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India

International Religious Freedom Report 2005

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The Constitution provides for freedom of religion, and the Government generally respects this right in practice. However, the Government sometimes in the recent past did not act swiftly enough to counter societal attacks against religious minorities and attempts by some leaders of state and local governments to limit religious freedom. This resulted in part from legal constraints on central government action inherent in the country's federal structure, and from shortcomings in the law enforcement and justice systems, although courts regularly uphold the constitutional provision of religious freedom. Despite the Government's efforts to foster communal harmony, some extremists continued to view ineffective investigation and prosecution of attacks on religious minorities as a signal that they could commit such violence with impunity, although numerous cases are currently in the courts.

The status of religious freedom improved in a number of ways during the period covered by this report, yet problems remained in some areas. The United Progressive Alliance (UPA) espoused an inclusive and secular platform, pledging to respect the country's traditions of secular government and religious tolerance, and respect the rights of religious minorities. The UPA coalition government also took steps to address the failures of the government of Gujarat to halt expeditiously Hindu-Muslim riots there in 2002. Minority rights activists reported that instances of communal violence decreased during the reporting period as a result. The Government repealed the controversial Prevention of Terrorist Act (POTA), often criticized by Muslim groups as a tool used to target them, and replaced it with a law considered by numerous nongovernmental organizations (NGOs) to be fairer to minorities. The Government also withdrew controversial school textbooks that had been condemned for espousing a Hindu nationalist agenda and replaced them with more moderate versions, although problems linger in some states controlled by the opposition. The National Human Rights Commission also intervened in the ongoing legal battles surrounding the 2002 Gujarat riots, resulting in the reopening of 2000 cases.

Tensions between religious groups were a problem in some places and attacks on religious minorities occurred in several states. However, improvements were observed during the period covered by this report, and the vast majority of Indians of every religious creed lived in peaceful coexistence. Despite the UPA government's rejection of "Hindutva," the ideology that espouses politicized inculcation of Hindu religious and cultural norms above other religious norms, the ideology continued to influence governmental policies and societal attitudes in some regions at the state and local levels, especially in areas governed by the opposition Bharatiya Janata Party (BJP). However, such political views are subjected to court review to test whether or not their implementation is in harmony with India's secular constitution. The BJP/NDA rejects accusations that it is trying to enforce Hindu norms for all; rather, it asserts that it seeks only to remove from law and regulations what it claims are pervasive discriminatory treatments inherited from past foreign rulers that harm or disadvantage Hindus.

No new anti-conversion legislation was introduced in the states, and Tamil Nadu repealed its anti-conversion law. The Gujarat police conducted no illegal surveys of Christians during the period covered by this report. While the Government took some steps to decrease religious tensions, violence directed against minorities by both state and nonstate actors persisted. Religious extremists continued to distribute tridents (trishuls), three-pronged Hindu symbols which were sometimes used as weapons or to intimidate, in Rajasthan and Orissa.

With a Muslim President, Sikh Prime Minister--the first time a member of a religious minority ever held the post--and a Christian head of the governing parliamentary party, the UPA government demonstrated its commitment to a policy of religious inclusion at its highest levels and throughout this generally tolerant and highly diverse society.

Although the Central Government took steps to address the issue, such as involvement by the Supreme Court and National Human Rights Commission, the prospects of justice for victims of 2002 Gujarat violence remained uncertain during the reporting period. In an April 2004 decision, the Indian Supreme Court ordered that two emblematic cases, the Best Bakery case and the Bilkis Bano mass rape case, must be

retried in Mumbai courts outside the purview of the government of Gujarat. However, in the Best Bakery Case, the principal witness, Zaheera Shaikh, twice changed her testimony; first claiming she was threatened by Hindu nationalists allied with the defense and then by a human rights activist allied with the prosecution. The Supreme Court was investigating these allegations. The Bilkis Bano case remains under trial.

In August 2004, the Supreme Court asked the Government of Gujarat to appoint a high-level police committee to examine why the state government had closed some 2000 cases relating to the Gujarat violence without charging anyone. By the end of the reporting period, the Gujarat police had not responded. The Nanavati-Shah judicial commission, established by the Government of Gujarat, investigated the February 2002 Godhra train fire and the subsequent violence that left an estimated 2,000 dead and 100,000 displaced (the majority of them Muslims), but indicated that its report would not be ready before December 2005. In July 2004, the Government established a Commission headed by Justice Banerjee to study the train fire. This commission's interim report, issued in January, indicated that the fire might have been an accident rather than a criminal conspiracy, as alleged by the Government of Gujarat. The Banerjee commission report, initially due in April, has yet to be released.

Allegations that police failed to take adequate action to save victims during the 2002 Gujarat violence have still not been satisfactorily investigated. It was alleged widely that the police and state government did little to stop the violence promptly and at times encouraged or assisted Hindus committing acts of violence. There were reports of intimidation and harassment of witnesses during the reporting period.

Conversion continued to be a highly contentious issue. Hindu nationalist organizations and others frequently alleged that Christian missionaries lured converts, particularly from the lower castes, with offers of free education and healthcare and equated such actions with forced conversions. Christians denied this charge, responding that persons convert on their own free will and that efforts by Hindu groups to "reconvert" Christians to Hinduism were themselves coercive. Several state governments have responded to the allegations by Hindu groups by enacting laws to strengthen proscriptions against coerced conversion. Forced religious conversion is illegal, but some NGOs claim some state governments have used this type of legislation to restrict voluntary conversions as well.

The United States supported a wide range of initiatives to encourage religious and communal tolerance and freedom. Members of the embassy community celebrated Hindu, Christian, Muslim, Sikh, Buddhist, and Jewish festivals throughout the year with members of the various religious communities. During the Muslim holy month of Ramadan, Embassy officers hosted several Iftars to promote better relations with the minority Muslim community and met with leaders of several of India's religious groups throughout the year. In addition, the Department of State's Bureau of South Asian Affairs hosted an Ifar in Washington, bringing together diplomats from the Bangladesh, Pakistan and Indian Embassies. The Embassy also expanded the Urdu and Hindi editions of SPAN magazine, which explores issues such as globalization, conflict resolution, human rights, academic freedom and inclusiveness toward women and minorities. Mission officers also investigated the plight of internally displaced Kashmiri Hindus, known as Pandits, who fled their home areas in the valley of Kashmir starting in 1989 due to attacks on them by terrorists seeking to drive out non-Muslims.

The Department of State authorized a consular officer to find that a senior state-level official was ineligible for a visa under section 212 (a)(2)(G) of the U.S. Immigration and Nationality Act, which makes ineligible any foreign government official who "was responsible for or directly carried out, at any time, particularly severe violations of religious freedom". In the particular case concerned, the finding led to revocation of the official's business/visitor visa.

The U.S. Government discussed religious freedom issues with the Government as part of its overall policy to promote human rights. The U.S. Embassy and its consulates promoted religious freedom in their discussions with the country's senior leadership, as well as with state and local officials. During meetings with key leaders of all significant religious communities, U.S. officials discussed reports of ongoing harassment of minority groups, converts, and missionaries. U.S. officials continued to meet with officials and private citizens concerning the Gujarat violence and to engage state officials on the implementation and reversal of anti-conversion laws.

Section I. Religious Demography

The country has an area of approximately 1.3 million square miles and a population of approximately 1.02 billion. According to the 2001 government census, Hindus constituted 80.5 percent of the population, Muslims 13.4 percent, Christians 2.3 percent, Sikhs 1.8 percent, and others, including Buddhists, Jains, Parsis (Zoroastrians), Jews, and Baha'is, 1.1 percent. Hinduism has many branches, with the most widely followed being Vaishnavism and Shaivism. Slightly more than 90 percent of Muslims are Sunni; the rest are Shi'a. Buddhists include followers of the Mahayana and Hinayana schools, and there are both Catholic and Protestant Christians. Tribal groups (members of indigenous groups historically outside the caste system), which in government statistics generally are included among Hindus, often practice traditional indigenous religions (animism). Hindus and Muslims are spread throughout the country, although large Muslim populations are found in the states of Uttar Pradesh, Bihar, Maharashtra, West Bengal, Andhra Pradesh,

and Kerala, and Muslims are a majority in Jammu and Kashmir. Christian concentrations are found in the northeast, as well as in the southern states of Kerala, Tamil Nadu, and Goa. Three small northeastern states (Nagaland, Mizoram, and Meghalaya) have large Christian majorities. Sikhs are a majority in the state of Punjab.

Over the years, many lower caste Hindus, dalits (formerly called "untouchables"), and non-Hindu tribal groups have converted to other faiths to escape widespread discrimination and achieve higher social status. However, lower caste and dalit Hindu converts continue to be viewed by both their new coreligionists and by Hindus, through the prism of caste. Converts are regarded widely as retaining the caste of their ancestors, and caste identity, whether or not acknowledged by a person's own religion, has an effect on marriage prospects, social status, and economic opportunity. Although less known, Muslims, Christians, and Sikhs also have societal stratification structures comparable to those of Hinduism, resulting in discrimination between co-religionists based on caste.

Immigrants, primarily from Bangladesh, Sri Lanka, and Nepal, practice various religions and tend to concentrate in the border regions near these countries.

According to the Catholic Bishop's Conference of India, the country contains approximately 100 registered foreign Christian missionaries, most of them over the age of 70, who represent a variety of Christian denominations. Buddhist, Muslim, and Hindu missionaries also operate. Foreign Rabbis also regularly visit and participate in religious ceremonies for the very small Jewish population, estimated to be fewer than 5,000 individuals.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, and the Central Government generally respected this right in practice; however, some state and local governments only partially respected this freedom.

The country is a secular state with no official religion. The country's political system is federal, according to state governments exclusive jurisdiction over law enforcement and the maintenance of order, which has limited the Central Government's capacity to deal directly with abuses of religious freedom. The country's national law enforcement agency, the Central Bureau of Investigation (CBI), cannot investigate a crime committed in a state without the state government's permission. However, the Central Government's law enforcement authorities, in some instances, have intervened to maintain order when state governments were reluctant or unwilling to do so.

The appointed members of the National Commission for Minorities (NCM) and the National Human Rights Commission (NHRC) are tasked respectively with protecting minority and human rights. These governmental bodies investigate allegations of discrimination and bias and make recommendations for redress to the relevant local or central government authorities. Although they do not have the force of law, NHRC recommendations generally are followed.

These agencies intervened in several cases relating to the 2002 anti-Muslim violence in Gujarat that occurred following the burning in Godhra of the S-6 coach of the Sabarmati Express train, in which 59 men, women and children died. In June 2002, an NHRC investigation concluded that the attacks "were a comprehensive failure on the part of the state government to control the persistent violation of rights of life, liberty, equality, and dignity of the people of the state." The Indian Supreme Court heard petitions concerning the Gujarat violence by various NGOs, victims and the NHRC, and in December 2003, directed the CBI to reinvestigate the Bilkis Bano Case.

In January 2004, the CBI began the reinvestigation of the rape of Bilkis Bano during the 2002 riots, and the murder of her relatives. In April 2004, the CBI filed fresh charges against Gujarat police officers and two government doctors in the case. In April 2004, the Indian Supreme Court stayed the trial of 10 other major cases until the retrials of the Best Bakery and Bilkis Bano cases were completed. In the Best Bakery case, 21 persons are being tried for the killing of 14 persons during the riots.

In May 2004, the Indian Supreme Court directed the Central Industrial Security Force (CISF) to assign officers to guard witnesses in four major post-riot cases in Gujarat. In August, the Indian Supreme Court asked the Gujarat police to review the "summary closing" of approximately 2100 cases relating to the 2002 violence. By the end of the reporting period, the Gujarat police had not completed this review. The Best Bakery and Bilkis Bano retrials, which began in two Mumbai courts in September, continued to be heard.

There are no registration requirements for religious groups; however, all foreigners, including missionaries, are required to register with the local police station before working in the country.

A number of federal and state laws regulate religious life in India. These include The Foreign Contribution

Regulation Act (FCRA) of 1976, which restricts funding from abroad, several state anti-conversion laws, the Unlawful Activities Prevention Act of 1967, the Religious Institutions (Prevention of Misuse) Act of 1988, India's Foreigners Act of 1946, and the Indian Divorce Act of 1869.

To ensure communal harmony, the Government is empowered to ban religious organizations that provoke intercommunity friction, have been involved in terrorism or sedition, or have violated the FCRA. Christian organizations have complained that this prohibition prevents them from properly financing humanitarian and educational activities. Some Muslim and Hindu groups also had difficulty funding their activities due to the act.

Laws against "forcible" conversion have been in effect in Madhya Pradesh and Orissa since the 1960s, and also exist in Arunachal Pradesh. Chhattisgarh, which has been a separate state only since 2000, retained the anti-conversion law dating from when it was still part of Madhya Pradesh. In March 2003, Gujarat passed an anti-conversion law, which applies criminal penalties to those "forcing" or "alluring" individuals to convert. By the end of the reporting period, the Gujarat law had not yet come into force, because the rules and regulations needed to implement it had not been finalized.

During the period covered by this report, no new anti-conversion laws were passed and Tamil Nadu repealed its statutes which had been essentially "nonfunctional." In March, the Maharashtra Chief Minister announced in the state parliament that the Government of Maharashtra had no intention of passing a special anti-conversion law. A proposal to introduce a national anti-conversion law lapsed in 2002, and the new UPA Government has not revived it.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act lists offenses against disadvantaged persons and provides for stiff penalties for offenders; however, this act had only a modest effect in curbing abuse due to victims' fears of retaliation if they accused high-caste members. Intercaste violence was especially pronounced in Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Tamil Nadu, and Andhra Pradesh, and has claimed hundreds of lives. Human rights NGOs alleged that caste violence was on the increase. Caste violence crosses religious boundaries and is in many cases a socio-economic rather than political phenomenon. This violence is often a type of class struggle and is not always an infringement on religious freedom.

In November 2004, the Government amended the Unlawful Activities Prevention Act (UAPA) of 1967 to correct excesses contained in the controversial Prevention of Terrorism Act (POTA). The new statute empowers the Government to ban any religious organization that provokes intercommunity friction, has been involved in terrorism or sedition, or violated the 1976 FCRA. The UAPA has been used intermittently, as in 2000, when the Government declared Deendar Anjuman, (a militant Islamic organization), illegal for its alleged involvement in bombings in Andhra Pradesh, Karnataka, Goa and Maharashtra. The ban will last until 2007, unless extended. In 2001, the Government also banned the Students Islamic Movement of India (SIMI) under UAPA.

