

KEY FINDINGS

In 2016, religious tolerance and religious freedom conditions continued to deteriorate in India. Hindu nationalist groups—such as the Rashtriya Swayamsevak Sangh (RSS), Sangh Parivar, and Vishva Hindu Parishad (VHP)—and their sympathizers perpetrated numerous incidents of intimidation, harassment, and violence against religious minority communities and Hindu Dalits. These violations were most frequent and severe in 10 of India's 29 states. National and state laws that restrict religious conversion, cow slaughter, and the foreign funding of nongovernmental organizations (NGOs) and a constitutional provision deeming Sikhs, Buddhists, and Jains to be Hindus helped create the conditions enabling these violations. While Prime

Minister Narendra Modi spoke publicly about the importance of communal tolerance and religious freedom, members of the ruling party have ties to Hindu nationalist groups implicated in religious freedom violations, used religiously divisive language to inflame tensions, and called for additional laws that would restrict religious freedom. These issues, combined with longstanding problems of police and judicial bias and inadequacies, have created a pervasive climate of impunity in which religious minorities feel increasingly insecure and have no recourse when religiously motivated crimes occur. Based on these concerns, in 2017 USCIRF again places India on its Tier 2, where it has been since 2009.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Integrate concern for religious freedom into bilateral contacts with India, including the framework of future Strategic Dialogues, at both the federal and provincial levels, 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 through meetings with religious communities, local governmental leaders, and police;
- Press the Indian government to allow USCIRF to visit the country, and urge the Indian government to invite the United Nations Special Rapporteur on freedom of religion 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; and
- Urge the Indian government to publicly rebuke government officials and religious leaders who make derogatory statements about religious communities.



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; more than 14 percent is Muslim (the third-largest Muslim population in the world); 2.3 percent is Christian; 1.7 percent is Sikh; less than 1 percent is Buddhist; less than 1 percent is Jain; and about 1 percent adheres to other faiths or professes no religion.

India is a multi-religious, multi-ethnic, multi-linguistic, and multicultural country and a secular democracy. Despite these positive characteristics, the Indian government has struggled to maintain religious and communal harmony, protect minority communities from abuses, and provide justice when crimes occur.

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.

Although the government of India established special structures to investigate and adjudicate crimes stemming from these incidents, the impact has been hindered by limited capacity, an antiquated judiciary system, 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 large-scale outbreaks of communal violence, as well as smaller-scale Hindu nationalist abuses against religious

minorities, tend to occur most frequently in 10 Indian states: Uttar Pradesh, Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Odisha, Karnataka, Madhya Pradesh, Maharashtra, and Rajasthan. In at least some of these states, religious freedom violations appear to be systematic, ongoing, and egregious and rise to CPC status.

Muslims, Christians, Sikhs, other minority communities, and Hindu Dalits recognize that religious freedom issues in India predate the current Bharatiya Janata Party (BJP)-led government. However, they attribute the deterioration in conditions since 2014 to the BJP's Hindu nationalistic political platform and some of its members' support of and/or membership in Hindu nationalist groups. The BJP was founded in col-

laboration with the RSS, and the two maintain close ties at the highest levels. The BJP, RSS, Sangh Parivar, and VHP subscribe to the ideology of Hindutva ("Hindu-ness"), which seeks to make India a Hindu state based on Hinduism and Hindu values. Some

individuals and groups adhering to this ideology are known to use violence, discriminatory acts, and religiously motivated rhetoric against religious minorities, creating a climate of fear and making non-Hindus feel unwelcome in the country. The heightened enforcement against religious minorities by BJP government officials and/or Hindu nationalists of existing constitutional and legal provisions restricting religious conversion, cow slaughter, and foreign funding of

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NGOs also has contributed to the deterioration of religious freedom in the country.

While there was no large-scale communal violence in 2016, the Indian government's Union Ministry of Home Affairs reported in January 2017 that in the first five months of 2016 there were 278 incidents of communal violence. In 2016, the governmental National Commission for Minorities received 1,288 complaints from minorities regarding such incidents, down from nearly 2,000 in 2015. However, religious minority communities, especially Christians and Muslims, reported to USCIRF that incidents had increased but minorities were afraid or believed it to be pointless to report them.

RELIGIOUS FREEDOM CONDITIONS 2016–2017

Legal Issues

India's constitution has provisions that provide for the legal equality of its citizens—regardless of their religion and creed—and prohibit religion-based discrimination.

