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India: Religious Freedom Issues

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SUMMARY

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India: Religious Freedom Issues

India is the world's second-most populous country with more than 1.3 billion people and is the birthplace of four major world religions: Hinduism, Buddhism, Sikhism, and Jainism. It is also home to about 180 million Muslims—only Indonesia and Pakistan have more. A small Christian minority includes about 30 million people. An officially secular nation with thousands of ethnic groups and 22 official languages, independent India has a long tradition of religious tolerance (with periodic and sometimes serious lapses). Religious freedom is explicitly protected under its constitution. Hindus account for a vast majority (nearly four-fifths) of the country's populace. Hindu nationalism has been a rising political force in recent decades, by many accounts eroding India's secular nature and leading to new assaults on the country's religious freedoms.

The 2014 national election victory of the Bharatiya Janata Party (Indian Peoples' Party or BJP) brought newly acute attention to the issue of religious freedom in India. Tracing its origins to a political party created in 1951 in collaboration with the Hindu nationalist Rashtriya Swayamsevak Sangh (National Volunteer Organization or RSS), the BJP has since gone on to win control of numerous state governments, including in Uttar Pradesh, the country's most populous state with more than 200 million residents, one-fifth of them Muslim. The BJP's leader, Prime Minister Narendra Modi, is a self-avowed Hindu nationalist and lifelong RSS member with a controversial past: In 2002, during his 13-year tenure as chief minister of the Gujarat state, large-scale anti-Muslim rioting there left more than 1,000 people dead, and Modi faced accusations of complicity and/or inaction (he was later formally exculpated). In 2005, Modi was denied a U.S. visa under a rarely-used law barring entry for foreign government officials found to be complicit in severe violations of religious freedom, and he had no official contacts with the U.S. government until 2013. Many in the U.S. Congress were critical of Modi's role in the 2002 violence, and some continue to call attention to signs that religious freedom abuses are increasing under his and his party's rule, as documented by the U.S. State Department and independent human rights groups.

This report provides an overview of religious freedom issues in India, beginning with a brief review of U.S.-India relations and India's human rights setting broadly, then discussing the country's religious demographics, religious freedom protections, and conceptions of Hindu nationalism and its key institutional proponents in Indian society. It then moves to specific areas of religiously-motivated repression and violence, including state-level anti-conversion laws, cow protection vigilantism, and perceived assaults on freedoms of expression and operations by nongovernmental organizations that are seen as harmful to India's secular traditions and the U.S-promoted goal of interfaith tolerance.

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Context

An officially secular nation, India has a long tradition of religious tolerance (with periodic and sometimes serious lapses), which is protected under its constitution. Although religious discrimination and intolerance of social dissent is hardly new to India, the 2014 election of the Hindu nationalist Bharatiya Janata Party (BJP) to majority status at the federal level—the party won 52% of Parliament's Lok Sabha (lower-house) seats in that year's national elections—triggered concerns among human rights advocates that agents of overt Hindu majoritarianism would be empowered.

Indian Prime Minister Narendra Modi, leader of the BJP, took office after serving as chief minister of the western Gujarat state for nearly 13 years. For some observers, Prime Minister Modi's 2016 U.S. visit—and address to a Joint Session of Congress—completed the "political rehabilitation" of a foreign leader who was at one time viewed by many in the United States as a pariah: In 2005, Modi had been denied a U.S. visa over concerns about his role in government during lethal anti-Muslim violence in Gujarat in 2002.[1] The visa denial had been lauded by some Members of Congress.[2] In the weeks leading up to Modi's June 2016 visit to Washington, DC, some Members issued public criticisms of India's human rights record.[3]

In early 2017, the BJP won a sweeping state-level victory in north-central Uttar Pradesh (UP), India's most populous state with more than 200 million residents, one-fifth of them Muslim. With Modi's blessing, the party then sat a vitriolic Hindu cleric and hardliner, Yogi Adityanath, as UP chief minister. The choice surprised and baffled many analysts, and elicited new fears of rising Hindu chauvinism that chill many among the country's large Muslim minority of up to 180 million persons, as well as in significant Christian and other minority communities that number in the tens of millions.[4] After four years of BJP rule at the federal level and expanded BJP power in state governments since 2014, indicators of increasing Hindu chauvinism and bigotry are more common in India.[5]

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[1] See, for example, Ronak Desai, "The Real Significance of Prime Minister Modi's Address to Congress" (op-ed), *The Hill*, May 12, 2016. In 2002, on Modi's watch, days-long communal rioting left at least 1,000 people dead, most of them Muslims targeted by Hindu mobs. The State Department later denied Modi a U.S. visa in 2005 under the 1998 International Religious Freedom Act, which allows for barring entry to foreign government officials found to be complicit in severe violations of religious freedom. The U.S. government subsequently had no official contacts with Modi until late 2013. Although multiple high-level investigations into Modi's alleged role resulted in no formal charges, some human rights groups and other analysts still accuse him of being complicit in the anti-Muslim violence, or at least gross dereliction of duty in his response.

[2] In the 113th Congress, H.Res. 417, introduced in November 2013 and garnering 51 cosponsors, commended the State Department's 2005 visa denial. The bill did not emerge from committee.

[3] During a May 2016 Senate Foreign Relations Committee hearing on India, several on the panel, including Chairman Sen. Bob Corker, called attention to reported abuses. In a June 2016 speech in New Delhi, the committee's Ranking Member, Sen. Ben Cardin, called on India to "do better" to address issues of violence against women, government corruption, extrajudicial killings, human trafficking, and outdated anti-conversion laws that are still in use ("Senate Foreign Relations Committee Holds Hearing on U.S.-India Relations," CQ Transcripts, May 24, 2016; "U.S. Senators Attack India's Human Rights Record Before Modi's Capitol Hill Address," *Washington Post*, June 1, 2016).