The Religious Institutions (Prevention of Misuse) Act of 1988 makes it an offense to use any religious site for political purposes or to harbor persons accused or convicted of crimes. While designed to deal specifically with Sikh places of worship in Punjab, the law applies to all religious sites.

There is no national law barring a citizen or foreigner from professing or propagating religious beliefs; however, speaking publicly against other beliefs is deemed dangerous to public order and is prohibited by the country's Foreigners Act. This act strictly prohibits visitors on tourist visas from religious preaching without permission from the Ministry of Home Affairs. A number of cable television networks dedicated to religious programming operate in the country and propagate their beliefs.

In January, the Government permitted the U.S.-based evangelical leader Benny Hinn to hold a rally in Bangalore attended by thousands. The Government stipulated that the event must not disturb the peace and that no one should perform "divine healing." One online news service reported that Hinn carried out "divine healing," but the Government took no action. A few Hindu groups protested the event, resulting in minor damage to property and vehicles in the area.

Another U.S.-based Christian evangelist, Pat Robertson, spoke at a prayer meeting in Delhi on May 13 attended by dignitaries such as Congress leader Subodh Kant Sahay. The event attracted approximately 3,000 persons and, with a moderate police presence, concluded peacefully. There was no agitation during the meeting. Visiting Sikh, Muslim, Buddhist, and Jewish leaders also regularly address the faithful without incident.

Foreign missionaries and religious organizations must comply with the Foreign Contribution (Regulation) Act (FCRA) of 1976, which restricts funding from abroad. In April, the Catholic Secular Forum expressed concern to the Government over the establishment of a group in the Maharashtra Home Ministry to monitor funds being used by Christian missionaries and NGOs.

Some laws, such as the repealed Prevention of Terrorism Act (POTA), while not specifically written to target minorities, affected particular ethnic or religious groups. A study carried out by the NGO "People's Tribunal" in 10 states in July 2004 found that 99.9 percent of those arrested under POTA were Muslims. A 2003 report also showed that 124 of 126 persons arrested for the Godhra train arson, predominantly Muslims, were charged under POTA, while no Hindus arrested in connection with the riots in Gujarat were similarly charged. However, on June 22, the Central POTA Review Committee stated that there was not enough evidence to support the use of POTA against those accused in the Godhra train massacre case and recommended that the charges be dropped. The POTA court has yet to follow through on the recommendation.

Legally mandated benefits are assigned to certain groups, including some minority religious groups. For example, minority religious institutions can reserve seats for members of their faith in their educational institutions, and Hindu institutions can do so for scheduled members of their faith. Minority-run institutions also are entitled to government funding, albeit with restrictions, but government benefits accorded to dalits are revoked if they convert from Hinduism to Christianity. Those who convert to Buddhism, Islam, or Sikhism, do not lose benefits.

There are many religions and a large variety of denominations, groups, and subgroups in the country, but Hinduism has by far the most followers. Although the Constitution specifies that the Buddhist, Jain, and Sikh faiths are different from the Hindu religion, interpretations by Hindu nationalist groups have defined them as Hindu sects. Such interpretations have been contentious, particularly for the Sikh community, many of whose leaders views Sikhism as a unique religion, distinct from Hinduism. Sikhs have sought a separately codified body of law to recognize this distinction legally and preclude ambiguity.

During the year, the NCM recommended that Buddhists should manage the shrine of Bodh Gaya in Bihar. The current state law, in place since 1949, was drafted to prevent Buddhist control by ensuring that Buddhists would always be a minority on the commission managing the temple. The Commission also called for the nomination of members of the Parsi community to the State Assemblies of Gujarat and Maharashtra, whose sizable Parsi populations are currently underrepresented in political life.

In September 2004, the NCM created advisory commissions to determine why several North Indian states had not heeded its calls to convene state-level commissions and advisory boards to ensure minority group representation in local government.

During the reporting period, the NCM also made a number of recommendations to curb communal violence. It specified that senior police officers who do not take action to end communal riots within 24 hours should be suspended, and the army automatically called in to put an end to religious violence. The NCM also called for special provisions to punish those guilty of inciting communal violence, and requiring judges to submit a report within 6 months after the outbreak of communal violence. These recommendations have not yet been implemented.

The NCM stated that although the percentage of Christians in India had remained at 2.3 percent from 1991 to 2001, scientific analysis of 2001 Census data documented "abnormally high growth of the Christian population in the Northeast, especially in those areas bordering Bangladesh." On February 14, the NCM stated that this "abnormally high" growth of the Christian population in the northeast could be due to illegal Bangladeshi migrants reporting themselves as Christians. The NCM theorized that illegal immigrants from Bangladesh could have claimed to be Christians because they may have believed that admitting to be Muslim would make them more likely to be deported.

Nagaland, Mizoram, and Tripura have the highest percentage of Christians, and the growth rate of the community was high. The NCM stated that between 1991 and 2001 the Hindu population in Tripura grew by 15 percent and the Christian population grew by 121 percent. Since there was no evidence of large-scale migration of Christians from Bangladesh, where Christians are very small in number, conversion may be the dominant factor contributing to this trend.

Unhappy with the NCM statements, the Christian community in the Northeast on March 1 urged the Government to reconstitute the NCM, as it had lost its credibility in their eyes as the guardian of minority community interests. A group of eight Northeast Christian associations maintained that the NCM comments regarding the alleged high increase in the Christian population in the region were "highly motivated," and demanded an apology.

Most Bangladeshi migrants in Assam are Muslim, and the BJP and other Hindu groups have called for their deportation, while extending a welcome to Bangladeshi Hindus, whom they allege are victims of Muslim religious persecution there.

There are different personal status laws for different minority religious communities, and the legal system accommodates religion-specific laws in matters of marriage, divorce, adoption, and inheritance. Hindus do not benefit from such an arrangement. Muslim personal status law governs many noncriminal matters involving Muslims, including family law and inheritance. The BJP's political platform advocates that the

country drop religion-specific legal codes and replace them with a uniform civil code that would treat all Indian citizens alike. Minority groups oppose such a move. The BJP views the lack of a uniform civil code as discriminatory in that it grants Muslims a status and prerogative others cannot enjoy. Many Muslims oppose the uniform code because they prefer religious-based family law. The Congress and left-wing parties have consistently supported Muslim civil codes so as to not alienate their Muslim supporters.

During the reporting period, the All-India Muslim Personal Law Board (AIMPLB) launched an awareness campaign regarding the "triple talaq" issue (the ability of a husband to divorce his wife by repeating, "I divorce thee" three times). The campaign stressed that a husband cannot on his own end a marriage and that community elders should solve family disputes by facilitating decisions binding on both parties. On May 2, the AIMPLB adopted new talaq guidelines, stating that men should use a reversible single talaq requiring a 3-month waiting period known as the iddat. The guidelines also call for the husband to pay compensation to the wife's family in case of divorce, equality in property rights, protection against physical and emotional abuse, and assurances that remarried women will be able to see their families and that talaq will only be used as a last resort. The National Commission on Women (NCW) also highlighted the problem, asserting that the practice of triple talaq has been widely misused and contrasts with the progressive laws on divorce and marriage found in some other Muslim countries.

Under the Indian Divorce Act of 1869, a Christian woman could demand divorce only in the case of spousal abuse and certain categories of adultery; for a Christian man, a wife's adultery alone was sufficient. However, in 2001 this law was amended by Parliament to allow Christian women to file for divorce for the same reasons allowed to men. The Indian Divorce Act of 2001 places limits on inheritance, alimony payments and property ownership on persons from interfaith marriages that are not applied to others. Under the act, no Christian marriage in which one party is a non-Christian may be celebrated in a church, and clergymen who contravene its provisions could face up to 10 years' imprisonment. However, the Indian Divorce Act does not bar interfaith marriages in other places of worship.

In September 2004, the Andhra Pradesh state government, acting on a court order, included Muslims in the backward class list, entitling them to job reservations, and in June extended a 5 percent reservation to Muslims in education and government jobs. To ensure the positions go to those in need, the ordinance excludes Muslims who have already benefited from reservations or who are successful in their own right. The new reservations increase the number of reserved jobs and positions in educational institutions in Andhra Pradesh to 51 percent. In May, the UPA Government approved a reservation system allotting 50 percent of seats in 36 courses at Aligarh Muslim University to Muslims. Official sources stated that the new quota was introduced to promote the educational and cultural advancement of Muslims.

The Government permits private religious schools, but does not permit religious instruction in government schools. Since most students in Christian schools are Hindu, the schools have voluntarily long restricted religious instruction on Christianity only to Christian students. The Supreme Court ruled that the Government can prescribe merit-based admission for religious colleges that receive public funding, while those that do not may use their own criteria, including determining admissions based upon religious affiliation.

Many Hindu sects have established their own schools, although they do not receive aid from the state. Most Muslim madrassahs do not accept offered government aid, as many Muslims believe that it would subject their schools to stringent security clearance requirements. Muslims objected to attempts by BJP governments in Rajasthan and other states to limit their freedom and ability to propagate their religious beliefs.

Some moderate Hindus and Muslims reported in April that the right-wing Hindu Rashtriya Swayamsevak Sangh (RSS) supported the website "Hindukids Universe" (www.hindukids.org), which provided false historical information to children. They argued that the information provided was incorrect and purposefully diminished the role of minorities.

The previous NDA government, whose term ended in May 2004, prompted criticism when it attempted to "saffronize" public education (i.e., make lessons consonant with the Hindu world view) by raising the profile of Hindu cultural norms, views and historical personalities in school textbooks and portraying other religions in a negative light. The books are published by the Government's National Council of Education Research and Training (NCERT), and are uniformly used in government and private schools and printed in various languages.

After the 2004 defeat of the NDA, the new UPA government pledged to "de-saffronize" textbooks and curricula nationwide and to restore the secular character of education. In March, the Government released new NCERT textbooks, based on the texts used prior to the controversial 2002 updates. The Ministry of Human Resource Development, which oversaw this project, stated that it had made only minor modifications to the books that predated the "saffronized" era.

In Delhi, the Directorate of Education, in collaboration with the State Council of Educational Research and Training, prepared 47 new textbooks, and other state governments are expected to do likewise. In June

2004, a panel constituted by NCERT reviewed the new textbooks and determined that they had poor content, shoddy presentation, and significant amounts of irrelevant information. The panel recommended to the Human Resource Development (HRD) minister that the new books not be used until the defects could be resolved. Therefore, Delhi students are now also using texts from the pre-"safronized" period.

Press reports indicated that the rush to "de-safronize" school texts resulted in Urdu versions not being ready for the academic year, which began in April. The reports asserted that this failure hurt Urdu-speaking students by depriving them of needed textbooks. The NCERT denied the claims.

In July, the Central Advisory Board of Education (CABE) released a report on books used in schools that do not follow the Central Board of Secondary Education (CBSE) syllabus and have not been approved by the NCERT. The report stated that some textbooks used in private schools affiliated with religious bodies propagated a narrow, often communal view of the world. Books used in madrassahs referred to pre-Aryan cultures negatively and described Aryans as "great and gentle," according to the CABE report. The report also stated that texts used in Hindu and Muslim schools affirmed they were "uncomfortable" with the Buddhist principle of nonviolence, which impedes the prosecution of wrongdoers. According to the report, books used in madrassahs, particularly in Uttar Pradesh, accentuate communal bias and glorify everything Islamic while emphasizing blind faith at the expense of critical and scientific thinking.

On December 16, 2004, Parliament passed a bill creating the National Commission for Minority Education Institutions, which will be empowered to resolve disputes involving allegations of discrimination against minority schools.

The Government maintains a list of banned books that may not be imported or sold in the country, including Salman Rushdie's "Satanic Verses," which contain material that governmental censors deem inflammatory and could provoke communal or religious tensions. In March 2004, the Maharashtra state government banned the book "Shivaji: The Hindu King in Islamic India," for allegedly making slanderous remarks against 17th century Indian warrior Shivaji and his mother. The Maharashtra state government also filed criminal charges against the book's author, American professor James Laine. In March, Shivaji's descendent Udayan Raje Bhosale filed a defamation suit against James Laine in the Satara district court in Maharashtra for his use of the epithet "Oedipal King" in another book on Shivaji. The district court issued notices to the author and publisher. In April, the Mumbai High Court stayed the proceedings of this second case until the Supreme Court deals with the 2004 matter.

In 2003, the West Bengal government banned Taslima Nasreen's book "Split in Two," claiming that it could incite "enmity and communal disturbance" as proscribed under section 153A of the Indian Penal Code. At the end of the reporting period, all of these books continued to be banned.

On October 7, 2004 the Central Censor Board allowed the release of the film "Final Solution" that documented the Gujarat religious violence. The board had initially banned the film on the grounds that it would inflame communal tensions. Also, in June 2004, following protracted appeals to the Central Censor Board, the film "Aakrosh," which was banned for its treatment of the Gujarat riots of 2002, received the censor certificate allowing public screenings. The Board continued to refuse a censor certificate to the film "Chand Buz Gaya," featuring a character resembling controversial Gujarat Chief Minister Narendra Modi. The story involves a Muslim girl and Hindu boy in love with each other who, mirroring reality, are separated by Hindu-Muslim riots that occur after a train arson incident.

In February, some Christians called for the film "Sins," to be banned for its portrayal of illicit sexual behavior by a Catholic priest. Efforts by the NCM Chairman to delay the film's release failed.

The major holy days of India's major religious groups are considered national holidays, including Good Friday and Christmas (Christian), the two Eids (Muslim), Lord Buddha's birthday (Buddhist), Guru Nanak's Birthday (Sikh), Dussehra, Diwali and Holi (Hindu), and the Birthday of Lord Mahavir (Jain). In 2003, the BJP government in Goa proposed removing Good Friday from the list of official holidays, but it withdrew the measure after widespread protests by Christians.

In April 2004, the Government of Gujarat transferred four religious holidays of the Hindu, Jain, Christian, and Muslim communities from the "official holidays list" to the "restricted holidays" list. Under this provision, Government offices remain open on those days, but employees can opt to take leave. Christian organizations protested the decision. In 2005, Good Friday coincided with a Hindu religious festival, and the Government of Gujarat did not include Good Friday on its list of official 2005 holidays. The Supreme Court of India ignored a petition from Christian organizations to overturn the decision to schedule a medical school entrance test on Easter Sunday, 2004.

