

29/5-09



## India

### International Religious Freedom Report 2004

Released by the Bureau of Democracy, Human Rights, and Labor

The Constitution provides for secular government and the protection of religious freedom, and the central Government generally respected these provisions in practice; however, it sometimes did not act effectively to counter societal attacks against religious minorities and attempts by state and local governments to limit religious freedom. This failure resulted in part from the legal constraints inherent in the country's federal structure, and in part from shortcomings in the law enforcement and justice systems. Ineffective investigation and prosecution of attacks on religious minorities were seen by some extremists as a signal that such violence may be committed with impunity.

The status of religious freedom improved in a number of ways during the period covered by this report yet problems remained in some areas. While the government took some steps to decrease attacks and bring about justice, attacks against minorities persisted. However, there were no new anti-conversion laws during the period covered by this report and Tamil Nadu announced its decision to repeal its anti-conversion law. During the period covered by this report, the Gujarat police conducted no illegal surveys of Christians and no tridents (trishuls) were distributed in any state. "Hindutva," the politicized inculcation of Hindu religious and cultural norms to the exclusion of other religious norms, influenced governmental policies and societal attitudes.

During most of the period covered by this report, the central Government was led by a coalition called the National Democratic Alliance (NDA). The leading party in the coalition was the Bharatiya Janata Party (BJP), a Hindu nationalist party with links to Hindu extremist groups that have been implicated in violent acts against Christians and Muslims. Human rights groups and others also suggested that the Government's inadequate response to acts of violence against religious minorities was due at least in part to links between extremist groups and the ruling Bharatiya Janata Party (BJP) during much of the period covered by this report. The BJP was also head of state governments in Goa, Gujarat, Madhya Pradesh, Rajasthan, and Chhattisgarh. The BJP-led government, which previously campaigned on a Hindutva platform, adopted more inclusive rhetoric regarding minorities and took some steps to decrease violence.

In late May, a new coalition, the United Progressive Alliance (UPA), came to power and pledged to "take immediate steps to reverse the trend of communalization of education," which it said had occurred when the National Democratic Alliance (NDA) governed India. Although the new UPA government retained the new NCERT books introduced by the NDA government for this academic year, they are currently being revised and new texts, with corrected information, will be introduced in the next academic year.

In May President APJ Abdul Kalam invited Dr. Manmohan Singh, a member of Congress Party, to form a coalition government led by the UPA to replace the NDA, which had been in power since 1998. The UPA pledged to respect the country's traditions of secular government and religious tolerance, and to pay particular attention to the rights of religious minorities.

Dr. Singh, a Sikh, became the first member of a religious minority to be prime minister. As President Kalam is a Muslim and the President of the governing Congress party (Sonia Gandhi) is a Christian, three of the most important politicians in India are members of religious minority communities.

Tensions between Muslims and Hindus, and to a continued extent between Christians and

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Hindus, were a problem. Attacks on religious minorities occurred in several states, which brought into question the Government's ability to prevent sectarian and religious violence. However, some improvements were observed during the period covered by this report. In April the Supreme Court handed down a major decision ordering a retrial of the Best Bakery Case, in which Hindu extremists killed 14 Muslims when the Best Bakery, in the Hanuman Tekri area of Vadodara, was attacked by a large mob. There have been allegations that police failed to take adequate action to save the victims during the attack. The Supreme Court also stated that the guilty were likely to escape prosecution as long as the case was tried in the state of Gujarat, and, therefore, ordered that the trials be moved to the jurisdiction of the Bombay (Mumbai) High Court. In November 2003, the Kheda District Sessions Court in Gujarat sentenced 12 persons to life imprisonment for the murder of 14 Muslims in Ghodasar village. Three persons were sentenced to 2 years rigorous imprisonment for unlawful assembly in the same case. This case was the first conviction in conjunction with the violence directed against Muslims by Hindus that took place in Gujarat in February and March 2002 and which left an estimated 2,000 dead and 100,000 displaced into refugee camps. At the end of the period covered by this report, only 3 other cases related to the Gujarat rioting completed trial in the lower level courts. Two cases resulted in acquittals and two in convictions. In the two acquittals (Best Bakery and Mod) the Hindu offenders were exonerated in June and July 2003; while in two other cases, lower courts ruled in November 2003 and January to convict and sentence 13 Hindu offenders (after the Supreme Court heard the Best Bakery case). It was alleged widely that the police and state government did little to stop the violence promptly, and at times encouraged or assisted Hindus involved in the riots. Despite substantial evidentiary material, the judicial commission responsible for investigating the riots reported inconclusive findings. There were reports of intimidation and harassment of witnesses; however, the NHRC and Supreme Court continued to press investigation of the Best Bakery case and the NHRC pressed for a retrial. While progress in the Gujarat justice process took place under the BJP-led government, the election of the UPA government encouraged human rights groups to demand further prosecution of the remaining perpetrators of the Gujarat riots. Violence and discrimination against Muslims and Christians continued in other parts of the country. To date there have been no prosecutions of any of those responsible for religiously motivated killing and destruction in other parts of the country.

The U.S. Government discusses religious freedom issues with the Government in the context of its overall policy to promote human rights. The U.S. Embassy and its consulates continued to promote religious freedom through contact with the country's senior leadership, as well as with state and local officials. During meetings with important leaders of all of the significant minority communities, U.S. officials discussed reports of ongoing harassment of minority groups, converts, and missionaries. U.S. agencies provided funding for an NGO program designed to assist internally displaced persons in Gujarat following communal violence in the area in 2002; and U.S. officials continued to meet with officials and private citizens concerning the violence. U.S. officials also have continued to engage state officials on the implementation and reversal of anti-conversion laws.

### **Section I. Religious Demography**

The country has a total area of approximately 1.3 million square miles and a population of slightly more than 1 billion. According to the latest government estimates, Hindus constitute 82 percent of the population, Muslims 12 percent, Christians 2.3 percent, Sikhs 2.0 percent, and others, including Buddhists, Jains, Parsis (Zoroastrians), Jews, and Baha'is, less than 2 percent. Hinduism has a large number of branches. 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. 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 northeastern states, 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" see Section II), and other non-Hindu tribal groups have converted to other faiths to escape widespread discrimination and achieve higher social status. However, lower caste and Dalit converts continue to be viewed by both their coreligionists and by Hindus through the prism of caste.

Converts are regarded widely as belonging to 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. However, such converts often lose benefits conferred by the Government's affirmative action programs because these, according to the Constitution, are reserved only for those having scheduled caste status. There are anti-conversion laws for Dalits in the states of Tamil Nadu, Orissa, Andhra Pradesh, Chattisgarh, Madhya Pradesh, Gujarat, and Arunachal Pradesh.

There are a number of immigrants, primarily from Bangladesh, Sri Lanka, and Nepal, who practice various religions. Immigrants from Bangladesh usually reside near the border.

According to the Catholic Bishop's Conference of India, there are approximately 1,100 registered foreign missionaries in the country representing a variety of Christian denominations (see Section II).

## **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's political system is federal in character, according state governments exclusive jurisdiction over law enforcement and maintaining order, which has limited the central Government's capacity to deal with abuses of religious freedom. The country's national law enforcement agency, the Central Bureau of Investigation (CBI), must receive a state government's permission before investigating a crime in that state. However, the federal government's law enforcement authorities, in some instances, have intervened to maintain order when state governments were reluctant or unwilling to intervene. In cases relating to the anti-Muslim violence in Gujarat, central agencies intervened in two instances.

In January at the direction of the Indian Supreme Court, the CBI began investigating the rape of Bilkis Rassol (which occurred in 2002) and the murder of her relatives. In May according to the Indian Supreme Court's direction, the Central Industrial Security Force (CISF) assigned several of its officers to guard witnesses in four major post-riot cases in Ahmedabad and Anand districts.

There are no registration requirements for religious groups; however, missionaries of all religious minority groups are required to register with the local police station during their visits to the country.

There are a number of federal and state laws that regulate religious life in India. These include The Foreign Contribution Regulation Act (FCRA), several state anti-conversion laws, the Unlawful Activities Prevention Act, the Religious Institutions (Prevention of Misuse) Act, India's Foreigners Act, and the Indian Divorce Act.

