

KEY FINDINGS

In 2020, religious freedom conditions in India continued their negative trajectory. The government, led by the Bharatiya Janata Party (BJP), promoted Hindu nationalist policies resulting in systematic, ongoing, and egregious violations of religious freedom. In early 2020, the passage of the religiously discriminatory Citizenship (Amendment) Act (CAA)—a fast track to citizenship for non-Muslim migrants from Afghanistan, Bangladesh, and Pakistan residing in India—led to nationwide protests against [the CAA](#) and spurred state and nonstate violence, largely targeting Muslims.

In February, the [worst Hindu-Muslim mob violence](#) in more than three decades erupted in Delhi. More than 50 people died and 200 others were injured, mostly Muslims. Mobs sympathetic to Hindu nationalism operated with impunity, using [brutal force](#) to [single out](#) Muslims, attack mosques, and destroy homes and businesses in majority-Muslim neighborhoods. The Delhi Minorities Commission investigated and [found](#) that the violence and allegations of police brutality and complicity were “seemingly planned and directed to teach a lesson to a certain community which dared to protest against a discriminatory law.” Citing COVID-19 concerns, in March police cleared the [Shaheen Bagh protest in Delhi](#)—a peaceful sit-in that had lasted more than 100 days and was led by Muslim and non-Muslim women protesting the CAA.

In conjunction with a proposed National Register of Citizens (NRC) requiring all residents to provide documentation of citizenship, the CAA could subject Muslims, in particular, to [“statelessness, deportation or prolonged detention.”](#) The northeastern state of Assam provides a chilling example: in 2019, a statewide NRC was implemented in Assam that ultimately excluded 1.9 million residents (both Muslims and Hindus) from the citizenship register. In some cases, families who had resided in India for generations were excluded; in other cases, a family member was included on the citizenship register while another was not. The consequences of exclusion—as exemplified by a large [detention camp](#) being built in Assam—are potentially devastating and underscore concerns about the impact such laws may have if extended to other states or nationwide. USCIRF highlighted this weaponization of citizenship laws and the potential for atrocities in a [March hearing](#).

Another set of policies raising significant concerns—and too often resulting in violence—are the efforts to prohibit interfaith marriages or relationships using the false narrative of “forced conversion.” In late 2020, Uttar Pradesh, India’s most populous state, [passed](#) an ordinance voiding any marriage conducted for the “sole purpose of unlawful conversion or vice-versa.” Similar legislation was approved in Madhya Pradesh and is being pushed in several states, including Haryana, Assam, and Karnataka. Hindu nationalist groups also launched inflammatory campaigns decrying interfaith relationships or engagements, including calling for [boycotts](#) and [censorship](#) of media depictions of interfaith relationships. These efforts targeting and delegitimizing interfaith relationships have led to attacks and arrests of non-Hindus and to innuendo, suspicion, and violence toward any interfaith interaction.

In September, the Indian Parliament [amended](#) the Foreign Contribution Regulation Act (FCRA) to increase restrictions on nongovernmental organizations (NGOs), further [stifling](#) civil society and forcing religious organizations and human rights organizations, including those advocating for religious freedom, to shut down. [Amnesty International India](#) closed operations in October after authorities froze its bank account.

At the beginning of the COVID-19 pandemic, disinformation and hateful rhetoric—including from government officials—often targeted religious minorities, continuing familiar [patterns](#). Disinformation and intolerant content have emboldened intimidation, harassment, and mob violence in recent years, including numerous instances of violence mainly against Dalits, Muslims, Christians, Adivasis, and other religious communities.

Government action—including the [acquittal](#) of all individuals accused of demolishing the Babri Masjid mosque—as well as government inaction to address religious violence contributed to a culture of impunity for those promulgating hate and violence toward religious minorities. At the same time, the government cracked down on those expressing [dissent](#), including detaining and even accusing individuals of sedition for their actual or perceived criticism of the [CAA](#) and other governmental (in)actions. United Nations (UN) officials [expressed concern](#) over the government’s repression of criticism.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate India as a “country of particular concern,” or CPC, for engaging in and tolerating systematic, ongoing, and egregious religious freedom violations, as defined by the International Religious Freedom Act (IRFA);
- Impose targeted sanctions on individuals and entities responsible for severe violations of religious freedom by freezing those individuals’ or entities’ assets and/or barring their entry into the United States;
- Advance human rights of all religious communities in India and promote religious freedom and dignity and interfaith dialogue through bilateral and multilateral forums and agreements, such as the ministerial of the Quadrilateral; and
- Condemn ongoing religious freedom violations and support religious organizations and human rights groups being targeted for their advocacy of religious freedom.

The U.S. Congress should:

- Continue to raise religious freedom concerns in the U.S.-India bilateral relationship and highlight concerns through hearings, briefings, letters, and congressional delegations.

Background

India is the world's largest democracy, with a rich tradition of secular pluralism. Its [estimated population](#) exceeds 1.3 billion: 79.8 percent Hindu, 14.2 percent Muslim, 2.3 percent Christian, and 1.7 percent Sikh. Smaller religious groups include Buddhists, Jains, Baha'is, Jews, Zoroastrians (Parsis), and nonreligious persons. India's [constitution](#) establishes the nation as secular, and Article 25 grants all individuals freedom of conscience, including the right to practice, profess, and propagate religion. Yet, in recent years, the BJP-led government has challenged the secular principles of the constitution by implementing laws and policies at the national and state levels promoting Hindu nationalism, thereby posing severe [challenges](#) to freedom of religion or belief and related rights. Throughout 2020, the national and state governments' perpetration and toleration of these systematic, ongoing, and egregious violations led to increasing repression of religious freedom and a growing climate of hostility and violence toward religious minorities, human rights advocates, and others speaking out against such violations.

