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2014 Report on International Religious Freedom - India

Executive Summary

While the constitution guarantees freedom of religion, mandates a secular state, requires the state to treat all religions impartially, and prohibits discrimination on the basis of religion, it also stipulates that citizens practice their faith in a way that does not adversely affect public order, morality, and health. Six out of 29 state governments enforced existing "anti-conversion" laws. Authorities continued to enforce laws designed to protect "religious sentiments" and minimize the risk of religious violence, which some argued had the effect of limiting free expression related to religion. Some government officials made discriminatory statements against members of religious minorities. In some cases, local police failed to respond effectively to communal violence, including attacks against religious minorities, although local officials used broad authorities to deploy police and security forces to control outbreaks of religiously motivated violence.

There were reports of religiously motivated killings, arrests, coerced religious conversions, religiously motivated riots, and actions restricting the right of individuals to change religious beliefs. The local nongovernmental organization (NGO) Act Now for Harmony and Democracy reported more than 800 religiously-motivated attacks from May through the end of the year. Police arrested Christians and Muslims for alleged "coerced conversion" of Hindus. The Shivpuri District administration in Madhya Pradesh arrested four Hindu Dalits for converting to Islam.

Hundreds of legal cases remained pending from violence during the 1984 anti-Sikh riots and the 2002 Gujarat riots. The Nanavati-Mehta Commission on the 2002 riots ultimately released its Final Report on November 18. Some NGOs called into question the impartiality of the findings. Court cases related to the 2008 anti-Christian violence in Odisha continued, resulting in convictions for persons responsible for the public rape of a nun during the 2008 Odisha riots. Displaced Kashmiri Hindu Pandits continued to seek redress for crimes committed against them and their houses of worship by Kashmiri insurgents in the 1990s.

The U.S. embassy and four consulates general continued to promote religious freedom through discussions with the country's political leaders, state and local officials, and civil society groups. Topics discussed included reports of religious persecution and coerced religious conversions, social media-based religious intolerance, and religiously motivated attacks by insurgents and violent extremist groups. The embassy and consulates general also met with leaders of all major religious communities to discuss religious freedom concerns, and discuss how the United States responds to such concerns. U.S. embassy and consulate representatives met regularly with NGOs and faith communities regarding questions of religious freedom.

Section I. Religious Demography

The U.S. government estimates the total population at 1.2 billion (July 2014 estimate). According to the 2001 census, the latest year for which disaggregated figures have been released, Hindus constitute 80.5 percent of the population, Muslims 13.4 percent, Christians 2.3 percent, and Sikhs 1.9 percent. Groups that together constitute less than 1 percent of the population include Buddhists, Jains, Parsis (Zoroastrians), Jews, and Bahais. Tribal groups, indigenous groups historically outside the caste system and generally included among Hindus in government statistics, often practice traditional indigenous religious beliefs.

There are large Muslim populations in the states of Uttar Pradesh, Bihar, Maharashtra, West Bengal, Andhra Pradesh, Karnataka, and Kerala; Muslims constitute the majority in the state of Jammu and Kashmir. Slightly more than 85 percent of Muslims are Sunni; most of the rest are Shia. Christian populations are found across the country but in greater concentrations 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 constitute the majority in the state of Punjab. There are significant resettled Tibetan Buddhist communities in Himachal, Karnataka, and Delhi.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution guarantees freedom of religion, mandates a secular state, requires the state to treat all religions impartially, and prohibits discrimination on the basis of religion, including with regard to employment. National and state laws, however, make freedom of religion "subject to public order, morality, and health."

With the government's official recognition of Jains as a national minority religious group in January, the law now provides minority community status for six religious groups: Muslims, Sikhs, Christians, Parsis, Jains, and Buddhists. The law states the government will protect the existence of these minorities and encourage conditions for the promotion of their individual identities.

There are operative "anti-conversion" laws in six of the 29 states: Arunachal Pradesh, Gujarat, Himachal Pradesh, Chhattisgarh, Odisha, and Madhya Pradesh. Arunachal Pradesh's anti-conversion law has not been implemented due to a lack of enabling legislation. Authorities describe these laws as measures to protect vulnerable individuals from being induced to change their faith. For example, the Gujarat law proscribes religious conversions through "allurement, force, or fraud."