The Government is empowered to ban a religious organization if it has provoked intercommunity friction, has been involved in terrorism or sedition, or has violated the Foreign Contribution Regulation Act (FCRA), which restricts funding from abroad. Christian organizations have complained that this prohibition prevents them from properly financing their humanitarian and educational activities in the country. Muslim and Hindu groups also have difficulty funding their activities under the act.

Anti-conversion laws have been in effect in Madhya Pradesh and Orissa since the 1960s, and laws against forcible conversions exist also in Andhra Pradesh and Arunachal Pradesh. In 2002-03 the states of Tamil Nadu and Gujarat passed "anti-conversion" laws, and after facilitating the passage of the law in Tamil Nadu, the Chief Minister threatened to visit Kerala to press for a similar law there. Under both laws, those "forcing" or "alluring" individuals to convert are subject to criminal action. However, the Gujarat state government did not promulgate the rules and regulations necessary for implementation until May. As of the end of the period covered by this report, the law had not yet been used. In September 2003, the National Commission for Scheduled Castes and Scheduled Tribes proposed legislation to regulate

forcible conversion. Under the proposed law, those wishing to convert to a new faith must request permission from a local government authority. A proposal to introduce a national anti-conversion law lapsed in 2002, and the new UPA Government has not promoted such a law. During the period covered by this report, no new anti-conversion laws were passed, and Tamil Nadu announced its decision to repeal the law; although it took no action in this regard during the period of this report.

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.

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

There is no national law that bars a citizen or foreigner from professing or propagating religious beliefs; however, speaking publicly against other beliefs is considered dangerous to public order and is prohibited by India's Foreigners Act. This act strictly prohibits visitors who are in the country on tourist visas from engaging in religious preaching without first obtaining permission from the Ministry of Home Affairs.

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 as men. The Indian Divorce Act of 2001 places limitations on interfaith marriages and specifies penalties, such as 10 years' imprisonment, for clergymen who contravene its provisions. Under the act, no marriage in which one party is a non-Christian may be celebrated in a church. However, the Indian Divorce Act does not bar interfaith marriages in other places of worship.

Legally mandated benefits are assigned to certain groups, including some groups defined by their religion. For example, minority institutions can reserve seats for minorities in educational institutions. Minority run institutions also are entitled to funding, although with restrictions, but benefits accorded Dalits are revoked if they convert to Christianity. However, if they convert to Buddhism, they do not lose the benefits.

There are many religions and a large variety of denominations, groups, and subgroups in the country, but Hinduism is the dominant religion. Under the Constitution, the Buddhist, Jain, and Sikh faiths are considered different from the Hindu religion, but the Constitution often is interpreted as defining Hinduism to include those faiths. This interpretation has been a contentious issue, particularly for the Sikh community that views itself as a unique religion and clearly distinct from Hinduism. In this regard, Sikhs have sought a separately codified body of law applying only to them.

The National Commission for Minorities (NCM) and the National Human Rights Commission (NHRC) have appointed members and are tasked respectively with protecting the rights of minorities and protecting human rights. These governmental bodies investigate allegations of discrimination and bias and can make recommendations to the relevant local or central government authorities. These recommendations generally are followed, although they do not have the force of law. In August 2003, the NCM announced a plan to conduct a detailed study of the country's Christian minority for the first time, and in March it urged all religious leaders not to issue any political "diktats" during the Parliamentary (Lok Sabha) elections. In September 2003, the NCM urged the National Human Rights Commission (NHRC) to intervene in the November 1984 anti-Sikh riots as it did in the Best Bakery Case of Gujarat. In the south, the state governments of Tamil Nadu, Karnataka, and Andhra Pradesh also established minorities commissions. For example, the Karnataka State Minorities Commission recommended in 2003 that the state government increase the representation of minorities in the state police force to 20 percent. In 2003 the Karnataka Commission urged the Home Ministry to examine how communal tensions could be defused by prompt action based on intelligence reports.

The legal system accommodates minority religions' personal status laws; there are different personal status laws for different religious communities. Religion-specific laws pertain in matters

of marriage, divorce, adoption, and inheritance. For example, Muslim personal status law governs many noncriminal matters involving Muslims, including family law, inheritance, and divorce. The BJP's political platform advocates a uniform civil code that would treat members of all religions alike; however, minority groups oppose a Uniform Civil Code and prefer to retain personal status laws for their religious communities.

The Government permits private religious schools, which can offer religious instruction, but it does not permit religious instruction in government schools. Since most of the students in the majority of Christian schools are Hindu, the schools have long restricted religious instruction on Christianity only to those students who are Christian. During the period covered by this report, the Supreme Court ruled that the Government can prescribe qualifications for admission, based on merit, to colleges that receive public funding, but colleges that do not receive government assistance may admit students according to their own criteria. Many Hindu sects have established their own schools, and the RSS has an entire school system. Some Muslims believe that Muslim madrassahs, some of which receive government aid, would be subject to stringent security clearance requirements under the government's interpretation. Muslims objected to further attempts by BJP/Hindutva proponents to limit their freedom and ability to practice their religious beliefs.

During the NDA government, which ended in May, some senior government officials advocated "safronizing," or raising the profile of Hindu cultural norms and views in public education, which has prompted criticism from minority leaders, opposition politicians, academics, and advocates of secular values. The Government's National Council of Education Research and Training (NCERT) publishes textbooks that are uniformly used in government and private schools and are printed in various languages.

In 2002 the BJP Government announced its decision to rewrite existing NCERT history textbooks, asserting that, "history needs to be presented in a more refreshing and cogent manner." Secularists warned that the re-written "history" spread misinformation to support Hindu nationalist political aims, including false claims that the origins of Hinduism are purely within the country, and Indian Muslims and Christians are "foreigners." The BJP's decision was made without the input of the Central Advisory Board of Education, a panel of experts responsible for reviewing the quality of textbook and academic instruction. The board has not been convened in 5 years.

In January 2002, the National Human Rights Commission received a complaint asking the Commission to examine the printing of new history textbooks, which deleted references to Mahatma Gandhi's assassination in 1948 by a member of the Hindu Mahāsabha, a Hindutva organization banned following the assassination. In May 2002, the education ministers of 16 states walked out of a conference to protest the Hindutva bias of the new curriculum, while 3 leading scholars filed a petition with the Supreme Court challenging the publication of the new textbooks. However, the petition was turned down, and the new textbooks appeared in November 2002. The imposition of examination boards reflecting the content of the new textbooks forced schools to use them.

The Congress-led government that came to power in May pledged to "de-saffronize" textbooks and curriculums nationwide and to restore the secular character of Indian education. In Delhi the Directorate of Education, in collaboration with the State Council of Educational Research and Training, prepared 47 new textbooks, stating they would be ready by June 30; other state governments are expected to do likewise. In June a panel constituted by NCERT reviewed these text books and recommended to the Human Resource Development (HRD) minister that they replace the current set, which the panel said had poor content, shoddy presentation, and significant amounts of irrelevant information. At the end of the period covered by this report, the HRD had not responded to the suggestion.

The Government maintains a list of banned books that may not be imported or sold in the country, including books such as Salman Rushdie's "Satanic Verses," which contain material that governmental censors have deemed inflammatory. On March 24, the Maharashtra state government banned the book "Shivaji: The Hindu King in Islamic India," for allegedly making slanderous remarks against 17<sup>th</sup> century Indian warrior Shivaji and his mother. The ban allegedly was supported by then Prime Minister Vajpayee. The Maharashtra state government also filed criminal charges against the book's author, the U.S. professor James Laine. In December 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.

In August 2003, the Government asked documentary filmmakers to submit their films for pre-censorship prior to screening at the Mumbai International Film Festival. However, after extensive criticism and protest, the Government dropped the requirement, although certain films about the Gujarat violence ("Aakrosh" and "Final Solution") still were not shown. In response filmmakers held an independent and simultaneous festival in August 2003 to screen such films. In June, following an appeal to the Central Censor Board, the film "Aakrosh" received the censor certificate, which permits public screenings. However, in April the Indian censors refused a censor certificate to a commercial Hindi film called "Chand Buz Gaya", which has a character resembling the controversial Gujarat chief minister Narendra Modi. The story involves a Muslim girl and Hindu boy in love with each other, who are separated by Hindu-Muslim riots that occur after a train arson incident. The producer has appealed the censor decision, but the appeal had not been heard by the end of the period covered by this report.