Restrictions on Religious Freedom

The Unlawful Activities Prevention Act empowers the Government to ban a religious organization if it has provoked intercommunity friction, has been involved in terrorism or sedition, or has violated the 1976

FCRA, which restricts funding from abroad. Human Rights activists have criticized the Government for, they allege, selectively applying the FCRA against religious minorities.

In 2001, the Government officially banned the Students Islamic Movement of India (SIMI) under the Unlawful Activities Prevention Act of 1967 for "fomenting communal tension" and actions "prejudicial to India's security." The Government alleged that SIMI had links with terrorist groups such as the Lashkar-e-Tayyiba and Hizbul Mujahideen. The Unlawful Activities Tribunal upheld the ban against SIMI and in 2003 police in three states arrested eight members, including former president of the SIMI Bhopal district unit, Khalid Naeem. He was later released on bail without charge; at the end of the period of this report, no further legal action had been taken. SIMI was reportedly still active in Uttar Pradesh and Bihar, in spite of the government crackdown, and the Home Ministry reported that SIMI continues to act against national security interests.

In 2001 the Government banned the Muslim group Deendar Anjuman for "fomenting communal tension" and actions "prejudicial to India's security." In 2003 the Government extended the ban on Deendar Anjuman for another 2 years under the Unlawful Activities (Prevention) Act. During the reporting period, the government extended the ban until 2007.

Since 2000, Uttar Pradesh's "Religious Buildings and Places Bill" has required a permit endorsed by the state government before construction of any religious building. The bill's supporters stated that its aim was to curb the use of Muslim institutions by Islamist groups, but the measure remained controversial among religious groups in the north.

Legislation in West Bengal requires permission from the district magistrate before construction of a place of worship. Anyone intending to convert a personal place of worship into a public one is also required to obtain the district magistrate's permission. In 2003 the VHP, which propagates a return to Hindu values and cultural norms, announced it would launch a nationwide campaign to "reclaim" 30,000 Hindu temples that it contends had been converted into mosques. The VHP's published list includes the Gyan Vapi mosque in Varanasi, the Idgah mosque in Mathura, and the site of the former Babri Mosque in Ayodhya.

In 2003, the Special CBI court dismissed charges against then Deputy Prime Minister LK Advani, but not against seven other defendants accused of involvement in the destruction of the Babri mosque in Ayodhya in 1992; opposition parties charged that the dismissal was a political move. The proposal to build a Hindu temple on the site remained a polarizing issue, but did not result in any serious conflicts during the reporting year.

The distribution of "trishuls" or tridents, three-pronged Hindu symbols sometimes used as weapons or to intimidate, popularized by the VHP in the late 1990s, subsided. In 2003 the Congress-led government in Rajasthan banned trishul distribution, while allowing their use in religious places and functions. In April 2003, VHP General Secretary Togadia was arrested after he defied the ban. He was released on bail a week later, and no charges have been filed. However, in August 2004, after the BJP won the state elections, the VHP and allied groups such as the Bajrang Dal handed out trishuls to nine of their workers in Udaipur. In May, the VHP and Bajrang Dal handed out approximately 500 trishuls at a ceremony in Nimapara, Orissa. Opposition parties denounced the move and Chief Minister Naveen Patnaik stated that the Government would take all necessary steps to maintain peace and harmony in the state.

On May 5, parliament amended the Code of Criminal Procedure, Section 144 to allow district magistrates to ban any procession, "mass drill" or other gathering involving weapons, to include trishuls. The legislation also allows the government to ban training exercises using weapons. Home Ministry officials stated that the amendment was aimed at strengthening legal provisions meant to prevent "communal forces" from upsetting peace and harmony.

The BJP, which led two national coalition governments from 1998 until May 2004, is one of a number of offshoots of the RSS. Most BJP leaders, including former Prime Minister A.B. Vajpayee and former Deputy Prime Minister L.K. Advani, also are RSS members. Some Members of the BJP, the RSS, and other affiliated organizations (collectively known as the Sangh Parivar) have been implicated in incidents of violence and discrimination against Christians and Muslims.

The BJP and RSS claim to respect and tolerate other religions; however, the RSS in particular opposes conversions from Hinduism and believes that all citizens regardless of their religious affiliation should adhere to Hindu cultural values. The BJP officially states that the caste system should be eradicated, but many of its members strongly adhere to it. The BJP political platform calls for the construction of a Hindu temple on the site of a mosque in Ayodhya destroyed by a Hindu mob in 1992; for the repeal of Article 370 of the Constitution, which grants special rights to the state of Jammu and Kashmir, the country's only Muslim majority state; and for the enactment of a Uniform Civil Code that would apply to members of all religions.

Anti-conversion laws have been in effect in Madhya Pradesh and Orissa since the 1960s, and laws against

forcible conversions exist also in Arunachal Pradesh. Chhattisgarh retained the anti-conversion law instituted when it was still part of Madhya Pradesh. In 2002-03, the states of Tamil Nadu and Gujarat passed "anti-conversion" laws. Both laws prescribe criminal prosecution for those persons "forcing" or "alluring" individuals to convert. However, the Gujarat state government has not promulgated the rules and regulations necessary for its implementation, and the law had not yet been applied. The Tamil Nadu anti-conversion law, under which no arrests had ever been made, was repealed in 2004. In March, the Maharashtra Chief Minister announced that his government had no intention of passing a special anti-conversion law. During the period covered by this report, no new anti-conversion laws were passed. A proposal to introduce a national anti-conversion law lapsed in 2002, and the new UPA Government has not revived it.

Indian law does not specify what constitutes "forced conversions" or "allurement." Human rights groups, Christian religious leaders, Islamic groups, and dalits have expressed concern that until this is corrected, authorities will be able to use the law to shut down educational, medical, and other social services provided by Christian groups to non-Christians. However, the Central Government can intervene to prevent states from taking action if it determines that such moves pose a threat to national integrity and communal harmony, or violate the spirit of the Constitution. Hindu groups allege that non-Hindu groups use cash inducements and more sinister methods to encourage conversions.

Dalit and tribal converts from Hinduism often lose benefits conferred by the Government's affirmative action programs because these, according to the Constitution, are reserved only for those having scheduled Hindu caste or scheduled tribe status. Reportedly, 24 percent of government jobs are reserved for members of Scheduled Castes and Scheduled Tribes, with each state choosing its own percentage of reserved jobs.

In March, the RSS stated that it opposes quotas for members of scheduled castes who convert to Christianity. Calling the converts "Crypto-Christians," the RSS argued that members of scheduled castes who convert to Christianity should not be eligible, since there is no concept of "untouchability" in Christianity, and it would deprive Hindus of opportunities reserved through quotas in state jobs. Supporters of the measure argued that since dalit converts still face the same, if not more, discrimination despite their conversion, the quotas are needed to help pull them out of poverty. The RSS also claimed that Muslims and Christians born in the country should not call themselves minorities, as their forefathers were Hindu. RSS General Secretary Mohan Rao Bhagawat stated that during the colonial period, the British introduced the "minority-majority" concept as part of a plan to divide the country and that the only genuine minorities are Jews and Parsees.

In April, in an attempt to address criticism from Christian groups, the Supreme Court in April ordered the Government to investigate the plight of Christian converts from scheduled castes and tribes, but it has not yet released a report. In a legal quirk, members of Hindu scheduled castes and tribes who convert to Islam do not lose their access to reservations, but those who convert to Christianity do. A Hindu group, the Vishwa Hindu Parishad (VHP or World Hindu Council) has objected to the demands by Christian converts to take advantage of reservations, and has in Orissa threatened to launch a campaign calling for the dismissal of Christian government officers who granted such rights to tribal Christians.

The Congress Party of Assam currently sets aside 34 State Assembly tickets for Muslim candidates. On January 20, the Assam Congress Minority Cell demanded that the party allot at least three tickets to Christian candidates. Christians comprised four percent of Assam's population and had no reservations.

In 2003, the Gujarat legislature passed the Freedom of Religion Act, which requires that those conducting a conversion ceremony seek the permission of the District Collector, and that the police investigate allegations of forced or induced conversions. The act also prescribes greater punishments if the person being improperly converted is a woman, from a scheduled caste, or a "tribal."

In 2003, a group of dalits asked the Vadodara (Gujarat) Collector for permission to convert to Buddhism under the act; the collector had not given permission by the end of the period covered by this report. In 2003, one Christian and one Buddhist organization filed a case in Ahmedabad High Court against the act; the court dismissed the petition as premature, since the act's rules and regulations had not yet been published. State officials made no attempts to implement it in the absence of formal regulations.

In Chhattisgarh, an anti-conversion law has been in force since the 1970s when the current state was part of Madhya Pradesh. Under current provisions, a conversion offense is punishable with imprisonment for a maximum of 2 years, and a maximum fine of \$220 (Rs 10,000). On July 18, 2003, in the first conviction under the law, Sister Brishi Ekka was sentenced to 6 months in jail for not reporting the 1996 conversion of 95 families to Christianity. Sister Ekka appealed the decision in the Chhattisgarh High Court, and was later released on bail. At the end of the period covered by this report, the high court had still not heard the case, and Sister Ekka remained free on bail.

The Orissa Freedom of Religion Act of 1967 contains a provision requiring a monthly report from the state government specifying the number of conversions. Before a conversion takes place, the district magistrate

must be informed and a local police officer conducts an inquiry. The report is then forwarded to the state authorities. The police officer can recommend in favor of or against the intended conversion, and often is the sole arbitrator. There were no reports that a district magistrate denied permission for any conversions during the period covered by this report. In 2000, the Orissa government notified churches that conversions could not occur without the permission of the local police and district magistrate. Although the rule does not appear to have been enforced during the period covered by this report, it has not been withdrawn.

In the south, religious groups allege that under the BJP government some local officials enforced laws selectively to the detriment of religious minorities. The groups cite numerous examples of discrimination, such as biased interpretations of postal regulations, including removal of postal subsidies, refusals to allocate land for the building of churches, and heightened scrutiny of NGOs to ensure that foreign contributions are made according to the law.

In 2003, the Tamil Nadu Government ordered the leading Christian missionary hospital in South Asia, the Christian Medical College (CMC) of Vellore, to accept government-sponsored candidates into 40 percent of its school seats, in violation of the constitutional Special Minority Status guarantees given to unaided institutions. The Supreme Court directed the Government of Tamil Nadu in 2003, to form a committee to look into the question of admissions procedures followed by privately funded minority education institutions. In the interim, the Supreme Court permitted the hospital to follow its prior admissions policy. The Tamil Nadu government constituted a committee in March 2004 to examine the issue, but the Supreme Court has yet to issue a verdict.

The Tamil Nadu government also has worked actively to strengthen Hindu institutions. For example, in 2002, the Government initiated renovation of 200 Hindu temples throughout the state and sponsored spiritual classes in 63 shrines. Such state sponsorship was not available to other religious groups; however, in May 2004 Chief Minister Jayalalithaa announced her intention to halt all such support.

The Sangh Parivar's attempts over the past decade to take control of the Sufi syncretic (Hindu-Muslim) shrine known as Guru Dattatreya Baba Budan Swami Dargah at Chikmagalur in Karnataka continued to raise protests from secular groups. The centuries-old dargah is believed to have been one of the earliest centers of Sufism in the south. In recent years, Hindus have held many festivals at the site, alienating local Muslims.

In August, the Mumbai Municipal Corporation (BMC) passed a resolution sponsored by the regional Hindu nationalist party, Shiv Sena, making the singing of the Sanskrit language patriotic song "Vande Mataram" compulsory in state funded schools. The resolution has not yet been implemented, as it is awaiting approval and comments by the Mumbai Municipal Commissioner. Some Muslim organizations objected, arguing that requiring Muslims to sing praises to anyone but Allah is against the precepts of Islam. Proponents of the singing noted that students in a number of Muslim majority schools have been singing the song, a favorite of Mahatma Gandhi's during the freedom struggle, for 30 years and teachers told the media that students and parents raised no objections.

In January, the Charity Commissioner in Gujarat sent letters mainly to Christian faith-based charities asking for their financial statements from the preceding 10 years, claiming that he was acting at the behest of the Government of Gujarat. The law governing charities only requires the submission of annual reports. Most charities objected to the measure and were excused. However, NGO sources alleged that several charities complied without raising any objection. Human rights and religious rights activists point to this instance as evidence of continued subtle pressure by the Government of Gujarat on minority-run institutions.

Between 1999 and 2003, the Gujarat government attempted to survey Christian families and agencies on a number of occasions. The police often carried out the surveys in the middle of the night. The surveys included questions about the number of converts in the household or parish, the circumstances of conversion, and the sources of funding received from abroad. The Government discontinued the exercise only after human rights and faith-based organizations appealed to the Gujarat High Court, arguing that they were illegal. No such surveys were conducted during the period of the report.

In 2003, the Gujarat Minister for Social Justice and Empowerment, Karsan Patel, publicly told tribal school children studying in a Christian-run school, "to decide whether they want to live as Hindus or die as Christians." Patel made this statement at a convention attended by more than 15,000 Hindus. The VHP distributed pamphlets at the convention urging Hindus to "reclaim" their territory from religious minorities.

There is no national law barring a citizen or foreigner from professing or propagating his or her religious beliefs; however, speaking publicly against other beliefs is considered dangerous to public order, given the country's religious mix and past history, and is prohibited by the Foreigners Act. This law strictly prohibits visitors on tourist visas from engaging in religious preaching without first obtaining permission from the Ministry of Home Affairs. Given this context, the Government discourages foreign missionaries from entering the country without receiving prior clearance, and expels those who perform missionary work without the correct visa.

Long-established foreign missionaries generally can renew their visas, but since the mid-1960s, the government has refused to admit new resident foreign missionaries. During the period covered by this report, there were press reports documenting the activities of Christian missionaries who entered on tourist visas and illegally proselytized. This activity led to a public outcry and calls for the Government to enforce existing laws more rigidly. U.S. citizens accused of religious preaching while visiting India as tourists have been expelled and have faced difficulties obtaining permission to return for up to a decade after the event.