Anti-Conversion Laws

Despite India's constitutional protections for religious freedom, approximately one-third of India's 28 states limit or prohibit [religious conversion](#) to protect the dominant religion from perceived threats from religious minorities. While the new legislation in Uttar Pradesh and Madhya Pradesh targets interfaith marriage in particular, several other states prohibit conversion based on vague criteria, including force, inducement, allurement, coercion, fraud, or misrepresentation. These anti-conversion laws are too often the basis for false accusations, harassment, and violence against non-Hindus that occur with impunity. In 2020, for example, mobs—fueled by false accusations of forced conversions—attacked Christians, destroyed churches, and disrupted religious worship services. In many cases, authorities did not prevent these abuses and ignored or chose not to investigate pleas to hold perpetrators accountable. This contributed to increased mob attacks and a fear of reprisal against those coming forward. Religious minorities remain concerned about the potential for a national anti-conversion law and additional state-level statutes.

Disinformation and Incitement of Violence Targeting Religious Minorities

Government officials and nonstate actors continued to use social media and other forms of communication to harass and spread hatred and [disinformation](#) against minority communities, including Muslims, Christians, and Dalits. [Experts suggest](#) that in 2020, pervasive disinformation about the CAA protests and the COVID-19 pandemic specifically targeted religious minorities and marginalized communities, disproportionately affecting women. Dalits, who have long faced religious-based discrimination in all aspects of life, experienced heightened harassment and discrimination during the COVID-19

pandemic. Additionally, [false information](#)—aided with images sent via social media—have implicated religious communities in cow slaughter and other alleged offenses, resulting in more than 120 cases of significant violence. The fervor around cow slaughter continues to take root in policy: in December, the state of Karnataka [revised an earlier bill](#) to impose fines and imprisonment for the transport, sale, and purchase of cattle for slaughter.

Religious Freedom in Jammu and Kashmir

In Muslim-majority Jammu and Kashmir, restrictions on freedom of movement and assembly negatively impacted religious freedom, including the observance of religious holy days and the ability to attend prayers. The shutdown of the internet for nearly 18 months—the [longest-ever](#) shutdown in any democracy—and other restrictions on [communications](#) caused significant disruption and limited religious freedom.

Closing Space for Civil Society through the FCRA and Other Laws

Throughout 2020, members of civil society, including human rights advocates and media reporting on religious freedom violations, faced intimidation and harassment. Government officials used the Unlawful Activities Prevention Act (UAPA) and other statutes to detain advocates, media, and academics, including religious minorities.

The national government has taken several steps to limit engagement and support of NGOs, especially religious and human rights organizations. The FCRA regulates the inflow of foreign funds to NGOs. In September, the FCRA was [amended](#) to place further restrictions on NGOs, including reducing the amount of foreign funds that could be used for administrative expenses and requiring that accounts be held in a government-designated bank. In recent years, government officials have [revoked or suspended](#) the FCRA licenses of thousands of NGOs, including numerous Christian and other religious and human rights organizations.

Key U.S. Policy

In 2020, the United States and India strengthened their relationship, especially in security and defense. In February, then President Donald J. Trump [visited](#) India, highlighting the growing relationship. In October, then Secretary of State Michael R. Pompeo [traveled to India](#) for the third U.S.-India 2+2 Ministerial Dialogue, where the two governments signed the Basic Exchange and Cooperation Agreement.

Several members of Congress have expressed concern about the CAA and other human rights-related issues in India. For example, Senator Robert Menendez (D-NJ), Ranking Member of the Senate Foreign Relations Committee, [urged](#) the administration to “engage the Indian government at the highest levels on these concerns, press for a swift reversal of these policies and practices, and ensure protection of the human rights of all persons in India regardless of their religion.”

KEY USCIRF RESOURCES & ACTIVITIES

- **Hearing:** [Citizenship Laws and Religious Freedom](#)
- **Hearing:** [Combatting Online Hate Speech and Disinformation Targeting Religious Communities](#)
- **Issue Brief:** [The Religious Freedom Implications of the National Register of Citizens in India](#)
- **Factsheet:** [The Citizenship \(Amendment\) Act in India](#)

Individual Views of Commissioner Johnnie Moore

I love India. I have floated early in the morning down the Ganges in Varanasi, walked every alley in Old Delhi, stood in awe of the architecture in Agra, sipped tea next to the Dalai Lama's temple in Dharamsala, circled the shrine in Ajmer, and looked in awe at the Golden Temple. All along the way, I have met Christian brothers and sisters who serve the poor selflessly, often in difficult circumstances.

Of all the countries in the world, India should not be a "country of particular concern," or CPC. It is the world's largest democracy and it is governed by a pristine constitution. It is diversity *personified* and its religious life has been its greatest historic blessing.

Yet, India does seem to be at a crossroads. Its democracy—still young and freewheeling—is creating through the ballot box difficult challenges for itself. The answer, of course, is for India's institutions to draw upon their rich history to protect their values. India must always resist allowing political and intercommunal conflict to be exacerbated by religious tensions. India's government and people have everything to gain and absolutely nothing to lose from preserving social harmony and protecting the rights of everyone. India can. India must.