



# INDIA

## Key Findings

In the past year, reports of incidents of communal and religiously-motivated violence against religious minorities in India increased. Non-governmental organizations (NGOs) and religious leaders, including from the Muslim, Christian, and Sikh communities, attribute the increase to India's general election and some politicians' use of religiously divisive language. Christian NGOs and leaders report that their co-religionists are particularly at risk in states that have adopted "Freedom of Religion Act(s)," commonly referred to as anti-conversion laws. Despite the country's status as a pluralistic, secular democracy, India has struggled to protect minority communities or provide justice when crimes occur due to a lack of political will, political corruption, and religious bias by government officials. This exacerbates the climate of impunity that already exists in the country. Based on these concerns, USCIRF places India on Tier 2 in 2014. India has been on this tier since 2009.

## Background

The world's largest democracy with about 1.22 billion people, India has a deeply religious, pluralistic society. A country with a Hindu majority, India is estimated to have the world's third largest Muslim population and over 25 million Christians. The country's religious diversity has been represented at the highest levels of government. In addition, the national government and several state governments have taken some positive steps to improve religious freedom, including increasing budgets for governmental bodies that provide financial support for minority groups and programs to bolster their economic, financial, career, and educational position in India.

Despite these positive factors, periodic outbreaks of large-scale communal violence against religious minorities have taken place in India. Christian communities have long reported harassment and violent attacks in the

states that have adopted anti-conversion laws. To address the aftermath of the Gujarat violence of 2002 and the Odisha violence of 2007-2008, India established Fast-Track Courts, Special Investigative Teams, and independent commissions. However, their impact has been hindered by limited capacity to investigate and prosecute cases, an

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antiquated judiciary, inconsistent use, political corruption, and religious bias, particularly at the state and local levels. As a result, a climate of impunity continues to exist in some Indian states, exacerbating the social and religious tensions among communities.

## Religious Freedom Conditions 2013–2014 Hindu-Muslim Violence in Uttar Pradesh

In late August 2013, communal violence erupted in Muzaffarnagar district, Uttar Pradesh (UP). While the federal and state governments deployed to the area army troops, provincial military personnel, and federal Rapid Action Force officers, between 40 and 60 people were killed; at least a dozen women and girls were raped, often by gangs; nearly 100 people were injured; and upwards of 50,000 were displaced to "relief camps." As of early 2014, several thousand people, mostly Muslims, remained displaced in deplorable conditions out of fear of returning to their homes. Sixteen local governmental officials from several different political parties

were arrested in September 2013 and charged with inciting the communal violence, as were several local parliamentarians and community leaders. Their cases remain pending. In addition 570 cases, implicating over 6,000 people (including local governmental leaders and police) have been filed.

### **Christian and Muslim Dalit Rally**

In mid-December 2013, the Catholic Bishops' Conference of India, the National Council of Dalit Christians, the National Council of Churches in India, and the Church of North India organized a rally in New Delhi to protest the treatment of Christian and Muslim Dalits, as compared to Hindu Dalits. When some protestors crossed police lines, the police responded with a water cannon and attacked protestors with canes and batons, injuring scores of people. In addition, police arrested dozens of protestors including the General Secretary for the Church of North India, Alwan Masih; the Roman Catholic Archbishop of New Delhi, Anil Couto; and dozens of nuns, monks, and others of both the Christian and Muslim faiths. The following day Prime Minister Manmohan Singh promised a full investigation, but the outcome is not known as of this reporting.

### **Attack on Buddhist Religious Complex**

On July 7, nine explosives were detonated in the Bodhi Gaya Buddhist religious complex located in the Indian state of Bihar. A temple and sacred tree sustained minor damage and two monks were injured in the attack. On August 14, the Indian National Investigation Agency (NIA) arrested Arup Brahmachari, a Hindu priest. Protests ensued and the NIA released Brahmachari, saying they made an error. The NIA has not made any other arrests.

### **Anti-Conversion Laws**

Seven Indian states – Chhattisgarh, Himachal Pradesh, Gujarat, Madhya Pradesh, Arunachal Pradesh, Rajasthan and Odisha – have “Freedom of Religion Act(s),” commonly referred to as anti-conversion laws. These laws generally 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. These laws have resulted in few arrests and no convictions, but have created a hostile atmosphere for religious minorities, particularly Christians.

In a negative development, the Madhya Pradesh Legislative Assembly in August approved an amendment to the state's 1968 anti-conversion law that would make the law more stringent, though the state's governor had not yet signed it into law. Under the proposal, both the converter and would-be convert must obtain state permission at least 30 days prior to a conversion ceremony, or face one year in prison and a 1,000-rupee fine. However, in a positive development, in September similar provisions in Himachal Pradesh's anti-conversion law – requiring people to notify the authorities within 30 days of the intention to convert to a religion other than Hinduism and requiring the state to investigate conversions – were found unconstitutional by that state's High Court.

### **Redress for Past Large-Scale Violence**

The Indian courts are still adjudicating cases stemming from large-scale Hindu-Christian communal violence in Odisha in 2007-08 and large-scale Hindu-Muslim communal violence in Gujarat in 2002. NGOs, religious leaders, and human rights activists allege religious bias and corruption in these investigations and adjudications. In October 2013, a lower court acquitted 54 individuals of crimes relating to the Odisha violence, including burning down a Baptist church and dozens of homes and businesses, due to lack of evidence and witnesses. Also in October, the same court convicted seven Christians for murdering Hindu leader Laxmanananda Saraswati, whose death triggered the violence, despite the fact that Maoist rebels have twice claimed responsibility for the murder. In 2013, a lower court in Gujarat found longtime Gujarat chief minister Narendra Modi – the current BJP candidate for Prime Minister – not responsible for the death of a prominent Muslim Congress Party leader who was burned alive in 2002. The case was brought by the leader's widow, and she reportedly has appealed. Several other cases where Modi has been implicated for involvement or complicity in the 2002 violence continue.

### **Recommendations for U.S. Policy**

Since 2004, the U.S. and India have pursued a strategic relationship based on shared concerns about energy, security, and the growing threat of terrorism, as well as shared values of democracy and the rule of law. As part

of this important relationship, USCIRF recommends that the U.S. government should:

- Integrate concern for religious freedom into bilateral contacts with India, at both the federal and provincial level, and encourage the strengthening of the capacity of state and central police to implement effective measures to prohibit and punish cases of religious violence and protect victims and witnesses;
- Increase the U.S. embassy's attention to issues of religious freedom and related human rights, including through visits by the Ambassador and other officials to areas where communal violence has occurred or is likely to occur and meetings with religious communities, local governmental leaders, and police;
- Urge India to boost training on human rights and religious freedom standards and practices for the police and judiciary, particularly in states and areas with a history or likelihood of communal violence;
- Urge the central Indian government to press states that have adopted anti-conversion laws to repeal or amend them to conform with internationally-recognized human rights standards; and
- Encourage the establishment of an impartial body of interfaith religious leaders, human rights advocates, legal experts, and government officials to discuss and recommend actions to promote religious tolerance and understanding.