



INDIA

Key Findings

In 2015, religious tolerance deteriorated and religious freedom violations increased in India. Minority communities, especially Christians, Muslims, and Sikhs, experienced numerous incidents of intimidation, harassment, and violence, largely at the hands of Hindu nationalist groups. Members of the ruling Bharatiya Janata Party (BJP) tacitly supported these groups and used religiously-divisive language to further inflame tensions. These issues, combined with longstanding problems of police bias and judicial inadequacies, have created a pervasive climate of impunity, where religious minority communities feel increasingly insecure, with no recourse when religiously-motivated crimes occur. In the last year, “higher caste” individuals and local political leaders also prevented Hindus considered part of the Scheduled Castes and Scheduled Tribes (Dalits) from entering religious temples. Additionally, the national government or state governments applied several laws to restrict religious conversion, cow slaughter, and foreign funding of NGOs. Moreover, an Indian constitutional provision deeming Sikhs, Buddhists, and Jains to be Hindus contradicts international standards of freedom of religion or belief. Based on these concerns, USCIRF again places India on Tier 2, where it has been since 2009. However, USCIRF notes that India is on a negative trajectory in terms of religious freedom. USCIRF will continue to monitor the situation closely during the year ahead to determine if India should be recommended to the U.S. State Department for designation as a “country of particular concern,” or CPC, under the International Religious Freedom Act (IRFA) for systematic, ongoing, egregious violations of religious freedom.

Background

India is the world’s largest democracy with about 1.26 billion people, or about a one-sixth of the total world

population. Nearly 80 percent of the population is Hindu (nearly one billion adherents); more than 14 percent is Muslim (roughly 172 million adherents, the third largest Muslim population in the world); 2.3 percent is Christian (over 25 million adherents); 1.7 percent is Sikh (20 million adherents); less than one percent is Buddhist (eight million adherents); less than one percent is Jain (five million adherents); and about one percent adhere to other faiths or profess no religion (eight million people). India is a multi-religious, multi-ethnic, multi-cultural country and a secular democracy. Despite these positive characteristics, however, the Indian government has long struggled to maintain religious and communal harmony, protect minority communities from abuses, and provide justice when crimes occur.

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The country has experienced periodic outbreaks of large-scale communal violence against religious minorities, including in Uttar Pradesh in 2013, Odisha in 2007-2008, Gujarat in 2002, and Delhi in 1984. In 2013, in Muzaffarnagar district, Uttar Pradesh, violence between Hindus and Muslims left more than 40 people dead, at least a dozen women and girls raped, and upwards of 50,000 displaced, many of whom still have not returned to their homes. In Odisha in 2007-2008, violence between Hindus and Christians killed nearly 40 people, destroyed churches and homes, and

displaced nearly 10,000. In Gujarat in 2002, violence between Hindus and Muslims left between 1,200-2,500 Muslims dead, destroyed homes, and forced 100,000 people to flee. The 1984 anti-Sikhs riots resulted in deaths of more than 3,000 Sikhs. India established special structures, such as Fast-Track Courts, Special Investigative Teams (SITs), and independent commissions, to investigate and adjudicate crimes stemming from these incidents. However, their impact has been hindered by limited capacity, an antiquated judiciary, inconsistent use, political corruption, and religious bias, particularly at the state and local levels. Many cases stemming from these incidents are still pending in the India court system.

these communities report that targeting of them has increased under the BJP government. Christian-affiliated NGOs and religious leaders report that Christians are particularly at risk in states that have adopted “Freedom of Religion Act(s),” commonly referred to as anti-conversion laws. Sikh communities, who have long pursued justice for the 1984 violence or advocated for Sikhism to be recognized as separate from Hinduism, also have been targeted by the Indian government for years. Muslim communities report that since the 2008 and 2010 terrorist attacks in India, Muslims have faced undue scrutiny and arbitrary arrests and detentions, which the government justifies as necessary to counter terrorism.