Some major religious holidays celebrated by various groups are considered national holidays, including Christmas (Christian), Eid and the anniversary of the death of Mohammed (Muslim), Lord Buddha's birthday (Buddhist), Guru Nanak's Birthday (Sikh), Holi (Hindu), and the Birthday of Lord Mahavir (Jain). In July 2003, the BJP government in Goa proposed removing Good Friday and another Christian holiday from the list of official holidays. After widespread protests from Christians, the measure was withdrawn in July 2003, and there was no further attempt to remove such holidays from the official list. However, in April the BJP-ruled government of Gujarat regulated Good Friday, making it a restricted holiday and choosing to schedule Gujarat University examinations on that day. 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.

#### *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 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 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 the Hizbul Mujahideen. The Unlawful Activities Tribunal upheld the ban against SIMI in a March ruling. In January 2003, police in three different states arrested eight of its members, including former president of the SIMI Bhopal district unit, Khalid Naeem. He was later released on bail without being charged; at the end of the period of this report, no further legal action had been taken.

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

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

Since 2000 Uttar Pradesh's "Religious Buildings and Places Bill" requires a permit endorsed by the state government before construction of any religious building can begin. The bill's supporters stated that its aim was to curb the use of Muslim institutions by Islamic fundamentalist terrorist groups, but the measure remains a controversial political issue among religious groups in the northern part of the country.

Most religious groups from all of the communities oppose restrictions on building religious structures and continue to view them as infringements upon religious freedom.

Legislation in West Bengal requires any person who plans to construct a place of worship to seek permission from the district magistrate; anyone intending to convert a personal place of worship into a public one is also required to obtain the district magistrate's permission. Some Muslim groups report that they have not received permission to build new mosques, for example, in West Bengal. In March 2003, the Hindu nationalist Vishwa Hindu Parishad (VHP), an offshoot of the Rashtriya Swayamsewak Sangh (RSS), an organization that 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 of such mosques includes the Gyan Vapi mosque in Varanasi, the Idgah mosque in Mathura, and the Ram temple grounds at the former Babri Mosque in Ayodhya. On September 20, 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 "trishul" or trident distribution program, which was popularized by the VHP during the last reporting period, has subsided. However, the symbolism of the three-pronged Hindu symbols, which were sometimes used as weapons, was discussed in a ceremony in Indore, Madhya Pradesh.

March 1. While 700 persons participated in the rally organized by the Hindu extremist group Bajrang Dal, no tridents were distributed. In April 2003, the Rajasthan state government banned the distribution of trishuls in the state, but clarified that the order would not affect the use of trishuls in religious places and functions. On April 13, 2003, VHP General Secretary Togadia distributed the trishuls in defiance of the ban and was arrested. On April 21, 2003, he was released on bail, and no charges have been filed. There were no further trishul distributions in Rajasthan state during the period covered by this report.

The BJP, which led two coalition national governments from 1998 until May, is one of a number of offshoots of the Rashtriya Swayamsewak Sangh (RSS). Most BJP leaders, including former Prime Minister A.B. Vajpayee and former Deputy Prime Minister L.K. Advani, also are RSS members. 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 are ambivalent about this objective. 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.

The BJP did not include these RSS goals in the program of the coalition Government it led until May; however, some minority religious groups noted that the coming to power of the BJP coincided with an increase in complaints of discrimination against minority religious communities. These groups also claimed that BJP officials at state and local levels increasingly became unresponsive in investigating charges of religious discrimination and in prosecuting those persons responsible. Others note that during the election campaign, the BJP reached out to Muslims in swing districts and accentuated the Government's peace initiative with Pakistan.

The degree to which the BJP's nationalist Hindu agenda affected the country with respect to religious minorities during its rule varies depending on the region. State governments continue to attach a high priority to maintaining law and order and monitoring intercommunity relations at the district level. As a result, the central Government often is not the most important player in determining the character of relationships of various religious communities between each other and with the state.

Anti-conversion laws have been in effect in Madhya Pradesh and Orissa since the 1960s, and laws against forcible conversions exist also in Andhra Pradesh and Arunachal Pradesh. Chhattisgarh retained the anti-conversion law from Madhya Pradesh when it separated from that state. In 2002-03 the states of Tamil Nadu and Gujarat passed "anti-conversion" laws. Under both laws, those "forcing" or "alluring" individuals to convert are subject to criminal action. However, the Gujarat state government did not promulgate the rules and regulations necessary

for implementation until May. As of the end of the period covered by this report, the law had not yet been used. 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 promoted such a law.

Since what constitutes forced conversions or allurement is not specified, human rights groups, Christian religious leaders, and Dalits have expressed concern that authorities will use these laws selectively in the future to shut down educational, medical, and other social services provided by Christian groups to Dalits and "tribals" (members of indigenous groups historically outside the caste system). However, the federal government can prevent states from taking action if there is a threat to national integrity and communal harmony, or if the law violates the basic spirit of the Constitution as written in its preamble.

The Tamil Nadu Prohibition of Forcible Conversion Act of October 2002 was initially declared by governor ordinance, which does not require approval by the state legislature. However, it was later ratified by the state legislature in December 2002. According to the act, those who attempt to convert individuals or groups from one religion to another using "false promises" and "allurements" are subject to prosecution, and all persons who "[take] part directly or indirectly in [a conversion] ceremony" must report the ceremony to the District Magistrate. Mandated punishments are greater for converting women, scheduled castes, and "tribals." As of the end of the period covered by this report, a petition questioning the constitutional validity of the act was under review by the state's high court. An ordinance repealing the law, issued on May 18, stopped its operation; however, the state legislature must approve the ordinance to turn the repeal into an act within 6 months from the date of issue, or the law will again come into effect. The Tamil Nadu legislative assembly has yet to give its formal approval for the repeal. As of May, no cases had been filed under the law, and following the poor performance of the governing party in the state in national parliamentary elections, the Chief Minister announced in May her intention to repeal the act; however, there had been no action by the end of the period covered by this report.

In March 2003, the state assembly of Gujarat passed the Gujarat Freedom of Religion Act. The act requires those involved with a conversion to seek the permission, both before and after the conversion ceremony, of the district collector, who is the sole arbiter of the validity of each conversion. This act also requires the police to investigate cases of forced or induced religious conversions. As with the Tamil Nadu anti-conversion law, punishments are greater for women, scheduled castes, and "tribals." In April 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 rules and regulations for the act had not yet been published. The rules still had not been published by the end of the period covered by this report. In April 2003, a contingent of Dalits asked permission of the Vadodara Collector to convert to Buddhism under the new act; the collector had not given permission by the end of the period covered by this report. At the end of the period covered by this report, the law could not be implemented because the rules and regulations had not been drafted. State officials made no attempts to implement it in the absence of formal regulations.

In Punjab the Union Minister and General Secretary called for the state government to pass a law completely banning religious conversions. The move followed reports of large-scale conversions of Sikh Dalits. During the period covered by this report, the General Secretary took no further action.

In Chhattisgarh an anti-conversion law has been in force since the 1970s (at which time Chhattisgarh was a part of Madhya Pradesh). 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 later she was released on bail. During the period covered by this report, the high court had still not heard the case, and Sister Ekka remained free on bail.

In 2000, the Orissa government notified churches that religious 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.

The Orissa Freedom of Religion Act of 1967 contains a provision requiring a monthly report

from the state on the number of conversions. Before a conversion takes place, the district magistrate must be informed and the local police officer will conduct 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 the district magistrate denied permission for any conversions during the period covered by this report.

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.

The Gujarat State Higher Secondary Board, to which nearly 98 percent of schools in Gujarat belong, requires the use of certain textbooks in which Nazism is condoned. In the Standard 10 social studies textbook, the "charismatic personality" of "Hitler the Supremo" and the "achievements of Nazism" are described at length. The textbook does not acknowledge Nazi extermination policies or concentration camps except for a passing reference to "a policy of opposition towards the Jewish people and [advocacy for] the supremacy of the German race." The Standard 9 social studies textbook implies that Muslims, Christians, Parsees, and Jews are "foreigners."

