



The Institute on Religion and Public Policy

Religious Freedom in the Republic of India

Executive Summary

Religious freedom, while officially guaranteed in the Republic of India, is seriously threatened by violence targeting minority religious groups. This persecution is exacerbated by political abuse of sectarian tensions and Hindu nationalist ideology, as well as the culture of immunity for the perpetrators of religiously motivated crime. Police inaction and the rising tide of extremist violence combine dangerously for religious minorities, while laws are enforced unevenly, often resulting in the arrest of victims of religious persecution. This report is written as the US Commission on International Freedom has just been denied visas for their planned visit to India, further increasing levels of concern about religious freedom in India.

Institute on Religion and Public Policy

Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world

History of Religious Freedom and Politics in India

In 1947, India gained independence from the United Kingdom after 190 years of rule by the British Empire and British East Indian Company. Concurrent with independence, the area was partitioned into two states, the predominantly Hindu Union of India and the predominately Muslim Dominion of Pakistan. The Partition era was marked by bloody sectarian violence, as citizens rushed to cross borders and rioting spread from the disputed border throughout the two nations. The border remains highly contested, with the states of Jammu (Hindu majority), Kashmir (Muslim majority), and Ladakh (Buddhist majority) claimed by India, Pakistan, and China, but administered by India.

India is both very religiously diverse and also regionally varied. Within the state 80.5% of the population is Hindu, 13.4% Muslim, 2.3 % Christian, 1.8% Sikh, and the remaining 1.1% is comprised of Jains, Buddhists, Zoroastrians/Parsis, Jews,

and Baha'is. The Hindu population includes an unspecified number of members of tribal groups practicing indigenous animistic faiths, while the Muslim population includes both Sunni (85%) and Shi'a (15%) Muslims. However, the Republic of India contains three small states with Christian majorities; Kerala, Tamil Nadu, and Goa, as well as a Sikh majority state, Punjab. States with large Muslim populations include Bihar, West Bengal, Uttar Pradesh, Kerala, Karnataka, Maharashtra, Andhra Pradesh, and the disputed Jammu and Kashmir. The Republic of India has the world's largest Muslim minority.

The Republic of India is a parliamentary democracy, and has been ruled by coalition governments in recent years. The country's two largest political parties are the secular, centrist Indian National Congress (INC), and the Hindu Nationalist Bharatiya Janata Party (BJP).

There have been a number of significant incidents of religious discrimination and violence in recent decades, many of which continue to influence government and interfaith relations in the state. One such incident occurred in 1984, when militant Sikh separatists, encamped in the Sikh Golden Temple in Amritsar, were attacked by the Indian Army under the instruction of Prime Minister Indira Gandhi, and resulting in severe damage to the shrine and 3000 Sikh deaths. In response to the attack, Sikh bodyguards assassinated Gandhi, leading to substantial anti-Sikh rioting and violence.

In the 1990's, an increase in violence against Christians and Muslims and the increased political power of Hindu nationalist, anti-minority organizations, among them the BJP, both signaled the growth of extreme Hindu nationalism, or Hindutva. The Sangh Parivar is the Indian umbrella organization that champions Hindutva, and encompasses the BJP, the Bajrang Dal, the Rashtriya Swayamsevak Sangh (RSS), and the Vishva Hindu Parisad (VHP), among others. Hindutva groups range from legitimate political parties to extremist terrorist organizations. Another major incident occurred in 1992, when a mob of Hindu nationalists, supported by BJP politicians, demolished the controversial Babri Mosque, claiming that a Hindu Temple should be built on the site, believed to be the birthplace of Lord Ram. Ensuing riots led to approximately 2000 deaths, mainly of Muslims. In 2002, riots erupted in Gujarat after a train carrying Hindu nationalists was burned. The fire was blamed on a Muslim mob, but later determined to be accidental, originating within the car. Over 2000 people, mostly Muslim, some Christian were killed, and fifty times that number displaced. Hundreds of mosques, churches, and homes were destroyed and looted. The NHRC found the attacks to be premeditated, and the regional BJP government and police forces to be complicit.