However, other constitutional provisions help create

the conditions in which Hindu nationalist groups and their sympathizers intimidate, harass, and violently attack religious minority communities and Hindu Dalits, purportedly to uphold these

laws. Article 48 of the constitution requires the state to prohibit cow slaughter, a practice many Muslims believe is required of them during Eid al-Adha (Festival of the Sacrifice). Additionally, article 25 deems Sikhs, Jains, and Buddhists to be Hindus. As a result, members of these faiths are subject to Hindu Personal Status Laws, and they are denied access to social services or employment and educational preferences available to other religious minority communities. (For further information, refer to *Constitutional and Legal Challenges Faced by Religious Minorities in India* at www.uscirf.gov.)

In support of article 48 of the Indian constitution that prohibits cow slaughter, 24 out of the 29 Indian states also have passed laws significantly restricting or banning cow slaughter. 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. The application of these legal provisions also economically marginalizes Muslims and Dalits (who adhere to various religious faiths), many of whom work in the beef or leather industries. During the reporting period, there were a number of incidents of Muslims and Dalits being charged under these laws or subject to violence based on such accusations. For example, in August 2016 in Kadali village in Muzaffarnagar, local police arrested three members of a family and charged them with slaughtering a cow under the Uttar Pradesh Cow Slaughter Prevention Act. The police reportedly arrested the family members only after a mob attacked the family's home.

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, restricting religious conversion. Because of concerns about unethical conversion tactics, these laws generally require government officials to assess the legality of

conversions out of Hinduism and to provide for fines and imprisonment for anyone who uses force, fraud, or “inducement” to convert another. While the laws purportedly protect religious minori-

ties from forced conversions, they are one-sided, only concerned about conversions away from Hinduism but not toward 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. BJP President Amit Shah has advocated for a nationwide anti-conversion law.

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 national interest.” In 2015, the Ministry of Home Affairs revoked the licenses of nearly 9,000 charitable organizations (both religious and nonreligious) for noncompliance with the act; many of these groups' registrations remain cancelled. Some of the organizations allege they were targeted for

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highlighting the government's poor record on issues of human trafficking, labor conditions, religious freedom and other human rights, the environment, and access to food and water for the impoverished; others claim the government acted after Hindu nationalist groups and state BJP members alleged the organizations were "anti-Hindu." In November 2016, Human Rights Watch reported that 25 NGOs, including those that work on human rights issues, continued to be denied registrations. Organizations whose licenses remain cancelled include Compassion International, a Christian humanitarian aid organization that has supported children living in poverty in India for nearly 50 years, and the Sabrang Trust, which has sought justice on behalf of victims of the 2002 Gujarat riots.

Violations against Muslims

During the past year, there were numerous reports of harassment and violent attacks against Muslims by Hindu nationalists, including local and state BJP members. Members of the Muslim community report that their abusers often accuse them of being terrorists; spying for Pakistan; forcibly kidnapping, converting, and marrying Hindu women; and disrespecting Hinduism by slaughtering cows. Members of the Muslim community rarely report abuses because of societal and police bias and police and judicial intimidation by the RSS.

In 2016, "cow protector" vigilantes—often Hindu nationalists—intimidated, harassed, and attacked Muslims and Hindu Dalits for allegedly slaughtering, selling, or consuming cow products. For example, in April 2016, in the Punjab area of Uttar Pradesh, police arrested six Muslim men who RSS members, allegedly without evidence, believed were slaughtering stray cows. At the end of the reporting period, the six men remain detained and no court date has been scheduled. In July 2016 in Madhya Pradesh, members of a Hindu nationalist group beat two Muslim women who they alleged were carrying beef. Reportedly, the incident took place in full view of the police, who did nothing to help the victims and even allowed onlookers to film the incident. Also in July, in Una Town, Gujarat, four Hindu Dalit men were stripped naked and beaten, reportedly by members of Shiv Sena, an Indian far-right regional political party, for killing a cow and skinning it.

Violations against Christians

Christian communities across many denominations reported numerous incidents of harassment and attacks in 2016, which they attribute to Hindu nationalist groups supported by the BJP. In early 2017, the NGO, Open Doors, estimated that a church was burned down or a cleric beaten 10 times a week on average in India between January and October 2016—triple the number of incidents the group reported in 2015.