On May 24, a Tamil Nadu Government unilateral order issued by the Registrar of the Dr. M.G.R. Medical University to the leading Christian missionary hospital in South Asia, Christian Medical College (CMC) of Vellore, directed the CMC 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 on August 14, 2003, to form a committee to look into the question of admissions procedures followed by minority education institutions. In the interim, The Supreme Court permitted the CMC to follow the admissions policy that it followed in the past, until the committee provided recommendations. The Tamil Nadu Government constituted a committee on March 19, which currently is debating the issue. The Tamil Nadu state government also has worked actively to strengthen Hindu institutions. For example, in March 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 Chief Minister Jayalalitha announced her intention to halt all such support.

Other southern states, which have had a history of support for their religious minorities, continued to demonstrate evidence of support for the Hindutva message. In addition to Tamil Nadu's anti-conversion laws, inclusion of BJP membership in Andhra Pradesh's ruling coalition, Karnataka's complacency in investigating crimes of religious violence, "antiminority" remarks of Kerala's Chief Minister Antony, and five instances of communal violence in Kerala since January 2002 signaled a growing acquiescence to the Hindutva agenda. In Karnataka Christian leaders recorded 50 incidents in 2002-03, ranging from destruction of church properties to physical abuse of ministers and converts, reportedly perpetrated by members of the Sangh Parivar. Although reported to the police, none of the incidents were investigated. State authorities did not deny that violence had occurred, but claimed these incidents did not represent any organized effort to deter evangelists.

The Sangh Parivar's attempt 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 southern part of the country. In recent years, Hindus have held many festivals at the site, which have alienated the local Muslim community.

Despite concerns expressed by religious minorities in the northern area of the country following attacks on them in Gujarat and Orissa, there were only a few isolated incidents of communal violence in this region during the period covered by this report (see Section III). The appeal of Hindu nationalism appeared to decrease in Uttar Pradesh, where the BJP-led state government was defeated in elections in early 2002, and replaced by a secular regional party.

In June 2002, the NHRC investigated the Gujarat February to May 2002 violence and 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." During the May to June 2003 trial of 21 Hindus accused of burning 12 Muslims and 2 Hindu workers alive in the Best Bakery, 41 of the 73 witnesses recanted their stories. On June 18, 2003, the 21 defendants were acquitted. The key eyewitness, Zahira Sheikh, a 19-year-old woman, claimed in July 2003, during a press conference in Mumbai, that she had testified falsely after BJP leaders repeatedly threatened her family. The NHRC dispatched its team to study the Best Bakery judgment in July 2003 and filed a petition for retrial outside Gujarat in the Supreme Court in August 2003. Subsequently, on April 12, the Supreme Court ordered a new investigation and trial outside of Gujarat in the Best Bakery case, following the state government's submission of an affidavit to the Supreme Court on January 28.

In other cases, the 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. According to the Government of Gujarat's January 28 affidavit to the Supreme Court, 2,108 of the 4,256 cases registered in connection with the post-Godhra train burning violence have been filed as a "summary report," which means that the crime happened, but remains undeclared. In 2,130 cases, police have filed charges. The Government of Gujarat claimed in its affidavit to the Supreme Court that police have launched prosecutions against 5,384 persons in Ahmedabad city and 24,683 persons in the state as a whole, for cases related to the 2002 riots.

At the end of the period covered by this report, only 4 of these 2,130 cases completed trial in the lower level courts: the Best Bakery and 3 others. Two cases resulted in acquittals and two in convictions. In the two acquittals (Best Bakery and Mod) the Hindu offenders were exonerated in June and July 2003; while in two other cases, lower courts ruled in November 2003 and January to convict and sentence 13 Hindu offenders (after the Supreme Court's heard the Best Bakery case).

All of these cases are likely to be appealed to the Gujarat High Court and later to the Supreme Court. Final judgments may not be available for several years, and human rights activists and minority groups are skeptical that those guilty of the post-Godhra violence will be punished appropriately.

In March 2003, Gujarat BJP leader and former state Home Minister Haren Pandya was killed. In September 2003, Ahmedabad police charged approximately 80 Muslims including a local Muslim cleric with the murder. The case is scheduled for hearing in a Gujarat fast track POTA court in August. Police have not been able to locate 44 of the accused.

From February through May 2003, the Gujarat state government aggressively surveyed Christian families and agencies. The survey 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 surveys were carried out by police, often in the middle of the night, although the Gujarat High Court ruled in March 2003 that the survey was illegal. The surveys reportedly ceased during the period covered by this report.

On October 21, 2003, the Gujarat Minister for Social Justice and Empowerment, Karsan Patel, instructed 400 Dang tribal children, who were boarders at a Christian school in Subir run by the Navjyot Social Service Society, "to decide whether they want to live as Hindus or die as Christians." Patel made this statement at the "Ram Kartha" convention in Subir, which was attended by over 15,000 devotees of Ram, a popular incarnation of a Hindu god. Hindus were asked to reclaim the territory of their god in pamphlets circulated by the VHP at the convention.

There is no national law that bars 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 and is prohibited by India's Foreigners Act. This act strictly prohibits visitors who are in the country 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 and has a policy of expelling foreigners 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 the country 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 faced difficulties obtaining permission to return to the country for up to a decade after the event.

During the period covered by this report, no foreign missionaries were attacked. However, in April Father Jim Borst, a priest at the Mill Hill Mission in Srinagar, who had worked in India since 1963, was given a "Leave India Notice" from the Foreigner's Registration Office in Kashmir. Borst had served as the principal of St. Joseph's school in Baramulla and Burn Hall School in Srinagar throughout most of that time and engaged in other educational activities. The local authorities notified him that his visa would not be renewed, but did not offer any explanation; some Christian groups concluded the action was religiously motivated harassment. However, Borst remained in Srinagar during the period covered by this report, and his visa renewal request was still being processed.

In January 2003, a group of militant Hindus attacked U.S. missionary Joseph Cooper in Kerala. The police arrested nine suspects in the case; however, as of the end of the period covered by this report, charges had not been filed. The suspects were released after a few days of imprisonment; 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 in January 2003, on the day he was discharged from the hospital, reportedly because his tourist visa was incompatible with his missionary work. The Human Rights groups CHRO and Peoples Watch of Tamil Nadu in a joint fact-finding report on January 30, 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, in its findings, 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."

On June 30, 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.

Several Christian relief organizations also have been hampered by bureaucratic obstacles in getting visas renewed for foreign relief work. Missionaries and foreign religious organizations must comply with the Foreign Contribution Regulation Act, which limits overseas assistance to certain NGOs, including religiously affiliated groups.

The personal status laws of the 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. 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 as men.

The Indian Divorce Act of 2001 places limitations on interfaith marriages and specifies penalties, such as 10 years' imprisonment, for clergymen who contravene its provisions. Under the act, no marriage in which one party is a non-Christian may be celebrated in a church. However, the Indian Divorce Act does not bar interfaith marriages 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 the Government for indifference and inaction in the face of abuses committed by state and local authorities, as well as private citizens.

Weak enforcement of laws protecting religious freedom partly is due to an over-burdened and corrupt judiciary. The legal system has many years of backlog, and all but the most prominent cases move slowly. Official failure to deal adequately with intra-group and intergroup conflict

and with local disturbances in some places has abridged the right to religious freedom. A federal political system in which state governments hold jurisdiction over law and order contributed to the government's ineffectiveness in combating religiously based violence. The country's 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.

During the period covered by this report, no foreign missionaries were attacked. However, in April Father Jim Borst, a priest at the Mill Hill Mission in Srinagar, who had worked in India since 1963, was given a "Leave India Notice" from the Foreigner's Registration Office in Kashmir. In January 2003, a group of militant Hindus attacked American missionary Joseph Cooper in Kerala and in September 2002, youth members of the Bajrang Dal Party attacked South Koreans suspected of performing missionary work in Orissa.

The eastern part of the country presented a varied picture with regard to 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 remained relatively unchanged during the period covered by this report, despite the installation of a BJP-Biju Janata Dal (BJD) government which assumed power in 2000 and was re-elected this year. On September 9, 2003, a Hindu mob attacked construction workers building a church and looted construction material in Sudusudia village, Mayurbhanj district. 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.

On December 6, 2003, a peaceful Muslim protest in Hyderabad on the eve of the anniversary of the demolition of the Babri Masjid turned violent when the group encountered a Hindu mob celebrating the mosque's destruction. Two Hindus were stabbed to death; police arrested approximately 35 persons from both communities, but charges had not been laid at the end of the period covered by this report.

