

## Legal framework

The constitution of India mandates a secular state and Article 25 guarantees the 'freedom of conscience and free profession, practice and propagation of religion.' India is a party to the International Covenant on Civil and Political Rights (ICCPR).

Paragraph 3 of the constitution (Scheduled Castes) Order 1950 discriminates against Dalits, as anyone who professes a religion different from the Hindu, Sikh or Buddhist religion shall not be deemed to be a member of the Scheduled Caste. Therefore, Dalits who adopt other religions lose their legal status as Scheduled Castes and eligibility for related socio-economic support.

The Citizenship Amendment Act 2019 (CAA) determines eligibility for citizenship based on a person's religion, allowing Buddhists, Christians, Hindus, Jains, Parsis and Sikhs resident in India before 2014 to claim citizenship. The law excludes Muslims, including minority sects who have taken refuge in India. The law violates Article 14 of the Indian constitution which guarantees the right to equality before the law and prohibits discrimination based on religion. On 11 March 2024 the Ministry of Home Affairs announced the Citizenship Amendment Rules 2024 which enabled the implementation of the CAA.

Local state legislation also undermines India's constitutional and international commitments on freedom of religion or belief (FoRB). So-called 'Freedom of Religion Acts' are currently in force in 12 states in India: Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Madhya Pradesh, Odisha, Uttarakhand, Rajasthan, Maharashtra and Uttar Pradesh, with the legislation in Arunachal Pradesh still remaining dormant as successive state governments have yet to frame the necessary implementation rules for the law. These laws criminalise religious conversion, imposing heavy penalties and providing ambiguous definitions, and in turn raising serious concerns about autonomy of citizens that evidently affects their freedom to choose or change their religion or belief.

In July 2024, after holding hearings on India's adherence to the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Committee expressed 'concerns about discrimination and violence against minority groups including religious minorities.'<sup>1</sup>

In January 2026 the report of the UN Special Rapporteur on freedom of religion or belief highlighted that the anti-conversion laws have 'emboldened gram sabhas (village councils) to pass resolution preventing Adivasis who have converted to Christianity from burying their deceased in village graveyards alongside their ancestors.'<sup>2</sup>

## Hindu nationalist agenda (Hindutva)

As well as government policies and laws, India's religious diversity is under threat from the spread of religious intolerance by non-state actors who act with impunity.

Since 2014 when the Bharatiya Janata Party (BJP) came to power, there has been a notable shift in public discourse, accompanied by increasing hostility towards religious minorities. The Rashtriya Swayamsevak Sangh (RSS), the ideological arm of the BJP that promotes a Hindu nationalist agenda, has sought to polarise Indian society by relentlessly dividing communities based on religious grounds, leaving religious minorities in the nation unsettled about their future.

Prime Minister Modi has remained largely silent on the hate campaigns, threats, violence and attacks against religious minorities. He was criticised by human rights groups for labelling Muslims as 'infiltrators' at an election campaign in Rajasthan on 22 April 2024.

## Communal violence

In a September 2018 report to the UN General Assembly, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance noted that communal violence has been linked with inflammatory remarks made by BJP officials.<sup>3</sup>

Right-wing groups are emboldened by a culture of impunity due to state negligence or complicity. The perpetrators of communal violence in Gujarat (2002), Kandhamal (2008), and Muzaffarnagar (2013) have never been penalised. Such impunity is a leading reason for continuing communal violence across India. The northeastern Delhi riots in 2020 following the introduction of the CAA witnessed targeted attacks on Muslims and Dalit university students.

In May 2023 violence erupted between the predominantly Hindu Meitei and predominantly Christian Kuki communities in Manipur State, resulting in over 200 deaths and the forced displacement of over 75,000 people. The situation in the state remains volatile. In May 2026 the killing of three senior Kuki-Thadou Christian church leaders in Kangpokpi District sparked retaliatory abductions and a hostage crisis involving civilians from the Kuki and predominantly Christian Naga communities.

