

# We're Indians Too

An analysis of escalating human rights violations against religious minority communities in India.



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# Key Findings

- Though religion-based violence has existed for years, analysis of instances since 2014 demonstrate that Hindu extremists have created an environment of hate and intolerance toward India's religious minorities, primarily its Christian and Muslim communities. This in turn has seen an escalation of violence, social ostracism, property destruction, hate speech, disruption and condemnation of peaceful non-Hindu religious activities, and false accusations of "conversion" activities.
- 39% of the incidents reported included physical violence against Christians.
- The majority of reported incidents of violence are concentrated in only a few of India's states. Chhattisgarh and Maharashtra are the two leading states where violence against Christians occurs; followed by Odisha, Madhya Pradesh, Uttar Pradesh, and Jharkhand.
- Violence is significantly more prominent in states that have passed Anti-conversion laws, which restrict the freedom to change one's religion, than in those that have not.
- In a state, the degree of instances of violence inversely relates to its proportion of Christian population; i.e., the smaller its proportion of Christians, the more instances of violence those Christians experience. The population of a religious community is therefore key to understanding what is happening. Smaller, and naturally more vulnerable, Christian communities (those that have less agency/stake in their local society – and, in all likelihood, less electoral power) find themselves at greatest risk of violence.
- Government officials are complicit in persecution of religious minorities. This includes both turning a blind eye to and directly participating in religious persecution. Federal, state, and local government authorities have espoused public statements marginalizing, and inciting intolerance against, religious minorities. Local police and municipal authorities have directly participated in property destruction and physical violence against religious minorities.
- Local police's rampant failure to investigate credible claims of religious intolerance and persecution, and their subsequent failure to file criminal complaints, has created an environment of impunity for perpetrators. Similarly, this environment has created a perception that vigilantes enjoy a degree of state patronage.
- Police increasingly follow the opinion of the mob, arbitrarily prohibiting peaceful religious activity. Police at times also believe false accusations against religious minorities, resulting in numerous arbitrary arrests. Similarly, a victim first attacked by vigilantes often becomes the criminally accused after the vigilantes assert false accusations of "conversion" activities or that the victim's exercise of a non-Hindu faith hurts the religious feelings of the Hindu majority.
- Institutional and societal restrictions inhibit Dalits and women from realizing their fundamental freedom of religion or belief. These restrictions create a hierarchy of faiths, permitting pressure and violence, based on whether an individual is of the preferred faith or a lower caste faith.

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# Introduction

India has given the world an incredible legacy. In teaching the world the ways of non-violence, Gandhi and others disrupted traditional power dynamics and taught people that they did not have to resort to violence to see the world and their lives change. This legacy has influenced many, from Martin Luther King and the civil rights movement in the United States, to Nelson Mandela and the anti-apartheid movement in South Africa, to the music of John Lennon and the Beatles – the nonviolence movement is one of the most exceptional stories of the 20th century.

India's 21st century looks promising in many ways too; after only winning its independence in 1947, it looks set to become a global leader on the international stage - with its trade surplus the envy of the world and its space program expecting to send a manned mission to space by 2022.

But there's another side to India's 21st century. Religious minorities in India are experiencing escalating human rights violations as Hindu extremism gains ground; a situation fuelled by an environment of impunity and, in certain instances, complicity from state actors. This complicity ranges from participatory violence, to inciting violence through hate speech, and refusing to investigate incidents properly after they have occurred. Those complicit include local police officers and a significant number of state officials affiliated with the ruling Bharatiya Janata Party (BJP), but also other actors across the political spectrum. In the present environment, Hindu extremist groups have been emboldened to attack religious minorities, and add to a toxic societal narrative that questions the identity of religious minorities as Indians - and as citizens who are entitled to their full rights under the Indian Constitution.

Hindu extremist groups, emboldened under the BJP's rule, have created a narrative around the Hindutva theology—India should be purified to include only those who are true Indians. True Indians are defined by their ability to call India both their father land and their holy land. Under this theology, Indic religions such as Hinduism, Buddhism, Jainism, and Sikhism are considered “Hindutva”.

Indian Christians and Muslims, however, are labeled as “foreign” and considered to pose a threat to the unity of India under the auspices that their love and allegiance lie outside India.

After providing necessary background information, Section 1. of the report provides findings from analysis of a data set of 1620 incidents against Christians. The data set was collated from incidents collected by agencies on the ground in India from Christians who believe their rights were violated on the basis of their faith. Most incidents affected more than one individual, with some affecting several hundred individuals. This section provides insight into the main trends and themes of religious persecution. Although this section primarily reports on the analysis of the data set, where applicable, it also draws on the trends of persecution shared between the Muslim and Christian communities in India.

Analysis of these incidents found that the number of reported instances of religious persecution against Christians increased more than four times between 2014 and 2017. In the first three months of 2018, more incidents were reported than throughout the whole of 2014 or 2015. The incidents in 2017 affected almost 30,000 unique individuals; and the first three months of 2018 affected over 10,300 unique individuals. These incidents showed trends of physical violence, property destruction, forced conversion to Hinduism, disruption of peaceful non-Hindu religious expression, and false accusations of forceful and fraudulent religious conversion.

Apart from violence, social ostracism—including the ban of basic living necessities to victimize minorities—was a common trend.

Findings from the data indicate the states with the largest number of incidents were Chhattisgarh and Maharashtra, followed by Odisha, Madhya Pradesh, Uttar Pradesh, and Jharkhand. Furthermore, the findings show that instances of violence in a state are inversely related to its proportion of Christian population.

Put simply, for Christians living in the states named above, violence and discrimination are a daily reality.

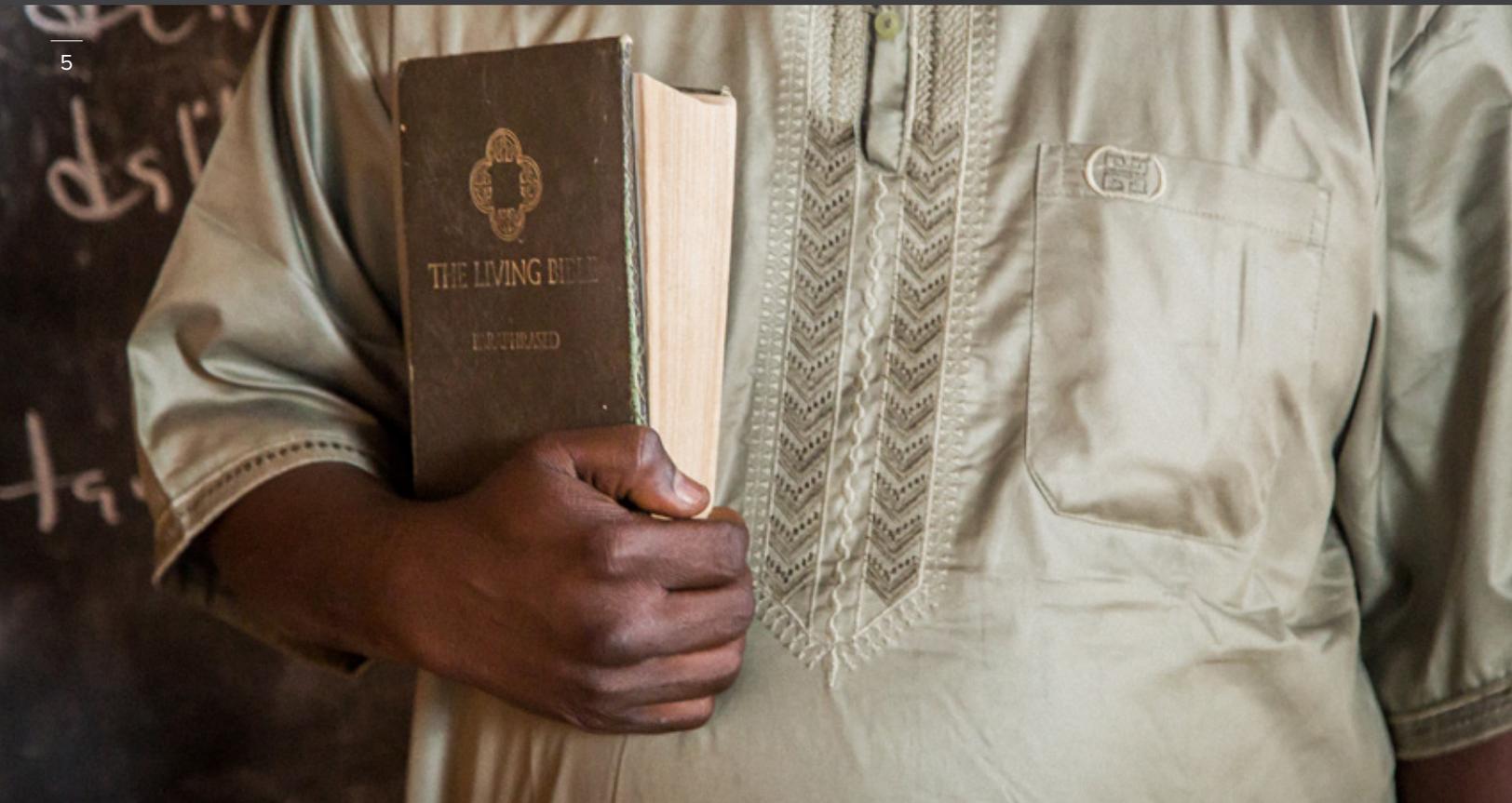
Though the analyzed set of incidents only covers through March of 2018, it is deeply concerning that one reporting agency on the ground documented 775 incidents against Christians in 2018, including 14 murders. 775 incidents represents the religious persecution of 50,819 unique individuals; 18,956 of whom were men; 18,858 of whom were women; and 12,790 of whom were children. These figures represent only one reporting agency's findings; and thus, likely only a small subsection of the actual total number of incidents across India. Given that no single organization captures the totality of religious freedom violations, these figures represent the need for proper documentation and monitoring of an escalating environment of religious-based violence.