[4] One U.S.-based observer called it a "regressive choice" and another labeled it "interesting and risky" (Milan Vaishnav quoted in "Firebrand Hindu Cleric Yogi Adityanath Picked as Uttar Pradesh Minister," *New York Times*, March 18, 2017; "Choice of Adityanath Is Risky, Says Walter Andersen" (interview), *Hindu* (Chennai), March 23, 2017; Pratap Bhanu Mehta, "In the Moment of His Political Triumph, Modi Has Chosen to Defeat India" (op-ed), *Indian Express* (Mumbai), March 20, 2017.

[5] India's Home Ministry reported 822 incidents of communal violence in the country during 2017, representing a nearly 28% increase as compared to 2014 (see the annual reports at https://mha.gov.in/documents/annual-reports).

At present, reporting by the U.S. government and international human rights watchdogs indicates that India's minority religious communities face mounting repression. In its 2018 annual report, the U.S. Commission on International Religious Freedom (USCIRF) stated

> Conditions for religious minorities have deteriorated over the last decade due to a multifaceted campaign by Hindu-nationalist groups…. [Religious minorities] face challenges ranging from acts of violence or intimidation, to the loss of political power, to increasing feelings of disenfranchisement and "otherness."[6]

In 2017, a bipartisan group of five U.S. Senators penned a letter urging President Donald Trump to raise the issue of India's deteriorating religious freedom during Prime Minister Modi's mid-year visit to Washington, DC. It is unclear if the President did so.[7]

Surveys indicate that Prime Minister Modi remains fairly popular across India, especially in the country's western and some southern regions. A Pew Research Center poll conducted in 2017 found 88% of Indians holding a favorable view of their prime minister, and Modi enjoyed a favorable rating 30 points higher than that of Congress Party leader Rahul Gandhi, his key rival on the national political stage. Yet skepticism about Modi/BJP performance in office may be growing: a large-scale 2018 survey found that—while the BJP remains well-placed to win another narrow Lok Sabha majority in 2019—nearly half (47%) of respondents believed the Modi government did not deserve reelection.[8]

U.S.-India Relations[9]

India—the world's largest democracy—is South Asia's dominant actor with about 1.3 billion citizens and the world's third-largest economy in purchasing power terms. The country is often characterized by top U.S. officials as a nascent great power and "indispensable partner" of the United States.[10] Many analysts view India as a potential counterweight to China and its growing clout.[11] For more than a decade, Washington and New Delhi have been pursuing a "strategic partnership." In 2005, the United States and India signed a 10-year defense framework agreement to expand bilateral security cooperation; in 2015, the agreement was renewed for another decade. Bilateral trade in goods and services has grown significantly, valued at over $126 billion in 2017, nearly triple the 2006 total of $45 billion. Indians receive about two-thirds of all H1-B

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[6] United States Commission on International Religious Freedom, *Annual Report 2018*, "India," https://go.usa.gov/xUG4t.

[7] See the June 23, 2017, letter at https://go.usa.gov/xUAGG.

[8] In the Pew survey, Modi's favorability ranged from a high of 95% in the country's southern states to a low of 84% in the north (see Pew Research Center, "Three Years In, Modi Remains Very Popular," November 15, 2017; "ABP News-CSDS Survey: Modi Set to Return to Power in 2019, UPA Consolidates," ABP News (online, Mumbai), May 24, 2018).

[9] See also CRS Report R44876, *India-U.S. Relations: Issues for Congress*, coordinated by K. Alan Kronstadt.

[10] For example, in 2010, then-Secretary of State Hillary Clinton said, "India is an indispensable partner and trusted friend. We believe that a rising India is good for the United States and good for the world." During his 2016 visit to Washington, DC, Modi told a Joint Session Congress that "In every sector of India's forward march, I see the U.S. as an indispensable partner." (See the June 3, 2010, State Department transcript at https://go.usa.gov/xNvjb, and the June 8, 2016, External Affairs Ministry transcript at http://www.pmindia.gov.in/en/news_updates/prime-ministers-address-to-the-joint-session-of-u-s-congress/?comment=disable.)

[11] See, for example, Harsh Pant and Yogesh Joshi, *The US Pivot and Indian Foreign Policy* (Palgrave, 2016), and Amitabh Mattoo, "Shadow of the Dragon: Indo-US Relations and China," in Gary Bertsch, Seema Gahlaut, and Anupam Srivastava, eds., *Engaging India: US Strategic Relations with the World's Largest Democracy* (Routledge, 1999).

(nonimmigrant work) U.S. visas, and more than 100,000 Indian students are attending U.S. universities.[12] The influence of a relatively wealthy and outspoken Indian-American community of roughly 3 million is reflected in Senate and House India caucuses, Congress's largest country-specific caucuses.

The United States views India as an important economic and strategic partner in advancing common interests. India's rising middle-class population, infrastructure and energy needs, and digital connectivity present U.S. commercial opportunities, but challenges are significant. For 2017, India again ranked 130th out of 190 countries in World Bank index on ease of doing business.[13] The earlier optimism of many U.S. policymakers and stakeholders about the likelihood of expanding U.S.-India commercial ties under the Modi government has given way to intensifying concerns over existing trade and investment barriers.

Human Rights in India

India continues to be the site of numerous reported human rights violations, some of them seen to be undertaken or facilitated by state actors. According to the State Department's *Country Reports on Human Rights Practices 2017*, many of India's citizens suffer abuses, the most significant of which include

> police and security force abuses, such as extrajudicial killings, disappearances, torture, arbitrary arrest and detention, rape, harsh and life-threatening prison conditions, and lengthy pretrial detention. Widespread corruption; reports of political prisoners in certain states; and instances of censorship and harassment of media outlets, including some critical of the government continued. There were government restrictions on foreign funding of some nongovernmental organizations (NGOs), including on those with views the government stated were not in the "national interest," thereby curtailing the work of these NGOs. *Legal restrictions on religious conversion in eight states*; lack of criminal investigations or accountability for cases related to rape, domestic violence, dowry-related deaths, honor killings, sexual harassment; and discrimination against women and girls remained serious problems. *Violence and discrimination based on religious affiliation*, sexual orientation, and caste or tribe, including indigenous persons, also persisted due to a lack of accountability.…
>
> A lack of accountability for misconduct at all levels of government persisted, contributing to widespread impunity. Investigations and prosecutions of individual cases took place, but lax enforcement, a shortage of trained police officers, and an overburdened and under-resourced court system contributed to a small number of convictions [emphasis added].[14]