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Minority religious leaders and laity, including from the Muslim, Christian, and Sikh communities, and non-government organizations (NGOs), attribute India’s recent decline in religious freedom and communal harmony to religiously-divisive campaigning in advance of the country’s 2014 general election and the BJP’s victory in that election. Since the BJP assumed power, religious minority communities have been subject to derogatory comments by BJP politicians and numerous violent attacks and forced conversions by affiliated Hindu nationalist groups, such as Rashtriya Swayamsevak Sangh (RSS), Sangh Parivar, and Vishva Hindu Parishad (VHP). The BJP is a Hindu nationalist party that was founded in collaboration with the RSS, and the two maintain close ties at the highest levels. These groups subscribe to the ideology of *Hindutva* (“Hinduness”), which seeks to make India a Hindu state based on Hinduism and Hindu values. The BJP officially adopted the *Hindutva* ideology and agenda in 1998.

While Muslims, Christians, Sikhs, and other minority communities recognize that religious freedom issues in India predate the current government,

A USCIRF delegation planned to visit India in March 2016, but the Indian government failed to issue visas to the group, in effect a denial.

Religious Freedom Conditions 2015–2016 Violations against Muslims

During the past year, the Muslim community in India reported increased harassment, violence, and targeted hate campaigns. Muslims often are accused of being terrorists; spying for Pakistan; forcibly kidnapping, converting, and marrying Hindu women; and disrespecting Hinduism by slaughtering cows. The Muslim community reports that these abuses come from Hindu nationalists, including local and state politicians, and the national government has failed to address these problems and, at times, contributes to them. Members of the BJP and RSS have stoked religious tensions by claiming that Muslim population growth is an attempt to diminish the Hindu majority. For example, high-ranking BJP parliamentarians, such as Yogi Adityanath and Sakshi Maharaj, reportedly called for laws to control the Muslim population. In a February 2015 video of a Sangh Parivar meeting, participants called for “corner[ing]

Muslims and destroy[ing] the demons;” several BJP state and national political leaders are visible in the video, including sitting on the dais. Muslims indicate that they rarely report abuses because of societal and police bias, and police intimidation by the RSS. Additionally, Muslim community leaders and members report that mosques are monitored and young boys and men are detained regularly and indiscriminately and held without charges on the pretext of countering terrorism.

two years have used alleged violations of beef ban laws to inflame Hindus to violently attack Indian Muslims.

Violations against Christians

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Restrictions on Cow Slaughter

Article 48 of the Indian constitution and most Indian states (24 out of 29, as of 2015) significantly restrict or ban cow slaughter, which is required for Muslims during Eid al-Adha (Festival of the Sacrifice). The application of these provisions also economically marginalizes Muslims and Dalits (who adhere to various religious faiths); many members of these communities work in the beef industry, including slaughter for consumption, hauling items, and producing leather goods. Under state criminal laws, individuals can face up to 10 years in jail or a fine of up to 10,000 rupees (US\$150) for the slaughter or possession of cows or bulls or the consumption of beef, and mere accusations of violations can lead to violence. For example, in September 2015, in Bisahra village, Uttar Pradesh, a mob of nearly 1,000 people killed Mohammad Akhlaq for allegedly killing a cow, and seriously injured his son. Eight people were arrested and charged with murder and rioting, but no additional information was available by the end of the reporting period. In October 2015, in Indian-administered Kashmir, Zahid Rasool Bhat was set ablaze and later died of his injuries for allegedly transporting cows to be slaughtered. Five people were arrested for murder, rioting, conspiracy, and the use of explosives. A state government spokesman said a fast-track court would be established. According to members of the Muslim community, members of the BJP and the RSS over the last

reported that there were at least 365 major attacks on Christians and their institutions during 2015, compared to 120 in 2014; these incidents affected more than 8,000 Christians. For example, in November 2015, Hindu nationalists severely beat 40 Christians worshipping in a private home in Telangana state, killing one woman’s unborn child. In February 2016, a mob of 35 people beat Father Jose Kannumkuzhy of the Ramanathapuram Syro-Malabar diocese and three lay church officials in Tamil Nadu state. Reportedly, local police seldom provide protection, refuse to accept complaints, rarely investigate, and sometimes encourage Christians to move or hide their religion.