In light of these findings, Section 2 of the report discusses the main causes or drivers and instruments of persecution of religious minorities. This section highlights both societal drivers, like the Hindutva ideology and hate speech perpetrated by influential figures, and institutional structures such as state Anti-conversion laws, the misuse of the Panchayats (Extension to the Scheduled Areas) Act, and the caste system.<sup>1</sup>

But the report does not simply list the problems and the causes – it looks for solutions too. The report provides recommendations on how to address a) the environment of hatred and intolerance and b) the structural or institutional drivers related to persecution of religious minorities. These recommendations are proposed because decision makers and policy makers outside India need to work with Indian authorities to better protect religious minorities. The stability of one of the world's most populous countries depends on it.

In November 2017, on a state visit to the Philippines, Indian Prime Minister Narendra Modi said: “If the 21st century is considered to be Asia's century, then it becomes our duty to make it India's century.”

This report encourages all its readers to make it their duty to ensure that India's religious minorities can share in this promising future too.



<sup>1</sup> While we recognize a significant increase in violence against Muslims and Dalit communities related to cow vigilantism and anti-slaughter laws, the report does not focus on this issue solely because the issue has been covered in depth by other organizations.

See e.g., 'A Narrowing Space: Violence and discrimination against India's religious minorities', Center for Study of Society and Secularism & Minority Rights Group International, June 2017, [https://minorityrights.org/wp-content/uploads/2017/06/MRG\\_Rep\\_India\\_Jun17-2.pdf](https://minorityrights.org/wp-content/uploads/2017/06/MRG_Rep_India_Jun17-2.pdf)



## Scope and Methodology

This report serves to highlight - to policy makers, industry leaders, activists and scholars - the scale, reach, and debilitating nature of violations to the international right to freedom of religion or belief of minority religious communities and individuals in India. It seeks to demonstrate that violence against religious minorities is not simply isolated to well-known incidents such as the 2008 anti-Christian riots in Orissa and Karnataka, or the 2002 Gujarat riot. Violations against religious minorities in India have become regular and normalized, and are, at times, fuelled by official state actors and policy.

Unfortunately, neither the Indian Government official statistics on communal violence nor a single organization captures the totality of religious freedom violations. Thus, this report uses both primary and secondary data to provide an analysis of persecution of religious minorities. The primary data has been sourced from a number of organizations in India that record and report violations using helplines, which are contacted by religious minorities who believe their rights have been violated. The names of these organizations remain anonymous for the sake of their staff's security. The data collected reflect the total incidents reported solely to these organizations between January 2014 and March 2018. For accuracy, each agency provided all its reported incidents for the entire period under review, and all duplications between agencies have been removed. These organizations have taken great care to verify the accuracy of the reported incidents. These incidents pertain to India's Christian minority, but in considering this data, the report also speaks to the situation for all religious minorities, and highlights a number of examples of incidents involving India's Muslim minority community.

Due to the scale of violence against Christians across the Indian sub-continent and lack of a single comprehensive monitoring database, it is important that the reader recognizes that these incidents do not reflect a total number across the country, but rather a cross-section to provide in-depth analysis into the drivers of persecution. Incidents of religious violations are often underreported. Victims hesitate to report incidents as they are threatened and intimidated. Even so, the data set provides a more coherent and thorough sampling than other available sources, such as India's National Crime Records Bureau and the Ministry of Home Affairs, which appear to drastically underreport and fail to differentiate by religious minority status. While not every incident of persecution is recorded, the findings are developed through analysis of 1620 incidents across numerous India states. They therefore provide a rigorous and textured snapshot of what is happening on the ground to religious minorities in India.



# Religious Minority Demographics in India

Muslims form the largest minority religious community in India. The Christian population is the second largest: the Indian Government's 2011 Census states it makes up approximately 2.3% of the population.<sup>2</sup> This figure is likely underreported since Christians, especially those from a Hindu background, choose not to declare their faith for fear of violence or the deprivation of resources (particularly in the case of Dalit Christians, discussed later in the report).<sup>3</sup> The World Christian Database, which takes measures to count those who choose not to declare, approximates Muslims in India in 2018 as 14.4% and Christians at 4.8% of the population; these figures are used in this report.

Both Islam and Christianity have been present in India for many centuries. Christian tradition states that Christianity arrived through the missionary endeavour of Thomas, (one of Christ's first 12 disciples) in the first century. He is believed to have travelled to southern India, ending his days in Tamil Nadu. His legacy can still be seen today in the tradition of the "Thomas Christians".<sup>4</sup>

Islam arrived between the 12th and 16th centuries and has played an important role in India's history. In 1947, India was partitioned, creating an independent Indian state, and an independent West and East Pakistan, ultimately to become Pakistan and Bangladesh, respectively. The partition effectively moved out the majority of India's Muslims,<sup>5</sup> but leaving a sizeable minority today. While both Muslim and Christian communities are large numerically, they are proportionally small in comparison to India's majority Hindu community (72.5%).

**Table 1:** Percentage of populations of religions in India (2018)

\*OTHER includes Chinese folk, New religionist, Sikh, Spiritist, Taoist, Confucianist, Jain, Shintoist, Zoroastrian.

Source: Johnson T M and Zurlo G A (eds.), World Christian Database (Leiden/Boston: Brill)

Religious Context: India	Numbers	Percentage
Christian	65,061,000	4.8
Muslim	195,379,000	14.4
Hindu	981,730,000	72.5
Buddhist	10,008,000	0.7
Ethno-religionist	50,938,000	3.8
Jewish	11,300	0.0
Baha'i	2,092,000	0.2
Atheist	2,187,000	0.2
Agnostic	16,104,000	1.2
Other*	30,538,800	2.2

<sup>2</sup> Ministry of Home Affairs, Government of India Census, 'Religion', 2011, [http://censusindia.gov.in/Census\\_And\\_You/religion.aspx](http://censusindia.gov.in/Census_And_You/religion.aspx)

<sup>3</sup> See e.g., Pew Research Forum, 'Global Christianity: A Report on the Size and Distribution', Pew Research Center's Forum on Religion and Public Life, Washington DC, 2011, <http://www.pewforum.org/2011/12/19/global-christianity-exec/>

<sup>4</sup> See Neill, S., 'A history of Christianity in India: the beginnings to AD 1707', Cambridge University Press, 1984, Chapter 2.

<sup>5</sup> Brown, J., 'The history of Islam in India', The Muslim World, 39(1), January 1949, p.11

# Protected? At Least in Theory...

The Indian Constitution recognizes in Article 25 that “all persons are equally entitled to freedom of conscience and the right to freely profess, practice and propagate religion.” Article 25 parallels Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which protects freedom of religion or belief and outlines the cases where this right might be limited by the state. The Constitution also recognizes the right of minorities to keep their culture and religion, providing non-discrimination clauses in Articles 29 and 30, in line with Article 27 of the ICCPR. In parallel, the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) reaffirms, in Article 2, the ability of a religious minority to “practice and profess” its own religion “freely and without interference or any form of discrimination.”

While the Constitution guarantees these rights, some scholars, including Professor Sumit Ganguly, argue that Indian secularism and respect for religious pluralism have been in “crisis” since the early 1990s,<sup>6</sup> based on several key events. Most notably, the Nellie massacre of Bengali Muslims in Assam in 1983, the Sikh Riots in 1984,<sup>7</sup> the demolition of the Babri Masjid mosque in Ayodhya, Uttar Pradesh by Hindu activists in 1992,<sup>8</sup> the riots against Muslims in Gujarat in 2002,<sup>9</sup> the anti-Christian riots in Orissa and Karnataka in 2007-2008,<sup>10</sup> and the Muzaffarnagar riot in 2013 (this last resulted in roughly 42 Muslim and 20 Hindu deaths and over 40,000 displaced).<sup>11</sup> Compounding the problem is a history of post-riot investigations largely being incomplete, politically motivated, and often resulting in impunity for those who attacked the minority.

Beyond these headline incidents, the number of ‘everyday’ attacks and violations has also increased. For instance, in its white paper on violence against Christians in India, the United Christian Forum for Human Rights reported that between 1964 and 1996 there were only 38 registered cases of violence. Since 1996, registered cases have been on the rise. The years 1997 and 1998 saw 27 and 70 violent instances reported, respectively.<sup>12</sup> 2007 and 2008 were particularly violent years, with estimates of 350 instances of violence in both years by a sociologist of religion at the Berkley Centre for Religion and World Affairs, Chad Bauman.<sup>13</sup>

The rise of incidents since the 1990s indicates that religious minorities have not enjoyed the rights afforded to them by the Indian Constitution. While this increase has worried religious minority communities for many years, the situation since 2014 has severely worsened. Incidents of religious persecution have increased exponentially to the point that they have become a regular part of the lives of religious minority communities. It is to this situation that the report’s focus now turns.

