory system and called for the abolition of links between religion and caste or tribal status.

After a central government-appointed panel, the Sachar Committee, acknowledged in a November 2006 report that Indian Muslims face discrimination and other hardships, Prime Minister Singh pledged to do more to “address the imbalances,” although reports conflict about how many of the 22 recommendations have actually been implemented. In November 2007, the government adopted new rules enabling members of all religious communities to adopt children, ending a long period in which only Hindus were given this right. In January 2009, the government announced that *madrassa* degrees would be equivalent to university degrees. However, the positive impact of these measures in the Muslim community may be mitigated by incidents of police profiling of Muslim youths in areas affected by recent bomb blasts, leading to allegations of harassment and detainment. At least 40 unarmed protesters were killed and hundreds were detained during weeks of violent protests and counter-protests in May 2008 regarding the Jammu and Kashmir government’s decision to transfer 100 acres of forest land to the government-run, Sri Amarnath Shrine Board for the lodging of Hindu pilgrims. The state government’s decision to transfer the property in the Muslim-majority state was seen by many Kashmiri Muslims as an expression of pro-Hindu bias and an attempt by the Indian government to increase Hindu religious tourism and skew state religious demographics. In January 2009, thousands of Muslims protested the death of two young Muslim men shot by police during a sweep following bomb blasts in Jaipur. In March 2009, at the urging of the Election Commission, BJP general election candidate Varun Gandhi of the Gandhi political dynasty was arrested by Uttar Pradesh state police under the National Security Act on charges of hate speech against Muslims during a campaign rally. After over two weeks in jail, the Supreme Court ordered Gandhi’s release on bail, pending his upholding of a commitment not to promote “disharmony or feelings or enmity, hatred or ill-will between different religion, racial, language or regional groups or castes or communities.” Varun Gandhi was elected to the lower house of India’s national parliament in the 2009 national elections but subsequently faced a legal challenge on the grounds that his alleged hate speech rendered his victory invalid.

## **Recommendations**

The Commission notes that although the infrastructure for investigating and prosecuting cases of religiously-motivated violence or harassment exists in India, the capacity of the legal system is severely limited and is utilized inconsistently. These deficiencies have resulted in a culture of impunity that gives members of vulnerable minority communities few assurances of their safety, particularly in areas with a history of communal violence, and little hope of perpetrator accountability.

The Commission thus recommends that the U.S. government urge the government of India to undertake the following measures to make more vigorous and effective efforts to halt violent attacks against members of religious minorities, as well as women and individuals deemed to be of lower caste, to conduct timely investigations and prosecutions of individuals alleged to have perpetrated violence, to hold state governments and officials accountable for violence and unlawful acts in their states, and to enact policies to encourage religious tolerance, in accordance

with India’s rich history of religious pluralism and the peaceful coexistence of different linguistic, ethnic, and religious groups.

## **I. Strengthening Law Enforcement and the Judiciary**

The Commission recommends that the U.S. government urge the government of India to:

- Strengthen the ability of the state and central police and other law enforcement bodies to provide effective measures to prohibit and punish cases of religious violence, and protect victims and witnesses by:
  - ensuring that complainants are able to file “First Information Reports;”
  - ensuring that cases relating to religious violence are processed in a timely manner, including by ensuring that a sufficient number of investigators and public prosecutors are supplied to districts in which acts of communal violence have occurred, and that all such individuals are impartial and adequately trained on human rights and religious freedom standards;
  - providing protection for witnesses in danger of retaliatory violence;
  - ensuring that all complainants are able to obtain legal representation, regardless of religion or caste status;
  - ensuring that standardized procedures for documenting and collecting evidence are promptly followed in instances of communal conflict; and
  - ensuring that trials at all levels of the justice system are impartial, including by investigating allegations of corruption or official complicity in any acts of alleged religious violence;
- Strengthen the state and central judiciary by implementing measures to ensure that:
  - cases involving religious violence or harassment are processed and resolved in a timely manner; and
  - survivors of communal violence are made aware of their rights and avenues for legal recourse, for example by establishing free or low-cost community legal aid clinics in riot-hit areas;
- Ensure that the state and central police and other law enforcement agencies have the training and resources necessary to avert future communal violence, including by sharing information among central and state law enforcement bodies about measures that successfully prevented outbreaks of violence in previous high-tension situations;
- Provide training on human rights and religious freedom standards and practices to members of the state and central police and judiciary, particularly in areas with a history or likelihood of communal violence;
- Ensure that the perpetrators of terrorist attacks are brought to justice, and the victims and their families are provided aid and counseling; and
- Fulfill a pledge made in 2004 to enact a law criminalizing inter-religious violence.

