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2011 Report on International Religious Freedom - India

Bureau of Democracy, Human Rights, and Labor
July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom; however, some state-level laws and policies restricted this freedom. The country is a secular republic, with all religions offered equality under the law. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. The country is the birthplace of several religions, including Hinduism, Buddhism, Jainism, and Sikhism, and for thousands of years home to Jewish, Zoroastrian, Muslim, and Christian communities. The vast majority of citizens of all religious groups lived in peaceful coexistence and was conscious of religious freedom and minority rights; however, at times, violence between religious groups and organized communal attacks against religious minorities occurred. However, the Ministry of Home Affairs (MHA) reported that incidents of communal violence decreased during the year compared to last year. The country's democratic system, open society, independent legal institutions, vibrant civil society, and free press actively provided mechanisms to address violations of religious freedom when they occurred.

The U.S. government continued to promote religious freedom in the country. During meetings with senior government officials, as well as state and local officials, and religious community leaders, senior U.S. officials discussed religious freedom issues, including reports of harassment of minority groups and missionaries, violence against religious minorities in Karnataka, and the 2002 communal riots in Gujarat.

Section I. Religious Demography

According to the 2001 census, Hindus constitute 80.5 percent of the population, Muslims 13.4 percent, Christians 2.3 percent, and Sikhs 1.9 percent. Groups that together constitute less than 1.1 percent of the population include Buddhists, Jains, Parsis (Zoroastrians), Jews, and Baha'is. Tribal groups, indigenous groups historically outside the caste system and generally included among Hindus in government statistics, often practice traditional indigenous religious beliefs (animism).

There are large Muslim populations in the states of Uttar Pradesh, Bihar, Maharashtra, West Bengal, Andhra Pradesh, Karnataka, and Kerala; Muslims are the majority in Jammu and Kashmir. Although Muslims are a minority nationally, the country has the world's third-largest Muslim population. Slightly more than 85 percent of Muslims are Sunni; the rest are Shia. Christian populations are found across the country but in greater concentrations in the northeast, as well as in the southern states of Kerala, Tamil Nadu, and Goa. Three small northeastern states (Nagaland, Mizoram, and Meghalaya) have large Christian majorities. Sikhs are the majority in the state of Punjab.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies protect religious freedom; however, some state and local governments, which hold responsibility under the constitution for law and order, limit this freedom by maintaining or enforcing existing state-level "anticonversion" legislation and other laws that infringe on the rights of minorities.

The country has a federal political system and gives states primary jurisdiction over law enforcement and the maintenance of order, which limits the national government's capacity to deal directly with state-level issues, including abuses of religious freedom. The national law enforcement agency, the Central Bureau of Investigation (CBI), cannot investigate a crime committed in a state without the state government's permission; however, in some instances, the national government's law enforcement authorities have intervened to maintain order when state governments were reluctant or unwilling to do so.

The government provides minorities strong official legal protection, although at times its weak law enforcement, lack of trained police, and overburdened court system play a role in not addressing communal tensions as swiftly as possible.

The law generally provides remedies for violations of religious freedom and legal protections exist to address discrimination or persecution by private actors.

The Ministry for Minority Affairs (MMA), the National Human Rights Commission (NHRC), and the National Commission for Minorities (NCM) are governmental bodies created to investigate allegations of religious and other forms of discrimination and make recommendations for redress to the relevant local or national government authorities. Although NHRC recommendations do not have the force of law, central and local authorities generally follow them. The NCM and NHRC have intervened in several instances of communal tension and incidents of harassment and violence against minorities. Such intervention includes high profile cases, such as the 2002 violence in Gujarat and the 2008 attacks against Christians in Odisha (formerly Orissa). The national government earmarked approximately 28 billion rupees (\$571 million) for 2011-12 – an increase of 14 percent from the prior year – for the MMA. Under the 1992 National Commission for Minorities Act, five religious communities – Muslims, Sikhs, Christians, Parsis, and Buddhists – are considered minority communities.

The country has a National Commission for Minority Education Institutions which is empowered to resolve disputes and investigate complaints regarding violations of minority rights in the education system, including the right to establish and administer educational institutions.

Despite the national government's continued rejection of Hindutva (Hindu nationalism), a few state and local governments continue to be influenced by Hindutva. During the year, some states passed laws based on Hindu religious beliefs that restrict the religious freedom of minority groups. For example, on September 29, Gujarat passed a bill which prohibits cow slaughter and requires a permit for transporting cows. The law mandates a seven-year jail term for anyone directly or indirectly involved in the slaughter, storage, transportation, or sale of cow or cow products. Critics argue that such laws deprive Muslims, Christians, and lower castes of livelihoods, a source of nutrition, and the right not to observe Hindu religious restrictions.

Also during the year, the governor of Karnataka requested the approval of the country's president on a state-level bill which prohibits the killing of cows and buffalos. The Bharatiya Janata Party (BJP)-led state government in Karnataka passed the controversial bill in July 2010. As the bill passed the Karnataka state legislature, it required only the governor's signature to become law, not the approval of the president. However, at year's end the governor awaited the president's approval prior to signing the law and had not yet signed the bill. Laws in Rajasthan, Uttarakhand, Punjab, Himachal Pradesh, and Jammu and Kashmir also ban cow slaughter and illegal transportation of cows. In the National Capital Territory of Delhi, export, import, and sale of beef are illegal, and violators face five years in prison and fines up to 10,000 rupees (approximately \$200).