<sup>6</sup> Ganguly, S., ‘Crisis of Indian Secularism’, *Journal of Democracy*, 14(4), 2003, pp.11-25; and Needham, A. D., and Rajan, R. S., ‘The Crisis of Indian Secularism’, Duke University Press, 2007

<sup>7</sup> A succinct discussion on the Nellie riots can be read here: <https://www.tandfonline.com/doi/abs/10.1080/14631369.2014.880592?journalCode=caet20>

<sup>8</sup> BBC News, ‘India’s Ayodhya site: Masses gather as Hindu-Muslim dispute simmers’, 25 November 2018, <https://www.bbc.co.uk/news/world-asia-india-46318505>

<sup>9</sup> A timeline of events in the Gujarat in 2002 and what has happened since can be read here: *New York Times*, ‘Timeline of the Riots in Modi’s Gujarat’, 19 August 2015, [https://www.nytimes.com/interactive/2014/04/06/world/asia/modi-gujarat-riots-timeline.html/#time287\\_8514](https://www.nytimes.com/interactive/2014/04/06/world/asia/modi-gujarat-riots-timeline.html/#time287_8514)

<sup>10</sup> Chamberlain, G., ‘Convert or we will kill you, Hindu lynch mob tell fleeing Christians’, *The Observer*, 19 October 2008, <https://www.theguardian.com/world/2008/oct/19/orissa-violence-india-christianity-hinduism>

<sup>11</sup> ‘Government releases data of riot victims identifying religion’, *The Times of India*, 24 September 2013

<sup>12</sup> Cited in Lal, V., ‘Anti-Christian Violence in India’ in R. Punyani (Ed.), *The Politics Behind Anti-Christian Violence* New Delhi: Media House, 2006, pp. 767-774

<sup>13</sup> Bauman, C. M., ‘Pentecostals, Proselytization, and anti-Christian violence in contemporary India’, Oxford University Press, 2015



## The Fight Over Babri Masjid Mosque

In 1992 in the city of Ayodhya, in the state of Uttar Pradesh, a Hindu mob demolished a 16th century mosque because they believed it was built on the birth site of the Hindu deity, Lord Ram. Roughly 2,000 people were killed in subsequent riots across India.

Since 1992, many Hindus have called for a temple for Lord Ram to be built on the site. Right wing Hindu extremist groups such as Vishwa Hindu Parishad (VHP) and Shiv Sena have been involved in the protests over this land. Recently, Prime Minister Narendra Modi's Bharatiya Janata Party (BJP) has been scaling up efforts to build a temple on the site of the mosque. In 2017, the BJP appointed Yogi Adityanath, one of its most vocal champions, as Chief Minister of Uttar Pradesh. Adityanath is quoted as saying: "When nobody could stop us from demolishing [the mosque], who can stop us from building a temple?"



# The Story Since 2014

Reports of religious-based hate crimes have spiked in India since 2014. According to the Indian Government, which monitors incidents of communal violence, such as those between religious communities, such incidents rose 28% between 2014 and 2017.<sup>14</sup> The Government statistics do not break down by religious group.

Open Doors International’s World Watch List (which ranks the 50 most dangerous countries in the world in which to live as a Christian) has indicated, however, for some time that the number of violent and discriminatory incidents against Christians, including day-to-day pressures, has escalated each year.

In 2013, India was ranked 31 in the top 50 countries, and then moved up to 28 in 2014, jumping to 21 in 2015, to 17 in 2016, to 15 in 2017, to 11 in 2018, and in 2019 entered the Top Ten for the first time, at 10.

In 2018, the World Watch List designated India as a country where Christians experience “extreme persecution” for the first time, with a score of 81/100. In 2019, the score was 83/100.<sup>15</sup>

This report seeks to gain a better understanding of the persecution behind the numbers by drilling down into the specificity of the incidents and by analyzing where and why they are taking place. This will provide a sense of scale and develop a clearer and more textured picture of what is happening to Christians on the ground across India.

Throughout this section, careful attention was paid to provide representative examples, between 2014-2018, addressing each trend laid out in the subsequent subsections. Taken in isolation, the examples may seem anecdotal; however, each example was carefully selected because it illuminated a wider trend found through repeated similar incidents across the data set.

## Violence

In reviewing 1620 incidents reported between January 2014 and March 2018, the data shows a significant increase in instances of violence against Christians in India.

For instance, the annual total number of analyzed instances increased more than four times from 2014 to 2017. While the numbers remained consistent for the first two years, the most substantial increase began in 2016. Further, it is highly significant that a greater number of incidents were reported in the first three months of 2018 than throughout the whole of 2014 or 2015.<sup>16</sup>

(Though the data set only covers through March of 2018, it is deeply concerning that one reporting agency on the ground documented 775 incidents against Christians in 2018, including 14 murders. 775 incidents in 2018 represents the religious persecution of 50,819 unique people; 18,956 of whom were men; 18,858 of whom were women; and 12,790 of whom were children. These figures represent only one reporting agency’s findings. Given that no single organization captures the totality of religious freedom violations, these figures only demonstrate the need for proper documentation and monitoring of an escalating environment of religious-based violence).

Year	Analyzed Instances
2014	147*
2015	147
2016	445
2017	665
2018 (Jan – March)	216
<b>Total</b>	<b>1620</b>

**Table 2: Analyzed Instances of Violence Against Christians (2014 – March 2018)**

\* It is mere coincidence that 2014 and 2015 had the same number of incidents reported.

**Source:** Incident reports collated by agencies on the ground.

<sup>14</sup> Government of India, Ministry of Home Affairs, Lokh Sabha Unstarred Question No. 590, 6 Feb 2018, <http://164.100.47.190/loksabhaquestions/annex/14/AU590.pdf>

<sup>15</sup> Open Doors’ World Watch Research unit designates a “high” level of persecution as a country with a persecution score of 41-60/100; “very high” accounts for countries with a persecution score of 61-80/100; and “extreme” persecution countries have a score of 81-100/100. World Watch Research Methodology – Latest Edition November 2017, <http://opendoorsanalytical.org/world-watch-list-methodology-latest-edition-november-2017>

<sup>16</sup> While reporting mechanisms have likely improved over time, which may explain a marginal rise in reported instances, the exponential trend between 2014 and the first three months of 2018 highlight that this escalation arguably outweighs any improvements in the recording ability of the agencies as an explanatory factor for the increase.

This section serves to demonstrate that incidents are increasing in such a manner that the narrative advanced by Hindu extremists—that Christians and Muslims are outsiders or even third-class citizens, behind first Hindus, and then Buddhists, Jains, and Sikhs—has permeated the wider Indian society.

To tease out the escalation of incidents, this section outlines a number of examples and instances that illuminate the violence and discrimination that is taking place against India’s Christian minority.

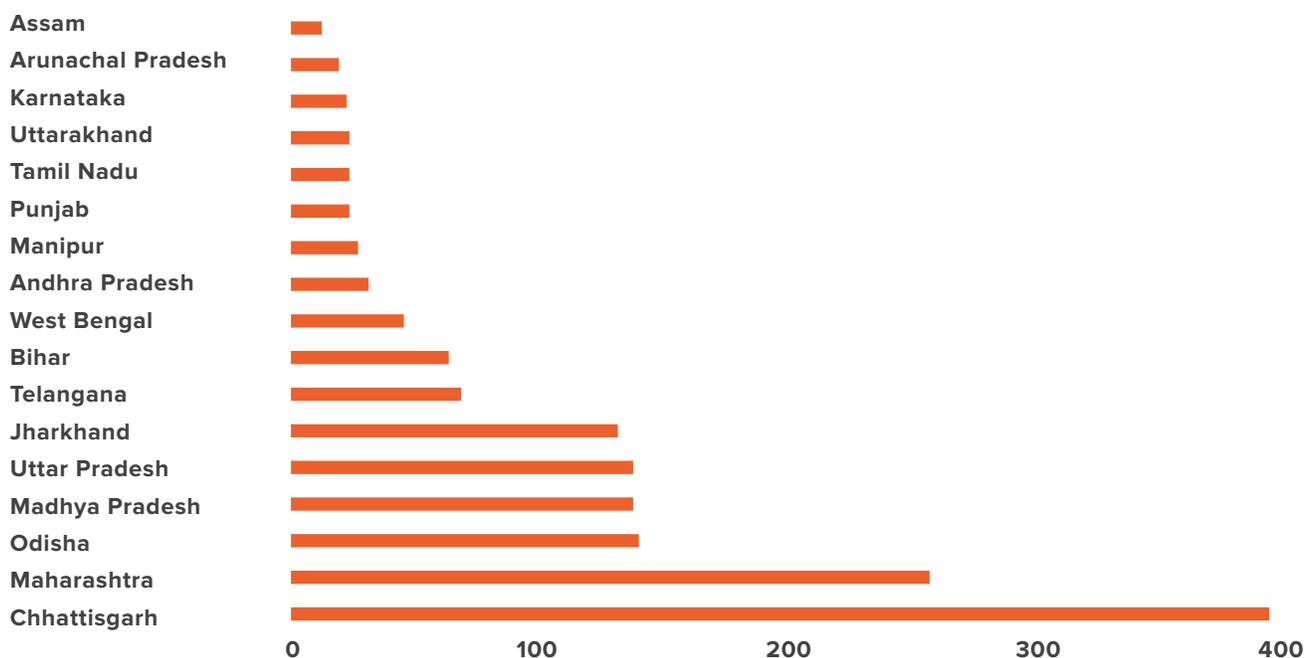
Thirty-nine percent of the incidents reported included physical violence against Christians. As the table below indicates, Chhattisgarh and Maharashtra are the two leading states where violence against Christians occurs. These states are followed by Odisha, Madhya Pradesh, Uttar Pradesh, and Jharkhand.

It is also important to note that the degree of instances of violence inversely relates to a state’s proportion of Christian population. Thus, the smaller its proportion of Christians, the more instances of violence those Christians experience. Smaller, and naturally more vulnerable, Christian communities (those that have less agency/stake in their local society – and, in all likelihood, less electoral power) find themselves at greatest risk of violence.