In 2015, local governments appeared to capitulate to demands for or compel accusations of “forced conversation” made by the RSS to curtail the activities of Christian groups, leading to government-sanctioned restrictions. For example, in February 2016, the Dahar village council in Madhya Pradesh state issued a 5,000 rupees fine (US\$75) to the local Christian community for “breaching peace and harmony,” after local RSS members claimed that they were trying to convert Hindus. In May 2015, authorities in Dhar District, Madhya Pradesh, banned on “law and order” grounds a Pentecostal meeting that occurs annually. The community reported that they sought and were issued the appropriate permits, which were revoked later due to what the community believes was RSS pressure. According to human rights

groups, over 50 villages in the Bastar District of Chhattisgarh State effectively banned all non-Hindu rites, meetings, and practices. In October 2015, the state's Supreme Court lifted the ban, noting that it violated the fundamental right to preach and propagate religion. However, reports continue that Christians in the area are still subjected to social boycotts; denied food, clean water, and employment; and physically attacked or forced to convert to Hinduism.

members of the ruling BJP party, including the party's president Amit Shah, called for a nationwide anti-conversion law.

Hindu Nationalist Groups and Forced Conversions

In December 2014, Hindu nationalist groups announced plans to "reconvert" thousands of Christian and Muslims families to Hinduism as part of a so-called *Ghar Wapsi* (returning home) program. In

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Anti-Conversion Laws

Six Indian states – Chhattisgarh, Himachal Pradesh, Gujarat, Madhya Pradesh, Arunachal Pradesh, and Odisha – have so-called "Freedom of Religion Act(s)," commonly referred to as anti-conversion laws. Rajasthan state's parliament also passed an anti-conversion bill, but it was never signed by the state's Chief Minister. These laws, based on concerns about unethical conversion tactics, generally require government officials to assess the legality of conversions out of Hinduism only, and provide for fines and imprisonment for anyone who uses force, fraud, or "inducement" to convert another. While the laws purportedly protect religious minorities from forced conversions, they are one-sided, only concerned about conversions away from Hinduism but not towards Hinduism. Observers note that these laws create a hostile, and on occasion violent, environment for religious minority communities because they do not require any evidence to support accusations of wrongdoing. For example, in January 2016, police detained 15 Christians in Karnataka state after members of two Hindu nationalists groups, Bajrang Sal and VHP, alleged that the church leaders were forcibly converting Hindus; they were released later without charge. In December 2015, eight Christians were acquitted of forced conversion in Puttar town, in Dakshina Kannada district, Karnataka state. They originally were charged in 2007, and were released until the hearing. In 2015, high-ranking

advance of the program, the Hindu groups sought to raise money for their campaign, noting that it cost nearly 200,000 rupees (US\$3,200) per Christian and 500,000 rupees (US\$8,000) per Muslim. After domestic and international outcry, the RSS postponed their plans. Nevertheless, smaller-scale forced conversions of members of India's religious minority communities were reported in 2015. For example, in July 2015, 15 Dalit Christians reportedly were forced to "reconvert" in Kerala. In addition, in February 2016, the RSS reportedly placed signs in train stations throughout India that said Christians had to leave India or convert to Hinduism or they will be killed by 2021.

Article 25 of the Constitution

Article 25 of India's constitution states that "Hindus shall be construed as including a reference to persons professing the Sikh, Jain or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly." The lack of recognition of Sikhism, Jainism, and Buddhism as distinct religions subjects members of these faiths to Hindu Personal Status Laws. Since members of these groups are considered Hindus, they are forced to register their marriages, inherit their properties, and adopt children by classifying themselves as Hindus. Additionally, since they are considered Hindu by law, they are denied access to social services or employment and educational preferences available to other religious minority communities.