Other federal and state laws that affect religious practice include the Foreign Contribution Regulation Act, 2010 (FCRA), several state-level "anticonversion" laws, the Andhra Pradesh anti-propagation law, the 1967 Unlawful Activities Prevention Act, the 1988 Religious Institutions (Prevention of Misuse) Act, the 1946 Foreigners Act, and the 1869 Indian Divorce Act. In addition, local authorities on occasion rely upon certain sections of the 150-year-old Indian Penal Code (IPC) to arrest persons engaged in activities deemed offensive to other groups or religions. The IPC in general emphasizes preserving social harmony rather than individual freedoms. For example, IPC section 153A prohibits "promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, and doing acts prejudicial to maintenance of harmony." IPC section 295A prohibits "deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs."

The FCRA regulates foreign contributions to non-governmental organizations (NGOs), including faith-based NGOs. Some organizations complained that the FCRA prevented them from properly financing humanitarian and educational activities; the Home Ministry specifies on its website that an application for foreign funding can be rejected under FCRA if, inter alia, the association is found to be creating communal tensions or disharmony, or, if the acceptance of foreign contributions by the association is likely to be prejudicial to (a) the sovereignty and integrity of India; (b) free and fair elections to any Legislature or House of Parliament; (c) public interest; (d) friendly relations with a foreign state; or (e) harmony between any religious, social, linguistic, regional groups, caste or community.

There are active "anticonversion" laws in five of the 28 states: Gujarat, Odisha (formerly Orissa), Chhattisgarh, Madhya Pradesh, and Himachal Pradesh. Although Arunachal Pradesh enacted its law in 1978, the government has yet to frame the rules needed for enforcement. Gujarat has a Freedom of Religion Act (2003) and Rules (2008) that proscribe religious conversions by means of allurement, force, or fraud. At the end of the year, no court date had been set to hear a petition filed by civil rights groups challenging the constitutional validity of the Gujarat legislation.

Himachal Pradesh's state assembly passed the Freedom of Religion Act in 2006, and the governor signed it into law in 2007. The law states, "No person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by the use of force or by inducement or by any other fraudulent means nor shall any person abet any such conversion." The law stipulates punishment of up to two years' imprisonment and/or a fine of 25,000 rupees (\$625) and increased penalties if Scheduled Caste (SC) or Scheduled Tribe (ST) members or minors are involved. The law also requires a Notice of Intention to be filed 30 days before any act of conversion, except for acts of reconversion.

The states of Chhattisgarh and Madhya Pradesh have similar legal prohibitions against conversion by force or allurement. Since 2007, state governments have proposed changes to the law that would require notification prior to any act of conversion. At the end of the year, the national government had not approved the amendments.

The 1967 Orissa (now Odisha) Freedom of Religion Act also prohibits religious conversion "by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion." Penalties for breaking the law include imprisonment, a fine, or both, and are harsher if the offense involved minors, women, or a Scheduled Caste or Scheduled Tribe member. The law also requires that district magistrates maintain a list of religious organizations and individuals propagating religious beliefs, that individuals

provide notification prior to conversion, and that clergy declare the intent to officiate in a conversion ceremony.

The 1967 Unlawful Activities Prevention Act empowers the government to ban religious organizations that provoke intercommunity friction, are involved in terrorism or sedition, or violate the 2010 FCRA.

There are no requirements for religious groups to be licensed; however, the government prohibits foreign missionaries of any religious group from entering the country without prior clearance and usually expels those who perform missionary work without the correct visa. There is no national law barring a citizen or foreigner from professing or propagating religious beliefs. There are allegations that foreigners were detained and deported for proselytizing, however in all known cases the foreigners held tourist visas and not missionary visas. A missionary visa is required for those traveling primarily for religious/missionary purposes.

In 2007 Andhra Pradesh enacted the Propagation of Other Religions in the Places of Worship or Prayer (Prohibition) Law. The law allows the state to prohibit the propagation of one religion near a place of worship or prayer of another religion. Thus far, the state has identified only Hindu religious sites for this protection. Punishment for violations of the act can include imprisonment up to three years and fines up to 5,312 rupees (\$125). To date there have been no prosecutions under the act. A fact-finding team from the National Commission for Minorities found that the prohibition was not in line with the constitution's protections of freedom of religion, noting that the IPC had provisions sufficient to deal with offenses committed in places of worship.

The states of Madhya Pradesh, Rajasthan, Uttar Pradesh, and West Bengal have laws regulating the construction of public religious buildings and the use of public places for religious purposes.

The 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act lists offenses against disadvantaged persons, including those pertaining to religious duties and practices, and provides for steep penalties for offenders.

Article 17 of the constitution outlaws "untouchability"; however, many members of lower castes suffered social discrimination, particularly in rural areas.

There were no updates on a court case filed by Christian groups demanding that Scheduled Caste converts to Christianity and Islam enjoy the same access to reservations for government jobs and subsidies as other Scheduled Castes. The case was appealed to the Supreme Court, which had not ruled by the end of the year.