It is also important to note that the higher number of incidents taking place in states where Christians are fewer means that the proportionality of attacks is highly concentrated, considering the size of the Christian population in these states. The experience of violence and discrimination is therefore very real for Christians living in Chhattisgarh, Maharashtra, Odisha, Madhya Pradesh, Uttar Pradesh, Jharkhand, and Telangana, in particular.

This violence manifests itself in a number of ways. For instance, mob violence has become a regular occurrence in the life of many Christians. Despite constitutional protections for public displays of faith, this level of violence has created a sense of fear, leading to religious paralysis and makes it difficult for Christians to feel safe within wider society. Representative examples from the data set include pastors beaten for holding church services or prayer meetings; wives beaten by Hindu extremists; and a case in Maharashtra in January 2017 where a mob beat eleven church attendees, severely injuring three, merely for attending public worship. These regular incidents create an atmosphere where Christians in India are scared of taking part in even constitutionally protected religious expressions.

## Analyzed Instances of Violence Against Christians by State (2014 – March 2018)



At times, these violent acts are even more egregious—with the analyzed incidents showing numerous murders. In January 2018, a mob of Hindu extremists killed a pastor in Tamil Nadu before hanging him from a rope. Likewise, in March 2018, a young Hindu man, who sculpted at the local temple, attacked an elderly woman while she prayed on her rooftop in Andhra Pradesh. The culprit later admitted that he had wanted to kill her because she had left her gods and was now following a “foreign god”. Hindu extremists can act violently towards those suspected of having converted from Hinduism to Christianity. The acute connection between conversion and violence is discussed in more depth in Section 2.

The data also shows that sexual violence, including rape, is used against women and girls, as a tool of persecution. Two 2018 rape cases tragically represent a wider trend: Anjali Masih (daughter of a couple who had recently converted to Christianity from Hinduism) and Asifa Bano (an eight-year-old Muslim girl) were each gang-raped and killed.

## Beatings and Violent Action by mobs have become regular occurrences in the life of many of India’s Christians.

According to the United Nations Special Rapporteur on violence against women, “recurrent episodes of communal violence against religious minorities, including Muslims and Christians, reflect a deep sense of insecurity and trauma of women living in those communities. Experiences included women being stripped, burned, attacked with objects inserted into their vaginas and sexually assaulted in myriad ways because of their religious identity. It was reported that perpetrators of those crimes usually held positions of authority and often went unpunished.”<sup>17</sup>

### Sexual Violence: A Weapon Against Religious Minority Communities.

Anjali was playing with her friends in Gurdaspur in the Punjab when three men lured her away with the promise of a guava. They gang-raped her before strangling her to death with a telephone wire. She was just nine-years-old.

A local pastor said that since Anjali’s parents had recently become Christians, and had been repeatedly threatened to return to Hinduism. He believed her murder was used as a warning to others who might consider changing their religion to Christianity. He also reported that an increasing number of people in that area have been converting to Christianity, stirring much opposition and violent threats. According to local Christians, believers living nearby are very fearful and afraid to carry on with their daily lives.

In the same month, an eight-year-old Muslim girl, Asifa Bano, who lived in Jammu and Kashmir State, was lured away by a farmhand, taken to a Hindu temple, drugged, and raped for five days by a group of men before they killed her with a rock. Eight men have been arrested in connection with the case, including a temple custodian. Several have confessed, according to the police in the state. Two of the accused are police officers said to have accepted thousands of dollars bribes to cover up the crime.

<sup>17</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to India, (April 2014), Doc. No. A/HRC/26/38/Add.

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# Vandalism

Beyond violent action, 20% of the incidents analyzed led to damage to property. Property damage most often manifested in vandalism and destruction of religious buildings or property.

For instance in Jharkhand in September 2015, approximately 150 Hindu extremists attacked 3 churches in the same village, destroyed Bibles, sound equipment and seating and stole considerable sums of money. This incident is not a one-off example, but an example of the threat of vandalism taking place in Indian churches—particularly in the states of Chhattisgarh, Maharashtra, and Odisha—on a regular basis. The proliferation of

this type of vandalism severely impairs the religious community's ability to take part in congregational worship or to contribute to Indian society. Personal property being vandalized or stolen is also a regular occurrence. Vandalism affects Christians from all backgrounds – from the middle classes whose houses are burnt down by Hindu extremists (such as happened in a case in the Punjab in April 2016), to the very poorest having their property demolished, (as in the case of Christians living in the slums of Behera, Odisha in 2014. According to local Christian leaders, local authorities specifically chose their houses for demolition to intimidate the Christian community in that area. The families were left without shelter or access to water).

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# Social Ostracism

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The analyzed incidents show that social ostracism of Christian families also regularly occurs when Hindu extremists and local villagers demand that Christians leave their villages. Social ostracism often occurs in combination with other acts, including physical violence, forced conversion to Hinduism, fines levied by local officials, and property destruction. For instance, in 2014, Hindu extremists told eight Christian families in Kavanar, Bastar to leave the village, if they would not convert to Hinduism. In November 2015, villagers in Chhattisgarh ostracized a Christian couple, ultimately forcing them to leave their village.

If Christians are not forced to leave the village, they are often denied access to water, education, or government rations on the basis of their faith. In October 2014, a mob of Hindu extremists put a picture of a Hindu god on a water pump used for drinking water, located outside a church, and told the Christians that they no longer had access to this water source. In Jharkhand in 2018, Christians were made to use a river, used for sewerage, for their drinking water. In September 2015, children receiving government education were banned from attending school because they did not attend

Hindu religious classes at the school on Sundays. Police officers threatened a woman in Uttar Pradesh in 2016 with losing her government ration card because of her Christian faith.

The denial of access to grazing land is also a reality for Christians in some places. Even the most basic provision—that of burial spaces for Christians who've died—is regularly questioned by Hindu extremists who argue that Christians should cremate. A Christian family in Jharkhand in 2018 was faced with this challenge as they attempted to bury their mother.

Christians also experience discrimination in their work. Cases of Christian businesses—from rice mills to bicycle repair shops—being boycotted are routine. Workers losing their jobs due to their Christian faith is a common reality.

In many reported cases, family members were responsible for incidents against Christians. For instance, a Christian convert in Chhattisgarh in January 2018 was told by his family that he could not marry a local girl in a Christian ceremony, and that he was not welcome in his parents' home if he did so.

Families rejecting and ostracizing lone Christian members or couples is also a frequent occurrence; however in most cases, it is women who bear the brunt of this family action.

Hindu women who convert to another faith regularly face homelessness and are left without provisions for daily life. Common stories include women being forced out of their homes by their husbands for converting to Christianity, or even threatened with murder if they do not return to Hinduism.

Single mothers who have converted from Hinduism to Christianity are specifically vulnerable as they have very little agency within society, making it difficult for them to provide for their children. In January 2018, a husband beat his 38-year-old wife, because of her Christian faith, before burning her clothes and expelling her from home along with her four children.

## Double Vulnerability of Women Converts

According to the Hindu Marriage and Adoption Act of 1956, a Hindu wife who converts to Christianity or Islam loses her right to spousal support from her husband. Clause 6 of the Hindu Minority and Guardianship Act of 1956 also disqualifies converts from Hinduism from guardianship of their own children. These laws often encourage hostility, ostracism and violence toward women converts; and similarly, deter women from exercising their UNDHR Article 18 fundamental right to convert. If the woman lives in a state with an Anti-conversion law that requires reporting her conversion to government authorities, she has an incentive to never report her acceptance of a new faith.

Rural women are especially vulnerable to violence and ostracism if they convert. In many Hindu majority villages, women gather each morning to carry out their daily Hindu rituals collectively; thus, villagers easily identify a female convert when she ceases practicing these daily rituals.

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# Accusations of Conversion Activities

Analysis of the reported instances shows that state Religious Freedom laws, more aptly termed Anti-conversion laws, are linked to actions that paralyze daily activities of a religious minority community. In 20% of analyzed instances, the stated cause of violence was the perception of conversion activities. State Anti-conversion laws were introduced to minimize fraudulent, forced, or the use of coercive inducement for religious conversions. Despite this stated purpose, as is later discussed, little to no evidence exists that that religious minorities use these methods to convert individuals. Instead, Anti-conversion laws are abused to marginalize the religious minority communities. See Section 2 (B).

To stop non-Hindu prayer meetings, religious services, and even weddings, those who oppose such practices in India often falsely allege “conversion activities”. For instance, in Uttarakhand in February 2018, police barged into a house church during a worship service and arrested the leaders and the owner of the house. The police had received anonymous information that Christian missionaries were active in the church, when in reality, the meeting was no more than a religious “service”, which is constitutionally protected.

Hindu extremists disrupting Christmas celebrations are also regularly reported. In Arunachal Pradesh in 2017, Christians put Christmas posters in their house windows to welcome people into their homes. Villagers tore the posters down during the night and threatened the Christians that they would be chased out of the village if they gathered to worship at Christmas time. In Uttar Pradesh, Hindu extremists destroyed the house of another Christian pastor who conducted a prayer meeting at home on Christmas day.

The pastor became a double victim after police arrested him on 28 December on grounds that his Christian activities created a public disruption; police release him only after he promised he would not conduct any Christian activities or meetings.

Christmas celebrations and services are constitutionally protected activities and one of the most fundamental celebrations in the Christian tradition. These activities are not done with the overt intention of converting Indian citizens “through fraud, inducement or coercion”. So the arrest of Christians celebrating Christmas can only be seen as an attempt to threaten and scare leaders into halting Christian activity within the town or village. Anti-conversion laws appear to be used to stop public and private expressions of faith as much as they are being used to stop “conversion”. (See Section 2 (B): Anti-conversion laws).

