On the Ganges River at Varanasi, India, an important pilgrimage site for Hindus

INDIA

The positive developments in India affecting freedom of religion or belief that began in 2004, when parliamentary elections resulted in installation of a coalition government led by the Congress Party, continued in the past year. Under the previous leadership of the Bharatiya Janata Party (BJP), the Commission in prior years found that the Indian government's response to increasing violence against religious minorities in the state of Gujarat and elsewhere to be inadequate. In addition, several senior BJP government leaders had publicly allied themselves with, or refused to disassociate themselves from, extremist organizations that were implicated in that religious violence. In response, from 2002 – 2004, the Commission recommended that India be designated a "country of particular concern," or CPC. As a result of the changes that took place in India after the 2004 elections, the Commission in 2005 no longer recommended that India be designated a CPC.

Unlike many of the other countries that draw Commission attention, India has a democratically elected government, is governed generally by the rule of law, and has a tradition of secular governance that dates back to the country's independence. India has a judiciary that is independent, albeit slow-moving and frequently unresponsive, that can work to hold the perpetrators of religious violence responsible; contains a vibrant civil society with many vigorous, independent non-governmental human rights organizations that have investigated and published extensive reports on the rise of religiously motivated violence; and is home to a free press that has widely reported on and strongly criticized the situation on the ground in India and the growing threats in the past decade to a religiously plural society.

Despite this, religious minorities in India have been the victims of violent attacks by fellow citizens, including killings, in what is commonly called "communal violence." In the late 1990s, there was a marked increase in violent attacks against members of religious minorities, particularly Muslims and Christians, throughout India, including killings, torture, rape, and destruction of property. Those responsible for communal violence were rarely held responsible for their actions, helping to foster a climate in which it was believed that attacks on religious minorities could be carried out with impunity. The increase in such violence in India coincided with the rise in political influence of groups associated with the Sangh Parivar, a collection of organizations that view non-Hindus as foreign to India and aggressively press for governmental policies to promote a Hindu nationalist agenda. Although it was not directly responsible for instigating the violence against religious minorities, the BJP-led national government clearly did not do all in its power to pursue the perpetrators of the attacks and to counteract the prevailing climate of hostility against these minority groups, especially at the state and local levels.

The dome of a Jain temple in India

Of particular concern to the Commission were the February 2002 events in the state of Gujarat, when, after a fire on a train resulted in the death of 58 Hindus, hundreds of Muslims were killed across Gujarat by Hindu mobs. In addition, hundreds of mosques and Muslim-owned businesses and other kinds of infrastructure were looted or destroyed. More than 100,000 people fled their homes and, in the end, as many as 2,000 Muslims were killed. India's National Human Rights Commission (NHRC), an official body, found evidence of premeditation in the killings by members of extremist groups espousing Hindu nationalism, complicity by Gujarat state government officials, and police inaction in the midst of attacks on Muslims. Christians were also victims in Gujarat, and many churches were destroyed.

In the months following the violence, the BJP-led state government in Gujarat headed by State Minister Narendra Modi was widely accused of being reluctant to bring the perpetrators of the killings of Muslims to justice. Few persons had been arrested and held to account for the deaths. In response to the failures of the Gujarat government, India's Supreme Court declared in October 2003 that it had "no faith left" in the state's handling of the investigations and instructed the Gujarat state government to appoint new prosecutors to examine the religious violence of 2002. In April 2004, in what was described as an indictment of the Gujarat government, the Supreme Court overturned the controversial acquittal of the 21 accused in a particular case and ordered a new trial of those indicted. In August 2004, the Supreme Court ordered the Gujarat government to reopen its investigation of the 2002 violence, criticizing the local police officials for poor investigative practices and follow-up. The Court set up an inquiry committee to reexamine 2,000 cases; as a result, it was announced in February 2006 that the Gujarati police would reopen nearly 1,600 cases and take action against 41 police officials for their alleged role in the Gujarat violence. In addition, Gujarati police announced that they would pursue more than 600 others accused in these reopened cases. In July 2006, a report from a committee attached to the Prime Minister's office chastised the Gujarat government for failing to improve the situation for Muslims in that state, noting that a "state of fear and insecurity" still existed for many Muslims there. The report also expressed concern about the divisions between Hindus and Muslims that had developed in many Gujarati towns since the 2002 events.

In July 2006, after reports implicated Muslim extremists in train bombings in Mumbai (Bombay) in which more than 200 people were killed, successful efforts were made to prevent anti-Muslim rioting.

In addition to the steps taken by the Supreme Court, the current Congress-led government continued its efforts to redress a number of aspects of the Hindu nationalist agenda of the previous government. In June 2004, a government-appointed committee of historians was tasked with removing the "distortions and communally biased portions" of school textbooks that had been introduced by the BJP. Those texts were replaced in 2005 with revised editions. Because several states continued to use objectionable texts, including social science books published in Gujarat in June 2005 that contained language minimizing Hitler's role in the Holocaust (Hitler is a respected figure among some extreme Hindu nationalists) and belittling religious minorities, the federal government decided to take further action by forming a National Textbook Council to ensure that such books would no longer be used.