In 2003 the Minorities Commission of the Delhi state issued its annual report that claimed that the Christian community had become the target of a sustained misinformation and intimidation campaign. 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 Terrorist Organizations" list, and as a result, priests have been detained and asked to leave the area. The commission also reported that adequate space for Christian worship and burial of the dead was not provided by the Government. The commission did not issue a report during the period covered by this report.

In 2002, after Hindu-Muslim riots in Gujarat, Muslims and human rights activists alleged that the state reserve police sided with the attackers rather than with the victims (see Section III). Human rights activists reported that the Gujarat police received specific instructions not to take action to prevent a possible violent reaction to the February 2002, attack by Muslims on a train in Godhra carrying Hindus (see Section III). In some instances of Hindu aggression against Muslims, police and government officials abetted the violence, and at times security forces were responsible for abuses. Police sometimes assisted Hindu fundamentalists in committing violent acts.

The press and human rights activists have reported widely that police refused to come to the aid of Muslim victims, and in some cases even participated in attacks on Muslims and Muslim-owned businesses. Following the 2002 attack on the train in Godhra, the police 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 2002, the National Election Commission banned all religious processions in the state of Gujarat in connection with the December 12 election. The BJP party with its Hindutva brand of politics won the Gujarat election in a landslide with 126 of 181 assembly seats, winning those constituencies in the central part of the state that were most affected by the rioting. There were minor Hindu-Muslim skirmishes in Gujarat in Vadodara (September 2003 and February),

Viramgam (November 2003), Ahmedabad (November 2003 and January), and Godhra (September 2003 and February). Seven persons (three Hindus and four Muslims) were killed in these skirmishes, but none died from police action. Fewer than 100 persons were injured in stone-throwing or stabbing incidents. The annual Hindu religious processions of Rath Yatra and the Muslim Tajia processions occurred peacefully in Ahmedabad, Bhavnagar, Jamnagar, and Vadodara, during the period covered by this report. Furthermore, in March police in Gujarat detained at least 400 persons to prevent Hindu-Muslim clashes during a Muslim day of mourning; the same month, Muslims called off an annual religious march in the volatile town of Baroda to prevent potential clashes with Hindus during Muharram. 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.

In 2002, the Gujarat state Government appointed a retired Supreme Court Justice, G. T. Nanavati, to oversee a two-member judicial commission to investigate the February 2002 riots. The commission held hearings in various riot-affected districts of the state between May and November 2003; in May 2003, management of its investigation was criticized strongly by media and human rights activists as inadequate. In advance of a final report, Nanavati reportedly told media there was no evidence of police complicity; however, the commission reportedly received more candid testimony from victims. As of the end of the period covered by this report, the commission had not submitted its report. During the period covered by this report, the commission continued taking depositions in affected districts and cities of Gujarat. Victims in Ahmedabad testified before the commission without apparent constraint. The commission also warned the police during its hearings in September 2003 not to influence or terrorize the victims. Nevertheless, victims complained of covert pressure from Hindu rightist groups not to testify to the commission.

In its 2002 report on Gujarat, 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. The Government of Gujarat never requested a Central Bureau of Investigation Inquiry; it formed the Nanavati Commission instead.

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. None 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 of them were televised, by the end of the period covered by this report the state government had yet to secure a conviction of an accused Hindu.

However, 124 of the 126 persons arrested for the Godhra train arson, predominantly Muslims, were charged under the POTA, which allows for detention without charge for 6 months, summary trials, and the use of testimony exacted under duress. In May the UPA government announced its intention to repeal the POTA law; however, at the end of the period covered by this report, there had been no action in this regard. None of those arrested or charged under the POTA had been tried.

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.

During the period covered by this report, 2 lower courts in Gujarat convicted 13 Hindus in connection with the 2002 anti-Muslim violence, ostensibly due to the Supreme Court decision in the Best Bakery case in which it ordered a new investigation and retrial outside of the state. During the period covered by this report, four post-Godhra cases completed trial at the lowest level. In June and July 2003, offenders were acquitted, and in November 2003 and January, offenders were sentenced to prison. Reportedly after the Supreme Court began its hearing of Best Bakery in September 2003, lower courts in Gujarat tried to be more conscientious in dealing with Hindu offenders. The Supreme Court ordered a retrial (but not reinvestigation) in the case of Best Bakery, and it had not ruled on 10 other cases at the end of the period covered by this report.

In 2002, following the riots in Gujarat, the National Election Commission banned all religious processions in the state in connection with the December 12 election. The BJP party with its Hindutva brand of politics won the Gujarat election in a landslide with 126 of 181 assembly seats, winning those constituencies in the central part of the state that were most affected by the rioting. There were minor Hindu-Muslim skirmishes in Gujarat in Vadodara (September 2003 and February), Viramgam (November 2003), Ahmedabad (November 2003 and January), and Godhra (September 2003 and February). Seven persons (three Hindus and four Muslims) were killed in these skirmishes, but none died from police action. Fewer than 100 persons were injured in stone-throwing or stabbing incidents. The annual Hindu religious processions of Rath Yatra and the Muslim Tazia processions occurred peacefully in Ahmedabad, Bhavnagar, Jamnagar, and Vadodara, during the period covered by this report.

Furthermore, in March police in Gujarat detained at least 400 persons to prevent Hindu-Muslim clashes during a Muslim day of mourning; the same month, Muslims called off an annual religious march in the volatile town of Baroda to prevent potential clashes with Hindus during Muharram. 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.

Jammu and Kashmir (J&K), the country's only Muslim majority state, has been the focus of repeated armed conflict between India and Pakistan and internal fighting between security forces and Muslim militants, who demand that the state be given independence or 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 against the Muslim population, including execution-style killings, beatings, rapes, and other forms of physical abuse.

Government forces deny these allegations and assert that they target persons not on the basis of religion, but on suspicion of involvement in terrorist activity. 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. In May militants kidnapped and then beheaded a 23 year-old Muslim in the Poonch area of J&K.

It is difficult to separate religion and politics in Kashmir; Kashmiri separatists predominantly are Muslim, and almost all the higher ranks as well as most of the lower ranks in the Indian forces stationed there are non-Muslims. On May 16, 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 Mohammed. The procession was held again in May.

In 2002, two unknown assailants captured Hindu and Sikh pilgrims at a Hindu temple in Gandhinagar, Gujarat. During security forces efforts to capture the assailants and free the captives, 30 persons were killed, including the attackers. Regional police officials have said that the case remains under investigation.

There were no reports of religious prisoners or detainees.

#### *Forced Religious Conversion*

On February 6, in an example of communal tension in Jagatsingpur District, Orissa, Hindu villagers 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; the women denied this, however. On May 6, the local police arrested six persons in connection with the incident, and the pastor and the eight women remain in sheltered housing.

In December 2003, the Maharashtra state Congress and Nationalist Congress parties banned the "Ghar Wapasi" ("Returning Home: Reconversion to Hinduism") program, which was organized by the VHP and 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 destroying the culture of Ram. The VHP shifted its program across the border to a village in BJP-ruled Gujarat and is set to attempt a reconversion drive in Kerala. 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. He continued by saying that having defeated the Congress Party, he expected "to undertake many more shuddhikaran (purification)

programs." According to a media report, Togadiya claimed that the VHP planned to reconvert all Christians to Hinduism in BJP ruled states by 2005. He also said they plan to "expose the global Christian conspiracy of conversions." In March in the Jharsuguda district, 212 Christian tribals reconverted to Hinduism.

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 their Christianity. The family refused, and, following the intervention of the Maharashtra State Minorities Commission, it was given police protection from district headquarters. The family returned to its village in February; family members have not pressed charges.

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 were no developments in the case during the period covered by this report.

Hindu nationalist organizations frequently allege that Christian missionaries force Hindus, particularly those of lower castes, to convert to Christianity. Christians claim that the efforts of Hindu groups to "reconvert" Christians to Hinduism are coercive. In June 2003, a mob reportedly ransacked a church in Maharashtra's Chaari village, broke the building's crucifix, and placed a Hindu statue in its place. In March 2003, a Protestant church in Maharashtra was attacked by Hindu activists who had tried and failed to reconvert the church members to Hinduism. The Hindu mob smashed a wooden cross and placed a Hindu statue on the ground in front of the church. The local police chief, who ordered the Hindu villagers to remove their statue, was later criticized and forced to resign. Those responsible for the attack reportedly were arrested for 3 days and released on bail; there was no further information available during the period covered by this report.