Several bombings, most notably the 2006 Mumbai train bombings, have been attributed to sectarian violence, Islamic militancy, and the ongoing tensions between India and Pakistan. Thus far, there has been little official progress toward prosecution, rehabilitation, and reconciliation related to these incidents.

The government has pledged \$8000 in restitution to the families of victims of the Gujarat violence. However, relatively few cases have been heard in Gujarat, and approximately 3,600 families remain in refugee camps, unable to return to their homes. Efforts have been made to prevent future mass acts of violence, including the deployment of the Indian military and riot police to Gujarat in response to threats against Christians, and to Varnasi and Mumbai after deadly bombings attributed to Muslim extremists.

Legal Status

The Indian Constitution was formally adopted in 1950. A 1967 amendment added the word “secular” to the preamble’s description of the Republic. Article 25 provides for “freedom of conscience and the right freely to profess, practise, and propagate religion”, but also defines three faiths; Sikhism, Buddhism, and Jainism, as sects of Hinduism, a designation that has been contested by both representatives of these religions, who feel the article limits their status as an independent religious group, and members of other minority groups, who argue that this designation results in the preferential treatment of Sikhs, Buddhists, and Jains. Article 26 guarantees the rights of religious groups to manage institutional and religious affairs, and to acquire and administer property, while Article 27 establishes that “no person shall be compelled to pay taxes” for the promotion or maintenance of any religion. Articles 29, 16 and 15 protect against discrimination of the basis of religion, while Article 28 mandates that no student attending a state-funded or state-recognized school be required to participate in religious instruction or worship, and that no such instruction or worship occur in fully state-funded schools, while Article 30 established the right of minority religious groups to operate their own educational institutions.

A number of Indian governmental organizations are tasked with protecting the rights of religious and other minority groups, including the National Commission on Religious and Linguistic Minorities (NCRLM), the National Commission on Minorities (NCM), and the National Commission on Scheduled Castes (NCSC). These organizations investigate cases of religious persecution, as well as making recommendations to the government regarding the protection of religious freedom. The NCM act of 1992 designates five religious groups as minority communities: Sikhs, Buddhists, Muslims, Christians, and Parsis. Minority communities are given the right to apply their own personal status law. Jains have sought to be included, but have been repeatedly denied, as they are officially considered a sect of Hinduism. Some regional areas grant minority status to Jains.

Seventeen percent of India’s population is designated as belonging to the Scheduled Castes (SC). Scheduled Caste individuals, also known as Dalits, belong to India’s “untouchable” castes, groups that experience severe social and economic discrimination and persecution on the basis of their caste status. An additional 7% of Indians belong to the Scheduled Tribes (ST), a mix of

indigenous ethnic groups and tribes. In response to the widespread inequality, the Indian government has instituted protections against criminal targeting of the Dalit community, as well as a system of benefits and preferential treatment known as the reservation system. However, the reservations set aside for members of the scheduled castes are not available to Muslims and Christians, despite evidence that shows these individuals experience the same economic and social discrimination as Hindu Dalits, and despite efforts by these groups to gain inclusion, as well as the recommendation of the NCRLM to that effect.

Five Indian states have adopted so-called “anti-conversion” laws, which ban religious conversion by means of “allurement” and “force”. Widely open to interpretation, such acts as the provision of social services have been claimed by extremists to be acts of illegal conversion. Some of these laws impose additional restrictions on conversion, such as requiring the approval of a government official. These laws are in place in Orissa, Chhattisgarh, Madhya Pradesh, Gujarat, and Himachal Pradesh. Additionally, there are anti-conversion laws that have been passed but not taken effect in Arunachal Pradesh and Rajasthan. There has been a steady increase in arrests under these laws in the recent years since their adoption, yet there have been no convictions for illegal conversion. However, these laws contribute a hostile environment, especially for the minority Christian population, and serve as an incitement to violence. The NCM found that Hindu nationalists used alleged violation of anti-conversion laws to rally mob violence against Christians, especially in the Orissa attacks. They reported that the laws “created an atmosphere of prejudice and suspicion against the Christian community.” Frequently conversion to Hinduism is considered to be “re-conversion”, leading to preferential treatment of such conversions.