International human rights watchdogs also identify widespread abuses. New York-based Human Rights Watch (HRW), for example—which in 2018 removed laudatory language about India's "strong civil society, vigorous media, and an independent judiciary" found in previous annual reports—lists serious human rights concerns, and argues that, "Vigilante violence aimed at

[12] The Institute for International Education counted more than 186,000 Indian students enrolled in American colleges in 2016/17, second only to China worldwide, but also noted a 12% decline from the previous year. Many analysts attribute declining foreign student enrollment to reports of growing anti-immigrant sentiment in the United States (see https://www.iie.org/Research-and-Insights/Open-Doors/Data/International-Students/Places-of-Origin; "'Everyone's Nervous': Some Students in India Rethink U.S. Study Plans After Kansas Shooting," *Washington Post*, February 25, 2017; "For Indians, Trump's America is a Land of Lost Opportunity," *New York Times*, April 23, 2017).

[13] World Bank Group, *Doing Business 2017: Equal Opportunity for All*, 2017. The United States fell one rank to 8th.

[14] U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, *Country Reports on Human Rights Practices for 2017*, "India," https://go.usa.gov/xUGCn.

religious minorities, marginalized communities, and critics of the government—often carried out by groups claiming to support the ruling BJP—became an increasing threat in India in 2017":

> The government failed to promptly or credibly investigate the attacks, while many senior BJP leaders publicly promoted Hindu supremacy and ultra-nationalism, which encouraged further violence. Dissent was labeled anti-national, and activists, journalists, and academics were targeted for their views, chilling free expression. Foreign funding regulations were used to target nongovernmental organizations critical of government actions or policies.[15]

HRW also notes impunity and lack of accountability for Indian security forces. Meanwhile, London-based Amnesty International's annual world report for 2017/18 offers similar criticisms, contending that, in 2017:

> Religious minority groups, particularly Muslims, faced increasing demonization by hardline Hindu groups, pro-government media and some state officials. Authorities were openly critical of human rights defenders and organizations, contributing to a climate of hostility against them. Mob violence intensified, including by vigilante cow protection groups. Press freedom and free speech in universities came under attack. India failed to respect its human rights commitments made before the UN Human Rights Council. The Supreme Court and High Courts delivered several progressive judgments, but some rulings undermined human rights. Impunity for human rights abuses persisted.[16]

When asked about the content of annual State Department reports on human rights, religious freedom, and human trafficking, Indian government officials often respond by saying, "India does not take cognizance of internal reports of a foreign country."[17]

Religious Freedom Issues

Reported abuses of religious freedom in India attract international attention, in particular when the Modi government and its allies are assumed to be moving forward with emotive, Hindu nationalist initiatives promised in the BJP manifesto and eagerly sought by Hindu groups.[18] Perceived abuses have produced friction in the U.S.-India relationship, including within the U.S. Congress. Domestically, the BJP's 2014 national victory appears to have empowered extremist groups in ways that can undercut both India's and the Modi government's international standing. Some top Indian business leaders have voiced concern that religious intolerance will harm the country's economic interests.[19]

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[15] Human Rights Watch, "India: Events of 2017," https://www.hrw.org/world-report/2018/country-chapters/india.

[16] Amnesty International, *Amnesty International Report 2017/18: The State of the World's Human Rights*, February 22, 2018, p. 189, https://www.amnesty.org/en/documents/POL10/6700/2018/En.

[17] See, for example, Government of India, Ministry of External Affairs, Parliament Q&A, "Question No. 1304, U.S. Report on Judicial Killing and Arbitrary Arrests in India," http://www.mea.gov.in/rajya-sabha.htm?dtl/26764/question+no1304+us+report+on+judicial+killing+and+arbitrary+arrests+in+india.

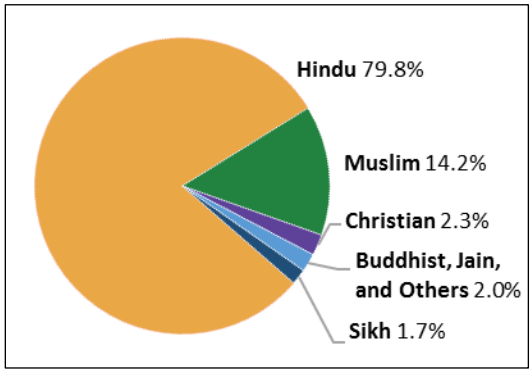
[18] These include building a Hindu temple on the site of the demolished Babri Mosque in Ayodhya, removing special constitutional status for the Muslim-majority Jammu and Kashmir state, and establishing a uniform civil code (see Bharatiya Janata Party, *Election Manifesto 2014*, http://www.bjp.org/manifesto2014).

[19] "Top Indian Business Leaders Warn Growing Religious Intolerance May Harm the Economy," *Time*, November 2, 2015; John Elliott, "In India, Intolerance Undermines Modi's Reforms," *Newsweek*, March 27, 2016.

Muslim and Christian Demographics

As noted above, independent India's tradition of religious tolerance has seen occasional and sometimes catastrophic fatal lapses.[20] The population of approximately 1.3 billion includes a Hindu majority of about 80%, as well as a large Muslim minority of some 185 million (about 14%; India's Muslim community is the world's third-largest, after Indonesia's and Pakistan's). Christians account for more than 2% of the population (roughly 30 million) and Sikhs slightly less than 2% (about 22 million). Buddhists, Jains, and others account for the remaining 2% (see **Figure 1**). Present-day demographics reflect a long-term and ongoing shift: upon independence, India's Hindu majority accounted for about 85% of the population, and the Muslim minority around 10%.[21]

Figure 1. Religious Demographics in India



Source: Census of India, 2011.