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

#### *Abuse by Terrorist Organizations*

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

Throughout the period covered by this report, Jammu and Kashmir (J&K) continued to be a focus of violence. Pan-Islamic militants committed atrocities against Hindus and other Muslims, and security forces often used excessive force to suppress them. Civilians frequently are killed inadvertently. The killing of suspected militants, all of whom are Muslim, while in police custody is common. Militants also carried out several mass killings of Hindu villagers and violently targeted Pandits (Hindu Kashmiris) in an attempt to force Hindus to emigrate.

In the state of Arunachal Pradesh in July 2003, 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 a trial. The Chakhesang Baptist Church Council clarified that the Naga missionaries were appointed in 2001 by the Chakhesang Mission Society to do humanitarian work among the people of Tutsa tribe in Changlang and Tirap districts. 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 asking the community to accept Christianity. The NSCN and district authorities reportedly denied any such development.

Between December 2002 and March 2003, approximately 30 Hindus died in explosions in the Hindu-dominated areas of Ghatkopar, Parle, and in a commuter train in Mumbai. Police blamed Muslim students for these killings. As of the end of the period covered by this report, there were no arrests.

In March 2003, militants 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, militants unlawfully

entered a house in Jammu and killed four members of a Hindu family. There was no legal action taken in these cases during the period covered by this report.

#### *Improvements and Positive Developments in Respect for Religious Freedom*

The NHRC and NCM continued to promote freedom of religion during the period covered by this report. Through their annual reports and investigations, they helped provide appropriate attention to human rights problems in the country and, where possible, encouraged judicial resolution. 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. 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 reopened the case and ordered a new investigation and retrial.

During the period covered by this report, 2 lower courts in Gujarat convicted 13 Hindus in connection with the 2002 anti-Muslim violence, ostensibly due to the Supreme Court decision in the Best Bakery case in which it ordered a new investigation and retrial outside of the state. During the period covered by this report, four post-Godhra cases completed trial at the lowest level. In June and July 2003, offenders were acquitted, and in November 2003 and January, offenders were sentenced to prison. Reportedly after the Supreme Court began its hearing of Best Bakery in September 2003, lower courts in Gujarat attempted to be more conscientious in dealing with Hindu offenders. The Supreme Court ordered a retrial (but not reinvestigation) in the case of Best Bakery, and it had not ruled on 10 other cases at the end of the period covered by this report.

The NHRC and the NCM also pursued unilateral action not prompted by a specific complaint or legal demand, directing the central Government and Gujarat state government to take corrective action in regard to the February and March 2002 violence. As a direct result of this warning, the central Government created a special compensation package for the victims of the violence in Gujarat. The NHRC issued directives against the Gujarat state government in April and June 2002 concerning the communal riots of February 2002. The directives recommended that certain Gujarat cases be entrusted to the Central Bureau of Investigation, encouraged support for the role of NGO's, and urged police reform.

On September 15, 2003, the Special Central Bureau of Investigation (CBI) Court in Bhubaneswar, Orissa, convicted Dara Singh and 12 accomplices of murdering 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 received life imprisonment. Initial hearings on their appeal to the Orissa High Court began in October 2003. After passing the death sentence, the Sessions Court referred the case to the High Court for confirmation. Singh also is facing trial for two other 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.

In October 2003, on the occasion of the feast of Diwali, a Vatican official invited Hindus to promote with Catholics the defense of human rights and peace throughout the world.

#### **Section III. Societal Attitudes**

Animosities within and between the country's religious communities have roots that are centuries old, and these tensions at times were exacerbated by poverty, class, and ethnic differences and have erupted into periodic violence throughout the country's 57-year history. The Government makes some effort, not always successfully, to prevent these incidents and to restore communal harmony; (see Section II) 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.

During the period covered by this report, attacks on religious minorities persisted. In 2003-04, diplomatic observers estimated that there were 17 reported attacks against the Muslim

community and 30 against the Christian community. In the previous year, 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 as reflected in the previous reporting period. Some of these attacks were motivated by economic issues or arose in a context of existing nonreligious disputes; others were purely religious in motivation.

Within the Indian context, the phrase "communal violence" generally is understood to mean Hindu-Muslim conflict and the possibility of retaliation and serious riots. Hindus and Muslims continue to feud over the existence of mosques constructed several centuries ago on three sites where Hindus believe that temples stood previously. The potential for renewed Hindu-Muslim violence in connection with this controversy remains considerable.

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 vacate a ban on religious activity at the site, and as of April, the Prime Minister promised to continue with plans to build the temple on the site of the razed Muslim mosque. 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 for fear their campaign to build the new temple could lead to violence. The Lucknow High Court ordered the federally run Archaeological Survey of India to excavate the 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 the new government announced that it would await the verdict of the courts, while encouraging negotiations between the parties to the dispute for an amicable settlement. Excavations were ongoing as of the end of the period covered by this report.

Muslims continued to experience other intimidation tactics. Muslims reportedly could not work, reside, or send their children to schools in Hindu dominated areas. Signs were displayed stating "Hindus only" and "Muslim free area." Prohibitions on the Muslim call to prayer were also reported.

There were no reported incidents of intercommunity strife in the state of Chhattisgarh or Goa during the period covered by this report.

On May 2, 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 whom were members of the National Democratic Front, an Islamic organization. Reportedly 400 Muslim families fled the area in fear of Hindu retaliation.

In Assam, where the population is increasing rapidly, the issue of Bangladeshi migrants (who generally are Muslim) long has been sensitive among the Assamese (predominantly Hindu) population, which considers itself increasingly outnumbered. On December 23, 2003, VHP leader Praveen Togadia announced that within 6 to 8 months, he would mobilize a campaign against "Bangladeshi infiltrators." Bangladeshi Muslim migrants who come to the country generally are relegated to low paying jobs and a low social status. They face harassment and discrimination that stems from their status as undocumented labor.

On December 4, 2003, a Muslim driver was killed by Sikhs in Hyderabad, Andhra Pradesh. Muslim youths reportedly had torn a Sikh religious flag, prompting the altercation. At the end of the period of this report, there had been no arrests and no apparent police investigation.

In February 2003, in Madhya Pradesh, a Hindu group began to demand greater access to a religious site at which they had been restricted to one religious ceremony per year since 1996. Two persons died in rioting after Hindu extremists stormed the Bhojshala monument that Muslims claim as the site of a 15<sup>th</sup> century mosque. In response to Hindu demands, the Archeological Survey of India permitted Hindus to worship on Tuesdays while Muslims continued to have access every Friday.

Some of the most severe communal violence in the country's history occurred in Gujarat in February 2002. Two train cars were set on fire, and 58 passengers killed, including 15 children

and 25 women, according to Gujarat state officials. Over the next 3 months, Hindu mobs in Gujarat, allegedly angered by the attack on the train and incited and organized by members of the Sangh Parivar, destroyed Muslim businesses, raped Muslim women, and killed an estimated 2,000 Muslims. In addition 100,000 Muslims were displaced forcibly 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.

Initially, the Government announced a probe only of the Muslim attack on the train; however, after criticism by opposition parties and the media, the Government expanded the probe to include the violence after the attack on the train.

The effects of the riots continued into the following year. In July filmmaker Gopal Menon was assaulted for his work on a film documenting the 2002 anti-Muslim riots. In December 6 persons died and 24 were injured in Hyderabad after clashes between Hindu hardliners celebrating the 11<sup>th</sup> anniversary of the razing of a mosque and protesting Muslims; police opened fire to control the mobs.

Human rights groups expressed concern that those responsible for the Gujarat violence may never be tried or convicted for their crimes. They charged that although the Government initially arrested thousands following the attacks, most of those arrested were acquitted, released on bail with no further action taken, or simply released. In addition even when cases did reach trial, Muslim victims often faced biased prosecutors. Judges and lawyers representing Muslim victims also have faced harassment and threats.

Victims of the Gujarat riots claimed that Hindu nationalists sabotaged efforts to prosecute Hindus involved in the riots. 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, a fact-finding team visited Gujarat to document the effect of communal riots on women. The team consisted of women from various women's organizations. The report stated that Muslim women had been subjected to "unimaginable, inhuman, barbaric" sexual violence during the riots, suffering rape, gang rape, and molestation. Due to societal stigma in the country, few women that have been raped file charges. The Supreme Court has shown increased concern over this circumstance, and in January the court reopened a 2002 rape case in which 14 members of the victim's family also were murdered. The case included charges that the Gujarat police intimidated the victim from identifying her attackers. A CBI investigation starting in January resulted in the arrest of 15 persons including senior BJP and VHP officials and police officers. At the end of the period covered by this report, the case was ongoing.

