

CIFORB Country Profile – India

Demographics

- Population: 1,251,695,584 (July 2015 estimate)
- The Constitution of India proclaims India a ‘sovereign socialist secular democratic republic’. It does not have an official state religion.
- Religious demographics: Hindu 79.8%, Muslim 14.2%, Christian 2.3%, Sikh 1.7%, other and unspecified 2%.

India is estimated to have the world’s third largest Muslim population (172.2 million), behind Indonesia and Pakistan. According to the 2011 official estimates, it also has a Christian population of 27.8 million, with 20.8 million Sikhs and 4.5 million Jains. However, according to some unofficial estimates, such as the estimate by Open Doors World Watch List 2017, India has a much larger Christian population.

There appear to be two main reasons for the possible under-estimation of the Christian population in India. First, it is not possible to register both as a ‘scheduled class’ and as a Christian. Many Dalits are reported to have converted to Christianity. However, if they were to register as ‘Christian’ they could not register as ‘Dalit’, and therefore would lose any of the benefits that the government has given to the scheduled classes. Second, in some parts of India conversion to Christianity is highly controversial and people take great personal risk in converting. Thus there may be a number of Christians who choose not to officially identify as such due to fear of the ramifications.

- The Muslim majority states in India include Jammu and Kashmir, Lakshadweep. Christian majority states include Arunachal Pradesh, Nagaland, Mizoram, and Meghalaya. Punjab is a Sikh majority state. All remaining states have a Hindu majority.
- States with a comparatively more religiously diverse population include Arunachal Pradesh, Northeast India (Hindu 29%, Muslim 2%, Christian 30%, Buddhist 12%, other religions [mostly Donyi-Polo] 26%) and Kerala in South India (Hindu 55%, Muslim 27%, Christian 18%).
- Geography: Border countries include Bangladesh, Bhutan, Burma, China, Nepal, and Pakistan
- India has 29 states and seven union territories. There is a significant disparity between India’s states. States to the south and west relatively more prosperous. By contrast, eight states are home to 65% of India's poor - Bihar, Madhya Pradesh, Orissa, Uttar Pradesh, Rajasthan, Jharkhand, Chhattisgarh and West Bengal.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389044/India.pdf.

Religious Affairs

The Indian constitution mandates a secular state. There have been two failed attempts at constitutional amendments to make the constitutional provisions on secularism stronger; the first attempt was in 1978, and second was in 1993.

Anti-conversion laws:

Six out of 29 state governments enforce anti-conversion laws. While a national law banning religious conversions has been discussed, the Ministry of Law and Justice has previously observed that such a law could violate the federal system. Nationalist Hindu groups have meanwhile campaigned for a national law banning conversions, claiming that Christians and Muslims convert hundreds of poor people every year, attracting converts with promises of social services. Yet it is noted that the state level laws are one sided, and are concerned with conversions away from Hinduism, but not towards Hinduism. Observers note these laws create a hostile environment for religious minority communities because they do not require any evidence to support accusations. States with such laws in place include Madhya Pradesh, Chhattisgarh, Odisha, Gujarat, Arunachal Pradesh and Himachal Pradesh. (<https://www.worldwatchmonitor.org/2015/09/4008146/>).

There are a number of examples of discrimination and harassment in relation to these laws:

- Madhya Pradesh police arrested three people from Satna district in May 2016 under the state laws to prevent forced religious conversions. The complainants alleged that they were lured into adopting Christianity through promises of jobs.
- In August 2014, Hindu activists prevented a Christian pastor from conducting Sunday worship after accusing him of coerced conversion in Koranga village, Madhya Pradesh. The police arrested the pastor following complaints of ‘deliberate and malicious acts to outrage religious feelings.’ The pastor was subsequently released on bail.
- In September 201, the Shivpuri District administration in Madhya Pradesh arrested four Hindu Dalits for converting to Islam without obtaining prior permission from district authorities as mandated by the state’s Freedom of Religion Act.

Criticism of these laws tends to revolve around the vague terminology used for defining key terms. For example, ‘force’ refers to ‘show of force or threat of injury or threat of divine displeasure or social ex-communication.’ This broad definition restricts interactions between potential converts and propagators of a religion. Inducement is defined as inclusive of ‘the offer of any gift or gratification, either in cash or in kind and shall also include the grant of any benefit, either pecuniary or otherwise.’ Charitable acts are a feature of numerous religions, and so this definition could potentially infringe the freedom of religion. The ambiguous terminology appears to prevent even legitimate proselytizing of one’s religion.