Major incidents of lethal large-scale communal violence in India have targeted:

- Hindus in Hyderabad in 1948 (up to 40,000 killed);
- Sikhs in Delhi in 1984 (more than 3,000 killed);
- Muslims primarily in Mumbai in 1993 and Gujarat in 2002 (up to 3,000 combined deaths); and
- Christians in the eastern state of Odisha (formerly Orissa) in 2008 (up to 100 deaths).

2 and **Figure 3** show the distribution of India's Muslim and Christian minorities in India's 640 administrative districts, respectively (at the time of New Delhi government's 2011 national census). Muslims comprise a majority of the population in 32 districts, according to the data. Of these, they account for at least 90% of residents in 12. Half of India's Muslim-majority districts are in the northern state of Jammu and Kashmir, India's only Muslim-majority state, home to about 8.6 million Muslims (see **Figure 4**). Assam houses another eight Muslim-majority districts. Uttar Pradesh, where nearly one in five citizens is Muslim, is home to more than 38 million Muslims—the most of any Indian state. The eastern state of West Bengal, bordering Bangladesh, is about 27% Muslim, with 25 million Muslim residents (see **Table 1**). Other large concentrations are found in and near Mumbai (in the east-central state of Maharashtra) and in the Telangana capital of Hyderabad, which is 43% Muslim. The most populous Muslim-majority district is West Bengal's Murshidabad, where two-thirds of about 7.1 million residents are Muslim.

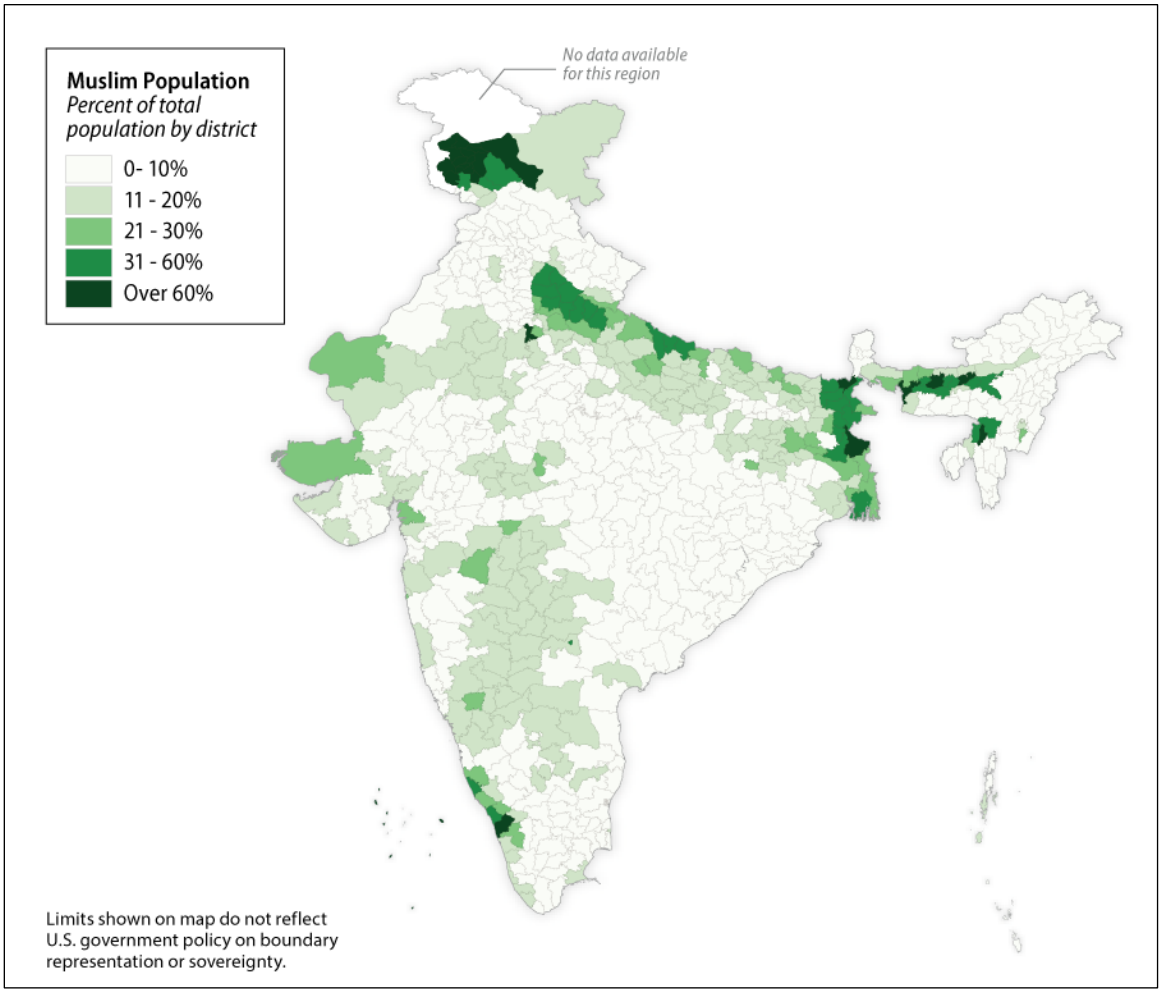
Christians represent a majority of residents in 35 Indian districts. Of these, they account for at least 90% of residents in 19 districts, and all but 4 are in the small northeastern states of Manipur,

[20] The acrimonious partition of British India into two successor states in 1947 was based almost wholly on Hindu and Muslim religious identities, and up to one million people died in related communal violence, which itself displaced at least ten million more. The 1948 assassination of Mohandas Gandhi by a Hindu extremist contributed to continued communal violence. At times, Sikh and Muslim communities also engaged in violent attacks on one another in the divided Punjab state.

[21] Central Intelligence Agency, *World Factbook*, https://www.cia.gov/library/publications/the-world-factbook/geos/in.html.