Under article 25 of the constitution, Sikhism, Jainism, and Buddhism are considered sects of Hinduism; however, these groups view themselves as unique and sought to introduce their own separate personal laws. Sikhs sought a separately codified body of law that recognizes their uniqueness and precludes ambiguity. Although the 1992 National Commission for Minorities Act identifies Buddhism as a separate religion, the Supreme Court in 2005 rejected the inclusion of Jainism under the act, stating that the practice of adding new religious groups as minorities should be discouraged. However, in June 2008, the Delhi government accorded minority status to the Jain community. Jains also have minority status in the states of Maharashtra, Karnataka, Madhya Pradesh, Uttarakhand, Rajasthan, Jharkhand, Chhattisgarh, Uttar Pradesh, and West Bengal. According to press reports, state governments have the power to grant minority status to religious groups designated as minorities under the 1992 act, but not all states have officially done so. The states of Andhra Pradesh and Karnataka recognize Sikhs as minorities.

There are different personal laws for the various religious communities in matters of marriage, divorce, adoption, and inheritance. The government grants a significant amount of autonomy to personal status law boards in crafting these laws. Hindu law, Christian law, Parsi law, and Islamic law are legally recognized and judicially enforceable. None is exempt from national and state level legislative powers or social reform obligations as laid down in the constitution.

In 2007, under the 2006 Juvenile Justice (Care and Protection of Children) Amendment Act, the government provided clearance for members of all religious groups to adopt children legally.

The government permits private religious schools, but not religious instruction in government schools. The government may prescribe merit-based admission for religious colleges that receive public funding. Other religious schools may use their own criteria for admission, including religious affiliation.

In January, Karnataka's primary and secondary education department directed all government schools to include the Bhagavad Gita, a Hindu scriptural text, in the curriculum. Minority religious groups in Karnataka have opposed the directive on the grounds that no space has been given for the inclusion of their religious texts; the directive had not been implemented at year's end.

During the year, there were no developments on the September 2009 petition against compulsory recitation under a Madhya Pradesh state law of Hindu religious prayers before serving government-funded mid-day meals in schools. A group of religious organizations in Madhya Pradesh filed the petition because they believe the practice infringes upon the religious freedom of minorities in the state. At year's end, the court had yet to make a decision about the petition.

Approximately 30,000 madrassahs (Islamic schools) operate in the country and provide full or part-time education. Most did not accept government aid, alleging that it would subject them to government influence. In 2010 the National Sample Survey Organization report concluded the proportion of Muslims enrolled in the formal education system was the lowest of all communities, including the Scheduled Tribes.

On December 7, media outlets reported the government of India provided 53 million rupees (approximately \$1.1 million) in funding to approximately 372 madrassahs in Jammu and Kashmir for teachers' salaries, the establishment of libraries, teaching and learning materials such as books and magazines, and the creation of science and computer labs. On December 30, the central government ordered the state government to conduct an inquiry after multiple "recipient" madrassahs denied having received central government grants.

The government observes numerous religious holidays as national holidays, including: Good Friday and Christmas (Christian); the two Eids (Islamic); Lord Buddha's Birthday (Buddhist); Guru Nanak's Birthday (Sikh); Dussehra, Diwali, and Holi (Hindu); and the Birthday of Lord Mahavir (Jain).

Government Practices

There were reports of abuses of religious freedom, although none claimed national government involvement. The national government generally respected religious freedom in law and in practice; there was no change in the status of respect for religious freedom by the government during the year. The national government generally enforced legal protections for religious freedom; however, human rights activists criticized it for alleged inaction regarding abuses committed by state and local authorities and private citizens. State governments limited religious freedom by implementing some restrictive laws and by not efficiently or effectively prosecuting those who attacked religious minorities. There were reports of arrests but no convictions under the "anticonversion laws" during the year. There were no reports of district magistrates denying permission for religious conversions.

The national government, led by the United Progressive Alliance (UPA), continued to implement an inclusive and secular platform that included respect for the right to religious freedom. However, due to a lack of sufficiently trained police and elements of corruption, the law was not always enforced rigorously or effectively in some cases pertaining to religiously oriented violence, and prosecution continued to be weak. These shortcomings were exacerbated by a low police-to-population ratio, corruption, and an overburdened, antiquated court system. Despite government efforts to foster communal harmony, some extremists continued to view ineffective investigation and prosecution of perpetrators of attacks on religious minorities as a signal that they could commit such

violence with impunity, although numerous cases were being pursued in the courts at the end of the year.

Low-caste individuals who converted to Christianity or Islam were no longer able to access certain affirmative action benefits. The law reserves a set number of places in higher education institutions and government jobs for members of Scheduled Castes and Scheduled Tribes. Under the constitution, however, only Hindus, Sikhs, and Buddhists can be members of Scheduled Castes; members of other religions are considered to be outside the caste system. Human rights groups argued that economically and socially disadvantaged people who chose to convert should not be further disadvantaged on the basis of their choice of religion.

On August 25, the MMA informed parliament that the NCM had received 942 complaints between January 4 and July 31. Of these, 536 had been resolved and closed, 180 were with the concerned authorities for resolution, and the remaining cases were being processed. The ministry also reported it received 2,378 complaints in 2010-11, compared to 2,278 complaints received in 2009-2010, but claimed the details regarding resolved and pending cases were not readily available. At year's end, there was no available information on cases from August 1 to December 31.

Similarly, the NCM reported on its efforts to address communal violence against minorities. For example, from November 29 to December 2, the NCM led, together with the National Integration Council, an investigative team in Kashmir after allegations that the Christian minority was being harassed by members of the state's Muslim majority. The team noted hostilities towards Christian workers, churches, and Christian educational institutions.