The laws vary across the states. Some states require official notice to be given prior to converting. In Gujarat, permission should be sought from the District Magistrate. The problem, according to some lawyers, is that some magistrates, under pressure from ultra-nationalist Hindu groups, might prohibit conversions from Hinduism, but be unlikely to act against radical groups who force non-Hindus to convert to Hinduism.

(<http://blogs.wsj.com/indiarealtime/2015/01/09/the-arguments-for-and-against-a-national-anti-conversion-law/>).

Some of the laws exclude from the definition of ‘conversion’ reconversion to one’s original faith. Given Hindus constitute the majority of the population, it is assumed that the original religion is Hinduism. Therefore, while forced conversion away from Hinduism is addressed in the law, forced

conversion towards Hinduism is not.

Reservation:

Reservation is a form of affirmative action whereby a percentage of seats are reserved in Parliament, State Legislative Assembly, central and state services, public sector units and in all public and private educational institutions for the socially and educationally backward classes of citizens. The Constitution of India provides three types of reservations: political, educational and employment. Reservation is given on the basis of caste (to create equal opportunities for castes that have historically been disadvantaged, e.g. Dalits. Those eligible fall under three categories: Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC), and gender. There is no reservation granted on the basis of religion in the central educational institutions at the national level, although reservation has been extended to religious minorities in some states. The Tamil Nadu government has allotted 3.5% of seats each to Muslims and Christians. Andhra Pradesh has 4% reservations for Muslims. Kerala Public Service Commission has a quota of 12% for Muslims. Religious minority (Muslim or Christian) educational institutes also have 50% reservation for Muslim or Christian religions. The central government has listed a number of Muslim communities as backward Muslims, making them eligible for reservation.

Political Affairs

Indian Government:

- India is a federal republic. The central government is made up of the Executive, Legislature and Judiciary. Legislative power is exercised by Parliament, a bicameral legislature. The Upper House is called the 'Rajya Sabha' and the Lower House is called the 'Lok Sabha'. The Legislature drafts legislation, and the Executive (President, Vice President and Cabinet Ministers) execute legislation.
- Parliament does not have complete sovereignty, as its laws are subject to judicial review by the Supreme Court of India. It does exercise some control over the executive branch. The members of the cabinet (led by the Prime Minister, and includes the Council of Ministers), are either chosen from Parliament or elected within six months of assuming office.
- Prior to the 2014 election, India had been led by a coalition government since 1989. The current ruling party is the BJP, which is viewed as a Hindu nationalist party, and the current Prime Minister is Narendra Modi (elected in May 2014).

Narendra Modi:

- Modi was the Chief Minister of Gujarat for twelve years. He is credited for increasing the financial stability of Gujarat, but is often criticised for his response to the 2002 Gujarat riots, in which approximately 1,000 Muslims were killed. He was accused of not doing enough to stop clashes between Hindus and Muslims.
- During a visit to India in January 2015, former US President Barrack Obama noted that India 'will succeed so long as it is not splintered along the lines of religious faith.' Modi responded a month later stating he condemned religious violence, and gave an assurance that his government will give equal respect to all religions.

<http://harvardkennedyschoolreview.com/the-rising-tide-of-intolerance-in-narendra-modis-india/>

National Human Rights Commission:

- NHRC is responsible for the protection and promotion of human rights. Former Chief Justice of India HL Dattu took charge as the Chairperson of NHRC in March 2016. He has been associated with several significant judgments. For example, he headed the bench that acquitted eleven persons charged under counter-terror laws telling the Gujarat police that no innocent person should be branded a terrorist, and put behind bars simply because he belongs to a minority community.
- 24 out of 29 states have established State NHRCs. Currently, Arunachal Pradesh, Nagaland, Mizoram, Tripura, and Meghalaya do not have a state NHRC.

The Ministry of Minority Affairs

This Ministry was carved out of Ministry of Social Justice & Empowerment in 2006 to ensure a more focused approach towards issues relating to minority communities, namely Muslim, Christian, Buddhist, Sikhs, Parsis and Jain. The mandate of the Ministry includes formulation of overall policy and planning, coordination, evaluation and review of the regulatory framework and development programmes for the benefit of the minority communities. For example, it maintains a multi-sectorial development programme that aims to improve the socio-economic conditions of minorities and to provide basic amenities to reduce imbalances in the identified minority concentration areas.