There are a number of other laws in India that affect religious freedom. Andhra Pradesh maintains a “Propagation of other religions in the places of worship or prayer (Prohibition) Law,” which prevents proselytism at another religion’s holy sites. The vast majority of sites classified are Hindu, yet the only arrest was on a Christian missionary in a Buddhist temple town. Federal and state governments maintain lists of books that are banned because they might inspire communal tension. In the state of Rajasthan, two additional books are banned for blasphemy against Hindu gods. There have been protests against biased textbooks in public schools, including a successful protest in Kerala that included Catholic, Muslim, and Hindu groups that opposed the texts’ “communism and atheism.”

Specific Abuses of Religious Freedom

Violence against the minority Christian population in India has increased substantially in recent years, in part due to the rise of violent Hindu nationalism, as well as the tensions caused by the passage in several states of “anti-conversion” laws. Two of the most horrific campaigns occurred in the states of Orissa and Karnataka, though anti-Christian attacks were widespread. In

December 2007, at the time of the Christmas holiday, a massive series of over 800 anti-Christian attacks was launched in the state of Orissa by Hindu nationalists. The NCM reports that while the root causes of the violence were complex, “the Christian community and its places of worship were the principal target of attack.” Five Christians were killed in the violence, while 730 Christian homes and 95 churches were destroyed. Christian groups allege that official indifference and inaction in this then BJP-ruled state contributed substantially to the attacks, and that authorities had been warned in advance of the attacks, and took no action. The Indian Army entered the state to protect the Christian population, but tensions have remained high. In 2009, an attack resulted in the death of three Christians, and the community remains extremely insecure. Throughout 2007 there were coordinated attacks on churches in Karnataka over the Christmas holidays, resulting in damaged to 100 churches, 700 Christian homes, and 22 Christian businesses. Little progress has been made in the investigation of the attack, perhaps due to a 2008 BJP election victory in the region. Christian Solidarity Worldwide reports that, in 2007, there were 3-5 attacks on Christians in India weekly, excluding the Orissa violence.

Aside from the largest incidents, widespread violence against Christians is commonplace in India, especially but not exclusively in Orissa, Karnataka, Chhattisgarh, and Madhya Pradesh. The recent incidences are far too numerous to list here, but common attacks included the disruption of worship services by Hindu nationalists, especially Bajrang Dal and Dharma Sena members. In many cases, the attackers threatened, beat, and injured parishioners and pastors or priests, destroyed and burned Bibles and other religious texts, and destroyed church property. In most cases, local police were unwilling to file charges against the attackers, while often arresting the victims for charges ranging from illegal conversion to “intent to insult Hinduism”. The UN Special Rapporteur on Religious Freedom characterizes police response by “indifference and inaction.” The expectation of immunity for Hindu extremist attackers is a major contributing factor in violence against India’s religious minorities. In some cases, the victims are held in police custody for extended periods of time, sometimes without food and water, or enduring physical abuse. In addition to churches and prayer meetings, Hindutva groups have attacked Christian-administered hospitals, schools, and social services, as well as targeting Catholic monastics and nuns. Attacks like these occur about monthly, especially in BJP-dominated states. In two separate incidents in Madhya Pradesh, Hindu nationalists threatened a female pastor and a 15-year old girl with rape for their Christian beliefs. A radio missionary was killed in Jharkhand, and two Christians were forcibly “reconverted” to Hinduism in Himachal Pradesh by a mob of 20.

Another major source of religious discrimination in India is the ongoing violence related to historical Hindu-Muslim tensions. In Maharashtra, four riots related to Hindu religious processions occurred in the last two years. Two Hindus were killed when police fired on a rioting crowd, and several Muslim homes and businesses were burnt. In many cases, the police imposed a curfew. In Gujarat,