Under Himachal Pradesh law, no "person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by the use of force or by inducement or by any other fraudulent means nor shall any person abet any such conversion." Violations are punishable by up to two years' imprisonment and/or a fine of 25,000 rupees (\$396), with increased penalties if "Scheduled Caste" or "Scheduled Tribe" members (socially marginalized groups) or minors are involved. Chhattisgarh maintains similar prohibitions against conversion by force or enticement.

Odisha state law prohibits religious conversion "by the use of force or by inducement or by any fraudulent means, nor shall any person abet any such conversion." Penalties include imprisonment, a fine, or both, and are harsher if the offense involves minors, women, or a Scheduled Caste or Scheduled Tribe member. The law requires that individuals who wish to convert to another religion, and clergy intending to officiate in a conversion ceremony, make a formal notification to the government. The law also requires district magistrates to maintain a list of religious organizations and individuals engaged in proselytism.

Under Andhra Pradesh law, authorities may prohibit proselytizing near a place of worship of another religion. Punishment for violations can include imprisonment for up to three years and fines up to 5,000 rupees (\$79).

Federal law permits interreligious couples to marry without religious conversion. Many couples, however, reportedly faced administrative difficulties in doing so, and harassment by local officials during the registration process. Interreligious couples are required to provide public notice 30 days in advance, including addresses, photographs, and religious affiliation, for public comment. Additionally, Hindus, Buddhists, Sikhs, or Jains who marry outside their religions face the possibility of losing their property inheritance rights.

Federal law regulates foreign contributions to NGOs, including faith-based organizations. The Ministry of Home Affairs may reject an application for foreign funding if the recipient is judged to be engaged in creating communal tensions or disharmony. The ministry may also reject an application if it judges that foreign funding

would be detrimental to "harmony between any religious, social, linguistic, or regional group, caste, or community."

Federal law empowers the government to ban religious organizations that provoke "intercommunity friction," are involved in terrorism or sedition, or violate laws governing foreign contributions to NGOs. One provision of the Indian Penal Code (IPC) criminalizes "promoting enmity between different groups on grounds of religion" as well as "acts prejudicial to maintenance of harmony." Another provision prohibits "deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs."

There are no requirements for registration of religious groups.

The constitution provides that Sikhism, Jainism, and Buddhism are considered subsets of Hinduism. Subsequent legislation, however, recognizes Buddhism, Sikhism, and Jainism as separate religions. State governments have the power to grant minority status to religious groups designated as minorities under the law.

"Personal laws" are applicable only to certain religious communities in matters of marriage, divorce, adoption, and inheritance. The government grants significant autonomy to personal status law boards in drafting personal laws. Hindu, Christian, Parsi, and Islamic personal laws are legally recognized and judicially enforceable. Personal laws, however, do not supersede national- and state-level legislative powers or constitutional provisions.

The law recognizes the registration of Sikh marriages. There are no divorce provisions for Sikhs, however, and other Sikh matters still fall under Hindu codes.

The government permits private religious schools, but does not permit religious instruction in government schools. The government may require private religious schools that receive public funding to admit a certain number of merit-based students.

The law generally provides remedies including prison sentences and fines, for violations of religious freedom. There are also legal protections to address discrimination or persecution by private individuals. Federal bodies, including the Ministry for Minority Affairs, the National Human Rights Commission, and the National Commission for Minorities (NCM), may investigate allegations of religious discrimination.

Government Practices

Some human rights NGOs and religious minority groups expressed concern over what they perceived as laws and government practices favoring Hinduism over other faiths, while some Hindu groups expressed concern over laws and government practices that they perceived as favoring minority religious communities. Some human rights and religious minority groups said state-level "anti-conversion" laws were designed to impede conversion from Hinduism, while not restricting conversion to Hinduism. Local authorities arrested persons under certain sections of the IPC who were engaged in activities deemed offensive to other groups or religions.

According to NGOs and Christian missionaries in Odisha, local authorities in some districts invoked a provision of the law to arrest Christian preachers on the grounds they were forcibly converting citizens. The missionaries stated this provision was used as a harassment mechanism to keep them from praying. Information relating to the total number of such arrests and convictions was not available.

