2008 Annual Report of the U.S. Commission on International Religious Freedom

Countries Previously on the Commission's Lists: Georgia, India, and Laos

India

The positive developments in India affecting freedom of religion or belief that began in 2004, when parliamentary elections resulted in installation of a coalition government led by the Congress Party, continued in the past year. Under the previous leadership of the Bharatiya Janata Party (BJP), the Commission in prior years found the Indian government's response to increasing violence against religious minorities in the state of Gujarat and elsewhere to be inadequate. In response, from 2002 – 2004, the Commission recommended that India be designated a "country of particular concern," or CPC. As a result of the changes that took place in India after the 2004 elections, the Commission in 2005 no longer recommended that India be designated a CPC.

Unlike many of the other countries that draw Commission attention, India has a democratically elected government, is governed generally by the rule of law, and has a tradition of secular governance that dates back to the country's independence. India has a judiciary that is independent, albeit slow-moving and frequently unresponsive, but which can work to hold the perpetrators of religious violence responsible; an active civil society with many independent non-governmental human rights organizations that have investigated and published extensive reports on the rise of religiously motivated violence; and a free press that has widely reported on and strongly criticized the situation on the ground and the growing threats in the past decade to a religiously plural society.

Despite this, religious minorities in India have been the victims of violent attacks by fellow citizens, including killings, in what is commonly called "communal violence." In the late 1990s, there was a marked increase in violent attacks against members of religious minorities, particularly Muslims and Christians, throughout India, including killings, torture, rape, and destruction of property. Those responsible for communal violence were rarely held responsible for their actions, helping to foster a climate in which it was believed that attacks on religious minorities could be carried out with impunity. The increase in such violence in India coincided with the rise in political influence of groups associated with the Sangh Parivar, a collection of organizations that view non-Hindus as foreign to India and aggressively press for governmental policies to promote a Hindu nationalist agenda. Although it was not directly responsible for instigating the violence against religious minorities, the BJP-led national government clearly did not do all in its power to pursue the perpetrators of the attacks and to counteract the prevailing climate of hostility against these minority groups, especially at the state and local levels.

Of particular concern to the Commission were the February 2002 events in the state of Gujarat, when, after a fire on a train resulted in the death of 58 Hindus, hundreds of Muslims were killed across Gujarat by Hindu mobs. In addition, hundreds of mosques and Muslim-owned businesses and other kinds of infrastructure were looted or destroyed. More than 100,000 people fled their homes and, in the end, as many as 2,000 Muslims were killed. India's National Human Rights Commission (NHRC), an official body, found evidence of premeditation in the killings by members of extremist groups espousing Hindu nationalism, complicity by Gujarat

state government officials, and police inaction in the midst of attacks on Muslims. Christians were also victims in Gujarat, and many churches were destroyed.

In August 2004, the Supreme Court ordered the Gujarat government to reopen its investigation of the 2002 violence, criticizing the local police officials for poor investigative practices and inadequate follow-up. In July 2006, a report from a committee attached to the Prime Minister's office again chastised the Gujarat government for failing to improve the situation for Muslims in that state, noting that a "state of fear and insecurity" still existed for many Muslims there. In the past year, efforts to pursue the perpetrators have continued, albeit slowly, though human rights groups reported that many cases would likely continue to be closed or result in acquittals, due to lack of evidence or insufficient effort on the part of local police officials. In March 2007, the government announced that it would pay approximately $8,000 in additional compensation to the next of kin of persons killed in the Gujarat violence.

In June 2004, a government-appointed committee of historians was tasked with removing the "distortions and communally-biased portions" of textbooks issued under the BJP government; they were replaced in 2005 with more moderate editions. The State Department reported in 2007 that during the past year, the National Council of Education Research and Training "acted systematically" to remove "tainted" textbooks with communal bias from schools and introduce more secular and objective school textbooks that seriously address atrocities committed against national minorities in India.

Since taking office, the Congress Party coalition government has acted decisively to prevent communal violence in situations where it has erupted in the past. In February 2006, a mass rally of Hindu nationalists was held in the Dangs district of Gujarat calling on members of the indigenous "tribal" people to "reconvert" to Hinduism. Extremist groups had issued a number of highly inflammatory statements, particularly against Christians, and violence against local Christian communities was feared, as has happened in the past. However, the military was sent into the area to maintain peace; riot police were reportedly posted outside churches and temples and no violence occurred. In March 2006, after bombs exploded in the Hindu holy city of Varanasi killing 20 persons, allegedly instigated by Islamist groups, authorities reportedly acted swiftly to prevent retaliation against Muslims. Prime Minister Singh appealed for calm, and soldiers and police were deployed at holy sites across the country. In July 2006, after reports implicated Muslim extremists in train bombings in Mumbai (Bombay) in which more than 200 people were killed, successful efforts were made to prevent anti-Muslim rioting.

According to the State Department's 2007 religious freedom report, minority rights groups reported that incidents of communal violence had decreased in the past year. The State Department also reported that speeches by the prime minister and some state government officials in the past year regularly promoted communal harmony. In November 2006, a central government-appointed panel known as the Sachar Committee acknowledged that Muslims in India face discrimination and other hardships. In response to the report's findings, Prime Minister Singh pledged to do more to "address the imbalances." In January 2007, based on this report, the national government directed all banks to provide preferential loans to minorities. In April 2007, Prime Minister Singh stated that efforts would be made to ensure that women and minorities were "properly represented" at all levels of government. Finally, in November 2007,

the government adopted new rules enabling members of all religious communities to adopt children, ending a long era in which only Hindus were given this right.