The build-up to communal violence is normally aided by derogatory slogans about minority communities. Mobs are usually mobilised by a systematic projection of 'fear' that if religious minorities are not kept in check the majority religious community will be overridden, or that the propagation of religions professed by the minority community poses a serious risk to the culture and traditions of the majority religious community. Human rights groups

1 United Nations Human Rights Committee, Concluding observations on the fourth periodic report of India, 2 September 2024 <https://docs.un.org/en/C/2024/10/1/IND/CO/4>

2 United Nations Human Rights Council, Report by the Special Rapporteur on religion or belief: 'How freedom of religion or belief relates to death and honouring the deceased', A/HRC/61/50, 7 January 2026 <https://www.ohchr.org/en/documents/thematic-reports/ahrc6150-how-freedom-religion-or-belief-relates-death-and-honouring>

3 United Nations General Assembly, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, 6 August 2018 <https://documents.un.org/doc/undoc/gen/n18/251/48/pdf/n1825148.pdf>

have found that in most incidents of communal violence, state and police machinery have allowed the attacks to take place, and on some occasions the police have aided perpetrators.

The regular nature of communal violence means that these are not isolated incidents. Studies have shown that incidents that build up to full-blown violence originated from systematic discrimination, hate mongering, isolated incidents of targeted violence over a long period of time.

## Targeting of religious minorities

### Christians

Christians experience violations such as false accusations leading up to arbitrary police detention, arrests and prosecution, forced conversion, hate campaigns, assault, death threats, illegal occupation of churches, forced displacement, acts of public humiliation, disruption of religious gatherings, and the looting and destruction of Christian homes, church buildings, and other church owned properties. According to United Christian Forum (UCF), an India-based monitoring group that provides helpline service to Christians experiencing FoRB violations, the number of reported attacks against Christians rose by over 400% between 2014 and 2025. As of July 2026, 342 incidents of violence had been recorded by the UCF. The states of Uttar Pradesh and Chhattisgarh emerging with the highest and second highest number of reported incidents, respectively, over the last few years.

### Muslims

Hate speech is a major threat facing Muslims, perpetrated by the Vishva Hindu Parishad (the religious arm of the RSS) and the Bajrang Dal (the youth wing of the RSS) and other hostile fringe groups. While social media platforms are used to spread hate, live events in BJP ruled states are inclined to witness higher incidents of incitement to violence, raising further concerns about complicity of local authorities and the police.

The Hindutva narrative emphasises the portrayal of Muslims as interlopers, whose agenda is to destroy Hindu culture and tradition. Misinformation against Muslims about cow slaughter, inter-religious marriage, conversions and historical events have aroused distrust and hatred towards them. This has led to discrimination, harassment and targeted violence against the customs, places of worship, burial sites and villages dominated by Muslims; and has emboldened far-right groups to take up arms against Muslims, including through vigilantism; and calling for socio-economic boycotts on Muslim owned businesses.

Incidents of mob lynchings in the name of protecting cows and as punishment for alleged beef consumption are frequently reported. On 7 June 2024 two Muslim men were beaten to death and another sustained critical injury after a mob suspected them of cattle smuggling in Raipur District, Chhattisgarh.

## Shrinking space for civil society

The space for individuals and civil society organisations has been severely affected since the BJP came into power. Anyone who criticises the ideological policies of the government is targeted, either through arbitrary detention under draconian anti-terror laws, intimidation and humiliation, or murder. With space for free speech curtailed, dissenters are labelled 'anti-nationals.' The deployment of laws like the Unlawful Activities (Prevention) Act (UAPA) has severely constrained field documentation, legal advocacy and grassroots support systems. The arrest and incarceration of 16 human rights defenders in relation to the Bhima Koregaon violence, including Father Stan Swamy who died in judicial custody on 5 July 2021, is an example of the systematic use of oppressive laws to target civil society who advocate for human rights, including FoRB.

The CAA was enacted in 2019, and the Citizenship Amendment Rules, which operationalised the CAA in March 2024 offers expedited citizenship to non-Muslim refugees from neighbouring South Asian nations. Combined with state-level voter roll revisions and proposals for a National Register of citizens (NRC), the legislation continues to spark fears of statelessness or electoral disenfranchisement among Indian Muslims.

The Foreign Contribution (Regulation) Amendment Bill, 2026 introduces heightened state oversight by establishing a central 'Designated Authority' empowered to seize, manage and permanently vest foreign funds and physical assets such as schools, hospitals and community centres created by non-governmental organisations whose FCRA registrations are cancelled, surrendered or deemed ceased due to non-renewal. While the government has defended the legislation as a vital measure to enhance financial transparency, streamline asset management, and protect national security against foreign interference, the bill severely threatens freedom of association and the non-profit sector's survival. The expansion of government powers to confiscate assets built over decades creates an existential risk for grassroots, humanitarian, and minority run organisations, effectively allowing the state to penalise non-compliant entities, restrict operational autonomy and stifle independent dissent under the guise of regulatory compliance.