Meghalaya, Mizoram, and Nagaland. The combined population of these four states is about 9 million. Larger numbers of Christians are found in the southern states of Kerala (more than 6 million) and Tamil Nadu (4.4 million). Kerala's coastal Ernakulam district is itself home to more than 1.2 million Christians—more than one-third of the population. The most populous Christian-majority district is Meghalaya's East Khasi Hills abutting Bangladesh, where two-thirds of about 826,000 residents are Christian.

2. India's Muslims as a Percentage of District Population



Sources: CRS using data from The Energy and Resources Institute (New Delhi) and Census India, 2011.

Note: District percentages are rounded up.

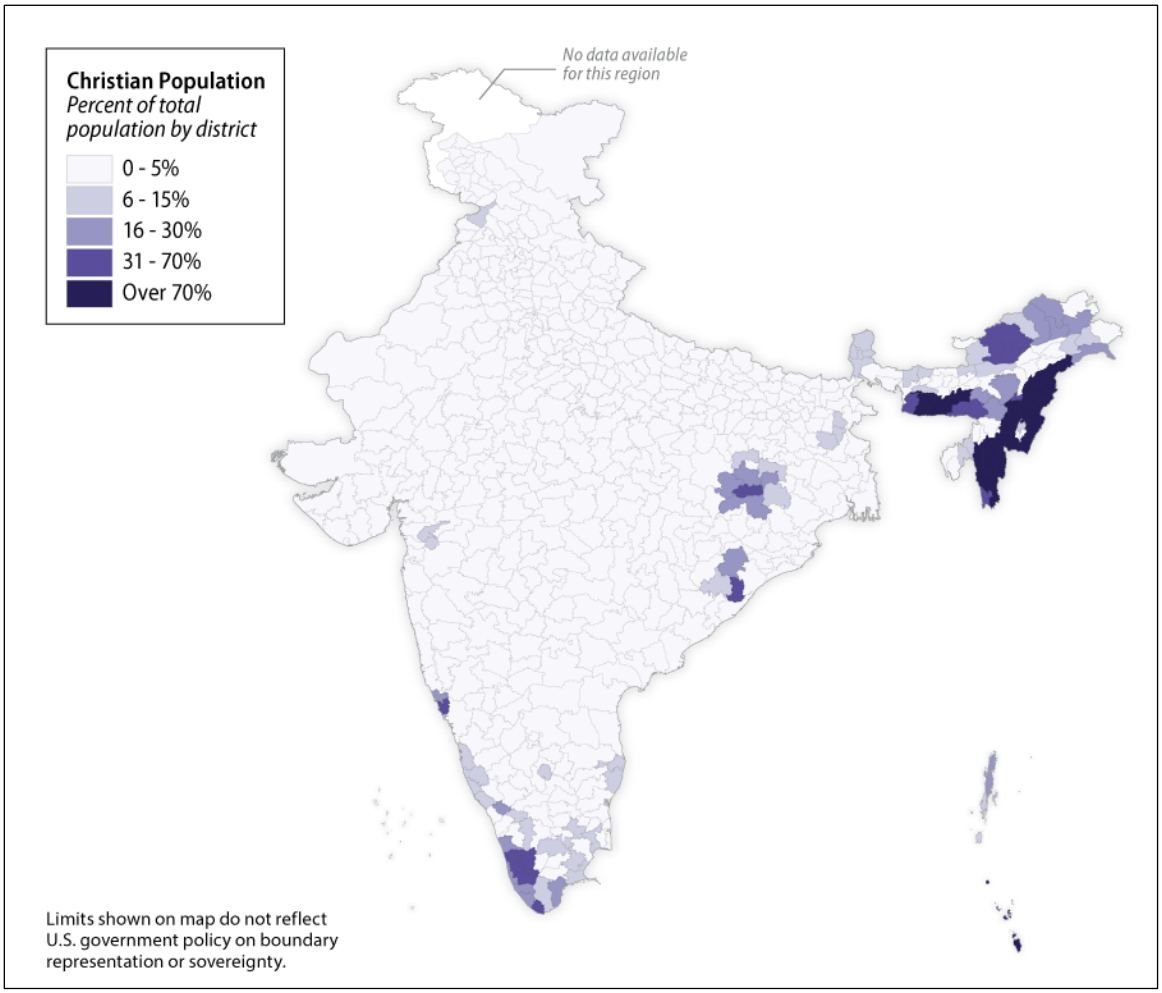
Table 1. Muslim Concentration by State

Total Muslim Population	Muslims as a Percentage of State Population
1. Uttar Pradesh (38.5 million)	1. Jammu and Kashmir (68%)
2. West Bengal (24.7 million)	2. Assam (34%)
3. Bihar (17.6 million)	3. West Bengal (27%)

Source: Census of India, 2011.

Notes: Figures are rounded. India's island Union Territory of Lakshadweep is 97% Muslim.

Figure 3. India's Christians as a Percentage of District Population



Sources: CRS using data from The Energy and Resources Institute (New Delhi) and Census India, 2011.

Note: District percentages are rounded up.

Table 2. Christian Concentration by State

Total Christian Population	Christians as a Percentage of State Population
1. Kerala (6.1 million)	1. Nagaland (88%)
2. Tamil Nadu (4.4 million)	2. Mizoram (87%)
3. Meghalaya (2.2 million)	3. Meghalaya (75%)

Source: Census of India, 2011.

Note: Figures are rounded.