## **II. Reforming Existing Legislation That May Undermine Freedom of Religion or Belief**

The Commission recommends that the U.S. government urge the government of India to:

- Establish an impartial body of interfaith religious leaders, human rights and legal experts, and other civil society representatives to study religious conversion activity and any allegations of forced, induced, or otherwise illegal or improper conversions in states with legislation regulating conversions and to make recommendations as to if and how such laws should be changed to comply with international standards on the freedom of thought, conscience, and religion or belief; and
- Investigate job allocation and government benefit schemes for Scheduled Tribes and Castes to assess whether religion is used unfairly to provide or deny access to benefits.

## **III. Taking New Measures to Promote Communal Harmony, Protect Religious Minorities, and Prevent Communal Violence**

The Commission recommends that the U.S. government urge the government of India to:

- Call on all political parties and religious or social organizations, including entities of the Sangh Parivar, including, but not limited to the Bharatiya Janata Party, Rashtriya Swayamsevak Sangh, Bajrang Dal, and Vishwa Hindu Parishad, to 1) publicly denounce violence against and harassment of religious minorities, women, and low-caste members, 2) acknowledge that such violence constitutes a crime under Indian law, and 3) communicate to all members and affiliates that acts of violence or harassment will not be tolerated, and will be prosecuted to the full extent of the law;
- Take immediate legal action against any charitable, social, or political organizations, or individuals associated with such organizations, about whom evidence of participation in acts of communal violence is found;
- Establish effective State Minority Commissions charged with the responsibility for examining minority affairs, including minority religious communities, issuing recommendations, and serving as a repository for minority grievances in those states that do not currently have such commissions, including Orissa, and ensure that these commissions are transparent, adequately funded, inclusive of women and minorities, and subject to periodic independent review; and
- Establish measures to build confidence among religious communities in areas with a history or likelihood of communal violence, including truth and reconciliation councils and social and cultural programming.

## **IV. Addressing Communal Violence in Gujarat**

The Commission recommends that the U.S. Government urge the government of India to:

- Continue to pursue, investigate, and lay charges against any individuals responsible for the deaths at Godhra, and the perpetrators of the killings, sexual violence, and arson in Gujarat in 2002;
- Ensure that any efforts to bring a case against Gujarat Chief Minister Narendra Modi are allowed to proceed in accordance with the law; and
- Send a central government investigative team to Gujarat to assess the security of individuals displaced by the 2002 riots, and reports that such individuals are systematically economically and socially marginalized, and provide recommendations for improving communal harmony in Gujarat.

## V. Addressing Communal Violence in Orissa

The Commission recommends that the U.S. Government urge the government of India to:

- Initiate a Central Bureau of Investigation probe into the murder of Swami Lakshmanananda Saraswati and the ensuing violence.
- Continue to pursue, investigate, and bring charges against the perpetrators of the killings and arson in Orissa, as well as any forced reconversions [see specific recommendations under *1. Strengthening Law Enforcement and the Judiciary*];
- Allow aid groups, regardless of religious affiliation, access to internally displaced persons still unable or unwilling to return to their home communities;
- Establish appropriate mechanisms to ensure that 1) all compensation schemes, including those promised by Prime Minister Manmohan Singh soon after the outbreak of the Fall 2008 violence, are carried out in a timely manner, and 2) any families unable to produce the body of an individual killed by rioters are not excluded from compensation schemes;
- Take steps to ensure police access to Kandhamal district and other areas that may be prone to communal violence, including by improving road infrastructure and building capacity;
- Mobilize the necessary security forces over the timeframe necessary to ensure that internally displaced persons residing in government relief camps or elsewhere are allowed to safely return to their villages, without the threat of violence or harassment;
- Ensure that the use or threat of violence or harassment to bring about forced conversions or “reconversions” are prosecuted promptly under existing laws prohibiting harassment and violence; and
- Recognize the unique link between poverty, tribal identity, and communal violence in Orissa, and implement development schemes to address poverty, disadvantages

associated with tribal or caste status, the lack of economic opportunity, and the lack of adequate education and health infrastructure.