In August Hindu activists prevented a pastor from conducting Sunday worship after accusing him of coerced conversion in Koranga village, Madhya Pradesh. Police arrested the pastor following complaints of "deliberate and malicious acts to outrage religious feelings." The pastor was released on bail.

On August 8, authorities arrested two Christian women in Raigarh, Chhattisgarh, for violations of the state's freedom of religion act based upon accusations by Hindu groups that they coerced persons to convert to Christianity. The two women were arrested for holding a prayer meeting in their house with these persons. The women were later released on bail.

On September 4, the Shivpuri District administration in Madhya Pradesh arrested four Hindu Dalits for converting to Islam without obtaining prior permission from district authorities as mandated by the state's Freedom of Religion Act. Following opposition by the World Hindu Council and the Hindu group Bajrang Dal, district administrators also rejected applications of nine others seeking to convert to Islam. Four of the men converted back to Hinduism after Hindu Dalit elders decreed social pressure and other measures, including destroying crops, socially isolating those who converted, and imposing fines to dissuade future conversions to Islam.

On September 12, the Madhya Pradesh police arrested five Christians in Khargaon on charges of coerced conversion and luring a local laborer to convert to Christianity by offering monetary benefits.

On September 24, following accusations by Hindu groups, the Shivpuri police in Madhya Pradesh arrested nine Muslim men on charges of initiating Dalits into Islam.

Authorities continued to enforce laws designed to protect "religious sentiments," which at times had the effect of limiting free expression related to religion, according to observers. On September 24, police in Rustampura, Gujarat, arrested Mehdi Hasan, a Muslim cleric, on charges of insulting Hindus' religious sentiments after a member of the Hindu community complained about Hasan's comments during an interview with a Gujarati newspaper. During the interview, Hasan reportedly labeled those who honored the nine-day Hindu festival Navratri as "demonic." Hasan remained in judicial custody until serving out his sentence on October 2.

According to the Evangelical Fellowship of India (EFI), a national Christian network, 145 incidents of anti-Christian violence were registered across the country, including 40 attacks in December.

Two Christian media outlets reported that on June 10, a mob in Sirsiguda, Chhattisgarh allegedly instigated by the Hindu organization Vishva Hindu Parishad (VHP), assaulted Christians who were appealing to the district food inspector for rations. Christian organizations claimed that Sirsiguda officials denied government food rations for two months to 50 Christians and that village shops also reportedly refused to sell goods to Christian families following VHP pressure.

EFI released a report in March which stated there was "structural and institutional violence" against Christians in Rajasthan, Madhya Pradesh, Jharkhand, and Gujarat. According to EFI, local district councils and police in these areas were responsible for arresting Christians, denying them land rights, and harassing churches, often on the basis of nonexistent laws. Many incidents involved the seizure of land from tribal people who converted to Christianity. The report said police failed to effectively investigate such incidents or arrest perpetrators. According to the report, Andhra Pradesh, Chhattisgarh, and Karnataka top the list of states in which Christians faced incidents of targeted communal violence in 2013. The report detailed as many as 151 incidents of anti-Christian violence, with Andhra Pradesh registering 41 cases, Chhattisgarh 28, and Karnataka 27.

In February a court in Odisha acquitted Ghanashyam Mohanta and Ranjan Mohanta, who were accused of participating in the 1999 killing of Australian missionary Graham Staines and his two children. The primary perpetrators of the killings, Dara Singh and Mahendra Hembram, are both serving life sentences.

Civil society activists and Sikh advocacy groups continued to express concern about the government's failure to hold accountable those responsible for the 1984 communal violence in New Delhi that resulted in the deaths of more than 3,000 persons, the majority of whom were Sikh, although there was slow progress in several court cases. On January 30, the Delhi High Court decided to hear all appeals together relating to 1984 anti-Sikh riots cases in which Congress Party leader Sajjan Kumar was involved. On September 24, a local court acquitted four people, including three Delhi police, in a 1984 anti-Sikh riots case on charges of killing three members of a Sikh family. On September 25, the Delhi High Court refused to grant bail to two of three individuals serving life terms in a 1984 anti-Sikh riots case where five members of a Sikh family were killed.