The Supreme Court and state-level courts tried numerous cases of communal violence during the year, although many other cases, including from high-profile incidents, were pending at year's end.

Civil society activists continued to express concern about the Gujarat government's failure to arrest those responsible for communal violence in 2002 that resulted in the killing of more than 1,200 persons, the majority of whom were Muslim. Media reports indicated some Muslims still feared repercussions from Hindu neighbors as they waited for the court cases to be resolved.

The violence in Gujarat in 2002 displaced over 250,000 persons, many of them Muslims, from Gujarati villages and cities. According to the Norwegian Refugee Council's Internal Displacement Monitoring Center, 19,000 persons remained displaced as of September 2010; they were living in 86 relief colonies that lacked adequate infrastructure.

In 2002 the Gujarat government appointed the Nanavati-Mehta Commission to investigate the violence. On December 21, the term of the commission was extended for the 17th time, with the final report on the 2002 Gujarat communal violence due on March 31, 2012. The commission has received over 50,000 affidavits and supporting documents from various witnesses, and has stated that it is in the process of writing the final report and will not seek another extension. Several victims have accused the Special Investigation Team (SIT), appointed by the Supreme Court in March 2008, of pressuring them to dilute their earlier testimony before the Nanavati-Mehta Commission. In many of the cases tried in Gujarat's lower courts, the accused were acquitted due to a lack of evidence or changes in the testimony.

Three of nine major cases stemming from the 2002 Gujarat riots made partial progress during the year. The Supreme Court asked the SIT to probe these nine cases in March 2008.

In the Gulberg Society massacre case, on September 12, the Supreme Court asked the trial court in Gujarat hearing the case to probe whether Chief Minister Narendra Modi and 60 others could be prosecuted for their role in the riots and referred Zakia Jafri's complaint to the Gujarat state courts. Jafri, a survivor of the Gulberg Society killings, had tried since 2006 to register a complaint against Modi and the other 60 for complicity in the communal violence. The Supreme Court also directed the trial court to consider the April 25 SIT report and the July 25 Ramachandran report as it made its probe. On

March 15, the Supreme Court had requested that the SIT conduct a further probe, and that civil society activist and senior counsel, Raju Ramachandran, conduct an independent probe into the SIT findings. The trial court had not pronounced its verdict at the end of the year. On July 25, the SIT also submitted to the Supreme Court two status reports on the nine cases of Gujarat communal violence from 2002. The SIT told the Supreme Court that trials in seven cases were nearing completion and that the statements of witnesses were being recorded in the other two cases.

On November 9, a special court in Gujarat sentenced 31 persons to life in prison for killing 33 Muslims in the Sardapura massacre case during the 2002 riots. The court rejected the charge of conspiracy made by the prosecution. The court also acquitted 11 others. Both the convicts and the representatives of the victims have challenged the judgment in the Gujarat high court. The high court had not given its ruling about the challenges at the end of the year.

On February 22, a special court in Ahmedabad, Gujarat, convicted 31 persons for burning a train in 2002 in Godhra, Gujarat, which killed 59 Hindus and sparked reprisal attacks from the Hindu community. The SIT probed the case and the Supreme Court also monitored the trial. On March 1, 11 persons received the death penalty and 20 were sentenced to life imprisonment. Those convicted appealed the ruling in the Gujarat high court and the Gujarat government filed a petition demanding the death penalty for all 31 persons. The Gujarat high court did not pronounce judgment on the petitions by the convicts or the Gujarat government by year's end.

The other six cases of major riots investigated by the SIT were being heard in different trial courts at the end of the year. Hundreds of other court cases stemming from the 2002 violence (which were not in the purview of the SIT) remained unsettled.

On December 15, the Delhi metropolitan court deferred hearing the appeal filed by Sikh action groups against the court order which closed all cases against Congress Party leader Jagdish Tytler for lack of sufficient evidence. Victims of the 1984 anti-Sikh riots accused Tytler of inciting one of the many mobs that formed after the assassination of then-Prime Minister Indira Gandhi by two of her Sikh bodyguards. The court had accepted the CBI's report recommending closure of the case in April, 2010; the appeal was filed in May 2010.

On December 12, the Delhi additional sessions court resumed the trial against Congress Party leader Sajjan Kumar and five others for their alleged role in the 1984 anti-Sikh riots. The trial had been stalled since October when the sitting judge was transferred and no other judge was appointed to fill the vacancy.

In September, the Supreme Court expressed dissatisfaction over the slow process in relief and rehabilitations (assistance to victims) of the Kandhamal, Odisha (formerly Orissa) violence, which erupted after the killing of Vishwa Hindu Parishad (VHP) leader Swami Laxmanananda Saraswati and four of his aides in August 2008. The Supreme Court asked the NHRC to submit a report on the status of relief and rehabilitation; the report had not been filed at the end of the year. Kandhamal had two fast track courts to expedite the delivery of justice to the victims of the 2008 violence. In May church groups reported that out of 3,232 criminal complaints, only 828 were turned into first information reports, the necessary first step in an official investigation. Of these, 790 cases were found to be genuine. In May, church groups reported that 327 cases went for trial, of which 167 ended in acquittals and 86 cases in convictions; 90 cases are still pending. According to official figures, 1,597 suspects have been acquitted; Christian groups claimed that thousands more had not even been arrested.