<http://minorityaffairs.gov.in/>

International Affairs (including membership of int. organisations, UPR/treaty committees coming up etc) treaty compliance

Membership to international organisations:

- ADB
- AfDB (nonregional member)
- Arctic Council (observer)
- ARF
- ASEAN (dialogue partner)
- BIMSTEC
- BIS
- Brazil, Russia, India, China & S.Africa (BRICS)
- CD, CERN (observer), CICA, CP, EAS,
- Food and Agriculture Organisation (FAO)
- FATF
- G-15, G-20, G-24, G-5, G-77,
- International Atomic Energy Agency (IAEA)
- IBRD, ICAO, ICC (national committees),
- ICRM, IDA, IFAD, IFC, IFRCs, IHO,
- International Labor Organisation (ILO)
- International Monetary Fund (IMF)
- IMO, IMSO, Interpol, IOC, IOM, IPU, ISO, ITSO, ITU, ITUC (NGOs), LAS (observer),

MIGA, MINURSO, MONUSCO,

- Nonaligned movement (NAM)
- OAS (observer), OECD, OPCW, Pacific Alliance (observer), PCA, PIF (partner),
- South Asian Association for Regional Cooperation (SAARC)
- SACEP, SCO (observer),
- UN, UNCTAD, UNDOF,
- United Nations Education, Scientific & Cultural Organization (UNESCO)
- United Nations High Commissioner for Refugees (UNHCR)
- United Nations Industrial Development Organisation (UNIDO)
- UNIFIL, UNISFA, UNITAR, UNMISS, UNOCI, UNWTO,
- Universal Postal Union (UPU)
- WCO, WFTU (NGOs),
- World Health Organisation (WHO)
- WIPO
- WMO
- World Trade Organisation (WTO)

Human Rights record

Treatment of minorities:

- Incidents of violence against religious minorities spiked in 2013 in the run-up to national elections. According to government sources, 133 people were killed and 2,269 injured in 823 incidents.

Impunity:

- Members of India's security forces have generally escaped prosecutions for alleged human rights violations.
- In a rare case in November 2014, the army reported that a military court sentenced five soldiers, including two officers, to life in prison for a 2010 extrajudicial execution of three villagers. The army ordered a military trial after using the Armed Forces Special Powers Act (AFSPA) to block prosecution by civilian courts.
- The police have also been accused of a variety of human rights abuses including arbitrary arrest and detention, torture, and extrajudicial killings. Studies have meanwhile found that a deficit of trust exists between Muslim communities and the police. Muslims perceive the police to be biased, and insensitive, in part due to the misconduct of some police personnel, especially during communal tensions.

Women's rights:

- Legal reforms were introduced in response to the 2012 Delhi gang rape and murder, but the Indian government have yet to introduce monitoring and reporting mechanisms to track their implementation. Reports of rape – including of Dalit women, individuals with disabilities, and children – continue to make national news.
- In early 2014, the government introduced guidelines for the medical treatment and examination of women and children who report rape. However, there remains a significant shortage in

resources necessary for their implementation.

Children's rights:

- The Right to Education Act and government schemes have resulted in near-universal enrolment of children in early grades. But millions of children, particularly from vulnerable Dalit, tribal, and Muslim communities, facing discrimination, inadequate support in government schools, and pressures to earn money, soon drop out and begin working.
- In June 2014, the United Nations Committee on the Rights of the Child identified several areas in which the Indian government had failed to ensure protection of children from discrimination, harmful practices, sexual abuse, and child labour. It also raised concerns about Maoist militants recruiting children and attacking schools, and about government armed forces occupying schools in Maoist-affected areas despite Supreme Court rulings prohibiting the practice.

LGBT:

- In December 2013, the Supreme Court reversed a landmark 2009 Delhi High Court decision to decriminalise adult consensual same-sex relations.
- In April 2014, the Supreme Court recognized transgender individuals as a third gender and asked the government to treat them as a minority eligible for quotas in jobs and education.

Freedom of speech:

- Certain laws that criminalize free speech continue to be misused in India. The police in a number of states have filed charges under the Indian Penal Code or the Information Technology Act for online comments critical of political actors. In one instance, five men were questioned by the police for sharing anti-Modi comments over the phone.

<https://www.hrw.org/world-report/2015/country-chapters/india>

Funding:

Foreign Contribution Regulation Act (2010). The original purpose of the act was to forbid political parties, politicians, and election candidates from accepting foreign donations, in order to prevent foreign interests from intervening in the Indian political process. However, in March 2016, the BJP government introduced an amendment to the FCRA to legalise funding from foreign entities to political parties. The restrictions on civil society are still in place, and the government has used the FCRA to block funds and activities of a number of NGOs.