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These incidents often are based on suspicions or allegations that Christians are forcibly converting Hindus through inducement and denigrating Hinduism. For example, in March 2016, about 60 Christians worshipping at a Pentecostal church in Chhattisgarh were attacked violently by Hindu radicals who believed they were attempting to convert Hindus. Church property was destroyed, congregation members were beaten, and female members of the congregation were stripped naked and beaten. In April 2016, a Pentecostal community in Bihar was attacked, allegedly for trying to convert Hindus. Thirty congregants and several pastors were beaten; one pastor reportedly was kidnapped and tortured for hours before being released. Reportedly, the community did not file a request for investigation of the attack. In July 2016 Hindu extremists abducted Pentecostal Minister Ramlal Kori and a friend in the village of Gadra, Madhya Pradesh, allegedly for trying to convert Hindus. The men were dragged into the forest and beaten with sticks. The police found them eight hours later tied to a tree; instead of arresting the attackers, authorities detained the Christians on the basis of the state's anti-conversion law, but later released them. Reportedly, the minister did not file a request for an investigation of the attack.

Forced conversions of Christians and other religious minorities by Hindu nationalists also were reported in

2016. For example, in April 2016 in Chhattisgarh, two unidentified attackers, believed to be Hindu extremists, broke into a Pentecostal church and beat the pastor and his pregnant wife. The attackers also assaulted the pastor's children and attempted to set the family and church on fire with gasoline for failing to sing "Jai Sri Ram," a Hindu devotional song to Lord Ram. In May 2016, also in Chhattisgarh, six Gondi tribal Christian families fled the village of Katodi after their Hindu neighbors attacked and threatened them in order to forcibly convert them Hinduism. The families' homes were destroyed.

Violations against Sikhs

Hindu nationalists often harass Sikhs and pressure them to reject religious practices and beliefs that are distinct to Sikhism, such as wearing Sikh dress and unshorn hair and carrying mandatory religious items, including the kirpan, which is a right protected by the Indian constitution. Article 25 of the Indian constitution deems Sikhs to be Hindus. This creates an environment in which Hindu nationalists view Sikhs as having rejected Hinduism and as being enemies of India because some Sikhs support the Khalistan political movement, which seeks to create a new state in India for Sikhs and full legal recognition of Sikhism as an independent faith.

Violations against Scheduled Castes and Scheduled Tribes (Dalits)

Dalits officially are estimated at over 200 million people. "Higher caste" individuals or local political leaders, often members of the Hindu nationalist groups, reportedly often prohibit Hindu Dalits from entering temples because their entrance would "unsanctify" the temples. Moreover, in the last year Dalits reported increasing harassment from Hindu nationalists who purport to be upholding the caste system and who do not believe Dalits should interact with "higher caste" individuals in jobs and in schools. Additionally, non-Hindu Dalits, especially 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 disadvantage.

Hindu Nationalist Hate Campaigns against Minorities

In 2014, the RSS announced plans to "reconvert" thousands of Christian and Muslims families to Hinduism as part of a so-called Ghar Wapsi (returning home) program, and began raising money to do so; after domestic and international outcry, the RSS postponed its plans. Nevertheless, as noted above, smaller-scale forced conversions of religious minorities were reported in 2016. 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.

In addition, the Hindu nationalist Bahu Lao, Beti Bachao campaign seeks to encourage young Hindu men to marry and convert non-Hindu girls, which is often done by force. Love Jihad is a campaign that portrays all Muslim men who marry Hindu women as having done so forcibly, and Muslim-mukt Bharat' (Muslim-free India) calls for Muslims to leave India. Religious minority communities also report that Hindu nationalist groups publicly have urged Hindus to boycott Muslim- or Christian-owned businesses, refuse to rent them properties, and deny them employment.

Members of the BJP with known ties to Hindu nationalist groups also have stoked religious tensions by claiming Muslim population growth is an attempt to diminish the Hindu majority. In 2016, high-ranking BJP parliamentarians, such as Yogi Adityanath and Sakshi Maharaj, reportedly called for laws to control the Muslim population. In April 2016, Yogi Adityanath publicly urged Muslims to leave India and go where "Shariat" law is practiced. Similarly, Hindu national group members have claimed

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Christians are spies from the United States and are Western imperialists that seek to diminish Hinduism through forced conversion and to make India a Christian country. Muslim and Christian communities report that these

organized campaigns have led to increased intimidation and harassment in areas where they have lived since before the British colonization of the subcontinent ended in 1947.

Redress for Past 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 eyewitnesses often are intimidated not to testify, especially when local political, religious, or societal leaders have been implicated in cases. In two separate cases in June 2016, two courts in Gujarat convicted 48 individuals of murder and other crimes related to the 2002 violence in that state. The Muslim community and human rights activists lauded the convictions, but voiced concerns that dozens more were acquitted.