In 2005, then-Congress Party Prime Minister Manmohan Singh appointed a government commission led by Rajinder Sachar, a former Chief Justice of the Delhi High Court, to examine the social, economic, and educational status of India's Muslim community. The resulting 2006 "Sachar Report" concluded that the community "exhibits deficits and deprivation in practically all dimensions of development.… Poor roads and lack of proper transport, sanitation, water,

electricity and public health facilities pervade Muslim concentration localities."[22] The report was criticized by Hindu nationalist groups for focusing on Muslims while ignoring India's other minority communities. In 2013, while Narendra Modi was Gujarat Chief Minister, the state petitioned the Indian Supreme Court to find the Commission unconstitutional (the effort failed).[23] One longtime observer has argued that New Delhi's reluctance to take a major role in addressing the crisis faced by ethnic Rohingya in neighboring Burma is rooted in communal anxiety, with many Hindus, especially BJP supporters, viewing Muslim refugees as a threat to India.[24]

Religious Freedom Protections and Concerns

Article 25 of the Indian Constitution states that "all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion" in a manner that does not adversely affect public order, health, or morality.[25] India's federal law provides "minority community" status for six religious groups—Buddhists, Christians, Jains, Muslims, Parsis (Zoroastrians), and Sikhs—that together comprise about one-fifth of India's population. The laws state that the government will protect the existence of these minorities and encourage conditions for the promotion of their individual identities. A majority (59%) of India's 90 "Minority Concentration Districts" are in four states: Assam, Bihar, Uttar Pradesh, and West Bengal.[26]

According to the U.S. State Department, India's constitution "provides for freedom of conscience and the right of all individuals to freely profess, practice, and propagate religion; mandates a secular state; requires the state to treat all religions impartially; and prohibits discrimination based on religion." The Department's *International Religious Freedom Report for 2017* notes ongoing significant problems in practice, including five Indian states that enforce "anti-conversion laws" (see "Anti-Conversion Laws and Forced Conversions," below):

> Authorities often did not prosecute violence by vigilantes against persons, mostly Muslims, suspected of slaughtering or illegally transporting cows or trading in or consuming beef. Members of civil society and religious minorities stated that under the current government, religious minority communities felt increasingly vulnerable due to Hindu nationalist groups engaging in violence against non-Hindu individuals and their places of worship. Representatives of religious minority communities stated that, while the national government sometimes spoke out against incidents of violence, local political leaders often did not, and at times made public remarks individuals could interpret as condoning violence.[27]

In its 2018 annual report, USCIRF again designated India as a "Tier 2" country, defined as one where the violations engaged in or tolerated by the government are serious and are characterized by at least one of the elements of the "systematic, ongoing, and egregious" standard for "countries of particular concern" (CPCs, a formal State Department designation). USCIRF found that, in 2017, "religious freedom conditions continued a downward trend in India":

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[22] Government of India, Ministry of Minority Affairs, *Sachar Committee Report*, http://www.minorityaffairs.gov.in/reports/sachar-committee-report.

[23] "Gujarat to Supreme Court: Sachar Panel Illegal, Only to Help Muslims," *Indian Express* (Mumbai), November 28, 2013.

[24] Sadanand Dhume, "Fear of Islam Leads India to Snub Refugees" (op-ed), *Wall Street Journal*, May 31, 2018.

[25] See the statute at http://www.constitution.org/cons/india/p03025.html.

[26] See the Minority Affairs Ministry list at http://minorityaffairs.gov.in/sites/default/files/mcd_90districts.pdf.

[27] See https://go.usa.gov/xUGYN.

> India's history as a multicultural and multireligious society remained threatened by an increasingly exclusionary conception of national identity based on religion. During the year, Hindu-nationalist groups sought to "Saffronize" India through violence, intimidation, and harassment against non-Hindus and Hindu Dalits. Both public and private actors pursued this effort.… At the federal level, Prime Minister Narendra Modi has made statements decrying mob violence, but members of his own political party have affiliations with Hindu extremist groups and many have used discriminatory language about religious minorities. Despite Indian government statistics indicating that communal violence has increased sharply over the past two years, the Modi Administration has not addressed the problem.[28]

Since 2001, USCIRF has attempted to visit India to assess religious freedom conditions on the ground. However, on three different occasions—in 2001, 2009, and 2016—the New Delhi government has refused to grant visas for a USCIRF delegation despite requests being supported by the U.S. State Department.[29] The New Delhi government regularly "rejects" the findings of USCIRF reports and expresses "serious doubts about their credibility."[30]

India's Home Ministry reported 111 deaths in 822 incidents of communal violence in the country during 2017, representing a 29% increase in deaths and a 17% increase in incidents as compared to 2016, when the figures were 86 and 703, respectively. At least 10 of the 2017 deaths were linked to so-called "cow protection" vigilantism (see "Cow Slaughter and Vigilantism," below). The Ministry administrates the autonomous National Foundation for Communal Harmony to "provide assistance to the children/youth rendered orphan/destitute in communal, caste, ethnic or terrorist violence for their rehabilitation besides promoting communal harmony and national integration through various activities."[31]

Despite serious ongoing concerns, positive developments in 2017 have been noted. For example, USCIRF lauds India's "active and independent judiciary" for deciding several cases in favor of protecting the rights of minority communities, at times citing provisions of the Indian Constitution that guarantee the right to freedom of expression and that prohibit religious instruction in state-funded schools. Moreover, the federal Ministry of Minority Affairs and the National Commission for Minorities are addressing issues of security, education, and employment for religious minorities. For 2018, the Ministry received a 12% boost in its operating budget.[32]

"Hindutva" and the Sangh Parivar

Hindutva

For roughly 500 years before British rule became direct in 1857, the Asian Subcontinent had been dominated by Muslims politically. Many Hindu nationalists, along with some historians, assert

[28] The USCIRF defines Tier 2 countries as those where the violations engaged in or tolerated by the government are serious and are characterized by at least one of the elements of the "systematic, ongoing, and egregious" standard for "countries of particular concern" (CPCs, a formal State Department designation; see United States Commission on International Religious Freedom, *Annual Report 2018*, "India," https://go.usa.gov/xUG4t).

[29] Ibid.

[30] See, for example, the February 9, 2017, remarks by the External Affairs Ministry spokesperson at http://www.mea.gov.in/media-briefings.htm?dtl/28058/transcript+of+weekly+media+briefing+by+official+spokesperson+february+9+2017.

[31] See Indian Ministry of Home Affairs annual reports at https://mha.gov.in/documents/annual-reports.