As this report shows, many Christians are deprived of resources, services and utilities, simply because of their faith. The analyzed incidents demonstrated a clear trend between the deprivation of resources and the refusal to convert (or re-convert back) to Hinduism. Indeed, 8% of incidents include the threat of physical harm or the deprivation of resources and utilities unless the individual or family returned to Hinduism.



## Ghar Wapsi ('homecoming'): Forced Conversion to Hinduism

Proselytization is a common act by Hindu extremists, and at times carried out by threat of violence. Although police often arrest non-Hindus on the mere allegation of conversion activities, Hindu extremists' use of force, fraud, or inducement to convert individuals to Hinduism all appear exempt from a state's Anti-conversion law, either by police unwillingness for its equal application, or because explicitly excluded. In the Rajasthan and Arunachal Pradesh laws, 'reconversions' to the 'religions of one's forefathers' are exempt. Significantly, Hindu extremists claim that Adivasis—or tribals—are culturally Hindu; as such, they can be led back to their true Hindu identities by any means, this despite that many never practiced the Hindu faith. The majority of Adivasis live in Jharkhand, Madhya Pradesh, Chhattisgarh, Andhra Pradesh, Odisha and Maharashtra—states with some of the highest reported incidents of anti-Christian violence.

In January 2016, Vishwa Hindu Parishad (Hindu World Council)'s international working president, Praveen Togadia, claimed the organization had reconverted more than 500,000 Christians and 250,000 Muslims in the past decade through its Ghar Wapsi ("homecoming") initiative.

Recent reported incidents of Ghar Wapsi activities include:

- November 2018: The State Minister of Uttar Pradesh, supported by BJP officials, reportedly pressured 25 Christian families in Ghazipur to convert to Hinduism.
- April 2017: In Jharkhand, the Rashtriya Swayamsevak Sangh (RSS), a militant Hindu extremist movement, said that as many as 53 Christian families converted to Hinduism through Ghar Wapsi ceremonies.
- January 2017: Hindu extremists assaulted and forced two Christians to convert. The extremists paraded the Christians before the whole village, forcing them to worship village gods, and to convert to Hinduism through a Ghar Wapsi ceremony. 60-70 members of the RSS and Bajrang Dal, the youth wing of the Vishwa Hindu Parishad, were there. The extremists had previously warned the Christians to renounce their faith or face dire consequences. On several occasions, the Christians had approached the local police station to make a complaint, but the police had refused to accept it, or take any action against the perpetrators.
- February 2016: 76 Christians converted to Hinduism in Odisha through a Ghar Wapsi ceremony; local sources reported "force" and "inducement" were used during the ceremony.
- December 2015: Just after a young man named Neeraj and two Christian friends had been planning their Christmas celebrations, they were ambushed by radical Hindus. After an entire night of beatings and threats, the friends agreed to renounce their Christian faith; first one of Neeraj's friends, then the other, and finally, Neeraj. 'I was so afraid that I decided to obey them', Neeraj reported. He later found himself in the local community hall in front of the Hindu idols. His attackers forced him to recite Hindu scriptures, and smeared him with water mixed with cow dung and urine. The extremists took photographs of the men as proof of their reconversion.
- December 2014: Hindu extremists belonging to Dharma Jagaran Manch and Bajrang Dal paraded 57 Muslim families before TV cameras and asserted they were returning to Hinduism after having converted to Islam 25 years prior. The Muslim families reported, however, that they were tricked, through the lure of government ration cards, into participating in the Ghar Wapsi ceremony.

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# Role of Law Enforcement Officers and Government Officials

The incorrect interpretation of Anti-conversion laws by vigilantes is further compounded by a police force that misapplies the law and, in some instances, chooses to ignore the realities of a situation, when making arrests for “religious expression” – which is in fact constitutionally protected. While in most cases, the police and other government officials act in accordance with the law, the data shows 17% of analyzed incidents were perpetuated or exacerbated by police or government officials. Despite a lack of evidence of “fraud, force, or inducement to convert”, police often arrested Christians and filed “first incident reports”<sup>18</sup> against them, only to release them without charge.

In Madhya Pradesh, there is evidence of blatant police abuse of the state’s Anti-conversion law. On three separate occasions, railway police took Christian children (who had been traveling by train to a Christian camp) into custody, on the grounds that the children were being “kidnapped to be converted.” On 22 and 23 May 2017, railway police arrested nine Christians while they were accompanying 71 Christian children for a summer Bible camp. All parents immediately testified to the police and the court that they wanted their children to participate in the camp. Disturbingly, the police detained and rigorously questioned the children for three days. On 3 June, police detained a Catholic nun and four girls at a railway station. That same year in October, police detained two Christians and seven children going for Bible study meetings, and denied their requests to meet their parents. In each of these incidents, the police charged the Christian adults with “forcible conversions”.

These arbitrary arrests without rationale or evidence of “fraud, force, or inducement to convert” demonstrate the need to train police and government officials on constitutionally protected religious activities and the limits of Anti-conversion laws.

More problematic, several reported incidents indicate that, at times, the police are complicit in violent and aggressive action taken against Christians, either by turning a blind eye to or taking part in vigilante violence. For instance, in Odisha in 2016, police watched while Hindu extremists beat a group of Christians in a police station. In Uttar Pradesh in June 2016, members of the police took part in beating a pastor while he was in custody after false claims against him by members of a higher caste. In December 2015, one reported incident told of five Christians taken to a police station who were then forced to convert to Hinduism.

Police complicity includes a reluctance to prosecute vigilantes who act against religious minorities. At a minimum, failure to prosecute vigilante activity creates the perception that vigilantes enjoy a degree of state patronage; and worse, it creates an environment of impunity. Analysis of the incidents reported in 2017 to one agency on the ground shows that the police only filed criminal complaints, or first information reports, against perpetrators in 20% of them.

In addition to a failure to prosecute perpetrators, the analyzed incidents demonstrated that police at times sided with vigilantes’ false claims that the Christians had either “outraged” the religious feelings of the Hindu majority, or created a public “disturbance” through exercise of their non-Hindu faith traditions.

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<sup>18</sup> First incident report, often called an FIR, is a written document prepared by the police when they receive information about the commission of a cognizable offence, one in which the police have jurisdiction for an arrest. These reports are important as they set the process of criminal justice in motion.

Even a common prayer meeting or holding a religious service constituted enough to support these false claims. In these instances, the victims became the accused. They were arrested, and often charged, primarily on the word of the vigilantes, on the basis of having violated an Anti-conversion law or under one of two Criminal Code sections that protect against “outraging” religious feelings, or creating public disturbances.<sup>19</sup>

The complicity of government officials goes beyond local police to other local government workers. The data indicated a trend of arbitrary demolitions of church buildings - on questionable grounds. One such example included the local authority’s decision to demolish

a church with over 3,000 members in Tamil Nadu in 2017 on the grounds that it was in a residential area. Furthermore, in August 2017, vigilantes, who included 150 municipal employees, demolished a prayer house in Andhra Pradesh.

Christians and other religious minorities across India are at risk of violence, vandalism, discrimination and loss of resources, and cannot trust in “equality before the law” or in protection by law enforcement and local officials. In several states, the attitudes of officials (who are, at best, indifferent to violence against religious minorities and, at worst, complicit in it), contribute to the narrative that religious minorities in Indian society are “fair game”.



## Police Complicity in Violence Against Religious Minorities

Jharkhand, May 2016: 25 Christians from Dalit (lower caste) backgrounds were summoned to a public meeting where more than 100 Hindu extremists pressured them to convert to Hinduism. When the Christians arrived, they were bundled into vehicles and taken to a school on the village’s outskirts. One of them reported: “About 100 people from three neighbouring villages were waiting when we reached the place. They started to tell us that it is wrong for us to pray to Jesus and that we should follow Hinduism and perform puja [Hindu rituals] to the idols only.” In response, the attendee gave an account of how he converted to Christianity following healing from an illness in 2007. This enraged the crowd, which tied up six of the Christians, beat them with sticks and threatened to kill them if they did not return to Hindu worship. Warned that their houses would be torched if they did not leave, the Christians went to a nearby village. They reported the attack to the police there, but officers declined to register a case, and summoned their attackers to the station. After a meeting between 50 Hindu extremists and 3 Christian leaders, police forced the Christians to sign a bond stating they would be subject to penalties, including fines of 10,000 rupees (US\$150), if they broke the agreement only to worship in their homes.

## The Victim Becomes the Accused

In September 2017 in the north east of India, six Christians were invited to the home of a non-Christian to pray over his wife, who had taken ill. While praying, locals and anti-Christian elements gathered from the surrounding area and barged into the house, accusing the Christians of “religious conversion” work. They then beat the six Christians and then called the local police, who subsequently filed a criminal case against the Christians alleging they had created disharmony and outraged the religious feelings of the villagers.

<sup>19</sup> India Penal Code (1860), Sections 153(A) (creating disharmony among different religions), 295(a) (“Deliberate and malicious acts, intended to outrage religious feelings or any class by insulting its religion or religious beliefs.”)

2

What's  
the  
Root  
of the  
Problem?

The data presented, illuminated through specific stories of violence and discrimination against religious minorities in India, demonstrates that the persecution is both systematic and escalating. An analysis of the data highlights four main drivers of persecution. A driver of persecution includes that which would promote social hostility toward religious minorities, creating an environment ripe for religious persecution, and institutional instruments—such as federal and state laws—used to marginalize a religious minority. Reviewing these drivers of persecution helps to explain the increasing levels of incidents against religious minorities.