In 2003, a group of militant Hindus attacked and injured U.S. missionary Joseph Cooper in Kerala. The police arrested nine suspects in the case; however, their trial has not yet begun. The suspects were released after a few days; their leader and principal suspect in the case was not arrested, and the police claimed that he had left their jurisdiction. The state police ordered Joseph Cooper to leave the country, on the day he was discharged from the hospital, reportedly because his tourist visa was incompatible with his missionary work.

The human rights groups Confederation of Human Rights Organisations and Peoples Watch of Tamil Nadu, in a joint fact-finding report in 2003, quoted then-Minister of State for Home Affairs Ch. Vidya Sagar Rao as saying that, "the action taken by the Kerala Police asking Cooper to leave the country within a week would send the right signal." The report also quoted then-Minister of State for Urban Development O. Rajagopal as saying, "missionaries were making despicable remarks about Hindu deities," and "the people will be forced to react if such actions go unchecked."

In 2003, Gujarat police detained for questioning nine foreigners (eight Saudis and one Sudanese) for misusing their visas by preaching Islam in Gujarat. All were released without charge after a day in custody; reportedly they were in the country on tourist visas. There were no reports during the period covered by this report of Islamic preachers being detained.

In April 2004, Father Jim Borst, a priest at the Mill Hill Mission in Srinagar, who had worked in the country since 1963, was given a "Leave India Notice" from the Foreigner's Registration Office in Kashmir. However, in July 2004, the Government permitted Borst to stay in India and continue his work. Borst had served as the principal of St. Joseph's school in Baramulla and Burn Hall School in Srinagar and engaged in other educational activities in Jammu and Kashmir.

In June 2005, a mob assaulted four American missionaries in the Malwani suburb of Mumbai in western Maharashtra for allegedly converting Hindus to Christianity. The Government subsequently deported the missionaries, claiming they were carrying out religious activities while on tourist visas. Christian groups demanded an inquiry into the attack, stating the government's failure to do so would trigger more such incidents.

Bureaucratic obstacles in getting visas renewed for foreign relief work also have hampered several Christian relief organizations. Missionaries and foreign religious organizations must comply with the FCRA, which limits overseas assistance to certain NGOs, including religiously affiliated groups. There were no reports of religious-based relief operations related to the 2004 Tsunami being hampered by the requirement.

The personal status laws of religious communities sometimes discriminate against women. Under Islamic law, a Muslim husband may divorce his wife spontaneously and unilaterally; there is no such provision for women. However, the Mumbai High Court ruled in 2002 that divorces of Muslim couples must be proven in court. Previously, a Muslim male's assertion of a divorce was sufficient. Islamic law also allows a man to have up to four wives but prohibits polyandry.

In April, the All-India Muslim Personal Law Board published a voluntary model "Nikahnama" (marriage contract) allowing prospective brides and grooms to incorporate restraints on the practice of "zubani talaq" (a man divorcing his wife by mere verbal assertion). The board asserted that a Muslim should not use a permanent triple talaq, but rather a single talaq, which incorporates a 3-month waiting period, during which the husband can reflect on the consequences of his action, change his mind, and reconcile with his wife. The guidelines also stipulate that any husband who divorces his wife should pay compensation to her family, that she should have equal property rights, not be subject to oral or physical abuse, not be prevented from meeting her family, and that talaq should be used only as a last resort when a marriage cannot be saved. The All India Muslim Women Personal Law Board (AIMWPLB) has outright rejected it and announced its plans to formulate a separate Nikahnama. "The model Nikahnama is just a formality and does not safeguard the interests of women and it is not acceptable to us," stated AIMWPLB president Shaista Amber.

Under the Indian Divorce Act of 1869, a Christian woman could demand divorce only on the grounds of spousal abuse and certain categories of adultery; for a Christian man, a wife's adultery alone was sufficient. However, in 2001 Parliament amended this law to allow Christian women to file for divorce for the same reasons as men.

The Indian Divorce Act of 2001 places limitations on interfaith marriages (such as inheritance laws and divorce) and specifies penalties, such as 10 years' imprisonment, for clergymen who perform a marriage between a Christian and non-Christian in a church. However, the Indian Divorce Act does not bar the performance of interfaith marriage ceremonies in other places of worship.

Abuses of Religious Freedom

While the Central Government has not been implicated in abuses of religious freedom, human rights activists have criticized it for alleged indifference and inaction in the face of abuses committed by state and local authorities and private citizens. Although discrimination based on caste is officially illegal, it remains ubiquitous, stratifying almost every segment of society. Many members of lower castes are relegated to the most menial of jobs and have little social mobility. Dalits and other low caste members often convert to escape caste-based discrimination. Many face the wrath of fundamentalist Hindus, who view conversion as an attack on their religion. This backlash is almost always from the upper castes, which benefit economically and socially from the hierarchical system.

Weak enforcement of laws protecting religious freedom is partly due to an overburdened, outmoded, and corrupt judiciary. The archaic legal system has many years of backlog, and all but the most prominent cases move slowly. Official failure to deal adequately with intragroup and intergroup conflict and with local disturbances in some places has abridged in practice the right to religious freedom. The widespread belief that dalits and low caste Hindus, Muslims and Sikhs are inferior and deserve their rank due to mistakes made in a prior life compounds the discrimination they face and further limits their religious freedom.

A federal system in which state governments hold jurisdiction over law and order contributed to the Central Government's ineffectiveness in combating religiously based violence. The only national law enforcement agency, the CBI, is required to ask state government permission before investigating a crime in the affected state. States often delay or refuse to grant such permission.

In 2000, the Government directed the Nanavati Commission to investigate the causes and course of violence during the anti-Sikh riots of 1984. It delivered its report to the Government on February 9, 2005, but it has not been released to the public. News reports stated that the report confirmed that the riots were organized and systematic, but did not hold responsible the Congress government in power at the time.

The anti-Sikh riots, which followed the assassination of then Prime Minister Indira Gandhi by her Sikh bodyguards, lasted for approximately 4 days and resulted in more than 3,000 deaths. The assassination was in retaliation for Indira Gandhi's authorization of Operation Blue Star, during which the army assaulted terrorists holed up in Sikhism's holiest shrine, the Golden Temple in Amritsar, killing a prominent Sikh political leader and many of his supporters and damaging the complex. In October 2004, Amnesty International (AI) called for the perpetrators of the 1984 anti-Sikh violence to be brought to justice to heal the wounds of this period. AI stated that only a small minority of police officers responsible for the 1984 human rights violations has ever been prosecuted.

On December 2, 2004, nine persons were sentenced to 3 years' imprisonment for looting during the 1984 anti-Sikh riots. On May 17, a Delhi court sentenced five persons to life imprisonment for burning a man to death during the riots. Also in May, the Delhi High Court ruled that the Government was liable for its failure to "protect the life and liberty of its citizens" and must pay \$2,860 (Rs 123,000) to all persons injured during the riots, a change from the previous decision to pay out \$46 (Rs 2,000) per victim. On June 28, a Delhi city court charged five men in a 1984 riot related case in which a policeman, his son and another relative were stabbed on a railway platform. The case has yet to come to trial.

In 2003, a Hindu mob attacked a peaceful Muslim protest in Hyderabad, Andhra Pradesh, on the eve of the anniversary of the demolition of the Babri Masjid. Two Hindus were stabbed to death; police arrested and charged approximately 35 persons from both communities.

Communal violence sparked by a traffic accident occurred in Bhopal, Madhya Pradesh, in October 2004. Police attempting to quell the violence were pelted with stones and responded with gunshots, killing one person and injuring three.

In February, activists from the Hindu nationalist Bajrang Dal attacked and beat a group of Christians in the Rajasthani town of Kota while they were attending a Christian graduation ceremony. The victims claimed that the local government was unsympathetic to their concerns and sided with the attackers, and that 275 persons were assaulted. Groups of Bajrang Dal activists subsequently set up checkpoints in the area to harass Christians attempting to leave by bus. The district government said it ended the harassment and took 37 Bajrang Dal members into custody. The NCM sent a two-member team to Kota to investigate and negotiate peace between the opposing sides.

In March, Christian groups in Rajasthan expressed concern over the state BJP government's plan to introduce an anti-conversion bill. However, by the end of the reporting period, Rajasthan had not introduced

any such legislation.

In the Balmikinagar jungles bordering Nepal, police and the RSS have accused missionaries and Oraon tribal Christians of having "links" with the Maoist Communist Center (MCC), an insurgent group on the State Department's "Other Selected Terrorist Organizations" list. As a result, priests have been detained and asked to leave the area. On June 15, police detained two priests and questioned them regarding alleged MCC ties. During the year, police detained more than 100 Oraon tribals for suspicion, causing a number of them to leave the area.

Some of the most severe anti-Muslim violence since India's independence occurred in Gujarat from February to May 2002. On February 27, near Godhra, a fire broke out in two train cars of the Sabaramati Express, killing 58 Hindu passengers. A Commission headed by Justice Banerjee determined in its interim report, issued in January, that the fire may not have been arson, as opposed to what Hindu groups and the Gujarat government have alleged. Over the next 3 months, Hindu mobs in Gujarat, angered by the attack on the train (allegedly by Muslims) and incited and organized by members of the Sangh Parivar, destroyed Muslim businesses and raped Muslim women. The violence resulted in an estimated 2,000 deaths, a majority of them Muslims. In addition, 100,000 Muslims were forcibly displaced into makeshift camps throughout Gujarat. The Government closed the camps in mid-June 2002, forcing the displaced to return to burnt houses and destroyed property, with the perpetrators still at large. Human rights organizations and religious groups remain concerned about the increasing displacement and "ghettoization" in the Gujarati Muslim community.

A 2002 fact-finding team of women activists documented the effect of communal riots on women. The report stated that Muslim women had been subjected to "unimaginable, inhuman, barbaric" sexual violence during the riots, suffering rape, gang rape, and molestation. However, due to societal stigma, few of the raped women have filed charges.

Human rights activists reported that the Gujarat police received specific instructions not to take action to prevent a possible violent reaction by Hindus to the Godhra incident. Muslims and human rights activists alleged that the Gujarat police and the state reserve police many times sided with the attackers rather than with the victims. In some instances, police and government officials abetted the violence, and at times state security forces were responsible for abuses or assisted Hindu fundamentalists in attacking Muslims or Muslim owned businesses. Some police officers reportedly told Muslim victims, "We don't have orders to help you." It was reported that assailants frequently chanted, "the police are with us."

In May, former Gujarat governor and senior BJP leader Sunder Singh Bhandari stated that the Narendra Modi government was at fault for delaying action against the rioters in 2002. He also charged that the BJP-led Central Government took the riots lightly and "did not react in a timely manner," arguing that fewer persons would have died if action were taken sooner. On April 14, the Times News Network reported that Gujarat Additional Director General of Police RB Sreekumar alleged that the state's Chief Minister, Narendra Modi, issued orders to eliminate minorities who attempted to block Hindu political and religious processions.

In its 2002 report, the NHRC held the Gujarat government responsible for the riots and accused it of "a complicity that was tacit if not explicit." It concluded that "there is no doubt, in the opinion of this Commission, that there was a comprehensive failure on the part of the state government to control the persistent violation of rights of life, liberty, equality, and dignity of the people of the state." The report recommended a Central Bureau of Investigation inquiry into the communal riots, which the state government refused to allow.

Instead, in April 2002, the Gujarat state Government appointed retired Supreme Court Justice G. T. Nanavati, who also led the inquiry into the anti-Sikh riots of 1984, to oversee a two-member judicial commission to investigate the violence. The group, known as Nanavati-Shah Commission, held hearings in various riot-affected districts of the state between May and November 2003, and at the end of the reporting period was investigating the role of the police, government officials, and the chief minister.

Initially, in May 2003, when the hearings commenced, human rights activists complained of police intimidation of witnesses and of a perfunctory approach by the commission to recording victims' testimony. However, the board reportedly received more candid testimony from victims in subsequent months. It also warned the police during its hearings in September 2003 not to attempt to influence or terrorize the victims. Nevertheless, victims complained of threats and pressure from Hindu rightist groups not to testify. Justice Nanavati stated that he expects to submit a report by December 2005.

Besides the Nanavati-Shah Commission inquiry, various cases relating to the Gujarat violence were winding their way through the Gujarat judiciary. The Gujarat police reportedly downgraded charges against Hindu defendants, filed false charges to cover up their own role in the violence, deleted the names of the accused, and failed to pursue rape cases. A Home Ministry report, released in April 2003, stated that 23,777 persons, predominantly Hindus, were arrested and charged in 2,014 cases in connection with the Gujarat violence. Most of the Hindus accused were able to secure bail, while Muslims remained in jail,

because they were charged under POTA (Prevention of Terrorism Act), under whose provisions bail can be easily denied. On June 22, the Central POTA Review Committee declared that there was not enough evidence to charge those accused in the Godhra train massacre case under the statute and recommended to the POTA court that charges be dropped. However, at the end of the reporting period the charges were still in effect.

According to the Government of Gujarat's January 2004 affidavit to the Supreme Court, 2,108 of the 4,256 cases registered in connection with the post-Godhra train burning violence have been categorized into a group of cases in which the State acknowledges that, while a crime happened, the circumstances could not be substantiated and no one could be charged. In August 2004, the Supreme Court directed the Gujarat police to review these cases and report whether the summary closure of continuing investigations was justified. By the end of the reporting period, the Gujarat police had not completed this review process. On June 22, the Home Ministry stated that it would allow the CBI to lead the investigation into the post-Godhra riots if the government of Gujarat agreed to hand over jurisdiction. The state government has not indicated its willingness to do so.

On May 12, the Government, for the first time, released official figures detailing the number of killed, injured, and missing as a result of the Gujarat riots. According to the Home Ministry, 790 Muslims and 254 Hindus were killed, 223 were reported missing and 2,500 injured. Some NGOs maintain the number of Muslims killed is higher than the official estimates, with figures ranging from 1,000 to 2,500 dead. The official number of Hindus killed included those killed in the Godhra Train fire.

Beginning in September 2004, at the direction of the Supreme Court, a retrial began in Mumbai of two high profile Godhra-related cases, the Bilkis Bano and Best Bakery Cases. (In the latter case, on March 1, 2002, a mob of Hindus attacked the Best Bakery in Vadodara, burning 14 persons, 12 of them Muslims, to death. In the former case, on March 2, 2002, a Muslim woman named Bilkis Bano was gang-raped, and her 14 relatives murdered as they were trying to flee from their village Randhikpur near Dahod in central Gujarat. Officers of the Gujarat police at Limkheda station refused to register her complaint. The police also allegedly tried to destroy the corpses and falsified the post mortem reports.)