Violations against Sikhs

In addition to the violations resulting from Article 25, Sikhs often are harassed and pressured to reject religious practices and beliefs that are distinct to Sikhism, such as wearing Sikh dress and unshorn hair, and carrying religious items, including the *kirpan*. The Sikh community also reports that the Indian government ignores their religious freedom concerns by targeting Sikhs under the country's sedition law regardless of whether they in fact support the Khalistan movement (a political movement seeking full legal recognition of Sikhism and a Sikh state in the Punjab). For example, in October 2015, Sikhs protested in Chandigarh, Punjab state after pages from the Sikh Holy Scripture (Guru Granth Sahib) were found desecrated. Police officers opened fire at the unarmed protestors, killing two and injuring 70 others, and several Sikh protesters were arrested under the sedition law.

Christians and Muslims, do not qualify for the official reserves for jobs or school placement available to Hindu Dalits, putting these groups at a significant economic and social advancement disadvantage.

Foreign (Contribution) Regulation Act

The 2010 Foreign (Contribution) Regulation Act regulates the inflow and use of money received from foreign individuals, associations, and companies that may be "detrimental to the international interest." In April 2015, the Ministry of Home Affairs revoked the licenses of nearly 9,000 charitable organizations. The Ministry stated that the revocations were for non-compliance with the Act's reporting requirements, but numerous religious and non-religious NGOs claimed that they were in retaliation for highlighting the government's poor record on human trafficking, labor conditions, religious freedom and other human rights, environmental, and food

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Scheduled Castes and Scheduled Tribes (Dalits)

Dalits, or individuals within the Scheduled Castes and Scheduled Tribes, officially are estimated at over 200 million people, although this only includes Hindu, Sikh, Buddhist, and Jain Dalits since the Indian government does not view non-Hindus (as it defines that term) as Dalits. In January 2016, Rita Izsák-Ndiaye, the UN Special Rapporteur on Minority Issues, reported that crimes against Dalits in India appeared to have increased in 2015. Hindu Dalits also faced religious discrimination in 2015. In several cases, Hindu Dalits were prohibited from entering temples, by "higher caste" individuals or local political leaders. For example, in seven villages in Tirupur district, Tamil Nadu state, Dalits reportedly were not permitted to enter or worship at temples because their entrance would "unsanctify" the temples. A district court case challenging this prohibition is pending. As of June 2015, reportedly there were 13 cases in eight districts in the state of Gujarat over the last five years where Dalits were forbidden from entering temples. Additionally, non-Hindu Dalits, especially

issues. Among the affected organizations were Christian NGOs that receive money from foreign co-religionists to build or fund schools, orphanages, and churches, and human rights activists and their funders. For example, two NGOs, the Sabrang Trust and Citizens for Justice and Peace (CJP), which run conflict-resolution programs and fight court cases stemming from the 2002 Gujarat riots, had their registrations revoked. Additionally, the U.S.-based Ford Foundation, which partially funds the Sabrang Trust and CJP, was put on a "watch list" when the Ministry of Home Affairs accused it of "abetting communal disharmony."

Communal Violence

The states of Uttar Pradesh, Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Odisha, Karnataka, Madhya Pradesh, Maharashtra, and Rajasthan tend to have the greatest number of incidents of religiously-motivated attacks and communal violence, as well as the largest religious minority populations. According to India's Union Home Ministry, in 2015, India experienced a

17% increase in communal violence, when compared to the previous year. In 2015, there were 751 reported incidents of communal violence, up from 644 in 2014. In 2015, 97 people were killed, and 2,246 people injured. Uttar Pradesh had 155 incidents, including 22 deaths and 419 injured. Other states that had significant numbers of communal violence incidents in 2015 were Bihar (71), Maharashtra (105), Madhya Pradesh (92), Karnataka (105), and Gujarat (55). Religious minority communities, especially Muslims, claim that the government often categorizes attacks against them as communal violence, to whitewash the religiously-motivated nature of the violence.

government to review several incidents that occurred during the 1984 anti-Sikh riots. Reportedly, the SIT has not released any reports on their investigations, nor filed any new cases.