In February 2016, the first major verdict concerning the 2013 riots in Muzaffarnagar, Uttar Pradesh, acquitted 10 people charged with arson and murder for lack of evidence. In February 2015, the Indian government

formed a new Special Investigation Team (SIT) to review several incidents that occurred during the 1984 anti-Sikh riots, but the SIT reportedly has neither 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. 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. 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, business and trade, education, technology, counterterrorism, 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 (S&CD). In August 2016, then Secretary of State John Kerry and then Secretary of Commerce Penny Pritzker co-chaired the second S&CD meeting in New Delhi, India.

As part of the initiative to build ties between the United States and India, the Obama Administration made significant overtures to the Indian government. The first state visit then President Barack Obama hosted after taking office was for then Prime Minister Manmohan Singh in November 2009. In November 2010, then President Obama made a three-day state visit to India, and he returned there 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 January visit to India, and again in February

2015 at the U.S. National Prayer Breakfast, then President Obama made notable remarks on India’s religious freedom climate, urging the country not to be “splintered along the lines of religious faith” and noting that “acts of intolerance”

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based on religion “would have shocked [Mahatma] Gandhiji, the person who helped to liberate” India.

In June 2016, Prime Minister Modi travelled to the United States where he met with then President Obama and State Department officials and addressed a joint session of the U.S. Congress. In his speech, Prime Minister Modi affirmed that in India, “freedom of faith, speech and franchise, and equality of all citizens, regardless of background, are enshrined as fundamental rights.” In December 2016, then Ambassador-at-Large for International Religious Freedom David Saperstein travelled to New Delhi, Bangalore, and Mumbai to discuss religious freedom with government officials, civil society representatives, and a range

of leaders representing both majority and minority religious communities.

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 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. Then 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.

Additional Statement of Commissioner Tenzin Dorjee

The purpose of writing these brief comments is to share my perspective of having lived, educated, and worked in India for many years. India has provided refuge to Tibetan refugees, including my late parents and I, who escaped Communist China's invasion and religious persecution in Tibet. Tibetans are most grateful to India and her people for providing them a second home for almost six decades. While Tibetan Buddhism is most severely restricted in Tibet, it thrives in India with re-established monastic universities such as Sera, Drepung, Gaden and others with systematic and rigorous study programs. In this limited space, I attempt to share some thoughts for a holistic understanding of religious conditions in India.

India is one of the great ancient civilizations of the world, a birthplace of major religions such as Hinduism, Buddhism, Jainism, and Sikhism, and a home of different faiths. At an interfaith conference on harmony, His Holiness the Dalai Lama while appreciating centuries-old religious diversity and harmony in India, said: "...Despite this (in-house faiths and imported faiths), the fact is that these religions have been able to co-exist with each other, and the principle of Ahimsa (nonviolence) has really flourished in this country. Even today, this principle has a strong bearing on every religion. This is very precious and India should really take pride in it." His Holiness has lauded secular India as defined in the Indian Constitution that respects all faiths and those who do not follow any faith.

Overall, I have observed and experienced religious harmony among faiths in India. That said, India must

effectively address problematic religious conditions including outbreaks of communal violence due to interfaith conflicts and politics. While I do not condone any form of violence, given India's multi-faith stance and with the second largest populace in the world, such intermittent outbreaks of violence are understandable. This USCIRF report highlights religious conditions in India and the need for Indian government to protect the freedom of religious minorities. I urge the Indian government to amend its nonsensical constitutional provision that deems Sikhs, Buddhists, and Jains to be Hindus. These three faiths have their own distinctive founders, religious histories, and practices followed by millions of people in India and abroad.

In regards to banning cow slaughter, it is not uniform across India. Even in state like Uttar Pradesh, legal slaughter houses cater to the needs of beef consumption. In regards to Sikhs' religious requirements, they travel freely in India wearing unshorn hair and turban and Article 25 of the Indian constitution deems Sikhs' carrying kirpan legal as an article of faith. In regards to the caste system, Indian government and people must uphold human dignity and eradicate this social evil. In my view, the designation of India as Tier 2 is unfortunate given that 19 of her 29 states may not involve severe violations of religious freedom as in the remaining 10 states. I strongly urge the Indian government to allow USCIRF commissioners to visit India to discuss local religious conditions including interreligious harmony.