[32] See United States Commission on International Religious Freedom, *Annual Report 2018*, "India," https://go.usa.gov/xUG4t.

that Hindu traditions and institutions were suppressed during this period. As the Indian independence movement grew in the early 20th century, some were energized to "correct" this historic trend. Secularism became a more-or-less enshrined value for the independent Indian state, although its conception in both theory and practice varies widely.

Because Hinduism does not have a specific sacred text to which conformity can be demanded, "Hindu fundamentalist" is not an accurate term to describe a purveyor of "Hindutva" or "Hindu-ness."[33] Moreover, as conveyed by one scholar, "India's diversity along linguistic, regional, and caste line means defining a 'Hindu culture' is problematic."[34] For political parties such as the BJP and its antecedents, Hinduism as a concept is almost always concurrent with nationalism, the core belief being that India is an inherently Hindu nation, even if establishment of a strictly Hindu state is not a goal. In this regard, it is the proselytizing religions—Islam and Christianity, in particular—that can be characterized as representing a threat to the "Hindu nation."[35]

In simple terms, the key tenets of the Hindutva ideology are three: (1) Hindus are the rightful rulers of India, which is a Hindu nation; (2) the Christian and, especially, Muslim minorities are viewed with ambivalence because their religious allegiances are not indigenous to India (in a way that those of Sikhs, Buddhists, and Jains are); and (3) caste divisions undermine Hindu unity.

According to close observers, despite fronting an overtly Hindu nationalist party, Modi's 2014 national political campaign touched upon these Hindutva themes only minimally, and instead stressed development and good governance as its guiding lights.[36] Yet Modi himself repeatedly has emphasized his view that "Hinduism is a way of life and not a religion."[37] According to USCIRF, Hindutva "forms the basis of an exclusionary national narrative focused exclusively on the rights of Hindus."[38] In commenting on the role of nationalism in Indian politics, a group of Australian academics offers that, "The Hindu nationalists seek not so much to preserve existing social hierarchies in Hindu cultures as they do to rewrite social order fascistically to the benefit of Hindu populations."[39]

The Sangh Parivar, RSS, and BJP

The Sangh Parivar ("Family of Organizations") is an umbrella organization for Hindu nationalist groups. The BJP was born as the political wing of the Rashtriya Swayamsevak Sangh (RSS or "National Volunteer Organization"), a hardline Hindu nationalist and social service group, and

[33] The word "Hindutva" was coined in 1923 by pro-independence Indian politician V.D. Savarkar, who wanted a term that distinguished from "Hindu-ness": "Hindutva is not a word but a history. Not only the spiritual or religious history of our people as at times it is mistaken to be ... but a history in full. Hinduism is only a derivative, a fraction, a part of Hindutva.... Hindutva embraces all the departments of thought and activity of the whole Being of our Hindu race" (see V.D. Savarkar, *Essentials of Hindutva*, http://demo.bharatiweb.in/www.savarkar.org/content/pdfs/en/essentials_of_hindutva.v001.pdf).

[34] Arun Swamy, "Hindu Nationalism in India a Century in the Making," East Asia Forum, May 15, 2018.

[35] See Christophe Jaffrelot, *The Hindu Nationalist Movement in India*, Columbia University Press, 1996; Arun Swamy, "Hindu Nationalism—What's Religion Got to Do with It?," Asia-Pacific Center for Security Studies, March 2003.

[36] See, for example, Ashutosh Varshney, "Modi the Moderate" (op-ed), *Indian Express* (Mumbai), March 27, 2014. The BJP's 2014 Election Manifesto said, "It is unfortunate that even after several decades of independence, a large section of the minority, and especially Muslim community continues to be stymied in poverty" and "committed to ensure that all communities are equal partners in India's progress" (see http://www.bjp.org/manifesto2014).

[37] See, for example, the May 8, 2014, interview transcript at http://www.mid-day.com/articles/full-text-of-narendra-modis-interview-the-bjp-leader-opens-up/15282184.

[38] See the 2018 USCIRF annual report at https://go.usa.gov/xUG4t.

[39] Australian National University Press Editorial Board, "The Nationalist Undertow in India's Politics," July 30, 3018.

leading component of the "Sangh."[40] Prime Minister Modi is a lifelong RSS member, and his 2014 elevation to the head of India's government evoked widespread fears that a victorious BJP would pursue Hindu majoritarian policies. Many Sangh Parivar groups share a core motive to protect India's assumed Hindu identity from the perceived threats of Islam and Christianity, by some accounts through "purging" those religions from Indian society.

The RSS was established in 1925 in the central Indian city of Nagpur to unite Hindus and restore their national pride after centuries of Muslim invasions and foreign rule. This entailed resistance to both British colonialism and Muslim separatism in the region. It is a male-only group focused on daily regimens ("*shakhas*") of physical exercise, patriotic songs, and Hindu literature and prayer (there is a correlate organization for women).

The RSS today claims up to 5 million members (the actual number may be closer to 2 million) and 6,000 full-time workers ("*pracharaks*"), but membership is not formalized. Its stated goal is to "carry the nation to the pinnacle of glory through organizing the entire society and ensuring protection of Hindu Dharma."[41] Its labor wing, the Bharatiya Majdoor Sangh (Indian Workers' Union), is the country's largest trade union, claiming more than 8 million members.[42]

Narendra Modi began joining *shakhas* as an 8-year-old and became a *pracharak* at age 20. During his prime ministership, RSS participation appears to be seeing unprecedented growth: the number of *shakhas* held in 2016 was up nearly 11% over the previous year to about 57,000.[43] Scholars attribute the apparently growing appeal of the RSS in recent decades to India's rapid economic and social development, with urbanization and new communication technologies facilitating expansion beyond the "Hindi-speaking heartland" of north India.[44]

The RSS has had a controversial history in India, including connections to the 1948 assassination of Mohandas (Mahatma) Gandhi.[45] The organization has since been directly implicated in domestic terrorism. RSS members have been implicated in several incidents of "Saffron" (Hindu extremist) terrorism in India, including the 2007 Samjhauta Express bombings that killed 68 people on a train that runs between Delhi and Lahore, Pakistan. In 2011, former RSS activist Swami Aseemanand confessed to involvement in this and other attacks, contending that some high-level RSS leaders had prior knowledge and were complicit.[46] In 2016, Maharashtra's former

[40] "The Hindu Hardline RSS Who See Modi as Their Own," BBC News (online), October 22, 2014. A more detailed recent overview is Walter Andersen and Shridhar Damle, *The RSS: A View to the Inside*, Penguin (Haryana, 2018).