First, the increased dominance of “Hindutva” ideology within Indian society appears to have created the conditions necessary for increased persecution. Second, state Anti-conversion laws operate to increase religious persecution. (As the previous indicated, a substantial number of incidents of persecution occur around the false perception of what constitutes “conversion” activities). Third, there is the Panchayats (Extension of Scheduled Areas) law (PESA), which allows village society to develop its own internal rules. This is often misused to allow the majority to dictate how religious minorities among the community should lead their lives, and to punish those who identify with and practice a non-Hindu religion. Finally, federal law in India has a discriminatory effect for those Dalits (lowest in the caste society) who choose to convert to Islam or Christianity.

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## Hindutva Ideology

21

As the graph below demonstrates, groups aligned with Hindutva ideology perpetrated 40% of the instances analyzed. In an environment where government and civil leaders increasingly classify certain religious minorities—Muslim and Christians most often—as “foreign” and “less than”, it is natural that a large proportion of the incidents would be perpetrated by community members connected to the ideology. Naxalites, who account for 7% of aggressors, are violent communists who fight for independence from India. There is some evidence that Hindu extremists instigate violence by falsely alleging to Naxalites that Christians inform local police about Naxalite activity. Similarly, there is some evidence that community members, who account for 39% of aggressors, were spurred on by Hindutva groups; thus, allowing for the possibility for the percentage perpetrated by groups aligned with Hindutva ideology to increase above 50%.

Hindutva ideology originated with V.D. Sarvarkar’s work “Who is Hindu?” in 1923. His work asked this key question as India looked to becoming an independent nation. The purpose of the work was to bring Indians together under one nationality and one nation state, finding commonalities in Hindu identity. In the work, Savarkar combines geographical unity, common culture and racial features in his definition of a Hindu.

On this basis, Indic religions such as Hinduism, Buddhism, Jainism, and Sikhism are considered “Hindutva” because India is both their holy land and fatherland. However, Indian Christians and Muslims are not Hindutva and pose a threat to the unity of India because their love and allegiance lie outside India.

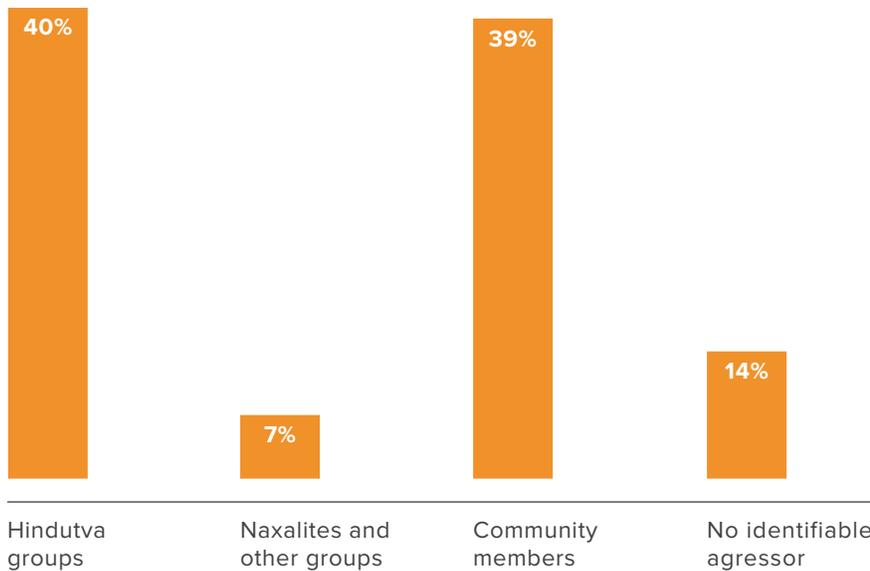
This argument was extended in 1948 by M. S. Golwalkar, an influential leader in the Hindu nationalist movement Rashtriya Swayamsevak Sangh (RSS), who considered Christians and Muslims as “enemies” of the nation. He argued:

The non-Hindu people in Hindustan must either adopt the Hindu culture and language, must learn to respect and revere Hindu religion, must entertain no idea but the glorification of the Hindu religion, that is they must not only give up their attitude of intolerance and ingratitude towards this land and its age-long tradition but must also cultivate the positive attitude of love and devotion instead; in one word they must cease to be foreigners or may stay in the country wholly subordinated to the Hindu nation claiming nothing, deserving no privileges, far less any preferential treatment not even citizen’s rights.<sup>20</sup>

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<sup>20</sup> Gohsh, P., ‘BJP and the Evolution of Hindu Nationalism’, (Delhi: Manohar Publication, 1999), p. 48.

## Instances of Physical Violence by Aggressor



Under the leadership of individuals such as Golwalkar, the RSS carefully defined who can be an Indian citizen and who therefore has the rights of an Indian citizen. Those religious minorities who are not “Hindutva” are not Indian—thus a narrative that has spread that Christians and Muslims are foreigners.

The Hindutva narrative provides an explanation for why Muslims and Christians have seen their rights regularly dismissed by law and society.

As one scholar wrote, “the enjoyment of basic civil rights in a nation that follows the principle of secularism as a principle of governance has been insidiously presented to the religious minorities as a matter of ‘choice’: embrace Hindu culture or else lose your Indian identity.”<sup>21</sup> This narrative also explains the high levels of violence and sexual violence presented in the findings section, as logic follows that if a non-Hindu is not a fully-fledged member of Indian society—who enjoys the full rights afforded to them by the Constitution—their worth and dignity is likewise questioned. This narrative underpins the rationalization of egregious acts by vigilantes and the wider society, including at times law enforcement and government officials.

An environment where non-Hindus are not afforded their full rights has been carefully shaped in India through public endorsement by government and civil leaders.

For example, former BJP spokesperson and now President of India, Ram Nath Kovind, famously described Christians and Muslims as “foreigners of the nation.”<sup>22</sup> On the victory of the BJP-led alliance in the 2014 Lok Sabha (Parliament) election, the leader of the Hindutva-based organization the Vishva Hindu Parishad (VHP), Ashok Singhal, remarked that this was the beginning of a revolution that would see India entirely Hindu by 2020 and the entire world Hindu by 2030.<sup>23</sup>

In August 2017, in an attempt to seek public support for an Anti-conversion law, the Government of Jharkhand published a full-page advertisement in many local newspapers misquoting Gandhi, denouncing Christian missionaries for their acts of conversion and proselytizing among Adivasis and Dalits.<sup>24</sup> In 2018, BJP politician Surendra Singh reportedly stated, “once India becomes a ‘Hindu rashtra’ only those Muslims would stay in the country who assimilate in the Hindu culture.”<sup>25</sup> UN special rapporteur E Tendayi Achiume noted in September 2018 that the election of the Hindu nationalist BJP has been “linked to incidents of violence against members of Dalit, Muslim, tribal and Christian communities” with the use of inflammatory remarks by BJP leaders a driving factor.<sup>26</sup>

<sup>21</sup> Kollori, A. ‘Minority Existence and the Subject of (Religious) Conversion’, *Cultural Dynamics*, 2004, p. 84.

<sup>22</sup> Matthew, L., ‘Ram Nath Kovind had opposed SC status for Dalit Christians, Muslims’, *Indian Express*, 20 June 2017, <https://indianexpress.com/article/india/ram-nath-kovind-had-opposed-sc-status-for-dalit-christians-muslims-4712492/>

<sup>23</sup> *Indian Express*, ‘India will be a Hindu nation by 2020, world by 2030: VHP leader Ashok Singhal’, 20 July 2015, <https://indianexpress.com/article/india/india-others/by-2020-india-will-be-hindu-nation-world-by-2030-ashok-singhal/#sthash.5nNY6R89.dpuf/>

<sup>24</sup> *The Wire*, ‘Jharkhand Government Is Misusing Gandhi, Public Funds to Fuel Anti-Christian Hate’, 12 August 2017, <https://thewire.in/politics/jharkhand-gandhi-advertisement-christians>

<sup>25</sup> *Times of India*, ‘Lok Sabha polls will see ‘Islam vs Bhagwan’, Pakistan vs India’: BJP MLA’, 13 April 2018, <https://timesofindia.indiatimes.com/india/lok-sabha-polls-will-see-islam-vs-bhagwan-pakistan-vs-india-bjp-mla/articleshow/63746264.cms>

<sup>26</sup> ‘Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance’, United Nations General Assembly, August 2008, p. 10. The comment was based on a Human Rights Watch submission to the Human Rights Council universal periodic review of India, 2016.

The way in which public figures and political leaders speak about religious minorities and promote the Hindutva narrative is particularly worrying when one considers the close connection between Hindu extremist groups, like the Rashtriya Swayamsevak Sangh (RSS), and India's ruling political party. According to Reuters (which interviewed more than two dozen RSS and BJP officials), during closed meetings the RSS revealed a two-stage strategy—electoral victory at the national level followed by similar success at the state level.<sup>27</sup> According to RSS Joint General Secretary Dattatreya Hosabale, “The 2014 election victory should be seen as the starting point of a long term mission,” in which the BJP operates at a political level to bring about “significant social, political and cultural changes.”<sup>28</sup>

According to Reuters, a close aide to Prime Minister Modi affirmed Modi's commitment to RSS and its Hindutva vision. The prime minister, he said, is “viewed as the RSS worker who will take bullets in the chest to protect the RSS. He believes that it is the finest institution, a think tank and an organization that has the power to change India.”<sup>29</sup> This close connection between the political ruling party and the RSS has created an environment of impunity whereby Hindu extremists feel a sense of authority to act against religious minorities—in contravention of these minorities' constitutional and human rights.