U.S. Policy

India and the United States have increased ties over the last several decades, with India now described as a “strategic” and “natural” partner of the United States. In 2009, then-Secretary of State Hillary Clinton launched the U.S.-India Strategic Dialogue, through which the countries discuss a wide range of bilateral, global, and regional issues, such as economic development,

The Indian courts are still adjudicating cases stemming from large-scale Hindu-Muslim communal violence in Uttar Pradesh (2013) and Gujarat (2002); Hindu-Christian communal violence in Odisha (2007–2008); and Hindu-Sikh communal violence in Delhi (1984).

Redress for Past Large-Scale Violence

The Indian courts are still adjudicating cases stemming from large-scale Hindu-Muslim communal violence in Uttar Pradesh (2013) and Gujarat (2002); Hindu-Christian communal violence in Odisha (2007-2008); and Hindu-Sikh communal violence in Delhi (1984). NGOs, religious leaders, and human rights activists allege religious bias and corruption in these investigations and adjudications. Additionally, religious minority communities claim that eye-witnesses often are intimidated not to testify, especially when local political, religious, or societal leaders have been implicated in cases. In February 2016, the first major verdict of the 2013 Muzaffarnagar riots acquitted 10 people charged with arson and murder for lack of evidence. Six rape cases registered with police are pending in the courts or are still being investigated. In August 2015, the Indian government gave a 15,000 rupee (US\$225) compensation to 12 victims of the Odisha violence; other court cases are still pending. Court cases connected to the Gujarat violence also are ongoing. However, there have been numerous credible reports that the government targets lawyers and activists for their work in seeking justice. In February 2015, a new SIT was formed by the Indian

business and trade, education, technology, counter-terrorism, and the environment. Issues related to religious freedom have not been included in any dialogues. In 2015, the relationship with India expanded to become the U.S.-India Strategic and Commercial Dialogue.

As part of the initiative to build ties between the United States and India, the Obama Administration has made significant overtures to the Indian government. The first state visit President Barack Obama hosted after taking office was for then-Prime Minister Manmohan Singh in November 2009. In November 2010, President Obama made a three-day state visit to India, and he returned in January 2015 to be the chief guest at India’s annual Republic Day festivities, becoming the first U.S. President to travel to India twice.

During his 2015 visit, and again in February 2015 at the U.S. National Prayer Breakfast, President Obama made notable remarks on India’s religious freedom concerns. In his speech at a town hall event in New Delhi, and again a few weeks later at the Prayer Breakfast, President Obama underscored the importance of religious freedom to India’s success, urging the country not to be “splintered along the lines of religious faith” and stated that India is a place where “. . . religious faiths of all

types have, on occasion, been targeted by other people of faith, simply due to their heritage and their beliefs - acts of intolerance that would have shocked [Mahatma] Gandhiji, the person who helped to liberate that nation.”

In mid-February 2015, at an event honoring Indian Catholic saints, Prime Minister Narendra Modi stated publicly, for the first time, that his government “will ensure that there is complete freedom of faith and that everyone has the undeniable right to retain or adopt the religion of his or her choice without coercion or undue influence.” This statement is notable given longstanding allegations that, as Chief Minister of Gujarat in 2002, he was complicit in anti-Muslim riots that occurred in that state.

In March 2016, USCIRF sought to visit India due to longstanding and increasing concerns about religious freedom conditions in the country. USCIRF had the full support of the U.S. State Department and the U.S. Embassy in New Delhi. The Indian government, however, failed to issue visas to the USCIRF delegation, in effect a denial. State Department Spokesman, John Kirby, in response to a reporter’s question, stated that the Department was “disappointed by this news.” The Indian government also failed to issue visas to USCIRF in 2001 and 2009.

Recommendations

Since 2004, the United States 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, including the framework of future Strategic Dialogues, 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 and religiously-motivated

violence has occurred or is likely to occur and meetings with religious communities, local governmental leaders, and police;

- Press the Indian government to allow USCIRF to visit the country, and urge the United Nations Special Rapporteur on Religious Freedom or Belief to visit India;
- 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 religious and 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; make clear U.S. opposition to laws that restrict freedom of thought and association; and
- Urge the Indian government to publicly rebuke government officials and religious leaders that make derogatory statements about religious communities.