While the pace of justice delivery in Odisha was faster than in other cases of communal violence, the speedy verdicts in Odisha upset many Kandhamal victims who complain that the fast-track courts acquitted offenders. Archbishop of Bhubaneswar Father Raphael Cheenath stated that weak investigations and intimidation of witnesses were weakening the cases, leading to a large number of acquittals.

There were cases of communal attacks on religious minorities and their property, and allegations of police brutality during the year. In several instances those who had been

attacked reportedly were arrested, and there were allegations that the police protected the attackers, not the victims.

For example, on December 6, a group attacked a Jehovah's Witness place of worship in Madikeri, which is the district headquarters of Kodagu District in Karnataka. Witnesses claimed that local police provided protection to the attackers. Three Jehovah's Witnesses, including a police constable, were allegedly attacked. The police constable was arrested and charged under Section 295 of the IPC and subsequently dismissed from his position. According to Jehovah's Witnesses, the police and other individuals alleged to be Hindu fundamentalists entered the same place of worship on December 7, and they smashed furniture and burned religious books. The attacks were broadcast on live television. At the end of the year, no charges had been brought against the attackers.

On November 19, Reverend Chander Mani Khanni was arrested in Srinagar and charged with hurting the religious sentiments of Muslims after seven Muslim youths were baptized. He was also charged with promoting enmity between different groups. Witnesses claimed the police beat the youths to force them to testify against the pastor, and alleged some extremist groups were attempting to use the issue of conversion to confront the state government, political parties, and moderate Islamic groups. The pastor was released on bail on December 1.

There were reports of arrest and harassment of minorities. Several sections of the IPC often were invoked in a manner that resulted in restricting freedom of speech and freedom of assembly. Officials typically claimed that information in pamphlets or discussions at gatherings were injuring the religious sentiments of others. The others whose sentiments were allegedly injured were often members of the majority religious group.

For example, on December 22, according to media reports, authorities arrested Brother Sagaya Dass of the India Campus Crusade for Christ for alleged forced conversion after he and some Christian students of the S. P. Hindu College in Nagercoil, Tamil Nadu, organized a Christmas celebration. Dass was released on December 23.

Authorities in some states continued to arrest Christians under state-level "anticonversion" laws during the year for allegedly engaging in conversions by force, allurement, or fraud. Authorities granted bail to those charged, and there were no reports of convictions under these laws during the year. In Kashmir, Karnataka, and Maharashtra, Christians claimed that authorities filed false charges of conversion by force and allurement. They also charged that the police were biased in registering complaints, doing so promptly only when the accused was a Christian. For example, on December 16, Pastor Sagar Guntur and four elders of Badhravathy Baptist church were arrested after Hindu extremists trespassed into one of the elder's homes and accused them of forcible conversions. Police charged the Christians with performing "deliberate and malicious acts" to insult the religious feelings of another group. The Christians were released on bail after two days.

There also was a report of authorities arresting Muslims under state-level "anticonversion" laws. On December 22, the police in Ahmedabad, Gujarat, arrested Maulvi Yusuf Khan Pathan, a Muslim cleric, and Muslim youth Altaf Mirza, under the Gujarat Freedom of Religion Act. The police acted on a complaint filed by a Hindu woman who alleged that the cleric and Mirza had illegally and forcibly converted her daughter Kaushangini to Islam. In the complaint, Kaushangini's mother alleged that the cleric and Mirza had not acquired the mandatory prior permission for conversion which is required under the Gujarat Freedom of Religion Act. Altaf Mirza and Kaushangini were married in October 2010 and Kaushangini converted to Islam before the marriage. A local court in Ahmedabad rejected bail applications filed by the cleric and Mirza. Both the cleric and Mirza continued to be in judicial custody at the end of the year.

On April 21, police in the Thane District of Maharashtra arrested six missionaries on the charge they were "forcibly" converting Hindu tribals to Christianity. Maharashtra does not have a law against forcible conversions but the missionaries were booked under the IPC's Section 295 for "insulting the religious feelings of the Hindu tribals." The missionaries were later released on bail and no conviction was obtained in the case at the end of the year.

During the year, Pastor Shivandi Siddi remained free on bail and the charges against him remained pending in a lower court. In September 2010, the pastor was arrested under Section 295 of the IPC and charged by Karnataka police of conducting "false religious conversions." According to the Global Council of Indian Christians, Hindu extremists attacked Siddi during a religious service and put pressure on police to arrest him.

Human rights activists reported that police dismissed the March 2010 incident in Pathanamthitta District of Kerala, in which six persons, including two pastors, were arrested on charges of publishing and distributing a book that promoted enmity between religions. The book, *Chinwathu Palam* (Bridge to Heaven), allegedly contained sacrilegious comments about the Prophet Muhammad. Five of the accused were released on bail, but bail was revoked by the court and the accused rearrested after prominent Muslim groups objected and called for a general strike. The accused contended they had nothing to do with the book's publication, which had been arranged by the deceased author, and that authorities were trying to appease a section of voters before the next election. Those arrested were subsequently released.

The four Jehovah's Witnesses arrested in March 2010 remained free on bail during the year, and have appealed a lower court ruling which convicted them of blasphemy and sentenced to ten months' imprisonment. The Jehovah's Witnesses were arrested in the Kodagu District of Karnataka and a case was filed against them under Section 295 of the IPC, which prohibits acts intended to insult other religions or beliefs. According to the Jehovah's Witnesses, a large mob had threatened to rape the three female Jehovah's Witnesses and burn the male Jehovah's Witness alive.