The BJP has also placed RSS leaders in many key political appointments, arguably embedding Hindutva ideology into major sectors of the government. To name only a few, they include Y Sudershan Rao as the Head of the Indian Council of Historical Research, Lokesh Chandra as Head of the Indian Council for Cultural Relations, and Deena Nath Batra as a member of Haryana state's Education Committee. Highly concerning is how Hindutva ideology is already attempting to change state-sponsored education materials. In Gujarat, a BJP controlled state, a class IX Hindi language textbook published by the Gujarat textbook Board used the word “haivaan” (“devil”), next to the name for “Jesus Christ” in one of its chapters. This religious reference was changed after significant protest, with the board responding it was a “printing mistake”.<sup>30</sup> The BJP government in Madhya Pradesh has promised to include “Bhagavad Gita”, a Hindu holy book, in the mandatory curriculum of middle and high schools.<sup>31</sup>

In Rajasthan's 48,000 schools<sup>32</sup> and Mumbai's civic schools, which include 1,188 primary and 49 secondary schools, BJP-controlled officials made Surya Namaskar (an act of worship to the Hindu sun god) compulsory, despite significant opposition.<sup>33</sup>

When one considers the way in which Hindutva ideology seeks to rid India of non-Hindu thinking and culture, the fact that the BJP has appointed RSS leaders to educational and cultural roles such as these is highly concerning. Furthermore, of the states shown to have witnessed the greatest level of incidents, Chhattisgarh and Uttar Pradesh both have RSS-affiliated governors.

It would seem that the anti-religious minority narrative pushed by these leaders and public figures has infiltrated wider society. For instance, in March 2016 in Maharashtra, Hindu extremists openly threatened pastors who were conducting a fellowship meeting that “they would wipe out Christian community from India by 2021.”

The incidents reported also indicate that the term “foreign gods” or “foreign religion” are used against Christians as a way of justifying crimes against them on a regular basis.

For example in May 2014 in Mahabubnagar, Hindu extremists attacked Hebron Church and told those present not to “preach foreign religion in the village.” In 2016 a woman in Odisha asked those who were carrying out violent acts against Christians why they were doing so and was met with the answer: “you accepted the foreign god.” In March 2018 in Andhra Pradesh, villagers made boards with messages stating that “foreign religious preaching” was prohibited in the village. (As discussed previously, an elderly woman in Andhra Pradesh in March 2018 was murdered because she had left her gods and was now following a “foreign god”).

These examples indicate that the rhetoric of public figures aligned closely to the Hindutva ideology has created an environment of hatred and intolerance toward religious minorities, in particular the Muslim and Christian communities, as well as impunity for those who act against them. This narrative fuels acts of violence, social ostracism, property destruction, and discrimination against religious minorities.

<sup>27</sup> Nair, R.J. and Daniel, F.J., ‘Special report: Battling for India's soul, state by state’, Reuters, 12 October 2015.

<sup>28</sup> Ibid

<sup>29</sup> Ibid

<sup>30</sup> Abraham, B. ‘Gujarat School Textbook Calls Jesus Christ A ‘Demon’, Govt Blames It On Typing Error’, India Times, 9 June 2017

<sup>31</sup> Tomar, S. ‘Row over non-inclusion of chapters in Madhya Pradesh syllabus’, Hindustan Times, 31 October 2018

<sup>32</sup> ‘Surya namaskar made compulsory in 48,000 schools Rajasthan’, Times of India, 4 February 2015

<sup>33</sup> Venkatraman, T. ‘Surya namaskar, yoga compulsory in BMC schools’, Hindustan Times, 24 August 2016

# Anti-conversion Laws

Anti-conversion laws in India are one of the main sources of legal restrictions on the practice of an individual's faith. These laws are created at the state level and exist in eight states in the country – Odisha, Madhya Pradesh, Jharkhand, Gujarat, Himachal Pradesh, Uttarakhand, Arunachal Pradesh, and Chhattisgarh. The Anti-conversion law in Arunachal Pradesh has not been fully implemented due to a lack of subsidiary rules; and the state of Rajasthan has passed an anti-conversion bill, but it has yet to be signed by the President of India. While the specifics of the law in each state vary, these laws have been designed to prevent religious conversions that are not voluntary in nature, and so carried out by “forcible” or “fraudulent” means or by “allurement” or “inducement”. Penalties for breaking this law include fines that range from INR 5,000 to 50,000 (\$675 - \$6750) and imprisonment ranging from one to three years. Imprisonment and fines are harsher if the person being converted is a woman, Dalit, or an individual from a tribal background. In many states, the law requires advance notice of a plan to convert, and information such as date, time, and location must be given by the convert and/or the one conducting the ceremony.<sup>34</sup> As mentioned above, (re)conversion to Hinduism is exempted by law in Rajasthan and Arunachal Pradesh.

The graph below, developed from the analyzed incidents, shows that violence is significantly more prominent in states that have passed these laws compared to those that have not:

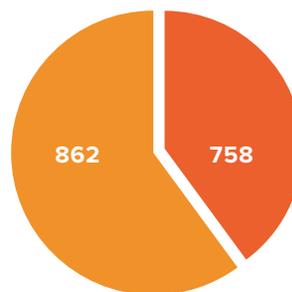
## Comparison of Number of Reported Instances by whether state has Anti-conversion law

- 21 States without Anti-conversion Law
- 8 States with Anti-conversion Law

This finding supports that the mere existence of an Anti-conversion law creates an environment of hostility and intolerance. Fear of non-compliance with these laws is used to suppress public and private expressions of faith. It is no surprise, therefore, that of the six states that experience the greatest number of violent instances five possess Anti-conversion laws.

In total, the 8 states that have Anti-conversion laws account for more violence than all of the other 21 states combined. A UN Rapporteur on a visit to India once said, “Even in the Indian states which have adopted laws on religious conversion, there seem to be only few – if any – convictions for conversion using force, inducement or fraudulent means . . . However, such laws or even draft legislation have had adverse consequences for religious minorities and have fostered mob violence against them.”<sup>35</sup> Despite the enactment of these laws in some states for over fifty years, very few – if any – convictions have been made; yet attorneys say police register new cases against Christians under the laws every month.

There are a number of reasons why these laws fuel persecution of religious minorities. First, the vague terms “force”, “fraud”, “allurement” and “inducement” create ambiguity in how to comply with the law and an opportunity to use the law against constitutionally protected “religious expression”. These ambiguities have led State governments in India to describe “subtle forms of humanitarian aid and development, carried out as a normal part of a Church’s mission” as violating a state’s Anti-conversion law.<sup>36</sup>



<sup>34</sup> Ahmad, State Anti-conversion laws in India”, 2017, <https://www.loc.gov/law/help/anti-conversion-laws/india.php>

<sup>35</sup> United Nations, General Assembly, Promotion and Protection Of All Human Rights, Civil, Political, Economic, Social And Cultural Rights, Including The Right To Development: Report Of The Special Rapporteur On Freedom Of Religion Or Belief, A/HRC/10/8/Add.3 (26 January 2009), <http://daccess-ods.un.org/TMP/574426770210266.htm>

<sup>36</sup> Hresko, T., ‘Rights Rhetoric as an Instrument of Religious Oppression’, *International & Comparative Law Review* (2006), pp. 123–127

Second, as described in the finding above, these laws—combined with personal laws governing marital rights, property rights, and guardianship rights—deter converts from coming forward (as required by several states) to seek ‘conversion’ permission or to publicly proclaim their new faith.

Third, the significant social hostilities toward religious minorities, and converts in particular, further cut against a convert’s ability to seek permission to convert.

Fourth, these laws are problematic because they are applied discriminatorily against minorities, while often not applying to conversion activities of the majority, inherently protecting Hindu extremist groups that actively attempt to convert Muslims, Christians and others to Hinduism.<sup>37</sup>

Finally, the lack of convictions under these acts, compared to the significant number of arrests and filed cases against religious minorities, demonstrates that the law’s purpose - at least as applied - is to target religious minorities and limit the propagation of non-Hindu faiths, despite constitutional protections.

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## The Panchayats (Extension of Scheduled Areas) Law

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The Government of India enacted the Panchayats (Extension of Scheduled Areas) (PESA) Act of 1996 to give powers of self-governance to traditional village committees over peoples living in the “Scheduled Areas” of India. “Scheduled areas” are found in 10 states in India that have predominantly tribal populations. The law states that every village in a scheduled area should have a “Gram Sabha”, a village-governing body that consists of persons whose names are included in the electoral role of the village. The role of the Gram Sabha is to preserve the traditions, customs, and cultural identity of the people and safeguard community resources and the customary mode of dispute resolution. This gives the Gram Sabha responsibility for identifying who in the village requires poverty alleviation; it also gives authority for use of village lands and “minor water bodies” and the power to exercise control over institutions and functionaries in all social sectors.<sup>38</sup>

While this law is key to the preservation of traditional minority cultures living within India’s borders, ensuring that their rights and way of life are not compromised by the state, the law can also be extremely problematic for religious minorities who have, in many circumstances,

converted from the majority religion of the village. Evidence supports that the law is invoked in violation of the spirit of the law to restrict non-Hindus from residing in the village, practicing and propagating their religion, and building places of worship. The law also lends to the ability of Hindutva groups to dictate to the police and tribal Gram Sabha how to administer the law against non-Hindus.

