

The Rise of Freedom of Religion or Belief Violations in the Republic of India

Submission by CSW to the 40th Session of the United Nations Human Rights Council

Introduction

1. Christian Solidarity Worldwide (CSW) is a human rights organisation specialising in freedom of religion or belief (FoRB) for all.
2. This submission seeks to draw the Council's attention to the growing trend of targeted violence against religious minorities and the complicity of the state apparatus in fostering a culture of communalism in the Republic of India.
3. Since Bharatiya Janata Party's (BJP) ascent to power in 2014, the dominance of Hindutva ideology has resulted in an increase of communal and targeted violence. The silence of Prime Minister Modi on these issues appears to condone communal intolerance, thereby emboldening groups to act with impunity without consideration to the rule of law.
4. The government's offhand approach to civil society concerns demonstrates that its ideological agenda is dictated by the Rashtriya Swayamsevak Sangh (RSS) with which it shares the Hindutva ideology. In July 2014, Home Minister, Rajnath Singh maintained the

government's standpoint that communal violence had decreased during the BJP's tenure, while in July 2018 the Union Minister for Minority Affairs, Mukhtar Abbas Naqvi claimed that there were 'no big communal riots.' However, in the last four years the number of communal incidents has risen to 2,920; 389 people were killed and 8,890 injured during these incidents.

Freedom of Religion Act and targeted violence against Christians

5. Under Articles 25 and 26 of the constitution, freedom of conscience, practice, propagation of religion, and the right to manage religious affairs, are guaranteed. Eight of the 29 states in India have anti-conversion laws, including Odisha (1967), Madhya Pradesh (1968), Arunachal Pradesh (1978), Chhattisgarh (2000), Gujarat (2003), Himachal Pradesh (2006), Jharkhand (2017) and Uttarakhand (2018).
6. Despite constitutional safeguards, these laws cause a profound sense of insecurity among Christians and arouse

deep-seated mistrust among the Hindu populace that Christians have a 'western agenda' and offer money to convert people. The laws have embolden hard-line groups to act with impunity to intimidate and harass religious minorities. Increasingly there are reported cases of perpetrators trespassing onto private property during worship, causing serious physical injuries and property damage. The perpetrators then register false First Information Reports (FIR) with the police, in many instances pressurising the police to register a case. This results in victims of attacks being drawn into prolonged police cases, which economically displaces them. Lawyers in India who deal with such cases have said that they are yet to see one person being convicted by the courts under these laws.

7. Equally, states without anti-conversion laws are not exempt from communal and targeted violence. Out of the 29 states, at least 16 states witnessed regular communal and targeted attacks on Christians with Uttar Pradesh and Tamil Nadu at the top of the list.
8. Between August and September 2018, FIRs were registered against more than 270 Christians in the District of Jaunpur, Uttar Pradesh. Hard-line Hindutva groups had beaten and threatened Christians and prevented churches from carrying out worship service, churches were shut down and Christians turned away from attending church after a local news agency had falsely reported

that Christians in the district were alluring and forcefully converting the local community. The police also entered homes of Christian leaders at night and taken them into custody for interrogation.

9. In January 2019, 12 cases of communal and targeted violence have been reported in Uttar Pradesh. Pastor Selva Kumar and six other Christians from Full Gospel Pentecostal Church were verbally abused and assaulted by local hard-line groups while distributing gospel tracts in Vellichanthai, Kanyakumari District in Tamil Nadu on 14 January 2019. The perpetrators forcefully applied holy ash and saffron powder on the seven men and warned them not to return to the area or they would be killed.

Mob attacks in the context of cow protection

10. Article 48 of the constitution states that 'the State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter of cows and calves and other milch and draught cattle'. Cow protection continues to be used as a means to promote the Hindutva ideology. Vigilante groups take it upon themselves to ensure that cows are not slaughtered or eaten, resulting in violent attacks against Muslims and Dalits.

11. Attacks in the states of Uttar Pradesh, Bihar, Madhya Pradesh and Rajasthan - known as the 'Cow Belt' - account for more than 63% of the total attacks against Dalits. The BJP also fared best in these states during the 2014 elections.

12. Cattle trader, Naushad Muhammad was stripped and restrained to a pole and beaten for two hours by a group of men on 19 January 2019 in Rohtak, Haryana. Naushad who had worked for a local dairy for 10 years was transporting buffaloes when the local men stopped his vehicle and attacked him. Police failure to act promptly was another concern in the case.

13. Videos of lynching are widely shared among Hindutva activists as proof that they can act with impunity, and will be protected by the state, while exposing Muslims and Dalits to public humiliation and portraying them as enemies of the Hindu practices of cow veneration. Furthermore, interviews with victims of families by local human rights monitoring groups have revealed that the police are inclined to register criminal cases of illegal cow smuggling and animal cruelty, invalidating the fact that the victim was lynched.

Hindutva upsurge in an election year

14. Since taking power in 2014, the BJP has failed to address concerns pertaining to

religious minorities. The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance concluded in her 2018 report to the General Assembly that inflammatory remarks by BJP leaders against minority groups have been associated with the increase in vigilantism and violence against Muslims, Dalits and Christians.¹

15. As the RSS gains influence among those in authority, majoritarian Hindutva ideology also grows. This raises concerns for the future of religious minorities in the Republic of India.

16. There is a general consensus among human right defenders that communal violence is becoming endemic to the political system. With communal divides setting the political agenda and further reinforcing polarisation of communities, compatible fundamental rights in the constitution are totally ignored.

Recommendations to the government of India:

17. The police, central and state governments must expressly condemn all forms of communal and targeted violence against religious minorities;

18. Guarantee the security of religious minorities by ensuring all legal

¹ United Nations, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, Xenophobia and related intolerance to the Seventy

Second Session of the General Assembly. 6 August 2018
<http://undocs.org/en/A/73/305>

protections and entitlements are enforced and adhered to;

19. Implement measures to equip the Indian Police Service on key human rights areas and introduce legislation to reduce political interference and establish mechanisms to increase accountability;

20. Issue an advisory to state governments towards the repeal of the Freedom of Religion Acts in Odhisa, Madhya Pradesh, Chhattisgarh, Arunachal Pradesh, Gujarat, Himachal Pradesh, Jharkhand and Uttarakhand;

21. Conduct a comprehensive review of the national human rights bodies in consultation with civil society agencies and ensure that every state has an active national commission for minorities whose members are appointed through a transparent process.

Recommendations to the International Community

22. Encourage India to ratify the treaties to which it has acceded, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Continue to hold India to account and make them aware of their existing obligations under international law;

23. Urge India to take tough action against cow vigilante groups who act with violent impunity against Muslims and Dalits;

24. Encourage India to issue a directive to state governments to take strict legal measures to hold the India Police Service to account for cases where they have been complicit in the violence against minorities on the basis of religion or belief;

25. Insist that where forcible conversions are targeted against Scheduled Castes and Scheduled Tribes, the India Police Service should be directed to apply the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989;

26. Encourage India, in consultation with civil society to consider enacting a law on communal and targeted violence that provides reparations and prosecutes perpetrators of violations against religious minorities