There were reports of attacks on places of worship and of discrimination against minorities.

For example, on December 3, media reported the destruction of a 21-year-old-church building in Hosur, Tamil Nadu by Hindu radicals. Police failed to file a first information report in the case despite repeated requests by church authorities.

On July 7, the Madhya Pradesh high court issued notice to the Madhya Pradesh government on a petition filed by the Catholic Bishops' Conference challenging the implementation of the Right to Education Act in the state. The petition claimed that the Madhya Pradesh government was interfering in the constitutional privileges of the educational institutions belonging to religious minorities under the guise of implementing the Right to Education Act. The petition alleged that the schools belonging to religious minorities were being asked to admit students they did not wish to admit, and this practice was a violation of their constitutional privileges.

On March 22, the Madhya Pradesh government issued a circular to all district-level police stations asking them to carry out a thorough survey of the Christian community. The police were asked to collect information from Christians about their socio-economic profiles, educations, associations with educational institutions, numbers of schools and institutions run by Christians, numbers of Catholics and Protestants in each district, and sources of income for NGOs and institutions run by Christians. The Christian community became aware of the survey when police officials in Sehore District threatened to arrest a priest they claimed refused to cooperate. When the community raised an alarm about the survey, S K Rout, Director General of Police, Madhya Pradesh, claimed ignorance of it. After representatives of the Catholic Church met with Chief Minister Shivraj Singh Chauhan and protested, the police issued orders to call off the survey.

The government maintained a list of banned books that may not be imported or sold in the country because they contained material the government deemed inflammatory and apt to provoke communal or religious tensions. Most bans imposed during previous years remained in effect during the year.

Similarly, the government was sensitive to content on the internet and social media. In a series of meetings beginning September 5, Telecommunications Minister Kapil Sibal requested that social media companies find a technical solution to prescreen user content prior to posting on the Internet, appearing to circumvent the need to obtain legal justification for removal of content. When the request reached the media on December 5, pressure from activists, social groups, and the public forced Sibal to modify

his comments. On December 15, Sibal met with Internet and social media companies and explained that the government wanted internet platforms to create guidelines to protect the sentiments of the people. A spokesman for the Congress Party stated that the party did not support Internet censorship. On December 15 and 20 a criminal case and civil case, respectively, were filed in the Delhi lower courts against social media companies alleging the companies hosted content that was "inflammatory, defamatory, and unacceptable to communal sensitivities." On December 21, a court in Delhi ordered 22 websites to remove material deemed antireligious and antisocial following a complaint by Mufti Aijaz Qasmi, a religious leader from Delhi. The court told websites to comply by February 6, 2012.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

According to the MHA annual report for 2010-11, 58,697 Pandit (Hindu) families from Jammu and Kashmir remained living in displaced conditions although Kashmir has been mostly free of major religious-based violence for several years and there were no reports of attacks during the year. These families fled their homes in Kashmir starting in 1989 due to attacks by terrorists seeking to drive out non-Muslims. Despite a rehabilitation package established by the central government in 2008 which included a provision for assistance for repair/renovation of damaged housing, transit accommodation, and employment and financial assistance, on December 13 mainstream media reported that no Kashmiri Pandit families had returned to the area.

During the year, the Uttar Pradesh anti-terror squad continued its investigation into the December 2010 Sheetla Ghat bomb in the Hindu religious town of Varanasi. The banned terror group Indian Mujahideen reportedly claimed responsibility for the blast stating their goal was to avenge the demolition of the Babri mosque 18 years ago.

In November 2008, 10 terrorists carried out coordinated attacks across Mumbai over the course of three days and killed 173 persons, including several foreigners. Mohammed Ajmal Amir Kasab, the only terrorist captured alive, disclosed the attackers belonged to the terrorist organization Lashkar e-Tayyiba. In May 2010 a Mumbai court found Kasab guilty of murdering seven persons, abetting the murder of 159, engaging in conspiracy, and waging war against the country, and sentenced him to death. On February 21, the Bombay high court upheld the death penalty, which Kasab appealed to the Supreme Court. The Supreme Court stayed the Mumbai high court ruling on October 10. At the end of the year, the Supreme Court had not pronounced its verdict on Kasab's petition. According to the law, the death penalty by a lower court must be approved by the state high court, which had not occurred at the end of the year.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Many incidents were linked to politics, conversion, retaliation, or economic competition among religious communities for scarce resources. The MHA reported to parliament that from January to October there were 485 instances of communal violence or violence along religious lines, in which 90 persons were killed and 1,637 injured. In 2010, there were 701 instances of communal violence, which killed 116 and injured 2,138 persons.

Efforts at ecumenical understanding brought religious leaders together to defuse religious tensions. Prominent leaders of all religious groups made public efforts to show respect for other religious groups by celebrating their holidays and attending social events such as weddings. In Kashmir, Muslims rebuilt a Christian school destroyed during anti-Christian violence in 2010. Christian clergy and spokespersons for Christian organizations issued public statements stressing the need for Christians and Muslims to work together to dispel misunderstandings between the two groups.