In June 2003, a fast-track court in Vadodara acquitted the 21 accused in the Best Bakery case, since eyewitnesses refused to identify the alleged perpetrators in court. In July 2003, principal witness Zaheera Shaikh told Mumbai media that she had refused to identify the perpetrators in the Vadodara court because they had threatened her and her family. Zaheera, and Citizens for Justice and Peace (CJP), a human rights NGO, filed cases in the Indian Supreme Court in July 2003 asking for a retrial outside Gujarat. The Supreme Court granted the retrial in April 2004.

However, in November 2004, just prior to her planned testimony, Zaheera Shaikh told a Vadodara media conference that CJP convener and Mumbai-based human rights activist Teesta Setalvad had coached her to lie in her July 2003 media conference. She disowned her petitions to the Supreme Court, saying that she did not understand what she was signing. Subsequently, she testified in the Mumbai court that she could not see the perpetrators of the arson because of the smoke in her eyes. The depositions in the Best Bakery retrial continued. Meanwhile, the Indian Supreme Court appointed a special committee to examine Zaheera Shaikh's allegations against the CJP in general and Teesta Setalvad in particular. CJP and Teesta Setalvad have demanded a CBI inquiry. Zaheera Shaikh has not testified before the Nanavati-Shah Commission, but has reportedly written to the commission disowning her previous signed affidavits there. An Indian media organization claimed that its audiotapes proved that Zaheera received a large payoff from associates of the alleged arsonists for her November 2004 recantation and accusation against Setalvad.

None of the Hindus accused were charged under the Prevention of Terrorism Act (POTA). Although many of the incidents of violence during the riots were witnessed by scores of observers, and some were televised, very few Hindus accused were convicted by the end of the period covered by this report. Human rights activists cited widespread intimidation of witnesses and judges, negligence by police, and shoddy prosecution by state authorities. Many Gujaratis reportedly were afraid of cooperating with the justice process.

Many Godhra-associated cases are likely to be appealed to the Gujarat High Court and later to the Supreme Court. Final judgments may not be handed down for many years. Human rights activists and minority groups remained skeptical that those guilty of the post-Godhra violence will be punished appropriately.

Human rights activists also argued that application of POTA has been selective in Gujarat. In May, the Central POTA Review Committee recommended POTA be withdrawn from the Godhra case. The three-member committee reported there was no ground for booking the accused under POTA, because there was no evidence of a conspiracy. Sources said the committee also determined that the fire was not a case of "waging a war against the nation," but the fallout of a scuffle between vendors at a railway station and passengers on the train. At the end of the reporting period, the POTA court had not dropped the charges.

None of the Hindus accused in the riot-related cases have been charged under POTA. However, POTA

has been applied to approximately 124 of the 126 Muslims accused in the Godhra train arson case, to approximately 15 Muslims accused in the March 2003 Haren Pandya murder case, to those accused in the 2002 tiffin bomb case, and to Muslims accused in the alleged 2002 conspiracy between Indian Muslimism and Pakistan's Military Intelligence Agency (ISI) to kill Chief Minister Narendra Modi and then Union Home Minister L.K. Advani. In April, the national POTA review committee determined that almost all of the 200 accused under POTA in 15 cases (including the four above) in Gujarat have been Muslims. Lawyers for both the accused and the Gujarat government presented arguments before the committee. By the end of the reporting period, the committee had not ruled on any of the cases. The trial of the accused for Haren Pandya murder case continued, while the Indian Supreme Court stayed the Godhra case since April 2004.

POTA allowed for detention without charge for 6 months, summary trials, and the use of testimony exacted under duress. On September 21, 2004, President Kalam signed a bill repealing the POTA, and in December 2004, Parliament passed legislation implementing the repeal. However, POTA contains a sunset feature, which gives the Central POTA Review Committee a year to review all existing POTA cases. This clause allows the Government to make new arrests if they are tied to existing POTA cases. The Government can issue a new indictment on a case opened years ago under POTA, even against a person never previously associated with the case. It can also extend the 1-year limit for reviews. None of those arrested or charged under the POTA had been tried.

In 2002, attackers of the Swaminarayan Hindu Temple in Gujarat killed 40 persons before security forces stormed the temple and killed the terrorists. The Government responded swiftly by deploying approximately 3,000 army personnel to dispel a strike and protest march called by the VHP. Critics noted that had the Government acted as quickly following the Gujarat violence, many deaths, injuries and destruction of property could have been prevented. In November 2002, security forces ended a siege by suspected Muslim militants of two Hindu temples in Jammu, Jammu and Kashmir. Thirteen persons were killed in the raid, including 9 civilians, a soldier, a policeman, and the 2 assailants.

Furthermore, in March police in Gujarat detained at least 400 persons to prevent Hindu-Muslim clashes during a Shi'ite Muslim day of mourning (Muharram); the same month, Muslims called off a Muharram procession in the volatile town of Baroda to prevent potential clashes with Hindus. In October 2003, police arrested the leader of a hardline Hindu group along with thousands of activists planning to hold a rally at the disputed religious site of Ayodhya. No updates on these events were available during the reporting period.

Jammu and Kashmir (J&K), the country's only Muslim majority state, has been the locus of repeated armed conflict between India and Pakistan and internal fighting between security forces and Muslim groups, some of whom use terrorism, who demand that the state be given independence or be ceded to Pakistan. Particularly since an organized insurgency erupted in Jammu and Kashmir in 1989, there have been numerous reports of human rights abuses by security forces and local officials, including execution-style killings, beatings, rapes, and other physical abuse. Terrorist groups have also perpetrated similar atrocities, including car bombings targeting civilians, forcing villagers to shelter terrorists, and sexually assaulting villagers. Retaliatory killings by terrorists are also common. Terrorists also routinely targeted and slaughtered minority Hindu members of the Pandit community since 1989, resulting in mass exodus from these Hindus' homes and land to refugee camps in majority-Hindu Jammu or other parts of India.

Government forces deny allegations of excessive use of force and assert that they target persons on the basis not of religion but of involvement in terrorist activity or suspicion of terrorist links. For their part, terrorists killed and otherwise attacked hundreds of Hindu and Muslim civilians, including Kashmiri Muslims and Hindus, during the period covered by this report. On May 1, Chief Minister Mufti Mohammed Sayeed's nephew, Attiqullah Shah, was fatally shot by separatist guerrillas.

It is difficult to separate religion and politics in Kashmir; Kashmiri separatists are predominantly Muslim, and almost all the higher ranks as well as most of the lower ranks in the Indian military forces stationed there are non-Muslim, although their proportions are consistent with the demographic makeup of the country as a whole. The vast majority of the Jammu and Kashmir police force of 61,000 is Muslims. Kashmiri Hindus, also known as Pandits, remained vulnerable to violence. Most Pandits lived in refugee camps outside of the valley and waited until they could safely return home. In 2003, for the first time in 14 years, the J&K government allowed a procession of separatist groups to mark the anniversary of the birthday of the prophet Muhammed. The procession was held again in May 2004 and 2005.

In 2002, two assailants, described by the Gujarat police as having connections to Hizbul Mujahideen (HM) and Lashkar Toiba (LET), captured Hindu and Sikh pilgrims at a Hindu temple in Gandhinagar, Gujarat. During a rescue operation, security forces killed 30 persons, including the attackers. Regional police officials said that the case remains under investigation.

There were no reports of religious prisoners or detainees.

Forced Religious Conversion

Forced religious conversion is illegal; however, NGOs claim the Government uses this law to restrict voluntary conversions. The issue of conversion, especially to Christianity, is highly contentious in the country. Hindu nationalist organizations frequently allege that Christian missionaries lure Hindus, particularly from lower castes, with offers of free education and healthcare. They equate such actions with forced conversions. Christians deny this, responding that low-caste Hindus convert of their own free will and that efforts by Hindu groups to "re-convert" these new Christians to Hinduism are themselves coercive.

In 2002, the Pondicherry state government ordered an inquiry into the alleged forced conversions of prisoners to Christianity by the superintendent of Pondicherry Central Prison. Six prisoners filed a complaint in Pondicherry claiming that they had been tortured after refusing to convert. There was no information available about this case during the reporting period.

In December 2003, International VHP Secretary Pravin Togadia addressed a gathering of 7,000 persons in the Surat District of Gujarat and claimed that 500 persons including a Catholic priest had reconverted in the state, and that since Gujarat is ruled by the BJP, he expected "to undertake many more shuddhikaran (purification) programs." According to a media report, Togadia claimed that the VHP planned to reconvert all Christians residing in BJP ruled states to Hinduism by 2005, and "expose the global Christian conspiracy of conversions." In Orissa, the VHP demanded the exhumation of the body of a Christian man buried in a Hindu cremation ground. The press reported on October 4, 2004, that the deceased man's family gave written permission for the man to be reconverted to Hinduism in order for the body to remain in the cemetery.

Also in December 2003, members of a tribal Christian family, who fled violence in Tilonda Jambhulpada, a village in north Thane, Maharashtra, claimed that local police urged them to renounce Christianity. The family refused, and the Maharashtra State Minorities Commission intervened to assure police protection. The family returned to its village in February 2004; family members have not pressed charges.

In December 2003, the Maharashtra state Congress and Nationalist Congress parties banned the "Ghar Wapasi" ("Returning Home: Reconversion to Hinduism") program, organized by the VHP, which planned to reconvert 400 tribal Christians to Hinduism in Nawapur in the tribal district of Nandurbar. Reportedly, the VHP distributed pamphlets in the region, saying that Christians had damaged Hindu temples and were bent on destroying the culture of Ram. The VHP shifted its program across the border to a village in BJP-ruled Gujarat and attempted a reconversion drive in Kerala.

Religious press outlets reported that on August 8, 2004, a group of Christians in Orissa were denied access by fellow villagers to the village well and employment opportunities when they returned to their village. Pastor Subas Samal and an associate had spent 6 weeks in jail under Orissa's anti-conversion law. The pastor claimed he had attempted to find a solution to the conflict and that he never forced anyone to convert.

In February 2004, Hindu villagers in Jagatsingpur District, Orissa seized eight persons, including a local pastor and eight Christian women and shaved their heads. Villagers accused the pastor of forcibly converting two village women; however, the women denied this. In May 2004, the local police arrested six persons in connection with the incident, and the pastor and the eight women remain in protected housing. No new information was available concerning these cases.

On September 26, 2004, approximately 35 Hindus in Kerala attacked four nuns and brothers belonging to the Missionaries of Charity after accusing them of converting Hindu villagers. Kerala police arrested 12 Hindu activists for the attack.

On October 17, 2004, approximately 300 tribal Christians were "reconverted" to Hinduism in a mass ceremony organized by the World Hindu Council in Orissa. Gauri Prasad Rath, state secretary of the Council, said it was the largest reconversion ceremony they had ever held. Christian leaders expressed shock and dismay at the news and the President of the All India Catholic Union, John Dayal, stated it was part of a vicious and hostile hate campaign. Other Christian leaders argued that Hindu groups were able to force Christians to convert because they depend on the Hindu majority for employment.

On January 19, in Assam, a mob set fire to a newly opened Catholic school, after accusing school staff of attempting to convert Hindus. Police arrived at the scene shortly after the incident and brought the situation under control, but not until after the school was destroyed.

Press reported that on February 14, a Hindu cleric in the Catholic village of Rajura, Maharashtra insisted that tribal Christians turn their church into a Hindu temple or face violent consequences. A witness stated that the cleric urged Hindu villagers to kill the Christian adivasis (tribal people) with swords.

Claims of forced conversion often result in an increase in communal tensions. In February, Hindu nationalists blamed the rape and murder of a 14-year-old girl in the town of Dhenkanal, Orissa on Christian missionaries. The victim's mother claimed that the missionaries had threatened the family if they did not

convert to Christianity. The police rejected the conversion theory and were investigating the crime.

The press reported in April in Chandigarh that VHP activists planned to start an awareness campaign concerning the conversions of Sikhs to Christianity and protested "vehemently" against the practice. A VHP leader warned Christian missionaries "not to lay their hands on Punjab."

In April, NDTV reported that migrant laborers from Bihar were converting to the Sikh religion in an attempt to reduce discrimination against them in the agricultural and labor sectors in Punjab. The state has more than one million migrant laborers, largely from Bihar and Uttar Pradesh, employed in agriculture and industry. Experts observed that the Bihari migrants, who are either low-caste or dalit Hindus, convert to escape widespread discrimination. In doing so, they become a more accepted part of Sikh society, but remain at the lowest end of the social and caste "hierarchy" of that religion.

Religious press outlets reported that Hindu activists in Chhattisgarh converted hundreds of Christians in a ceremony on April 2. A local newspaper reported on April 3 that senior BJP leader Dilip Singh Judeo threatened Christian workers during his address at the ceremony, stating that "if Christian missionaries don't stop converting people, we will take up arms."

The press reported that on April 17 in West Bengal, members of 45 tribal families reconverted to Hinduism from Christianity in a low-key ceremony. The ceremony was reportedly held under the banner of the Akhil Bharatiya Sanatan Santhal Samaj, an organization owing allegiance to the VHP. There was no indication that the conversions were forced, but the local administration is inquiring into the incident. Some of the "reconverted" were reportedly from neighboring states such as Jharkhand and Orissa. A Christian organization leader reported that the so-called reconversions were "dramas" staged by the VHP and that there was no proof that the reconverted were actual Christians. The group asserted that the intention was to put tribal Christians under pressure and to boost the morale of VHP activists in the area.

On May 1, the press reported that the VHP in Bargarh, Orissa, performed a reconversion ceremony, also called a "homecoming" or "purification ceremony," for 567 Christians. The reconverted reportedly had signed affidavits declaring their intention to change their faith in keeping with the provisions of the Orissa Freedom of Religion Act. A Christian community leader in Orissa asserted that this mass reconversion was not genuine and was instead staged by the VHP to keep the communal issue alive. Religious press reported that approximately 600 Christian dalit tribals converted to Hinduism in Bijepur, Orissa, due to pressure from the VHP. Reportedly, Dharma Narayan Sharma, VHP national secretary, and Satyanarayan Panda, VHP vice-president for Orissa, attended the ceremony and two groups of armed police stood by.