Despite the improved situation, concerns about religious freedom in India remain. Attacks on Christian churches and individuals, largely perpetrated by individuals associated with Hindu nationalist groups, continue to occur, and perpetrators are rarely held to account by the state legal apparatus. Dozens of violent attacks carried out or incited by Hindu extremist groups against Christian institutions and persons continued throughout the past year. Among the most serious attacks occurred on December 24, 2007, in the state of Orissa, where clashes erupted between Hindus and Christians. According to some sources, hundreds of members of a Hindu extremist group, demanding that Christmas celebrations be halted, attacked Christian individuals, churches, offices, and residences, destroying homes, looting shops, and injuring a number of individuals. At least six persons were killed. Those actions were reportedly followed by retaliatory actions by Christians against Hindus. Other sources indicate that violence erupted after Christians attacked a Hindu leader or erected religious statues at a Hindu religious site.

Regardless of the initial instigators of the violence, during the subsequent three days of rioting, 20 churches and an untold number of prayer houses and private residences belonging to both Hindus and Christians were destroyed. According to a January 2008 report of India's National Commission for Minorities, although "the reasons for the outbreak of violence...are more varied than was apparent from media reports, there is no doubt that the Christian community and its places of worship were the principal target of attack. They bore the brunt of [the] violence and suffered the maximum damage. As a result, the Christian community continues to live in fear and feels insecure and unsafe."

In November 2007, a mob of 150 members of a Hindu extremist group attacked a church in the state of Chhattisgarh, destroying the church building, beating the pastor, and kidnapping a young member of the church, who was later found dead. Despite the fact that the police were provided with the names of the attackers, officials reportedly waited until the following day to file a complaint. In January 2008, also in Chhattisgarh, more than 80 people were injured in an attack on a large Christian meeting carried out by extremists. The attackers reportedly beat the Christian worshippers and vandalized the makeshift church structure. In December 2007 and February 2008, there were incidents in the state of Karnataka in which churches were desecrated and the pastors assaulted. Similar attacks occur, sometimes in greater numbers, every month, particularly in states where the BJP heads the state government, including in Rajasthan, Madhya Pradesh, Gujarat, Chhatisgarh, and Jharkhand. In some instances, the police respond appropriately; in others, however, the police reportedly look the other way or even appear to be complicit in the attacks.

Several of the BJP-led states have laws against "forced" or "induced" religious conversions, which 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. Reports of persons having been arrested or prosecuted under these laws are not common. Nevertheless, concerns have been raised that these laws can sometimes result in a hostile atmosphere for religious minorities, as states in which these laws exist tend to be those in which attacks by extremist groups are more common—and often happen with greater impunity—

than elsewhere in India. For example, the state of Madhya Pradesh, which is headed by the BJP, was the scene of an increasing number of attacks in the past year. In June 2006, a report by the Indian national government's National Commission for Minorities (NCM) found that Hindu extremists had frequently invoked the state's anti-conversion law as a pretext to incite mobs against Christians. The NCM report also found that police in Madhya Pradesh were frequently complicit in these attacks. Similarly, the NCM report on the December 2007 violence in Orissa concluded that an important factor behind the attacks was the "anti-conversion" campaign carried out by groups associated with the Sangh Parivar. According to the report, the campaign against conversions "created an atmosphere of prejudice and suspicion against the Christian community..." and that "the role of the Sangh Parivar activists and the anti-conversion campaign in fomenting organized violence against the Christian community deserves close scrutiny."

Throughout the past year, Commission staff conducted personal interviews with members of non-governmental organizations representing various religious communities in India, as well as human rights organizations, academics, and other India experts. In January 2008, the Commission issued a press statement expressing serious concern about the riots between the Hindu and Christian religious communities in Orissa, noting that the violence had had particularly severe consequences on the minority Christian community. In March 2005, the Commission issued a statement encouraging the Department of State to prevent the planned visit to the United States of Gujarat State Minister Narendra Modi, citing evidence presented by India's NHRC and numerous domestic and international human rights investigators of the complicity of Gujarat state officials, led by State Minister Modi, in the February 2002 mob attacks on Muslims.

With regard to India, the Commission recommends that the U.S. government should:

- press the government of India to make more vigorous and effective efforts to halt the violent attacks against religious minorities that continue to occur with troubling regularity in India and to hold state governments and state government officials accountable for the violence and other unlawful acts that occur in their states; and
- urge the Indian government to continue its policies aimed at returning the country to its tradition of religious tolerance, including by:

  --continuing to pursue, investigate, and lay charges against the perpetrators of the killings in Gujarat;

  --taking steps to prevent and punish communal violence, including by following through on a pledge made in 2004 to enact a law criminalizing inter-religious violence; and

  --continuing the kinds of measures that have successfully prevented outbreaks of violence in high-tension situations, and engaging in pre-planning to ensure that the police and other law enforcement agencies have the resources necessary to avert communal violence in the future.