According to the MHA 2010-11 Annual Report, there were 48 incidents of Hindu-Christian violence in 2010, which resulted in two deaths and eight injuries, compared to two deaths and 82 injuries in 2009. There were no updated disaggregated data available for the year.

The BJP, the Rashtriya Swayamsevak Sangh (RSS), and other affiliated organizations (collectively known as the Sangh Parivar) publicly claimed to respect and tolerate other religious groups; however, the RSS opposed conversions from Hinduism and expressed the view that all citizens, regardless of their religious affiliation, should adhere to Hindu cultural values, which they claimed were the country's values. During the year, the BJP did not actively push for the enactment of "anticonversion" laws in all states or the enactment of a uniform civil code. However, at the end of the year, during election campaigns, BJP candidates used the contentious issue of rebuilding a destroyed temple on a disputed religious site in Ayodhya as a campaign promise. The Babri mosque, built on the site in 1528, was destroyed in 1992 by Hindu activists who alleged the location previously housed a Hindu temple which was destroyed to build the mosque.

Conversion of Hindus or members of lower castes to Christianity remained highly sensitive and occasionally resulted in assaults and/or arrests of Christians. Hindu nationalist organizations frequently alleged that Christian missionaries lured low caste Hindus in impoverished areas with offers of free education and health care, and these organizations equated such actions with forced conversions. Christians claimed that low caste Hindus converted of their own free will and that efforts by Hindu groups to "reconvert" these new Christians to Hinduism were accompanied by offers of remuneration and thus fraudulent.

On December 9, Hindu extremists from VHP attacked Pastor Ramesh's house in Jhabua, Madhya Pradesh, and forcibly entered the house while the pastor's wife was leading a prayer. The attackers beat up the pastor's mother and damaged household items. When Pastor Ramesh reached his house, the VHP extremists beat him along with another Christian, Babu Vasunia, accusing them of carrying out forcible conversions. Faith-based media reported that the police refused to register a complaint against the attackers.

There were also instances of "reconversion" ceremonies of Christians to Hinduism. On January 25, media reported 60 persons, both Christian and Muslim, re-converted to Hinduism at a ceremony held in Tirunelveli, Tamil Nadu.

In February, the "Maa Narmada Samajik Kumbh" – a large three day rally – was held in Mandla, Madhya Pradesh. Media reported the BJP government organized the event and hoped to draw 2 million Hindu pilgrim devotees. A similar event in 2006 was filled with hate rhetoric and attempted mass "reconversions." On March 23, Madhya Pradesh police issued a circular which requested detailed profiles of Christians and churches in the state. The circular was withdrawn in April after protests from minority community members.

There were instances of religiously motivated violence and sectarian rioting, including mob violence or vigilante action. Faith-based media documented acts of vandalism against religious properties during the year. In most cases, police registered a complaint but made no arrests.

In March the MHA ordered the National Investigation Agency (NIA) to take over the case of Christian Professor T.J. Joseph. In July 2010 Muslim extremists in Muvattupuzha, Kerala belonging to the Popular Front of India severed his right hand for alleged blasphemy. Joseph had already been placed under suspension by his college after an examination paper he had drafted was cited as containing negative references to the Prophet Muhammad. The exam contained an imaginary dialogue between God and a character referred to as Muhammad. The dialogue was an adaptation of a passage by the author P.T. Kunhumammed, in an article that appeared in a book prescribed by the state of Kerala for Bachelor's and Master's degree curricula. In September 2010 the professor was fired for offending religious sentiments. By the end of 2010, Kerala police had arrested 27 of the total 53 accused in the case, and several attackers were out on bail. The NIA restarted investigations and arrested two additional attackers. Media reports indicate that, at year's end, the NIA was investigating the alleged foreign connections and funding sources of the accused.

According to All India Christian Council, attacks on Christians occurred in the states of Odisha, Chhattisgarh, Karnataka, Andhra Pradesh, Madhya Pradesh, and Maharashtra. In these incidents Christians alleged Hindu extremists, such as members from Dharma Sena or Dharm Raksha Sena (Religion Protection Army), disrupted prayer meetings, destroyed

or damaged places of worship, vandalized property, assaulted pastors and lay persons, confiscated and destroyed religious material, and attempted to intimidate Christians from attending religious services, sometimes in the presence of police.

The state of Maharashtra witnessed a sharp rise in the number of attacks against Christians during the year. A report made public by the Catholic-Christian Secular Forum on January 10 reported 14 incidents in Maharashtra of attacks against Christians by the majority Hindu community. On January 6, three missionaries – Thomas George, Akhil Prasanna, and Shiju Mathew – were beaten by Hindu extremists in a busy area of Kolhapur city in Maharashtra while they were allegedly distributing Christian literature. No arrests were made by the police in this case at the end of the year.

There were also instances of Hindu-Muslim clashes or communal violence during the year. According to the 2010-11 MHA Annual Report, there were 610 incidents of Hindu-Muslim violence throughout the country in 2010 resulting in 109 deaths and 1,963 injuries, compared with 719 incidents in 2009, resulting in 117 deaths and 2,298 injuries.