In 2002, an attack on the Swaminarayan Hindu Temple in Gujarat left 40 persons dead before security forces stormed the temple. The Government responded swiftly by deploying approximately 3,000 army personnel to dispel a strike and protest march called by the VHP. Critics of the Government noted that had the Government acted as quickly following the Gujarat violence, many deaths could have been prevented. In November 2002, security forces ended a siege by suspected Muslim militants of 2 Hindu temples; 13 persons were killed in the raid, including 9 civilians, a soldier, a policeman, and the 2 assailants.

In 2002, local Hindus reportedly attacked Muslims who tried to construct a mosque in Andhra Pradesh and injured nine persons. The local BJP president was arrested for complicity in the attack, but he was not charged with any crime and was released from custody; the case was still pending as of the end of the period covered by this report.

Throughout the period covered by this report, Jammu and Kashmir (J&K) continued to be a focus of violence. Pan-Islamic militants committed atrocities against Hindus and other Muslims, and security forces often used excessive force to suppress them. Civilians frequently were killed inadvertently. The killing of suspected militants, all of whom are Muslim, while in police custody was common. Militants also carried out several mass killings of Hindu villagers and violently targeted Pandits (Hindu Kashmiris) in an attempt to force Hindus to emigrate.

According to the report of the Home Ministry from 2002-03, approximately 56,246 Pandit families fled their homes in J&K due to the violence between 1990 and 1993. 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, 238 families also were still in Delhi's 14 camps. The remainder still was displaced, but was living outside of the camps in Jammu and Delhi.

The Pandit community criticized bleak physical, educational, and economic conditions in the camps and feared that a negotiated solution giving greater autonomy to the Muslim majority might threaten its own survival in J&K as a culturally and historically distinctive group.

Targeted killings against the Sikh community, the most recent of which were in 2001, increased fears among remaining religious minorities in Kashmir's and prompted many Sikhs, especially young persons to leave the Valley. In Kashmir the militant group Lashkar-e-Jabbar ordered Muslim women to dress in burqas, Hindu women to wear bindis, and Sikh women to wear identifying saffron headscarves. Some women followed these orders when they were first issued; however, compliance since has declined. There were a number of violent incidents that are believed to have been carried out by Muslim militants.

The slaughter of cows, which are considered holy and are worshipped by Hindus, sometimes has led to violence. 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.

In 2002, five Dalits were lynched by VHP activists in Haryana. Reportedly, the action was stimulated by accusations of cow slaughter. In its investigation, the National Campaign for Dalit Human Rights alleged police complicity in the attacks, and in October 2002 the NHRC called for the Haryana state government to initiate action against the policemen involved. In December 2003, the Haryana government provided employment to the victims' next of kin and paid approximately \$10,000 (RS 500,000) to each family, but it took no disciplinary action against the policemen involved.

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.

In a February report (on the CBCI's web site), the Catholic Bishops' Conference of India (CBCI) and the National Council of Churches in India (NCCI) stated that "incidents of intimidation, physical assaults and threats to eliminate members of the Christian community in several places have been on the increase." Also in February, the All India Catholic Council stated, "International agencies have recorded, quoting national police sources, over 600 cases of violence against the Christian community in India in 2003 alone. The Catholic Union records a case every 36 hours, including assault, attacks on churches, burning of copies of the Holy Bible, tonsuring of Christians, and fatal assaults. In most cases, these have been traced to various frontal organizations of the Sangh Parivar, including the RSS, the Bajrang Dal, the VHP and the Vanvasi Kalyan Ashram." However, diplomatic sources indicate that there were 30 cases of attacks against Christians during the period covered by this report compared to 69 in the previous reporting period.

In Madhya Pradesh, intercommunity strife is relatively uncommon. However, Hindu fundamentalists of the Bajrang Dal in Madhya Pradesh accused Catholic priests of the rape and murder of a teenage girl on March 3. The following day, Bajrang Dal activists attacked a group of church workers who were taking the girl's body to the hospital for an autopsy and beat a Catholic priest into unconsciousness. In another case, there was a violent public demonstration against Christians in January in Jhabua district, during which a Hindu activist was killed. This demonstration was in response to the January 11 case of a 9-year-old tribal girl who was raped, killed, and found in a Christian school in Jhabua. Hindus accused a Christian priest of committing the crime. Following a VHP protest outside the school, local police took the priest and seven school staff members into protective custody. They were released several days later when Manohar Jadhav, a Hindu, confessed to the crime. This sequence of events prompted communal violence in nearby Amkhut village. A Hindu, Arjun Das, was killed, and a Hindu mob reportedly chanted anti-Christian slogans and attacked a church. Subsequently, 12 Christians were arrested for violence; however, there were no arrests of Hindu activists.

On January 16, a mob of militant Hindus attacked the Church of North India in the village of

Amhkut. They burned the houses of several Christian families; many Christians were beaten, and a total of 3 churches and 20 houses belonging to Christians were damaged badly. The violence spread to Alirajpur where VHP and BJP militants attacked more Christians and their property, and on January 17, 50 Hindu extremists hurled stones at the Catholic Bhuri Mati Mission Center at Ranapur.

In November 2003, VHP and Bajrang Dal fundamentalist movements attacked churches and assaulted a nun. On November 21, 2003, Hindu militants burned a Catholic church in Deogarh, west Orissa. The previous day, in front of the residence of the district governor, gangs burned Bibles and other Christian literature. In Rajamunda village, they broke into a church and raped a nun. These persons also went to Amulpani village to question the conversion of four Hindus who had become Catholics. In Jhareikela they damaged the home of a Protestant pastor and destroyed Christian books. 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 are suspected to have made the attack.

In Jharkhand on November 9, 2003, RSS chief KS Sudarshan accused Christian missionaries of launching a campaign of converting the poor to reduce the Hindu majority population intentionally. In January during an RSS meeting in Orissa, Sudarshan said that a prejudiced policy of treating Muslims and Christians like minorities should be ended. In March Sudarshan said there were no minorities in the country as 99 percent of the persons living there have their ancestors belonging to the land. He added that the only two communities that can be considered minorities are Parsis and Jews. He also said, "India is a multicultural nation, but it has one soul. It has different civilizations, people with different lifestyles, eating habits, and languages, but one bhav (inherent feeling)."

On October 26, 2003, in the city of Roorkey in Uttaranchal, an 80-person mob attacked Christians participating in a prayer meeting. A month later, a Hindutva group burned an effigy of Jesus in the state of Orissa.

In October 2003, Father Swami, Archdiocese of Bangalore, was found dead in Karnataka after being beaten in regard to a land dispute. Months earlier he had been threatened by Hindu fundamentalists.

Hindu nationalists continued an ideological campaign to limit access to Christian institutions and discourage or, in some cases, prohibit conversions to Christianity. For example, in July 2003, the VHP accused Pope John Paul II of interfering in the affairs of the country by calling on bishops to ignore the country's anti-conversion laws.

Between January and June 2003, Christian leaders in Karnataka recorded 50 incidents, ranging from destruction of church properties to physical abuse of ministers and converts. Reportedly, members of the Sangh Parivar perpetrated these incidents. 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. On July 31, 2003, students and staff members of a Bible school in Dabwali, Haryana, were attacked during prayer by a mob of 250 persons, most of whom were members of the VHP. The assailants accused the 25-member student body of converting persons in the area; they burned Bibles and Christian literature, vandalized the school, and beat students.

On June 8, the Hindu fundamentalist Jagran Manch organization and BJP activists disrupted a Christian religious meeting at St. John's College in Agra, and on June 14, villagers of Mainpure, Uttar Pradesh set a church on fire to protest mass conversion in the area.

In April 2003, Hindu extremists in Gujarat vandalized a municipality-run health care dispensary that had been destroyed in the earthquake of 2001, rebuilt with the support of a Christian organization, and was scheduled to be dedicated by former state minister Kirtisinh Rana. A stone with the names of the donors was destroyed, and graffiti of Hindutva slogans was painted on the walls.