Hundreds of legal cases remained pending from the burning of a train and subsequent violence in Godhra, Gujarat, in 2002. Muslims were accused of setting fire to the train, killing 58 people. In the anti-Muslim violence that followed, 790 Muslims and 254 Hindus were killed. In March Zakia Jafri, whose husband was killed in the Gulberg Society Islamic neighborhood during the 2002 violence in Gujarat, appealed a 2012 Gujarat High Court judgment not to pursue charges against state officials for their alleged role in the 2002 violence. The appeal was pending at the end of the year.

The Gujarat government expanded the number of Muslim-majority areas in Ahmedabad designated legally "disturbed". Authorities included the neighborhoods of Gulberg Society and Naroda Patiya, two of the areas worst affected by the 2002 riots. The designation requires residents to obtain government permission to sell real estate in affected areas through March 31, 2018. NGOs said that, while the intent of the law was to stop the forced sales of properties in areas that experienced communal violence, the law has led to communal isolation by limiting areas where Muslims may sell property.

In January the Islamic Relief Committee (IRC) rejected an offer by the Gujarat government to pay 50,000 rupees (\$791) for each shrine damaged during the 2002 Gujarat riots, claiming the offer was "non-commensurate with the loss sustained." In 2012, the Gujarat High Court had ordered the Gujarat government to pay compensation to 535 mosques and shrines following an IRC petition that the court evaluate the damages on a case-by-case basis.

On November 18, the Gujarat government's Nanavati-Mehta Commission issued its final report on the 2002 violence. It was not released publicly. According to local media, the report concluded that the state government was not culpable for the violence that led to nearly 1,200 deaths. Civil society groups continued to express concern about the Gujarat government's failure to arrest those responsible for the violence. Media reports claimed some Muslims still feared repercussions from Hindu neighbors in connection with pending court cases.

Several victims accused the Special Investigative Team of pressuring them to dilute their earlier testimony before the commission.

On July 8, the Supreme Court heard a court case filed by Christian groups in 2004 to ensure that Scheduled Caste converts to Christianity and Islam retain the same access to reserved government jobs and subsidies as other Scheduled Caste members. After the hearing, the government asked for more time to review the law and formulate a position on implementation.

Courts continued to hear cases related to the 2008 anti-Christian violence in Odisha. Fast-track courts assembled for the purpose of trying criminal cases related to 2008 violence between Christians and Hindus in Kandhamal, Odisha, have convicted 495 people, including 14 persons sentenced to life in prison. On March 14, a Cuttack criminal trial court judge sentenced Mitu Patnaik to 11 years' imprisonment for the public rape of a nun during the violence. Two others, Gajendra Digal and Saroj Badhei, were sentenced to two years' imprisonment as accomplices in the rape.

The government required foreign missionaries of any religious group to obtain a missionary visa and usually expelled those who performed unregistered missionary work.

The Mumbai police, working with social media websites, deleted approximately 450 posts deemed to be of a religiously inflammatory nature on social networking sites in a stated effort to control communal violence.

Government officials reportedly made discriminatory statements against members of religious minorities. During public remarks in December at an election rally, junior government minister Niranjan Jyoti stated that voters had a choice between a government of "the children of Ram [i.e., Hindus] or the children of bastards." After her remarks stirred several days of heated national condemnation and disrupted proceedings of parliament, Prime Minister Narendra Modi said in parliament that he "strongly disapproved of the remarks" and "we should avoid using such language." Jyoti subsequently expressed regret for her remark.

On July 16, the Supreme Court rejected a petition for government compensation for churches damaged in the 2008 Odisha riots. The Supreme Court ruled that churches damaged during the Kandhamal riots were not entitled to any compensation, as they received sufficient funds from foreign countries. NGOs advocating for Odisha riot victims said that the government compensated victims only for damages to residential properties, without taking into account places of worship and losses suffered on account of damaged household articles, livestock, stolen valuables such as jewelry, and official documents.

Section III. Status of Societal Respect for Religious Freedom

There were reports of religiously motivated killings, coerced religious conversions, riots, and actions restricting the right of individuals to change religious beliefs.