On October 2, riots began in the Udham Singh Nagar District of Uttarakhand after a copy of the Qur'an was found wrapped in an unclean cloth on the premises of a Hindu temple. Muslims took to the streets in protest and threw stones at Hindus living near the temple, who retaliated. Over 25 shops owned by both Hindus and Muslims were burned and over a dozen police vehicles damaged. Three people were killed and 30 injured, including 10 policemen and senior administrative officials. The police imposed a curfew in several areas. On October 4, Muslim leaders condemned the police response to the protests, alleging the Muslim protestors were provoked "as per [a] pre-planned program." The Uttarakhand government responded to the criticism by removing the highest ranking police officials and announcing a 100,000 rupee (approximately \$2,000) compensation plan for victims' families.

On September 14, riots broke out in Gopalgarh village, Bharatpur District, Rajasthan, over a 42-year old land dispute between the local Meo Muslim community and Hindu villagers. Ten Meo Muslims were killed, and numerous properties burned and looted. On September 29, the state government suspended the three police officers, including the district magistrate, for failing to assess or handle the situation correctly. Police fire killed three Meo Muslims. On October 12, the CBI began a probe into the incident, and on December 12, 13 persons were arrested for disturbing the peace, rioting, and damaging government property.

On January 19, riots began in Husheypur village, Alwar District, Rajasthan, after a Muslim man was shot and killed by a group of Dalits after he ran over a chicken with his tractor. Men from the Muslim community retaliated, ransacking and burning Dalit homes. Dalit community members fled the community but 20 days later women and children began to return. The Special Police formed a committee including members of all communities to resolve the tension and the dispute. The two communities had lived peacefully together for decades. On February 17, a NHRC delegation visited the village to speak to members of both communities.

There were also instances of intra-Muslim conflict during the year. For example, on September 23, a Qur'an exhibition organized by the Ahmadiyya Muslim community at Delhi's Constitution Club was forced to close early and remove display after protests by other Muslim sects. Local police advised the Ahmadis to remove the books and displays since other groups might desecrate them. Ahmadis believe in their own line of subordinate prophets after Muhammed, and are unrecognized by mainstream Muslim groups.

A female engineering graduate from Kasargod District, who received death threats in 2010 from a Muslim group for refusing to wear a burqa, relocated to another city for a job. The woman claimed that she was a pious Muslim but did not consider wearing the burqa as essential to her faith. In August 2010 the Kerala high court ordered state police to give her protection after she allegedly received death threats from activists of a Muslim organization. The human rights NGO Act Now for Harmony and Democracy protested the "fanatic, unconstitutional, anti-women diktats of fundamentalist groups."

Some low-caste individuals who converted to other religions to escape caste-based discrimination reported that societal discrimination against them by members of higher castes continued. There were also reports that low-caste Hindus and Christians, particularly in rural areas, were denied access to places of worship.

Section IV. U.S. Government Policy

The U.S. government continued to engage the government on religious freedom issues. The embassy and consulates continued to promote religious freedom through discussions with the country's senior leadership as well as with state and local officials. In addition, U.S. government officials regularly met with civil society activists and religious leaders and reported on events and trends that affected religious freedom.

The U.S. government supported a wide range of initiatives to encourage religious and communal tolerance and freedom. Members of the embassy community celebrated Hindu, Muslim, Christian, Sikh, Buddhist, and Jewish festivals throughout the year with members of the various religious communities. The embassy and consulates also hosted and attended iftars (dinners during the Islamic holy month of Ramadan) and interfaith dinners. The embassy hosted four iftar receptions, including one in Bihar, and Consulate General Chennai hosted approximately 50 prominent Muslims and other interfaith leaders. U.S. government officers met regularly with religious leaders to learn more about their beliefs and their relationships with other religious communities.

Throughout the year, embassy officers investigated and reported on cases of alleged religious persecution, ongoing cases in Gujarat, rehabilitation of Christians affected by the Odisha violence, discrimination against Dalits, and religiously motivated attacks by militants, terrorists, and others.

Embassy officers also monitored the plight of internally displaced Kashmiri Hindus (Pandits). They also regularly met with commissioners from the NHRC and NCM regarding actions by the state government that affected the free exercise of belief by religious minorities.

Embassy and consulate officials met with leaders of all significant religious minority communities to discuss religious freedom concerns. Embassy and consulate officials continued to engage Muslim religious and community leaders of a variety of sects (Sunni, Shia, Bohra, Khoja, Deobandi, Barelvi, and Salafi) on a regular basis through speaker programs.

Consulate Chennai arranged for the senior editor and chief of bureau of the newspaper *The Hindu* to participate in an exchange program in the United States on "The Many Faces of Islam." On his return, he wrote two articles in *The Hindu*: November 17's "Islamic, Indian Artistry on Show," and December 22's "A Musical Journey to the Mystique."

Consulate Mumbai's speakers program, "Muslim Life in America," has been in place since December 2003. Mission officers met regularly with local NGOs actively engaged on religious freedom issues.

Consulate Mumbai annually participates in the U.S.-funded Seeds of Peace – a South Asia program that brings together high school students from India, Pakistan, and Afghanistan for a three-week camp in Maine to discuss reconciliation and coexistence in conflict situations. There are approximately 120 active alumni in Mumbai. In September members of the consulate hosted a luncheon with some alumni to discuss ongoing follow-up programs.

Consulate and senior embassy officers continued to express concern to government officials, NGOs and religious leaders over the slow pace of bringing the perpetrators of the 2002 violence in Gujarat to justice. Embassy and consular officials engaged madrassahs directly and through special International Visitor Leadership Programs on topics such as religious freedom, tolerance, and respect for diversity.