On May 14, four Christian missionaries were arrested in Brajarajnagar, Orissa and charged with forced conversion. The police seized 70 Bibles, religious pamphlets, posters, and banners from the group. They stated the missionaries had been propagating the Christian faith under the guise of providing financial help to poor villagers. The missionaries had not received permission to perform conversions in the area, but they were released the following day.

Numerous religious press outlets reported that on May 15 and 16, Hindu extremists physically attacked 11 Christian families from Jamanya village in Maharashtra. The reports alleged that village officials summoned the families to a panchayat (community council of elders), which demanded that the families renounce their faith. When the families refused, the men were beaten with heavy sticks and chased from the village. On the following day, the mob attacked the women and children. Witnesses said the mob also tried to disrobe the women. Police maintain they are investigating the case.

In February, the NCM urged the governments of Rajasthan and Maharashtra to stop immediately forced reconversions of Christians and to provide security to Christians and their property. The action was in response to an attack on Christians in Kota and calls by Hindutva supporters for a social boycott against Christians who refuse to convert.

In February, the National Commission on Minorities (NCM) expressed concern about the rapid rate of growth of Christianity in the northeast states of Nagaland, Meghalaya, Assam, Mizoram and Manipur. The 2001 census confirmed that nationwide the number of Christians remained stagnant at 2.9 percent, but the Christian population is decreasing in the south and increasing in the north. The press reported that the NCM would determine whether the rise in the Christian population in the north was caused by forced conversions. The NCM stated that the increase could also be attributed to false declarations by illegal Muslim migrants from Bangladesh who call themselves Christians.

The Catholic Bishop's Conference of India (CBCI), the apex body of the Catholic Church in India, expressed deep concern in February over allegations of forced reconversion of Christians in the Buldhan district of Maharashtra. The CBCI claimed that Hindu fundamentalists used intimidation and threats of "dire consequences" to induce Christians to return to Hinduism.

The VHP reported in February that it considered 2004 a successful year for reconversions, in that it brought

12,857 persons back "into the fold" of Hinduism, 3,727 from Islam and 9,130 from Christianity.

Abuse by Terrorist Organizations

Throughout the period covered by this report, Jammu and Kashmir (J&K) continued to be a focus of terrorist violence. Terrorist adherents to a violent strain of Islam committed atrocities against Hindus and other Muslims, and security forces used targeted but often excessive force to suppress them, with civilians frequently the main victims. The death of suspected terrorists, all of whom are Muslim, is common while they are in police custody. Islamist terrorists tried to force Hindu Kashmiri Pandits to flee their ancestral homes in the Kashmir Valley. Although some 6,000 Pandits remained, more than several hundred thousand left when the violence against Hindus began in J&K in the late 1980s.

Between December 2002 and March 2003, approximately 30 Hindus were killed in bomb explosions in the Hindu-dominated areas of Ghatkopar, Parle, and in a commuter train in Mumbai. Police blamed Muslim students for these killings; there have been no arrests.

In March 2003, Islamist terrorists shot and killed 24 Hindus, including 11 women and 2 children in Nandimarg, Kashmir. In May 2003, Islamic extremists killed a Catholic nun and injured another in a grenade attack on Saint Lukas Convent School in Srinagar. In 2002, terrorists killed four members of a Hindu family in Jammu. There were no arrests or prosecutions in these cases. In May, terrorists threw grenades at the Tyndale-Biscoe School in Srinagar, killing two women and wounding 60 persons, including 25 children.

In 2003 in Arunachal Pradesh, a Christian missionary and four church leaders from Nagaland were arrested, allegedly for having ties to insurgent groups. They were released after 2 weeks' imprisonment without trial. The Chakhesang Baptist Church Council stated that the Naga missionaries were humanitarian workers.

Purvanchal Bhikkhu Sangha, an apex body of Buddhist monks in the Northeast, alleged that two factions of Naga militants from the National Socialist Council of Nagaland (NSCN) served notices to Buddhists settled in Tirap and Changlang districts that they must accept Christianity. The NSCN and district authorities reportedly denied the accusation. There were no developments in these cases during the reporting period.

On May 22, militants detonated bombs at two movie theaters in New Delhi, killing one and injuring 60 during the screening of the Hindi film "Jo Bole So Nihal." Sikh groups objected to the film, stating that it negatively portrayed members of their religion. The film takes its title from a Sikh battle cry, widely used across India and in the Indian Army. However, some Sikh groups have considered the title an insult to their faith. On May 31, police announced the arrest of two Sikhs in Punjab on suspicion of carrying out the attacks. Police reported that the two men were members of the Babbar Khalsa International (BKI) terrorist group. The film was withdrawn from many cities, including in Punjab, after the Delhi blasts. BKI spread mayhem in Punjab during the 1980s and 1990s, but had become defunct after the terrorism in Punjab ended in the mid-1990s. At the end of the reporting period, the suspects were in detention.

Improvements and Positive Developments in Respect for Religious Freedom

The Government protected religious freedoms during the reporting period through speeches by the Prime Minister promoting communal harmony, the drafting of a model comprehensive law to deal with communal violence, the appointment of activists to high-level positions responsible for minority issues, the creation of a Commission for Minority Educational Institutions to improve minority access to education, the establishment of a national commission to determine effective ways to improve the social welfare of religious minorities, and the repeal of controversial legislation targeting minorities.

In a September 9, 2004, speech, Prime Minister Singh noted the importance of religious tolerance, stating, "Communal harmony is the sine qua non of a pluralistic society such as ours. Guarding and strengthening this core ideal, upon which our polity is based, requires ceaseless vigilance." Comments such as these, and UPA campaign promises to improve religious tolerance, have decreased communal tensions. Muslim and Christian activists reported that communal concerns have diminished since the UPA government came to power, bringing about a greater sense of security amongst minorities.

An influential Muslim correspondent stated in May that minority communities viewed government moves to change controversial school textbooks as an important gesture. The reporter commented that eliminating the Hindutva message from the books, and therefore from the minds of youth, will demonstrate the Government's dedication to a pluralistic and inclusive society. Activists commented that, while it is very difficult to accurately track incidents of communal violence, the feeling is that there has been a decrease since the UPA came to power.

The NHRC and NCM continued to promote freedom of religion during the period covered by this report. NHRC Secretary General, Nirmal Singh, stated in January that the NHRC and NCM are jointly planning a national policy on religious freedom, which they hope to release by the end of 2005. Through their annual

reports and investigations, they focused attention on human rights problems and, where possible, encouraged judicial resolutions. For example, in July 2003, the NHRC ordered an internal investigation into the Best Bakery case and on August 1, 2003, filed a writ petition in the Indian Supreme Court. As a result, the state courts reopened approximately 2,000 cases. The NHRC asked that the Best Bakery case and nine other high profile cases be transferred outside of Gujarat. Due in part to the NHRC's actions, the Supreme Court transferred the case to the neighboring state of Maharashtra.

In October 2004, the Muslim social organization Jamat-e-Islami-Hind held a convention in Ahmedabad, Gujarat attended by more than 10,000 persons, calling for a halt to the spread of terrorism and for the Muslim community to confront the challenges posed by illiteracy and discrimination. It was the first time the group held such a gathering since the 2002 riots. In 2002 and 2003, the community did not hold large-scale religious processions or gatherings due to fear of reprisal attacks from Hindu nationalists.

In keeping with the UPA's campaign promises to oppose communal violence, the Government refused to sanction the Gujarat Control of Organized Crime Act (GUCJOC), passed by the Gujarat legislature in June 2004. Muslim groups feared the law would be used selectively against them, as it is similar to POTA at the union level and to the MCOC (Maharashtra Control of Organized Crime), both of which they allege have been applied overwhelmingly against Muslims. The Gujarat government claims this legislation targets organized crime at the state level, but opponents claim it would give too much power to the state. The act would have allowed the state government to imprison a person for 5 years for harboring a member of an organized crime syndicate. It also contained provisions permitting those arrested under the act to be held in jail without trial and tried in special courts.

The NHRC and the NCM continued to pursue unilateral action not prompted by specific complaints or legal demands, directing the Central Government and Gujarat state government to take corrective measures to address the 2002 violence. As a direct result of this warning, the Central Government created a special compensation package for the victims of the Gujarat violence; however, a majority of victims have yet to be compensated. The NHRC also directed the Gujarat state government to entrust certain Gujarat cases to the Central Bureau of Investigation (CBI), to support NGOs working on behalf of religious minorities and to reform the police.

NGOs reported that on September 15, 2003, a Special CBI Court in Bhubaneswar, Orissa, convicted Dara Singh and 12 accomplices for the murder of Australian missionary Graham Staines and his 2 minor sons (another person was acquitted for lack of evidence). Singh received the death sentence while the others were sentenced to life imprisonment. However, on May 19, the Orissa High Court commuted Singh's sentence to life imprisonment, upheld the life sentence decision for one of his accomplices, Mahendra Hembram, and acquitted the other 11 defendants. Singh has been charged with three other murders and still faces trial in those cases.

On June 1, 2003, then-Deputy Prime Minister Lal Krishna Advani was charged with criminal conspiracy for his role in the demolition of the Babri Mosque in Ayodhya, which sparked violent riots in 1992; the charges were dismissed in September 2003 when the court ruled that there were no grounds for continuing the action. As of June, no further developments had occurred.

During the reporting period, there were numerous events organized to promote religious tolerance and accord. In November 2004, the Ati Mana Vishnu Committee organized a peace rally in Jammu. The group stated that more than 20,000 persons from many countries took part in the celebration. Also, in Visakhapatnam a conference attended by members of "all faiths" took place in September to promote religious harmony. In Hyderabad, a large number of Muslims took part in a Hindu procession through the minority-dominated areas of the old city with no acts of violence.

On February 26 in Kerala, the first Catholic TV channel began broadcasting. The channel, Shalom Television, airs programs on religion, art, music, history, and education. Numerous other TV channels air religious programming on cable networks.

Section III. Societal Attitudes

Animosities within and between religious communities have roots that are centuries old, and these tensions at times exacerbated by poverty, class, and ethnic differences, have erupted into periodic violence since independence. The Government makes some effort, not always successfully, to prevent these incidents and to restore communal harmony; however, tensions between Muslims and Hindus, and between Hindus and Christians continue to pose a challenge to the concepts of secularism, tolerance, and diversity on which the country was founded.

From January to September 2004, the Home Ministry reported there were 32 incidents of communal violence involving Christians, resulting in 2 deaths. During the same period, it reported 451 incidents of Hindu-Muslim violence, resulting in 95 deaths. From 2003 to 2004, diplomatic observers estimated that there were 17 reported attacks against the Muslim community and 30 against the Christian community. From 2002 to 2003, there were approximately 11 attacks against the Muslim community and 69 cases

against Christians, as well as 4 cases against Hindus in Gujarat, Mumbai and J&K. Some attacks were motivated by economic issues or existing nonreligious disputes; others were purely religious in motivation.

There were no reported incidents of Hindu-Muslim strife in the states of Chhattisgarh, Goa, or Madhya Pradesh during the period covered by this report.

Within the Indian context, the phrase "communal violence" generally is understood to mean Hindu-Muslim conflict. Hindus and Muslims continue to feud over the existence of mosques constructed centuries ago on sites where Hindus believe that temples stood previously.

Extremist Hindu groups such as the VHP and Bajrang Dal maintain that they intend to build a Hindu temple in Ayodhya on the site of the 500-year-old Babri Mosque demolished by a Hindu mob in 1992, with or without the Government's approval. In March 2003, the Supreme Court decided against the Central Government's application to rescind a ban on religious activity at the site, whereupon the then Prime Minister Vajpayee promised to continue with plans to build a temple where the razed Muslim mosque had stood. Thousands of police and paramilitary troops were deployed in and around Ayodhya, and most Hindu militants were stopped from entering the town for a March 15, 2003 religious ceremony. In October 2003, police arrested 1,500 Hindu nationalists, alleging that their campaign to build the new temple could lead to violence.

In February 2003, in Madhya Pradesh, a Hindu group demanded greater access to the Bhojshala monument that Muslims claim as the site of a 15th century mosque. The courts have restricted Hindu access to one religious ceremony per year since 1996. Two persons died in rioting after Hindu extremists stormed the site. In response to Hindu demands, the Archeological Survey of India permitted Hindus to worship on Tuesdays, while Muslims continued to have access every Friday. In July 2003, a group of Muslims filed a writ petition in the Madhya Pradesh high court challenging the central and state government's order to open the shrine to Hindus. The 85-page petition said that according to Islamic law, a mosque could not be used for any other purpose. On September 18, 2003 the court upheld the decision to open the site for the Hindu community and on April 27, 2004 the High Court rejected a further plea to close the mosque to Hindus.

In September 2003, the Lucknow High Court ordered the federally run Archaeological Survey of India to excavate the Ayodhya site to determine if a Hindu temple ever existed below the destroyed mosque. It released a report in August 2003 claiming to document the existence of pillars and other masonry that could be viewed as evidence of a Hindu temple. Archeological scholars attacked the report as vague and unclear. In May 2004, the new government announced that it would await the verdict of the courts, while encouraging negotiations aimed at an amicable settlement. Excavations were ongoing.

A July 2004 report in the Urdu press highlighted the Muslim community's sensitivity to threats to their religious sites. According to the report, the National Highway Authority of India (NHAI) planned to move the Sidha Jama Masjid mosque, located on National Highway 6 in the Midnapore district of West Bengal to make way for road expansion. When the NHAI started proceedings to acquire the land under the Land Acquisition Act, local Muslims approached the West Bengal Minorities Commission to prevent the relocation. When the NHAI did not respond to commission requests for information, Muslims took the case to the Calcutta High Court, which ordered the mosque to be moved "in the public interest." In their appeal, Muslims stated that they fear the order will create a precedent allowing mosques across the country to be relocated.

The same report alleged that airport authorities in Calcutta wanted to acquire another area where a mosque, madrassah, tomb of a saint, and a graveyard were situated to extend the airport. The case is pending in the courts.