FORB record

FoRB in India is a fundamental right guaranteed by article 15 and article 25 of the Constitution of India. Despite the country's status as a pluralistic, secular democracy, India has long struggled to protect minority religious communities or provide justice when crimes occur, which perpetuates a climate of impunity. Incidents of religiously motivated and communal violence have reportedly increased during recent years. The states of Andhra Pradesh, Uttar Pradesh, Bihar, Chattisgarhi, Gujarat, Odisha, Karnataka, Madhya Pradesh, Maharashtra, and Rajasthan tend to have the greatest number of religiously motivated attacks and communal violence incidents.

<http://www.uscirf.gov/sites/default/files/USCIRF%20Annual%20Report%202015%20%282%29.pdf>

Large-scale communal violence against religious minorities have taken place in India, including in Uttar Pradesh in 2013, Odisha in 2007-2008, Gujarat in 2002, and Delhi in 1984. India has established special structures, such as Fast-Track Courts, Special Investigative Teams, and independent commissions, to investigate and adjudicate crimes stemming from these incidents. However, their impact has been hindered by limited capacity, inconsistent use of laws, political corruption, and religious bias, particularly at the state and local levels.

Violence against Muslims:

- Significant hate campaigns perpetrated by Hindu nationalist groups and local and state politicians include widespread media propaganda accusing Muslims of being terrorists, spying for Pakistan, forcibly kidnapping, converting, and marrying Hindu women, and disrespecting Hinduism by slaughtering cows. Moreover, the Muslim community has reported that its mosques are frequently monitored and young boys and men are detained indiscriminately under the pretext of countering terrorism. Muslims also complain that most Indian states violate their religious freedom by restricting or banning cow slaughter, which is required for Muslims during Eid al-Adha.
- In January 2015, a mob of more than 5,000 people attacked the majority-Muslim village of Azizpur, Bihar after a young Hindu man had been abducted and killed. Three Muslims were burned alive and about 25 houses set on fire.
- In September 2014, 150 people were arrested in Gujarat after violence left dozens, mostly Muslims, severely injured. Reportedly, the violence broke out after Hindu nationalists posted images on the Internet of the Hindu Goddess Ambe Maa and Lord Ram superimposed over images of Mecca and the Ka'aba.
- The cow protection laws are used to target religious minorities, as cows are considered to be sacred in Hinduism. Article 48 of the Indian Constitution, and the majority of Indian states, restrict or ban the slaughter of cows. Cow slaughter is a perpetual source of tensions between Hindu, Muslim and Dalit communities. Meanwhile Hindu militant groups known as *Gau Raksha Dal*, armed with firearms and swords, patrol major cities and highways, attacking people who transport, possess, consume or sell beef. In September 2015, Mohammad Akhlaq was dragged

from his home and beaten to death by a Hindu mob due to rumours that his family had been eating and storing beef.

Violence against Christians:

- There has been an increase in reports of harassment and violence, including physical violence, arson, desecration of churches and Bibles, and disruption of religious services. Individuals and groups associated with the Hindu nationalist parties are often accused of involvement in these incidents. Reportedly, local police often fail to provide protection, refuse to accept complaints, rarely investigate, and in some cases encourage Christians to move or hide their religion.
- Catholic communities in India have documented a number of incidents, including at least six attacks on churches and a school between December 2014 and February 2015. For example, St. Sebastian Catholic Church in Delhi was set on fire, Catholic Christmas carollers in Hyderabad were beaten badly by a mob, and a Catholic shopkeeper in Delhi was attacked brutally by an estimated 25 individuals for displaying images of Jesus in the storefront window.

Violence against Sikhs:

- India's Sikh community has long pursued a change to article 25 of India's constitution, which states, 'Hindus shall be construed as including a reference to persons professing the Sikh, Jain or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.' The lack of recognition of Sikhism as a distinct religion denies Sikhs access to social services or employment and educational preferences that are available to other religious minority communities, and to scheduled caste Hindus.
- Sikhs are often harassed and pressured to reject religious practices and beliefs that are distinct to Sikhism, such as dress, unshorn hair, and the carrying of religious items, including the *kirpan*.