On March 9, 2003, Hindu extremists reportedly started a fire that destroyed 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.

In 2002, armed men threw bombs into a Catholic church during midnight mass in West Bengal. A priest and 14 others were injured in the attack. Seven persons were arrested, but there were no convictions. Police alleged that the suspects were part of a local gang and were not members of a Hindu organization. The attackers were reportedly motivated by a perception that Christians were encouraging conversions of Hindus.

In 2002, the Gujarat Minister for Social Justice and Empowerment, Karsan Patel, threatened Dang tribals, "to decide whether they want to live as Hindus or die as Christians." These comments were not repeated during the period covered by this report.

In 2002, following the outbreak of communal riots in Gujarat, Christian organizations reported that Christian institutions and functionaries in the state also were attacked. These Christian organizations blame the RSS and the VHP for ransacking and burning Christian missions in Sanjeli and Dhudhia, although these charges were not otherwise confirmed.

In 2002, a church in Managalore, Karnataka was attacked by approximately 60 persons protesting alleged attempts to convert local Hindus to Christianity. In 2001, in Anakapalli, Andhra Pradesh, 43 Christian tombs in the local burial ground were destroyed.

Christian missionaries have been operating schools and medical clinics for many years in tribal areas. Tribals (who have no caste status) and Dalits (who are at the lowest end of the caste system) occupy the very lowest position in the social hierarchy. However, they have made socioeconomic gains as a result of the missionary schools and other institutions, which, among other things, have increased literacy among low-caste and non-caste persons.

Some higher-caste Hindus resent these gains. They blame missionaries for the resulting disturbance in the traditional Hindu social order, as better educated Dalits, tribals, and members of the lower castes no longer accept their disadvantaged status as readily as they once did. Some Hindu groups fear that Christians may try to convert large numbers of lower-caste Hindus, using economic or social welfare incentives.

Some upper-caste Hindus, the membership base of the BJP and RSS, fear that this development may destroy the rigid caste hierarchy. Many acts of violence against Christians stem from these fears. This fear was highlighted by an August 15, 2003, statement by then Prime Minister Vajpayee who stated, "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 refer 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 taps into a longstanding fear of foreign religious domination. Several Christian-affiliated (in many cases, nonevangelical) international relief agencies stated that during the year, their work in delivering services to the poor became considerably more difficult due to threats, increased bureaucratic obstacles, and, in some cases, physical attacks on their field workers by Hindu extremists.

In 2002, a new cable television station, promoting Catholic values, was launched in Kerala, but several cable television station operators in Kerala and neighboring states reportedly initially refused to make the station's programming available to viewers. However, as of the end of the period covered by this report, the station continued to be widely available.

The Indian Divorce Act of 2001 places limitations on interfaith marriages and specified penalties, such as 10 years' imprisonment, for clergymen who contravene its provisions. Interfaith couples often experienced condemnation and violence from relatives and Sangh Parivar members, who object to the unions.

On February 5, 2003, in Gujarat, a Catholic, Anthony Rebello, and a Hindu, Reema Sompura, were married in a legal Hindu marriage ceremony, but due to strong family and Bajrang Dal opposition, the couple was forced into hiding. Search warrants were issued against them when Sompura's mother entered a complaint against Rebello. On April 28, 2003, Sompura testified in court that she went with Rebello willingly. On April 29, 2003, outside of the court, VHP and Bajrang Dal members attacked the couple. Sompura, who was pregnant, was kicked in the

stomach, and the baby subsequently was aborted. The couple was separated at the police station, where Rebello was beaten further by VHP and Bajrang Dal members, and Sompura was transferred to her family. No action has been taken against VHP or the Bajrang Dal members for this attack.

The country's caste system historically has been an integral part of Hinduism. Hinduism delineates clear social strata, assigning highly structured religious, cultural, and social roles, privileges, and restrictions to each caste and subcaste. Members of each caste (and frequently each subcaste) are expected to fulfill a specific set of duties (known as dharma) in order 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.

Despite efforts by reform-minded modern leaders to eliminate the discriminatory aspects of caste, societal, political, and economic pressures continue to ensure its widespread practice. The country's 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. However, in 2002, five Dalit youths were killed by a mob, reportedly led by members of the VHP after reports of cow slaughtering in the state of Haryana. The local leader of the VHP stated that he had no regrets over the incident and that the life of a cow was worth more than that of five Dalits. A police investigation resulted in 30 arrests; however, there was no further action by the end of the period covered by this report, but those arrested remained in prison.

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 they have achieved the desired effect and should be modified, while others strongly argue that they should be continued, as the system has not 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.

Muslims, Christians, and Sikhs historically have rejected the concept of caste, despite the fact that most of them descended from low caste Hindu families and continue to suffer the same social and economic limitations of low caste Hindus. Low caste Hindus who convert to Christianity lose their eligibility for affirmative action programs. Those who become Buddhists, Jains, or Sikhs do not, as the Constitution groups members of those faiths with Hindus and specifies that the Constitution shall not affect "the operation of any existing law or prevent the state from making any law providing for social welfare and reform" of these groups. In some states, there are government jobs reserved for Muslims of low caste descent.

Members of religious minorities and lower castes criticized the 2001 census as discriminating against them. They claim that they frequently were not allowed to register their correct caste status. Census results are used to apportion government jobs and higher education slots to Scheduled Castes and Scheduled Tribes.

In 2001, the Catholic Bishops' Conference of India strongly criticized the census for "discriminating against weaker sections of society" by maintaining that Scheduled Castes may only be Hindu, Sikh, or Buddhist. The National Council of Churches in India also protested the census. Despite the fact that Christianity does not recognize caste, Christian leaders recognize that society in general still does. They allege that the 50 percent of the country's Christians who are of Dalit origin may be disadvantaged by not being allotted shares of jobs and places in education under the Scheduled Castes/Scheduled Tribes provisions of the Constitution.

Dalit converts to Christianity claim that societal discrimination against them continues, even within the Christian community. One indicator of the continued slowness of economic and social upward mobility of Dalit Christians is that, of the 180 Catholic bishops in the country, only 5 are 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 protested the census issue vigorously.

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 is not enforced effectively and criminalizes 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 Children Development has 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 are amicable among the substantial majority of citizens. There are efforts at ecumenical understanding that bring religious leaders together to defuse religious tensions. The annual Sarva Dharma Sammelan (All Religious Convention) and the frequently held Mushairas (Hindu-Urdu poetry sessions) are some events that help 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. After episodes of violence against Christians, Muslim groups have protested against the mistreatment of Christians by Hindu extremists. Christian clergy and spokespersons for Christian organizations issued public statements condemning the violence in Gujarat, and the Archbishop of Gandhinagar, the capital of Gujarat, participated in a peace march in April 2003.

#### **Section IV. U.S. Government Policy**

The U.S. Government discusses religious freedom issues with the Government in the context 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 U.S. Embassy and Consulates regularly meet with religious leaders and report on events and trends that affect religious freedom.

During the period covered by this report, Embassy and Consulate officials met with important leaders of all of the significant minority communities. For example, the Calcutta Principal Officer met a section of church leaders in Orissa, including the President of the All India Christian Council, Orissa Chapter on April 1 to discuss reports of ongoing harassment of converts and missionaries. The Consulate in Calcutta continued to conduct Ifar and Madrassa exchange programs. Embassy officials also continued an active program of outreach and engagement with leaders of the country's Muslim communities.

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

The Ambassador and other senior U.S. officials publicly expressed regret over the communal violence in Gujarat in 2002, extended condolences to the victims, and urged all parties to resolve their difference peacefully. In addition the U.S. Agency for International Development office provided funding for an NGO program designed to assist internally displaced persons in Gujarat. U.S. officials from the Consulate General in Mumbai traveled to Ahmedabad within days of the start of the violence in Gujarat, to meet with officials and private citizens about the violence and continued to have meetings during the period covered by this report. 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.

Officials from the Consulate in Chennai were active in assisting missionary Joseph Cooper following the attack on him by Hindu extremists in 2003. The Consulate in Chennai also organized a roundtable on June 23, 2003, to promote better understanding between the Hindu, Muslim, Christian, and Buddhist communities. The Chennai Consulate also continued to reach out to the Muslim community through Iftar parties and the International Visitor/Madrassa programs.

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

Released on September 15, 2004

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