an April 2008 clash resulted in six injuries, while in September 2007, clashes erupted over a Hindu festival celebrating the God Ganesh and the alleged murder of an anti-cow-slaughter activist by Muslims. Several Muslim homes and businesses were burned. Additionally, Muslim groups report baseless arrests motivated by fears of terrorism. Two Muslim sects, Student's Islamic Movement of India, and Deenadar Anjuman, are banned, because of connections to terrorism. The use of "soft target" terrorism, which focuses on unprotected, civilian sites, is sometimes intended to exacerbate communal violence. Major recent terrorist attacks include the 2008 Mumbai attacks on large public sites and a Jewish center, coordinated attacks in May 2008 on six Hindu temples in Rajasthan, resulting in 100 deaths and 400 injuries, and 2007 bombings of a Sufi shrine, a Hindu temple, and public sites in the city of Hyderabad. In June 2008, clashes on Sagar Island between the RSS and Muslim villagers resulted in 40 injuries. Tensions were exacerbated by elected officials, such as when Shiv Sena officials suggested the establishment of Hindu "suicide squads".

Within the Hindu community, there are several cases of restriction of the religious expression of members of the Hindu Dalit community. In Karnataka, clashes after Dalits performed puja, a Hindu rite, in the Chamundeshwari temple involved 300 people. There were 28 non-Dalits who were arrested, but there have been no prosecutions to date. In Uttar Pradesh, a Hindu priest attacked a Dalit man for attempting to enter the Mahadev temple. The incident is being investigated. In Uttar Pradesh, violence and rape are common responses to caste or religious intermarriage, while the authorities turn a blind eye.

The disputed states of Jammu and Kashmir remain a site of conflict and discrimination. There are high levels of tension between the Muslim separatist forces, largely Muslim police force, and largely Hindu armed force. In May 2008, a dispute over the transfer of some land from the regional government to a federal government organization related to Hindu pilgrimage led to non-violent protests that became violent when police fired on the protestors. Two Muslims died, and 70 protestors and police were injured. Muslim terrorist groups targeted the Hindu population, with bombings, executions, sexual assault, and forced housing of terrorists. Meanwhile, security forces used excessive force to control the violence, often resulting in further civilian casualties.

Some religiously motivated violence and riots has involved the Sikh community. In June, 2008 riots erupted in Mumbai, involving nearly 1,500 members of the Sikh community, following the killing of a Sikh who was protesting the leader of a breakaway Sikh sect. Additionally, more than 200 Sikhs attacked the offices of MTV in response to the depiction of a Sikh youth on a reality show that they felt was unflattering.

In March 2008, 100 Tibetan refugees marching to the Chinese border were arrested for violation of the Indian government's agreement with the Tibetan government in exile. Approximately 40 Tibetan women protesting outside the

Chinese embassy were also arrested. However, the Tibetan Buddhist community asserts that it has excellent relation with the India government and does not experience persecution.

U.S. Policy in India

According to the U.S. State Department, the US government “discussed reports of harassment of minority groups, converts, and missionaries, as well as state-level legislation restricting conversion, the 2002 communal riots in Gujarat, and the plight of displaced Kashmiri Pandits” with the Indian government. The US and India have developed an increasingly close relationship in recent years, especially as the US lifted sanctions related to India’s nuclear program, as well as establishing a civil trade in non-weapons nuclear materials. The US and India share an important trade link, and also are the worlds’ two largest democracies. The countries are increasing cooperation on education, counter-terrorism, and defense matters. The US seeks economic reform in India.

Conclusion

India has a long history of sectarian tension and violence, including several major incidents in recent decades that still await appropriate investigation and resolution. Attacks by Hindutva extremists pose a serious threat to the security and religious freedom of minority groups, especially Christians, but also Muslims. Islamic terrorist groups have committed a number of bloody attacks targeting mostly Hindus, but also Christians, and even other Muslims. Hindu-Muslim sectarian violence and conflicts in Jammu and Kashmir may threaten peace not only within the country’s borders, but with neighboring Pakistan as well. Caste system discrimination affects Dalits of all faiths, as well as fanning the flames of anti-Christian violence, while Christian and Muslim Dalits face legal barriers, including the fact that their attackers cannot be charged with anti-Dalit attacks. The federal government remains officially committed to religious liberty, yet inaction encourages violence, and the decision to deny entrance to the USCIRF points to this alarming indifference.