In January police arrested seven members of the youth organization Hindu Vahini on charges of the assault and murder of Orucanti Sanjeevi, a Christian pastor, in Vikarabad, Telangana on January 10. The same seven men had attempted to kill another pastor in Narketpally, Telangana, in December 2013. World Watch Monitor, an international Christian NGO, reported more than 800 attacks on religious minorities from May through the end of the year.

In May clashes between Muslims and Sikhs in Kishanbagh, Hyderabad, led to the deaths of three persons after security forces opened fire on rioting crowds. The clashes began when a Sikh religious flag on a hillock was allegedly burned. In the violence that followed, approximately 10 houses and shops were burned and several vehicles were damaged.

In December media reported about three dozen people from a local wedding party punched and kicked Christian carolers in Hyderabad on their way home from a night church service. A pastor was hospitalized and six others injured.

Inflammatory social media posts allegedly triggered communal violence from May 30 through June in Pune, resulting in multiple incidents of arson on Muslim owned-shops and mosques and an assault on a Muslim cleric. On June 2, assailants killed Mohsin Shaikh, a 24-year-old information technology professional who was returning from Muslim prayers in Pune. He was reportedly targeted for his "Muslim appearance." Police arrested members of the Hindu Rashtra Samiti, a Mumbai-based organization, in connection with the attack and charged the head of the organization, Dhananjay Desai, with the murder of Shaikh.

On September 25, cell phone messages of a controversial image of a Hindu deity atop a picture of the Kaaba in Mecca were circulated in Vadodara, Gujarat. On September 26, the Vadodara police blocked mobile data

services, wireless internet services, and social media sites for four days. Communal clashes that included incidents of arson and stabbings ensued over the weekend of September 27-28. Police arrested 200 individuals while using tear gas and firing shots into the air to control rioters from both Hindu and Muslim communities.

On December 1, New Delhi's St. Sebastian Church was destroyed by fire; church authorities pointed to the presence of kerosene at the scene as evidence that the fire was the result of arson. On December 7, another New Delhi church, Our Lady of Fatima Forane, was attacked by unknown persons, who threw stones at the church window while 200 parishioners were inside praying. Church authorities said the attack was religiously motivated.

On March 6, two people were arrested for attacking a Christian prayer hall in Kandhamal, Odisha district.

In May the Global Council of Indian Christians stated that Hindus set fire to the houses of Christians in Odisha. The police arrested three persons in one case who were subsequently released on bail.

Conversion of Hindus to Christianity occasionally resulted in assaults and arrests of Christians. On March 24, the Madhya Pradesh police detained five Christians in Dewas on charges of "coerced conversion" of Hindus to Christianity after they reportedly showed a movie about Jesus to a gathering of persons in their home.

In December Hindu groups Bajrang Dal and Dharma Jagran Samamvay Vibhag announced that they had converted 57 families (approximately 200-250 people) in Agra to Hinduism. Media reports alleged that the families were promised government welfare benefits if they attended the event. Muslims attending the event subsequently stated they were unaware that it was a conversion ceremony. When they sought to protest, they reportedly were advised to keep quiet in order to receive benefits. Nearly a dozen Muslim families reportedly fled after the mass conversion. Media report that the police arrested the alleged ringleader of the conversion effort.

On February 6, event organizers cancelled a staging of the play *Ali J* at Mumbai's annual art festival, the Kalaghoda, after the Hindu Janajagruti Samiti and other Hindu groups protested and threatened its producers. The protesting groups characterized the play, loosely based on the life of Mohammed Ali Jinnah, the first political leader of Pakistan, as unpatriotic and said that it would "hurt the feelings of Indians" and would "lead to religious violence." The organizers said they cancelled the play over safety concerns and in compliance with suggestions by Mumbai police to do so.

In September the Chhattisgarh High Court ordered the Chhattisgarh State government to respond to a writ filed by the Chhattisgarh Christian Forum challenging the constitutionality of resolutions adopted by village councils banning non-Hindu religious practices. In May and June village councils banned non-Hindu literature, prayers, and speeches in approximately 50 villages in Chhattisgarh. NGOs stated the bans were enacted at the urging of local VHP leaders.