Human rights activism and the work of civil society organisations in Kashmir have come under severe hardship since the 2019 abrogation of Article 370 of the Indian constitution which gave Jammu and Kashmir special autonomy status.

Jammu and Kashmir remains severely constrained by a combination of state security restrictions and non-state militant violence. On a state level, authorities routinely employ preventive security lockdowns that directly curtail collective worship; for instance congregational Eid prayers at Srinagar's historic Jama Masjid and Eidgah were disallowed for the eighth consecutive year in May 2026, alongside recurring house arrests of senior religious figures like Mirwaiz Umar Farooq. At the same time, religious minorities including Kashmiri Pandits, Sikhs and non-local Hindu workers face acute physical threats from insurgent

groups, evidenced by targeted attacks such as the April 2025 shooting near Pahalgam where militants singled out and killed Hindu tourists. While the Indian government maintains that localised worship restrictions are temporary, faith-neutral security measures necessary to prevent violent radicalisation, critics argue that the overlap of anti-terror laws, property seizures, and military oversight creates a pervasive climate of religious surveillance and disenfranchisement across the region.

## Recommendations

### *To the government of India:*

- Revoke the CAA, which is exclusionary in nature and raises concerns about religious discrimination.
- Reform law enforcement agencies, including establishing mechanisms to increase the accountability of law enforcement officers, and ensuring that First Information Reports are effectively investigated and prosecuted.
- Repeal the anti-conversion legislation currently in force in 12 states.
- Increase efforts to reverse the culture of impunity that leads to communal violence by ensuring that perpetrators are brought to justice and adequate levels of compensation are granted to victims, in line with recommendations accepted during India's 2022 UN Universal Periodic Review (UPR).
- Uphold the right to freedom of expression and protect civil society and journalists who exercise these rights by investigating and prosecuting the perpetrators of crimes against them.
- Adopt a national plan on human rights to address FoRB violations and prevent violence committed in the name of religion.
- Introduce a comprehensive framework to deal adequately with communal and targeted violence.
- Stop the Foreign Contribution (Regulation) Amendment Bill 2026 from becoming law, which would have an adverse effect particularly on the well-being of religious minorities and vulnerable communities.
- Implement the recommendations of the National Commission for Religious and Linguistic Minorities that religion should no longer be used as a determining factor for inclusion in the Scheduled Caste list.
- Extend official invitations to the various US, UN and EU specialists for FoRB to visit India and provide assurance that members of the civil society can independently engage with them without any interference.

### *To the government of the United States:*

- The State Department should designate India as a Country of Particular Concern for systematic,

ongoing and egregious violations of FoRB in line with recommendation from the US Commission on International Religious Freedom (USCIRF).

- The State Department should designate the RSS as an Entity of Particular Concern under the International Religious Freedom Act (IRFA).
- Impose targeted sanctions through the Global Magnitsky Human Rights Accountability Act by sanctioning individuals and entities related to the RSS and their affiliates who are involved in severe human rights violations.
- Call on the U.S. Congress to hold dedicated hearings on freedom of religion or belief in South Asia and incorporate human rights and FoRB impact assessment into its U.S and India strategic, security and economic dialogues.
- The Ambassador-at-Large for International Religious Freedom, once nominated and confirmed, and USCIRF commissioners should request an invitation to visit India with unhindered access to all parts of the country.
- The US Embassy in India should engage diplomatically and consistently with the Indian government on FoRB to encourage collaborative ways to address concerns. This could include sharing the findings of the State Department's annual religious freedom report with Indian government officials prior to its publication.

### *To the United Nations and Member States:*

- Urge the OHCHR and all relevant UN mechanisms, including Special Procedures and Treaty Bodies, to include the right to FoRB in their monitoring and reporting on India, addressing the specific vulnerabilities and violations faced by religion or belief communities and those seeking to defend them.
- Encourage UN Special Procedures to request country visits to India and ensure that members of civil society can freely meet with them without reprisal.
- Utilise the Universal Periodic Review process, Human Rights Council sessions and other key international human rights instruments to hold India accountable for FoRB violations and to offer recommendations to advance FoRB.
- Encourage open dialogue on India to enable the full participation of civil society and support the establishment of a safe environment for human rights lawyers, civil society actors and human rights defenders, enabling them to carry out their work without fear of reprisals.
- Urge the government of India, at every level and appropriate opportunity, to make the reforms highlighted in the recommendation section above 'To the government of India'.

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