Hindu nationalist groups:

- In December 2014, Hindu nationalist groups announced plans to forcibly 'reconvert' at least 4,000 Christian families and 1,000 Muslim families to Hinduism in Uttar Pradesh on Christmas day as part of a so-called 'Ghar Wapsi' (returning home) programme. Following both domestic and international criticism, the programme was shelved.
- These groups also reportedly give monetary incentives to Hindus to convert Christians and Muslims to Hinduism. In early December, hundreds of Muslims reportedly were forcibly 'reconverted' to Hinduism in a mass ceremony in Agra, Uttar Pradesh. Members of the RSS allegedly induced dozens of Muslim families into attending a meeting by telling them they would be provided financial help, but instead a Hindu religious leader performed a Hindu conversion ceremony.

Dalits:

- Dalits, or individuals within the Scheduled Castes and Scheduled Tribes, are estimated at over 200 million people, although this only includes Hindu, Sikh, Buddhist, and Jain Dalits. This is because the Indian government does not view non-Hindus (as it defines that term) as Dalits.
- In January 2016, Rita Izsák-Ndiaye, the UN Special Rapporteur on Minority Issues, reported that crimes against Dalits in India appeared to have increased in 2015.
- In 2015, it was reported that Hindu Dalits were prohibited from entering temples, by 'higher caste' individuals or local political leaders. For example, in seven villages in Tirupur district, Tamil

Nadu state, Dalits were reportedly not permitted to enter or worship at temples because their entrance would 'unsanctify' the temples.

Although article 15 of the Constitution eliminated 'untouchability' and discrimination based on caste, the caste system remains a fundamental part of Hinduism. According to some interpretations of Hindu scripture, individuals are born inherently unequal into a graded, caste-based structure that defines their status and opportunities in life.

Meanwhile, the lack of education of Dalits makes them particularly vulnerable to forcible conversions.

Legal framework:

- Although the constitution guarantees freedom of religion, national and state laws make FoRB 'subject to public order, morality and health.'
- The preamble of the Constitution disallows the formation of a theocratic state, and precludes the state from identifying itself with, or favouring any particular religion. However, neither in law nor in practice does this separation exist.
- The Constitution generally lacks clarity over the term 'minority', as it is used but not defined. There is significant debate over what constitutes a minority. However, the Supreme Court has held that a minority must be recognised by the state. Due to this requirement, some religious minorities have struggled to get national-level recognition by India's Central Government. For example, the Jains are recognised as minorities in some states, but not centrally.
- The Indian courts are still adjudicating cases stemming from large-scale Hindu-Muslim communal violence in Uttar Pradesh in 2013 and in Gujarat in 2002, Hindu-Christian communal violence in Odisha in 2007-2008, and Hindu-Sikh communal violence in Delhi in 1984. NGOs, religious leaders, and human rights activists allege religious bias and corruption in these investigations and adjudications. A one-member special judicial inquiry commission inquired into the 2013 riots in Muzaffarnagar, Uttar Pradesh, which left 62 persons, mostly Muslims, dead and tens of thousands, mostly Muslims, displaced. However, no individuals mentioned in the report were indicted.

<https://www.dailyo.in/politics/muzaffarnagar-riots-report-justice-vishnu-sahai-commission-bjp-sp-sangeet-som-photoshop-youtube-whatsapp-police/story/1/9416.html>

Cases stemming from the 2002 Gujarat violence also continue, including a special court case pertaining to the killing of 68 people, including former Congress Party Parliamentarian Ehsan Jafri. Meanwhile, cases pertaining to the Odisha violence are still being adjudicated. In July 2014, the national Supreme Court ruled that churches damaged during those riots are not entitled to additional compensation because they receive sufficient foreign funds. Since 1984, there has been little progress in prosecuting perpetrators of crimes during the anti-Sikh riots, which allegedly occurred with the support or encouragement of government officials or prominent members of India's Congress Party. However, in late 2014, the central government established a committee to determine if a Special Investigation Team should be created to reinvestigate cases that had been previously closed.

Commonwealth Relationship

- Joined in 1947
- Kamallesh Sharma of India became Commonwealth Secretary-General in 2008, and Professor Asha Kanwar was appointed President and Chief Executive Officer of the Commonwealth of

Learning in 2012.

- Twelve Indians have been regional winners in the Commonwealth Writers' Prize, and three have gone on to take the overall Best Book or Best First Book awards.
- The Commonwealth Human Rights Initiative established its HQ in New Delhi in 1993, and the country is also host to the Commonwealth Youth Programme Asia Centre in Chandigarh and the Commonwealth Local Government Forum's Project Office, Asia, in Mumbai.

<http://thecommonwealth.org/our-member-countries/india>