In the second week of September, the VHP led an unsuccessful attempt to demolish the tomb of a 17th century Muslim warrior in Pratapgarh in Mahabaleshwar district. During the agitation, several Muslim families left their homes, fearing violence, but later returned. In the above mentioned incidents, the state police moved swiftly to control damage and there were no allegations of anti-Muslim bias by the police in handling of the incidents.

Muslims continued to experience intimidation and often reported that they could not work, reside, or send their children to schools in Hindu-dominated areas. In some areas, primarily in Gujarat, Hindutva groups displayed signs stating "Hindus only" and "Muslim free area." Prohibitions on the Muslim call to prayer were also reported.

Human rights groups expressed concern that those responsible for the Gujarat violence of 2002 may never be tried or convicted for their crimes. They charged that although the Government arrested thousands following the attacks, most were acquitted, released on bail with no further action taken, or simply released. In addition, Muslim victims often faced biased prosecutors, and judges and lawyers representing Muslim victims faced harassment and threats. Riot victims claimed that Hindu nationalists sabotaged efforts to

prosecute Hindus involved. Witnesses who initially came forward to file reports with the police and identify their attackers were reportedly harassed, threatened, or bribed into retracting their statements or not showing up at court.

In 2002, Shiv Sena leader Balasaheb Thackeray called upon his followers to form Hindu suicide squads to combat Muslim extremists. The Maharashtra government filed charges against Thackeray under the Penal Code for "causing a rift amongst two communities." The charges were still pending at the end of the period covered by this report and it is unlikely any action will be taken against him.

In May 2003, Muslim extremists killed eight Hindus in the Kerala village of Marad. A special investigation team of Kerala police arrested 140 persons in connection with the incident, many of who were members of the National Democratic Front, an Islamic organization. Reportedly 400 Muslim families fled the area in fear of Hindu retaliation. Of the 400, approximately 250 hoped to return, but stiff opposition from local groups backed by the VHP forced the government to put off plans to resettle them in the community.

When a family did return, threats from a local group called Araya Samajam compelled them to depart. In August 2003, Araya Samajam President K Dasan led a crowd to the house of one Muslim returnee and threatened him and his family. The man and his family subsequently returned to a government-run refugee camp. The police registered cases against Dasan and 20 others. The VHP and other groups insisted that they will not allow refugees to return unless the government orders a Central Bureau of Investigation inquiry into the killings, gives \$23,000 (Rs 10 lakh) compensation to each victim's family, and forces Industry Minister P K Kunhalikutty, whom they accuse of orchestrating the attack, to resign. According to them, some of those arrested in connection with the case belong to Kunhalikutty's party, the Indian National Muslim League.

Also in Kerala, RSS activists attacked a mosque, killing one Muslim man and injuring two others, including the imam. The deceased was alleged to be a member of the National Democratic Front (NDF), which clashed on a number of occasions with the RSS during the year.

In July 2004, Hindus in the village of Mankni near Vadodara, Gujarat launched a 2-month economic boycott against Muslims following the murder in June of Sanjay Patel, a Hindu operator of an illegal betting racket, allegedly at the hands of his former business partner, a Muslim. The alleged murderer's family relocated from the village.

On July 4, 2004, approximately 300 Bajrang Dal activists attacked a Muslim-owned hospital in Indore, Madhya Pradesh, destroying property valued in the hundreds of dollars and causing patients to flee. The activists were protesting the elopement of a Hindu girl with a Muslim worker from the hospital canteen. The police registered a complaint, but at the end of the reporting period, there had been no arrests.

In July 2004, in Gujarat, rioters killed 2 persons, injured 20, destroyed 40 houses and 15 shops and looted property worth thousands of dollars after an alleged incident of sexual harassment of a Hindu girl by Muslim youth. In September 2004, also in Gujarat, minor clashes during a Hindu religious procession resulted in property damage but no injuries or deaths.

On August, 27, 2004, unknown assailants threw crude bombs outside two mosques in Poorna and Jalna towns of Central Maharashtra, just after Friday prayers. Eighteen worshippers were injured in the blasts.

In the first week of September 2004, in Maharashtra, minor riots in the towns of Jalna and Poorna led to property damage but no loss of life following bomb blasts at two mosques during Friday prayers.

The press reported on October 27, 2004, that the S J Dave High School in Gujarat, 25 kilometers from Godhra, has for the past 6 years required its students to wear patches associating them with their religion. Hindu students had the Goddess Saraswati on their patches and Muslims a star. Recently, two school trustees objected to the practice, and the District Education officer asked the school to stop it. The school has agreed to do so. Opponents of the patch requirement expressed concern that if not stopped, the practice would enable continued discrimination against Muslims in educational institutions.

Sectarian violence in October 2004 also claimed the lives of two Muslims clerics in the town of Orai in Uttar Pradesh. Imam Haji Fahim Khan Ghorī was shot and killed while returning home after morning prayers. In retaliation, hundreds of his followers killed Maulana Bashir Ahmad Quadari, a member of a rival faction, and ransacked his house. Police reported the violence was sparked by a conflict over control of a religious site.

Three persons were killed and 15 others injured on February 20 in Lucknow, the capital of Uttar Pradesh, when sectarian violence between two Muslim groups erupted over a disputed procession. The trouble started when members of one sect attempted to prevent a procession by the other from going through their area. It was the first major incident in Lucknow associated with Muslim sectarianism since 1977.

In Assam during April, Chief Maulana Syed Asad Madani, leader of the Muslim social organization Jamiat Ulema I-Hind, criticized the state government for its alleged failure to protect Muslim interests, highlighting land reform, job reservations and the issuing of identity cards as problem areas, and demanded that the state government show progress within 6 months.

Bangladeshi Muslim immigrants generally are relegated to low-paying jobs and low social status. They face harassment and discrimination that stems from their status as undocumented laborers.

In Assam, where the population is increasing rapidly, the issue of Bangladeshi migrants long has been sensitive among the Assamese (predominantly Hindu) population, which considers itself increasingly outnumbered. In 2003, VHP leader Praveen Togadia announced that within 6 to 8 months, he would mobilize a campaign against "Bangladeshi infiltrators." No new information is available on his threat.

In August 2004, there were press reports that the Buddhist community was deeply concerned over rising incidents of harassment and persecution of Buddhist tribals by militants and security forces alike, particularly in the northeast. Reportedly, the predominantly Christian National Socialist Council of Nagaland - Isak-Muivah (NSCN-IM) and the National Socialist Council of Nagaland - Khaplang (NSCN-K) demanded land belonging to Buddhists and local indigenous faiths in villages in Tirap and Changlang district. The press also reported that both groups were urging Buddhists to convert to Christianity.

In May, Akhil Kumar Sahoo, General Secretary of the Orissa Buddhist Front, lamented that the state government had taken no administrative or legal steps towards recognition of the Buddhist community. He claimed that most Buddhists were leading a "miserable life" due to the absence of social security measures or financial assistance from the Government. He argued that while the state government observes 16 Hindu festivals, four Muslim festivals, two Christian festivals and one Sikh festival as government holidays, no occasion of importance to the Buddhists, including Lord Buddha's Birthday, has that status. Although the NCM had directed the state government to declare the birthdays of Lord Buddha and Sikhism's founder Guru Nanak as state holidays, only Guru Nanak's birthday has been recognized.

Leaders of the Tibetan Buddhist community in south India commented during the year that relations with the Government and local residents were good and that they did not feel persecuted. In May, a leading Buddhist Monk stated that tensions between Tibetans and their largely Hindu neighbors occurred for economic rather than religious reasons.

Radical ethnic and religious groups carried out attacks on the media during the reporting period. In June, radical Shiv Sena elements attacked the Mumbai office of the newspaper Aapla Mahanagar, assaulted the editorial staff, and damaged office equipment in response to an article written against a Hindu religious sect. In August, in Mumbai, alleged Muslim fundamentalist activists attacked the editor of a Hindi language newspaper, Sajid Rashid, with knives and seriously injured him, charging that he had insulted Islam. Mumbai police filed charges in the case, but the assailants remained at large and the investigation open at the end of the reporting period.

In Christian-majority areas, there were occasional reports that Christians persecuted members of regional minorities. In Tripura, there were several reported cases of harassment of non-Christians by members of the National Liberation Front of Tripura (NLFT), a militant evangelical tribal group.

The All-India Catholic Union (AICU) expressed deep concern over growing anti-Christian violence in several states following the defeat of the BJP in the national elections in May 2004. The AICU claimed that the perpetrators were members of fundamentalist groups affiliated with the RSS.

The eastern region presented a varied picture of religious freedom during the period covered by this report. Sporadic attacks continued but were not concentrated in one geographical area. In Orissa, which has been known for violence against religious minorities (particularly after the killings of Australian missionary Graham Staines and his two young children in 1999), the communal situation continued to be of concern during the period covered by this report.

In 2003, a Hindu mob attacked construction workers building a church and looted construction material in Sudusudia village in Orissa. Following a local inquiry, the magistrate found the construction to be illegal because it was purportedly on agricultural land. No official action was taken against those who destroyed the structure and stole material, and no arrests were made.

In November 2003, VHP and Bajrang Dal fundamentalists attacked churches and a nun in Deogarh, west Orissa. Hindu militants burned a Catholic church, bibles and other Christian literature in front of the residence of the District Governor. In Rajamunda village, they broke into a church and raped a nun. The Hindu activists questioned four former Hindus in Amulpani village who had become Catholics. In Jhareikela, they damaged the home of a Protestant pastor and destroyed Christian books.

In August 2004, at least 300 persons broke into a Catholic church in Raikia, Orissa, and smashed religious statues, doors, and windows. The mob also burned a truck parked outside the church as well as pictures and clothes taken from the church. The incident occurred after some Christians protested the removal by Hindus of fencing encircling the church. The local police brought the situation under control, but took no further action against the perpetrators.

On September 15, 2004, in Orissa, a nun was seriously burned when an unidentified man threw acid on her.

In October 2004, in the Orissa town of Baripada, a local court sent five Christian preachers to police custody for "inciting communal feelings." After engaging in Christian preaching during a Hindu ceremony, they were arrested for "uttering words with deliberate intent to wound the religious feelings of others and issuing threats of criminal intimidation to several persons."

Two Christian pastors were killed in the eastern state of Orissa within a 2-week period in early 2005. On February 16, Baptist pastor Gilbert Raj, who had been working in the state for 13 years, was tortured and killed. Ten days later, Pentecostal pastor Dilip Dalai was stabbed to death. Christian groups claimed they were murdered to stop their missionary work.

On February 27, a group of persons attacked Christian evangelist Kiran Kumar while he was returning home after holding a prayer meeting in Orissa. The police took him into custody, alleging he was attempting to forcibly convert persons, but he was later released.

Authorities in Orissa ceased the demolition of 108 Christian families' houses after Chief Minister Naveen Patnaik intervened. The demolition was ordered before the monsoon period, reportedly as part of a beautification process in Jeypore; however, the affected families were convinced that the RSS was behind the decision.

On June 14, Sangh Parivar activists disrupted the Indian People's Tribunal on Environmental and Human Rights's hearing on the communal situation in Orissa. The activists harassed tribunal members and threatened to rape them and parade them through the streets.

In January 2005, in the town of Ambarnath near Mumbai, a Hindu group attacked a small convent of the Congregation of Teresian Carmelites, and broke a wooden cross. The nuns locked themselves in the convent and were not harmed. The group left pamphlets ordering the nuns to leave the area. By the end of the reporting period, the police were investigating the attack but had made no arrests.

In the southern state of Kerala, the Home Ministry reported in May that 2 persons were killed in communal violence in 2004, down from 11 killed in 2003 and 6 in 2002. The report stated two major communal riots took place during the 2002 to 2004 period. Five persons were killed and 25 seriously injured in the first incident, which took place in 2002. The government subsequently spent \$23,000 (Rs 10 lakh) to repair 91 damaged houses. The second incident took place in May 2003, resulting in the death of 9 persons and injury to 17. The government compensated the families of the dead with a grant of approximately \$23,000 (Rs 10 lakh) and guaranteed employment for one dependent from each affected family. The injured received grants ranging from \$6,900 (Rs 300,000) to \$11,500 (Rs 500,000).

Christians in Kerala alleged that a ritual at a Hindu temple led to the murder of a 71-year-old Syrian Catholic priest. Father Job Chittilapilly was murdered on August 28, the day of Kerala's annual harvest festival. Sources said the local Hindu priest told adherents that the death of a Christian priest would appease the soul of a Hindu priest murdered at the temple site 20 years ago. Church members reported that the priest had received intimidating telephone calls threatening him with death if he did not cease to "proselytize." Panthalkootam Raghu Kumar was arrested for the murder and the Catholic Bishops Conference of India (CBCI) has called for a thorough investigation, claiming Father Job's murder was part of a conspiracy to destroy interreligious harmony in Kerala.

On September 25, 2004, also in Kerala, BJP activists attacked two groups from the group Missionaries of Charity. The nuns and brothers were on their way to visit a colony of dalits to distribute food when the incident occurred. Five persons shouting pro-BJP slogans and wielding iron bars attacked the first group, causing a head injury to one person. In the second attack, approximately 30 persons damaged a Mission of Charity van and injured a nun. The police arrested 14 RSS-BJP sympathizers in connection with the attack, and the NCM requested that Kerala Chief Minister Oommen Chandy investigate.

On April 1, Hindu and Muslim villagers burned down a prayer hall and physically attacked three Christian church members following a baptism ceremony in Kerala. Two days later, villagers assaulted Pastor Paul Ciniraj Mohammed and his 54-year-old assistant.

During a screening of the film "The Passion of the Christ" on Easter eve in the town of Chalakud Taluna,

Kerala, approximately 25 Hindu fundamentalists from the RSS attacked a group of Christians, injuring one man and beating a number of others, including children.

In June, the Jodhpur District Administration in Rajasthan rescinded permission for the Pentecostal Church of God to hold a gathering in the city after protests by activists from the VHP and Bajrang Dal. The Hindu activists claimed that the church was converting Hindu children, prompting the government to cancel the gathering to prevent violence. A Congress Party official claimed that the administration caved to communal pressures from Hindu activists and had no right to withdraw permission for the event.

During July 2004, in Manipur, the bullet-ridden body of Pastor Jamkholet Khongsai of Saichang village was found buried in the jungle. The paramilitary Assam Rifles, who had taken him away while hunting for Kuki militants in the village, allegedly killed him. The Kuki Movement for Human Rights filed a complaint with the Manipur Human Rights Commission, demanding an inquiry into the killing, punishment of the culprits, and adequate compensation to the victim's family.