One example from the data took place in July 2014, when 52 Christian families were denied rations in Chhattisgarh. Members of these families sought help from the district officials to remedy the decision, and were attacked by members of the Vishwa Hindu Parishad (VHP) and Bajrang Dal. Shortly after, the VHP called for a Gram Sabha meeting, during which the Gram Sabha passed a resolution banning all practice of non-Hindu religions, including prayers and meetings, and any “propaganda”. It claimed authority to do so under section 129(G) of the Chhattisgarh Panchayat Raj Act.<sup>39</sup>

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<sup>37</sup> Jaffrelot, C., ‘Hindu Nationalism: A Reader’, New Delhi : Permanent Black, 2007 and Cheema, I. K., ‘Constitutional and Legal Challenges Faced by Religious Minorities in 2017’, United States Commission for International Religious Freedom, 2017.

<sup>38</sup> The Panchayats (Extension to the schedule areas) Act, 1996, No.40 of 1996, <https://tribal.nic.in/actRules/PESA.pdf>

<sup>39</sup> Dahat, P. ‘In Bastar, 50 villages ban non-Hindu missionaries’, The Hindu, 5 July 2014

Soon after, more than 60 villages followed suit on the advice of the VHP. It took 15 months for the High Court in Chhattisgarh to rule that such acts contravened rights protected in the Constitution, during which time an environment of intolerance was allowed to grow and fester. A similar pattern has also been reported in Madhya Pradesh and Arunachal Pradesh in North East India, where Christian tribals have been denied tribal certificates on grounds that they have changed their religion.

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## The Double Vulnerability of Dalit Christians

The intersection of religion and caste identity is a key factor driving the heightened number of incidents against Muslims and Christians in India. Dalit Muslims and Christians are doubly vulnerable, often discriminated against on the basis of their faith and class, through institutional and societal means. Despite being outlawed in Article 17 of the Indian Constitution, the practice of the caste system is still a reality in India. Dalit Christians and Muslims are subject to discriminatory laws and government policies, such as the denial of access to affirmative action and to protections provided to other Dalits. The major contention lies in the fact that the state considers Dalit Christians and Muslims to be outside the caste system, and as people who have access to other forms of economic resources through their new faith and so therefore do not require affirmative action and protection from the state. According to the Constitution (Scheduled Castes) Order 1950, only Hindus were considered as Scheduled Castes (the government classification for Dalits), with Dalit Sikhs and Dalit Buddhists then included under this provision in 1956 and 1990 respectively. Christians and Muslims do not therefore have access to affirmative action in employment and education sectors as do Dalits of other religious backgrounds. Furthermore, since Dalit Christians and Muslims are not considered to be of a Scheduled Caste, they also do not fall under the purview of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989, which offers additional legal protection and rehabilitation for victims of caste-based violence.

While the PESA law is well meaning, on a micro level, it can make an adherent of a minority faith susceptible to a tyrannical majority who might withhold resources and benefits. Much of the ostracism found in the data, and described in the previous section, is given a sense of legitimacy by this PESA law.

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Despite numerous recommendations in government reports such as the Mandal Commission in 1980, the Sachar Commission in 2006, and most recently by the National Commission for Minorities in 2008, the law still denies this affirmative action to Dalit Christians and Muslims because of their religion.

Despite being refused these benefits, numerous government reports suggest that caste, as a social category, transfers upon conversion to a different religion. Therefore, Dalits who convert to Christianity or Islam are still considered to be of the lowest caste after conversion. As such, they are subject to the same forms of ill-treatment as other Dalits, but without any government assistance. A report by the Indian Institute of Dalit Studies says that this ill-treatment includes being prevented from using upper-caste streets, sharing sources of drinking water and other public resources, and being made to walk around with brooms tied to their waists in order to purify the ground they walk. Based on data from the National Sample Survey Office of India, it has also been determined that Dalit Christians continue to be poorer than 'other Christians' and 'tribal Christians' and comparable to other Dalits in economic terms.

It is for these reasons that many Dalit Christians and Muslims choose not to practice or even acknowledge their faith in public. Those who do are at risk of severe discrimination because their heightened vulnerability on the basis of faith and class multiplies their marginality within Indian society. When this is considered, it explains an additional driver for the escalating persecution and discriminatory incidents perpetuated against them.

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# Conclusion

Incidents of discrimination against religious minorities in India are not taking place in isolation. Rather, they are regularly happening, dramatically affecting the lives of Christians and Muslims, and destabilizing Indian society. These incidents should cause the international community to take note and make positive steps toward protection religious minorities in India.

This report has demonstrated that Christians and other religious minorities in India are under threat as violence and other discriminatory acts against them are escalating, year on year.

With as many incidents against Christians reported in the first three months of 2018 as were reported throughout the entire year of either 2014 or 2015, the situation for Christians and other religious minorities in India is at a tipping point. Hindutva ideology, Anti-conversion laws, the misuse of PESA law, and for many the caste system combine to create a toxic environment where violence and discrimination is an everyday reality for many of India's religious minorities. There is a need for decision makers to act immediately to avoid catastrophe for India's beleaguered religious minority communities.

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# Recommendations

The international community has a role to play in the answer to these numerous problems. Therefore, it should take the following proactive steps to address each issue with the appropriate federal or state Indian officials:

## **International Monitoring and Data Collection:**

Due to the scale of violence against religious minorities across the Indian sub-continent and lack of a single comprehensive monitoring database, the international community should consider creating an international monitoring mechanism. This mechanism should include proper on-the-ground documentation training for both government and civil society members expected to participate in documenting instances of violence, intolerance, and discrimination against India's diverse religious minorities.

## **Proactive Steps to Address Environment of Hate and Intolerance:**

The seeds of hate and intolerance toward religious minorities have been sown deeply into sections of India's society. Therefore, the international community should encourage the Indian Government and relevant state and local government officials to:

- Commit to promptly condemning any public official or other who uses words or actions to incite hate or intolerance toward any religious community;
- Commit to taking prompt legal action against public officials and others who incite hatred or violence of religious minorities
- Run a public awareness campaign promoting the value of India's rich ethnic and religious diversity, including highlighting the value of the Muslim and Christian communities.

## Anti-conversion Laws and the Indian Penal Code:

The Anti-conversion laws currently existing in the states of Odisha, Madhya Pradesh, Jharkhand, Gujarat, Himachal Pradesh, Uttarakhand, Arunachal Pradesh, and Chhattisgarh, are contributing to the corrosion of the right to freedom of religion or belief because of their extensive misuse and their lack of clarity.

Due to the federal structure in India and the constitutional delegation of religious freedom issues to states, the international community should actively expand its interaction and contact with parliamentarians and state level officials where Anti-conversion laws exist. The local governments of the eight above-mentioned states should be encouraged to repeal Anti-conversion laws or, alternatively, reform them to:

- Narrowly define terms such as “force”, “fraud”, “inducement” and “allurement” and what is meant by “improper conversion”
- Create a legal deterrence mechanism within the laws to prevent and punish false accusations of “improper conversions”
- Apply the law equally across all faiths, and limit discriminatory enforcement of the laws.

The findings indicate that law enforcement officers are regularly misinterpreting Anti-conversion laws and sections of India’s Penal Code, primarily sections 153A and 295A, often arresting or charging non-Hindu faith adherents for conducting constitutionally protected religious ceremonies. Therefore, the International community should:

- Encourage the Indian Government to clarify that the peaceful exercise of constitutional protections afforded to all religions—including the right to assemble, and freely to profess, practice and propagate one’s religion—does not violate sections 153A and 295A of the Indian Penal Code. Additionally, the Indian Government should lay out guidelines that include a standard of evidence required before the arrest or charge under these provisions;
- Consider how it might offer training support to the states of Chhattisgarh, Odisha, Madhya Pradesh, and Jharkhand (where Anti-conversion laws are a driver for high levels of violence) to ensure that law enforcement officers and judges understand their state’s laws, the bounds and rights protected by India’s Constitution, and act in accordance with the correct interpretation of the law.

## **The Condition of Christian and Muslim Dalits:**

- The Indian Government should be encouraged to amend the classification for Dalits as defined in the Constitution (Scheduled Castes) Order 1950, removing all religious reference to its application so that it applies equally to all faiths, including those who change their faith. This amendment allows all Dalits, regardless of one's faith to benefit equally from affirmative action programs and special legal protection and rehabilitation when facing caste-based discrimination and violence.
- The Indian Government should submit an immediate reply to the pending query at the Supreme Court of India regarding writ petition no. 180 of 2004, which challenges the constitutionality of paragraph 3 of Constitution (Scheduled Castes) Order 1950.

## **The Condition of Women and Girls in India:**

The analysis has shown that when religious minorities are ostracized on the basis of their faith by their own families or communities, it is women who often bear the brunt of this discrimination and violence—often because they have low social, political, legal, and economic agency within Indian society. This problem is further compounded by the high level of Christian and Muslim women who also identify as Dalits but who do not receive the necessary government support, and also by federal laws that strip a woman of her rights should she convert to a non-Hindu faith. We therefore ask that the relevant government aid and development bodies:

- Encourage the reform of discriminatory laws.
- Consider how religious minority identity intersects with gender when building on work they are already carrying out to support vulnerable women and girls in India.

## **The Provision of the Panchayats (PESA) Law:**

This report recognizes the positive contribution of PESA law to those in India identifying with traditional identities and cultures, but also recognizes that the law is at times misused to ostracize those practicing non-Hindu or non-tribal religions. In the light of this, we ask that international governments encourage the Government of India to ensure that the law is not misused to target people practicing non-Hindu religions. Strict action should be initiated against members of the Gram Sabhas (village committees) who act in an unconstitutional manner, including forcing religious minorities to leave the community or preventing them from exercising their constitutionally protected rights and freedoms. This is particularly crucial when Christians have long ancestorship within the community but have chosen to practice their UNDHR Article 18 “right to change their religion”.