On March 22, in Depo village, Bajrang Dal activists disrupted the screening of a film about Jesus, alleging Christians were forcibly converting viewers.

On April 19, Pravin Togadia, leader of the VHP, said in a meeting in Gujarat that Muslims should be prevented from purchasing houses in Hindu dominated areas. He urged Hindu residents to forcibly occupy a house in the city of Bhavnagar recently purchased by a Muslim. The owner was prevented from moving in while demonstrators organized sit-in protests outside the house for two months. Police filed a complaint against Togadia, and the Election Commission of India asked for a report. The Gujarat government and national election candidates, including then-Chief Minister Narendra Modi, disavowed Togadia and his comments.

On May 24, Hindu Janjagruti Samiti organized a public campaign in Thane, Maharashtra, calling for a ban on the use of loudspeakers in mosques.

On September 18, the NCM reprimanded the Madhya Pradesh government after Muslims, at the urging of Legislative Assembly member Usha Thakur from the Bharatiya Janata Party, were effectively prohibited from entering dancehalls during celebrations of the Hindu festival Navratri. Hindu volunteers reportedly checked photo identification cards of those entering the festival venues to deny access to Muslims. Separately, the Gujarat state government warned organizers of Navratri celebrations against religious profiling and threatened to cancel festival licenses if profiling took place.

On August 25, in Mumbai, the Jewish outreach center formerly named Nariman House was reopened as the Chabad-Lubavitch of Mumbai. Nariman House had been closed since the 2008 terrorist attacks by the terrorist organization Lashkar-e- Tayyiba.

During September and October certain Hindu organizations mounted a propaganda campaign accusing Muslims of engaging in a "love jihad," which they claimed involved a coordinated strategy by the Islamic community for Muslim men to marry women from other faiths in order to convert them to Islam. On August 3, a Hindu woman in Uttar Pradesh reported she had been abducted, gang-raped, and forced to convert to Islam.

On October 12, however, the woman filed a police complaint against her parents, stating that she had run away from her home of her own free will with a Muslim man, but returned following threats from her parents. Upon her return, her parents allegedly forced her to provide a false statement to police that she had been kidnapped and raped.

In December Hindu groups, including the VHP, Bajrang Dal, and Hindu Sena, led demonstrations throughout the country against the Bollywood movie *PK*, due to its "objectionable" portrayal of Hindu gods and goddesses. Protestors burned posters of the movie, burned effigies of the movie's star, Aamir Khan, smashed windows and ticket booths at theaters, and called for the movie to be banned.

The legal requirement that interfaith couples wishing to marry provide public notice 30 days in advance of their marriage subjected applicants to possible harassment by individuals or groups objecting to interreligious marriages. NGO activists in Hyderabad reported instances of personal information posted by Hindu groups on social media websites about interreligious couples intending to marry. The activists reported two incidents in which unidentified persons threatened couples and their families.

The spiritual leader of Tibetan Buddhism, the Dalai Lama, resides in Himachal Pradesh.

Section IV. U.S. Government Policy

The U.S. embassy and the four U.S. consulates general continued to promote religious freedom through discussions with the country's leadership, as well as with state and local officials. The embassy and consulates general also met with leaders of all religious communities to discuss religious freedom concerns and how the United States responds to such concerns. U.S. representatives met regularly with NGOs and missionary communities on questions of religious freedom and hosted numerous interfaith gatherings, including with high-level U.S. government officials.

The embassy created an interagency interfaith working group to promote opportunities to support religious freedom and tolerance. Embassy and consulate general officials engaged educational institutions of various religious affiliations directly and through exchange programs on topics such as religious freedom, tolerance, and respect for diversity.

Embassy officers regularly met with commissioners from the National Human Rights Commission and the NCM regarding government policies that impact the exercise of belief by religious minorities.

The embassy and consulates general supported a wide range of initiatives to encourage religious and communal tolerance and freedom. Members of the embassy community participated in events organized by Hindu, Christian, Muslim, Sikh, Buddhist, and Jewish communities. The embassy and consulates general also hosted ifters throughout the country. Embassy and consulate officers investigated and reported on cases of alleged religious persecution and coerced religious conversions, social media-based religious intolerance, and religiously-motivated attacks by militants and violent extremist groups.

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