Despite threats from Hindu extremists, Christians sometimes held large public prayer meetings without violence or protests. For example, on May 13, a leading Christian evangelist spoke in New Delhi and the event, attended by more than 3,000 persons, was peaceful, with a moderate police presence and no Hindu activist group protests.

In 2004, the state of Andhra Pradesh remained peaceful in 2004 except for a few sporadic incidents of communal disturbances. The government of Andhra Pradesh reported that communal disturbances declined from 191 cases with 3 deaths in 2003 to 30 cases with no deaths in 2004.

On June 2, police in Andhra Pradesh found the body of Pastor Isaac Raju, missing since May 24. According to the All-India Christian Council, his body was found wrapped in a jute bag outside the state capital, Hyderabad. This was the second case of disappearance and death of a Christian minister in Andhra Pradesh in 2005. On May 21, the body of K. Daniel, a preacher from Kummavadi, also on the outskirts of Hyderabad, was found bearing marks suggestive of an acid attack. Press reported that in both cases a person called and gave precise directions on the location of the body. Church members claim the killings were planned to terrorize the Christian community. The Associated Press reported that police questioned at least 150 members of Hindu nationalist groups after an anonymous letter was sent to a local newspaper, claiming the murders were carried out by an organization called the "Anti-Christian Forum." Following the recovery of Raju's body, the state government formed a Special Investigation Team to find those responsible for the murders. The Home Minister also offered protection to Christian missionaries living in the state. In June, police arrested Kokala Govardhan for the murder of Daniel and Raju. Govardhan admitted that he killed the two pastors for converting Hindus to Christianity and was inspired by news reports of Dara Singh's murder of missionary Graham Staines and his two children in 1999. The police were searching for two other accomplices.

There were no further developments in two incidents of anti-Christian violence in the Jhabua district of Madhya Pradesh that took place in January and March 2004. In the incidents, Hindu mobs attacked local Christians, damaging property and beating a priest following the rape and death of two Hindu minor girls. One Hindu activist was killed during the violence allegedly by a shot fired from a church. The police charged several persons in these two cases, but the cases have not come up for hearing.

In April 2003, Hindu extremists in Gujarat vandalized a municipal health care dispensary destroyed in the earthquake of 2001 and rebuilt with the support of a Christian organization, destroying the dedication stone listing the names of the donors and painting Hindutva slogans on the walls. No arrests had been made by the end of the reporting period.

In March 2004, the police briefly arrested village priest Father Prasad Gonsalves on charges of sexually harassing a Hindu woman in Radhanpur village in North Gujarat. Christian organizations have alleged that the woman wanted to extort money from the priest and filed a false complaint against him. The priest was released on bail.

Between January and June 2003, Christian leaders in Karnataka recorded 50 incidents, ranging from destruction of church property to physical abuse of ministers and converts. Reportedly, members of the Sangh Parivar were responsible. None of the incidents were investigated. State authorities did not deny that violence had occurred, but claimed that the attacks did not represent an organized effort to deter evangelists.

In October 2003, Father Swami, of the Archdiocese of Bangalore, was found dead in Karnataka after being beaten. Months earlier he had been threatened by Hindu fundamentalists. There was no new information concerning this case at the end of the reporting period.

The media reported the murder of a 25-year-old Christian evangelist Pastor Narayan in Channapatana in Karnataka on February 11. Official autopsy reports show the case as a suicide, but Christian groups allege

that Hindu extremists were responsible.

On July 31, 2003, 250 persons, most of whom were members of the VHP, attacked students and staff members of a Bible school in Dabwali, Haryana, burning Bibles and Christian literature, vandalizing the school, and beating students. The assailants accused the school of converting local Hindus. No new developments in this case occurred during the reporting period.

On October 26, 2003, in the city of Roorkey in Uttaranchal, an 80-person mob attacked Christians participating in a prayer meeting.

On November 15, 2003, a grenade was launched at the Good Shepherd Catholic School in Pulwama in Kashmir; three office staff and a security guard were injured. Muslim fundamentalists were suspected. No new information is available.

On March 9, 2003, Hindu extremists reportedly burned the roof of a church in Tamil Nadu. The District Collector, under pressure from the local RSS, denied permission to church leaders to use fire retardant roofing materials in the church reconstruction. The church presbyter feared this prohibition would invite another arson attack. No further developments have been recorded.

According to the Home Ministry, from 2002 to 2003, approximately 56,246 Pandit families fled their homes in J&K due to the anti-Hindu violence perpetrated by Muslim insurgents and terrorists. Of these refugees, 4,778 families still were living in 12 refugee camps in Jammu at the end of the period covered by this report, and 238 families also were still in Delhi's 14 camps, with the remainder living elsewhere.

The Pandit community criticized the bleak physical, educational, and economic conditions in the camps and feared that a negotiated solution giving greater autonomy to the state's Muslim majority might prevent their return and threaten the continued survival of the Pandit community in J&K.

The slaughter of cows, which are considered holy by Hindus, sometimes has led to violence. Several state governments (including Maharashtra, Madhya Pradesh, and Gujarat) have passed laws prohibiting slaughter of bovine species. Hindu nationalists often forcibly implement these laws themselves. In January 2003, Hindus destroyed Muslim-owned shops, restaurants, and vehicles in Madhya Pradesh over an alleged incident of cow-slaughter. In February 2003, the Hindu extremist group Bajrang Dal clashed with Muslim youth over alleged instances of cow slaughter. In the altercation, 34 persons, including 26 police officers, were injured. No new information was available concerning these cases.

On July 10, 2004, a Muslim farmer tried to sell a bull at the Barghat weekly market, located approximately 20 kilometers from the town of Seoni in Madhya Pradesh. Several Shiv Sena and Bajrang Dal activists accosted him, accusing him of trying to sell his bull to a butcher and beat him to death. The district police arrested the attackers. In March, in Kota, Rajasthan activists from the Bajrang Dal clashed with a Muslim over the possession of a cow, leaving two persons injured. One member of the Bajrang Dal was beaten up when he attempted to stop the slaughter of a cow in Kota. In retaliation, a group from the Bajrang Dal clashed with the minority group, injuring one.

Violence against Christian missionaries occurred on numerous occasions in a number of states throughout India during the reporting period.

Christian missionaries have been operating schools and medical clinics for many years in tribal areas. Tribals have no caste status, and dalits are at the bottom of the caste system. Both have made socioeconomic gains because of assistance provided by missionary schools and other institutions.

Some upper-caste Hindus, fearing that conversions by Hindu tribals and dalits to Christianity might weaken and ultimately destroy the rigid caste hierarchy, committed acts of violence against Christians. This fear was highlighted by an August 15, 2003, statement by then Prime Minister Vajpayee that "there is a conversion motive behind the welfare activities being carried out by some Christian missionaries in the country's backward areas, and it is not proper, although conversion is permissible under the law."

Citizens often referred to schools, hospitals, and other institutions as "missionary" even when they are owned and run entirely by indigenous Christian citizens. By using the adjective "missionary," the RSS tapped into a longstanding Hindu fear of foreign religious influence and possible domination. Several Christian-affiliated (in many cases, nonevangelical) international relief agencies stated that during the year, threats, increased bureaucratic obstacles, and, in some cases, physical attacks on their field workers by Hindu extremists made it considerably more difficult for them to deliver services to the poor.

On February 5, 2003, in Gujarat, a Catholic, Anthony Rebello, and a Hindu, Reema Sompura, were married in a legal Hindu marriage ceremony. VHP and Bajrang Dal members subsequently attacked the couple, kicking Mrs. Rebello in the stomach and aborting her baby. When they tried to file a complaint at the police

station, police separated the couple and VHP and Bajrang Dal members again beat Mr. Rebello. No action has been taken against the VHP and Bajrang Dal members responsible for this attack.

The country's caste system historically has been an integral part of Hinduism, but has also migrated into Christianity, Islam and Sikhism in the subcontinent. Hinduism delineates clear social strata, assigning highly structured religious, cultural, and social roles, privileges, and restrictions to each caste and sub-caste. Members of each caste (and frequently each sub-caste) are expected to fulfill a specific set of duties (known as dharma) to secure elevation to a higher caste through rebirth.

Dalits are viewed by many Hindus as separate from or "below" the caste system; nonetheless, they too are expected to follow their dharma if they hope to achieve caste in a future life.

Societal, political, and economic pressures continue to thwart efforts by reform-minded leaders to eliminate the discriminatory aspects of caste. The caste system generates severe tensions due to its support for disparities in social status, economic opportunity, and, occasionally, labor rights.

These tensions frequently have led to or exacerbated violent confrontations and human rights abuses. Generally, intercaste violence does not have a significant religious component.

The President has the authority to specify historically disadvantaged castes, dalits, and "tribals," in a schedule attached to the Constitution. These groups are entitled to affirmative action and hiring quotas in employment, benefits from special development funds, and special training programs.

The effect of reservations and quotas on society and on the groups they are designed to benefit is a subject of active debate within the country. Some contend that reservations have achieved the desired effect and should be modified, while others strongly argue that they should be continued in their present form or expanded, as Indian society has not yet addressed adequately the long-term discriminatory impact of caste. According to the 1991 census, scheduled castes, including dalits, made up 16 percent of the population, and scheduled tribes made up 8 percent; data from the 2001 census has yet to be released.

Dalit converts to Christianity and Christians who have a dalit background claimed that societal discrimination against them continued, even within the Christian community. One indicator of the continued discrimination against dalit Christians within their own community was that, of the 180 Catholic bishops in the country, only 5 were dalits. Muslim dalits, who account for most of the country's 130 million Muslims, also were not counted as dalits in the census. Muslim leaders have not vigorously protested the census issue.

In 2001, Human Rights Watch reported that the practice of dedicating or marrying young, prepubescent girls to a Hindu deity or temple as "servants of god," or "Devadasis," reportedly continues in several southern states, including Andhra Pradesh and Karnataka. Devadasis, who generally are dalits, may not marry. They must live apart from their families and are required to provide sexual services to priests and high caste Hindus. Reportedly, many eventually are sold to urban brothels. The Devadasi tradition is linked, to some degree, to both trafficking and the spread of HIV/AIDS. In 1992 the state of Karnataka passed the Karnataka Devadasi Prohibition of Dedication Act (KDPDA) and called for the rehabilitation of Devadasis, but this law reportedly was not enforced effectively and criminalized the actions of Devadasis. Since Devadasis are by custom required to be sexually available to higher caste men, it reportedly is difficult for them to obtain justice from the legal system if they are raped. The KDPDA does not have a provision for penalizing offenders; however the Department of Women and Child Development formed a team to review the act to provide for such a provision.

Despite the incidents of violence and discrimination during the period covered by this report, relations between various religious groups generally were amicable among the substantial majority of citizens. Efforts at ecumenical understanding brought religious leaders together to defuse religious tensions. The annual Sarva Dharma Sammelan (All Religious Convention) and the frequently held Mushairas (Hindi-Urdu poetry sessions) helped improve intercommunity relations.

Prominent secularists of all religions make public efforts to show respect for other religions by celebrating their holidays and attending social events such as weddings. Institutions such as the army consciously forge loyalties that transcend religion. In September 2004, the Army banned religious symbols in all military vehicles to limit the chance they would cause conflict between religious groups. Muslim groups have protested against the mistreatment of Christians by Hindu extremists. Christian clergy and spokespersons for Christian organizations issued public statements condemning anti-Muslim violence in Gujarat, and the Archbishop of Gandhinagar, the capital of Gujarat, participated in a peace march in 2003.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy

to promote human rights. The U.S. Embassy continued to promote religious freedom through contact with the country's senior leadership, as well as with state and local officials. The Embassy and Consulates regularly meet with religious leaders and report on events and trends that affect religious freedom.

The U.S. Government supported a wide range of initiatives to encourage religious and communal tolerance and freedom. Members of the Embassy community celebrate Hindu, Christian, Muslim, Sikh, Buddhist, and Jewish festivals throughout the year with members of the various religious communities. During Ramadan, the Chargé d'Affaires and other embassy officers hosted Iftars to promote better relations with the Muslim community. Members of the embassy community also attended numerous Ramadan celebrations hosted by Muslim contacts. The Embassy also expanded the Urdu and Hindi editions of SPAN magazine, exploring issues such as globalization, conflict resolution, human rights, academic freedom and inclusiveness toward women and minorities.

During the period covered by this report, Embassy and Consulate officials met with important leaders of all significant minority communities. For example, the Calcutta Consulate hosted an Iftar in December for local Muslim contacts and continued to conduct madrassah exchange programs. Embassy officials also continued an active program of outreach and engagement with leaders of the country's Muslim communities.

The Department of State authorized a consular officer to find that a senior state-level official was ineligible for a visa under section 212 (a)(2)(G) of the U.S. Immigration and Nationality Act, which makes ineligible any foreign government official who "was responsible for or directly carried out, at any time, particularly severe violations of religious freedom". In the particular case concerned, the finding led to revocation of the official's business/visitor visa.

The NGO and missionary communities in the country are extremely active on questions of religious freedom, and mission officers meet regularly with local NGOs.

The Ambassador and other senior U.S. officials continued to express regret over the communal violence in Gujarat in 2002, and urged all parties to resolve their differences peacefully. Consulate officers also met in Mumbai with a range of NGO, business, media, and other contacts, including Muslim leaders, to monitor the aftermath of the violence in Gujarat. The Mumbai Consulate arranges Iftars each year and makes outreach efforts through special International Visitor Madrassah programs.

Officials from the Consulate in Chennai were active in assisting missionary Joseph Cooper following Hindu extremists' attack on him in 2003. The Consulate in Chennai also organized roundtables in June 2003 and October 2004 to promote better understanding between the Hindu, Muslim, Christian, and Buddhist communities. The Chennai Consulate has continued to reach out to the Muslim community. The Consulate provides English instruction to underprivileged Muslim children, donates books to Madrassahs in Kerala, Tamil Nadu and Bangalore, and sponsors qualified Muslims for IV programs on "Islamic Life in the U.S." and "Religious Education in the U.S." Consulate Chennai continued its tradition of hosting Iftars.

U.S. officials have continued to engage state officials on the reversal of anti-conversion laws.

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