The government of Prime Minister Manmohan Singh has also continued to act decisively to prevent communal violence in situations where it has erupted in the past. In July 2005, six Muslim militants attacked a religious site in Ayodhya, in the state of Uttar Pradesh, where in 1992 Hindu extremists destroyed the sixteenth century Babri mosque, resulting in nationwide riots that left up to 3,000 dead, mostly Muslims. There were protests organized by the BJP in response to the July attack, but police dispersed the crowds and no violence ensued. In February 2006, a mass rally of Hindu nationalists was held in the Dangs district of Gujarat calling on members of the indigenous "tribal" people to "reconvert" to Hinduism. In the weeks leading up to the event, the Hindu groups issued a number of highly inflammatory statements, particularly against Christians, and violence against local Christian communities was feared, as has happened in the past. However, the military was sent into the area to maintain peace; riot police were reportedly posted outside churches and temples and no violence occurred. In March 2006, after bombs exploded in

Indian girls at the seashore

the Hindu holy city of Varanasi killing 20 persons, allegedly instigated by Islamist groups, authorities reportedly acted swiftly to prevent retaliation against Muslims. Prime Minister Singh appealed for calm, and soldiers and police were deployed at holy sites across the country. In July 2006, after reports implicated Muslim extremists in train bombings in Mumbai (Bombay) in which more than 200 people were killed, successful efforts were made to prevent anti-Muslim rioting. In November 2006, a central government-appointed panel known as the Sachar Committee acknowledged that Muslims in India face discrimination and other hardships. In response to the report's findings, Prime Minister Singh pledged to do more to "address the imbalances."

Despite the improved situation, concerns about religious freedom in India remain. Attacks on Christian churches and individuals, largely perpetrated by individuals associated with Hindu nationalist groups, continue to occur, and perpetrators are rarely held to account by the state legal apparatus. Dozens of violent attacks carried out or incited by Hindu extremist groups against Christian institutions and persons continued throughout the past year. In January 2007, in the state of Karnataka, members of the Bajrang Dal, a Hindu nationalist group, attacked a Christian pastor and his wife in a village near Bangalore; after the couple fled the area, the group found them and attacked them again, accusing them of "forcible conversions." The following week in the same state, a similar group attacked two more pastors; when the police arrived, the pastors, rather than the attackers, were taken to the police station. In February 2007, about 100 members of an extremist group attacked a pastors' conference in the Raipur district of Chhattisgarh state, severely beating 30 persons. Also in February, in the state of Orissa, a mob of 400 persons led by members of the Bajrang Dal attacked a Christian school in the Jharsuguda district, causing five persons to be hospitalized from the violence. The mob also destroyed church property. That same month in Maharashtra, a mob of 15-20 persons beat five Christian students near the town of Panvel, leaving two with severe head injuries and the others with serious internal injuries. In that incident, doctors reportedly refused to treat the students until a police complaint was filed, forcing them to receive treatment in a private hospital. Similar attacks occur, sometimes in greater numbers, every month, particularly in states where the BJP heads the state government, including in Rajasthan, Madhya Pradesh, Gujarat, Chhatisgarh, and Jharkhand. In some instances, the police respond appropriately; in others, however, the police reportedly look the other way or even appear to be complicit in the attacks.

Several of the BJP-led states, including Orissa, Madhya Pradesh, and Chhattisgarh, as well as Arunchal Pradesh, have laws against "forced" or "induced" religious conversions, which require government officials to assess the legality of conversions and provide for fines and imprisonment for anyone who uses force, fraud, or "inducement" to convert another. However, reports of persons having been arrested, still less prosecuted, under these laws are not common. Nevertheless, concerns have been raised that these laws can sometimes result in a hostile atmosphere for religious minorities, as states in which these laws exist tend to be those in which attacks by extremist groups are more common—and often happen with greater impunity than elsewhere in India. For example, the state of Madhya Pradesh, which is headed by the BJP, was the scene of an increasing number of attacks in the past year. In June 2006, a report by the Indian national government's National Commission for Minorities (NCM) found that Hindu extremists had frequently invoked the state's anti-conversion law as a pretext to incite mobs against Christians. The NCM report also found that police in Madhya Pradesh were frequently complicit in these attacks. In Rajasthan, the BJP-headed state parliament passed a law against forced conversions in April 2006, but in May, the governor refused to sign the bill, so it has not become law. Until the end of last year, the only states that had passed such laws were those headed by the BJP. In December 2006, however, the state of Himachal Pradesh, which has a Congress Party-led government, passed legislation on conversions similar to that found in other states, the first time such a law has been passed by a state ruled by the Congress Party, which usually opposes such legislation. In February 2007, the governor signed the bill into law. Significantly, the government of Tamil Nadu rescinded its law against forced conversions after the May 2004 elections. Throughout the past year, Commission staff conducted personal interviews with members of non-governmental organizations representing various religious communities in India, as well as human rights organizations, academics, and other India experts. In March 2005, the Commission issued a statement encouraging the Department of State to prevent the planned visit to the United States of Gujarat State Minister Narendra Modi, citing evidence presented by India's NHRC and numerous domestic and international human rights investigators of the complicity of Gujarat state officials, led by State Minister Modi, in the February 2002 mob attacks on Muslims.

COMMISSION RECOMMENDATIONS

With regard to India, the Commission recommends that the U.S. government should:

- press the government of India to make more vigorous and effective efforts to halt the violent attacks against religious minorities that continue to occur with troubling regularity in India and to hold state governments and state government officials accountable for the violence and other unlawful acts that occur in their states; and
- urge the Indian government to continue its policies aimed at returning the country to its tradition of religious tolerance, including by:
  - continuing to pursue, investigate, and lay charges against the perpetrators of the killings in Gujarat and hold them to account;
  - following through on the determination to eliminate religiously intolerant language from school textbooks;
  - taking steps to prevent and punish communal violence, including by following through on a pledge made in 2004 to enact a law criminalizing inter-religious violence; and
  - continuing the kinds of measures that have successfully prevented outbreaks of violence in high-tension situations, and engaging in pre-planning to ensure that the police and other law enforcement agencies have the resources necessary to avert communal violence in the future.