[41] See http://www.rss.org.

[42] See http://www.bms.org.in.

[43] "Highest Growth Ever: RSS Adds 5,000 New Shakhas in Last 12 Months," *Indian Express* (Mumbai), March 16, 2016.

[44] Walter Andersen and Shridhar Damle, *The RSS: A View to the Inside*, Penguin (Haryana, 2018).

[45] The group was banned for 17 months after a man affiliated with it assassinated Mohandas Gandhi in 1948, and also for two briefer periods in the 1970s and 1990s. Critics often describe it as a "paramilitary" group. According to one London-based scholar, the RSS is "a secretive, militaristic, masculine cult; a distinct Indian form of fascism that was directly inspired by the Italian Fascist youth movements." Many observers note that, during World War II, senior RSS leaders had direct links with and expressed admiration of both Benito Mussolini and Adolf Hitler, although they were also early supporters of the state of Israel (Palash Ghosh, "Hindu Nationalists' Historical Links to Nazism and Fascism," *International Business Times*, March 6, 2012).

[46] See the interview transcripts from New Delhi's *Caravan* magazine at http://www.caravanmagazine.in/reportage/swami-aseemanand-interviews; Christophe Jaffrelot and Malvika Mheshwari, "Paradigm Shifts by the RSS? Lessons from Aseemanand's Confession," *Economic and Political Weekly* (Mumbai), February 5, 2011.

senior-most police official reportedly called for banning the RSS as "the country's largest terror organization."[47]

The Sangh's foremost international entity is the Mumbai-based, service-oriented, Vishva Hindu Parishad (VHP or "World Hindu Council"), established in 1964 by a group of hardline RSS leaders (its American affiliate was founded 10 years later). It is the largest of some 40 Sangh-affiliated groups, claiming more than 7 million members worldwide.[48] A notable affiliate is the Bajrang Dal ("Army of Hanuman"), the VHP's militant youth wing created in Uttar Pradesh in 1984. The VHP is a leading organizer of "*ghar wapsi*" ("coming home") or "reconversion" ceremonies, which ostensibly allow Indian Muslims and Christians to return to their "original religion" (see section below). The VHP also is a leading force calling for a nationwide ban on religious conversions.[49]

According to the most recent USCIRF annual report, the RSS "and other Hindutva extremist groups" have expanded educational efforts that "teach their intolerant ideology" to nearly 4 million students.[50] In 2018, in its online listing of "political pressure groups and leaders," the U.S. Central Intelligence Agency for the first time publicly labeled the VHP and Bajrang Dal as "militant religious organizations" (it also the named the RSS as a "nationalist organization).[51] The designations, which carry no legal weight, angered some in India, with the VHP threatening to launch a "national agitation" in response. The VHP's India General-Secretary reportedly expressed disbelief that the CIA, "which created terrorists like Osama bin Laden," would disregard the VHP's administration of 60,000 schools in India and a claimed 1,000 other social development activities.[52]

As cited by Human Rights Watch in the 2002 report "'We Have No Orders to Save You': State Participation and Complicity in the Communal Violence in Gujarat," figures from the BJP, VHP, and Bajrang Dal all were implicated in leading organized attacks on Muslims in Ahmedabad and other Gujarati cities in 2002 (see **text box**, below).[53] More than 16 years after the Gujarat riots, international human rights groups continue to express concerns about obstacles faced by victims seeking justice, the continuing internal displacement of thousands of families who lack basic necessities, and large numbers of uninvestigated related criminal cases (despite the Indian Supreme Court's 2004 order to reopen nearly 1,600 such cases).[54] Narendra Modi's critics did not

[47] "Ban RSS, India's No 1 Terror Organization: Former Maharashtra Cop," *Hindustan Times* (Delhi), February 23, 2016.

[48] "Inside the New RSS," *India Today* (Delhi), May 5, 2014.

[49] "VHP Seeks Anti-Conversion Bill in Budget Session," *New Indian Express* (Delhi), February 1, 2015.

[50] United States Commission on International Religious Freedom, *Annual Report 2018*, "India," https://go.usa.gov/xUG4t.

[51] See the CIA "field listing" at https://go.usa.gov/xUGbX.

[52] "VHP, Bajrang Dal Protest Against CIA Labelling," *Times of India* (Delhi), June 16, 2018.

[53] See https://www.hrw.org/reports/2002/india/India0402-06.htm#P898_170936.

[54] New York-based Human Rights Watch is among those groups that have accused Gujarati state officials of "subverting justice, protecting perpetrators, and intimidating those promoting accountability." The group contends that the Modi government "failed to conduct serious investigations," and offers that "strong evidence links the Modi administration in Gujarat to carefully orchestrated anti-Muslim attacks." Indian observers complain that Gujarati police officers who seek to "tell the truth" about the complicity of politicians have been "ruthlessly targeted and sidelined" ("A Decade On, Gujarat Justice Incomplete," Human Rights Watch, February 24, 2012; "Standing Up to the State," *Frontline* (Chennai), March 9, 2012.

cease to accuse him of failing to provide public answers to numerous outstanding questions about his actions during the 2002 rioting.[55]

The 1992 Babri Mosque Demolition, Ayodhya, and the 2002 Gujarat Riots

In 1992, a huge mob of Hindu activists in the city of Ayodhya, Uttar Pradesh, demolished the 16th-century Babri mosque said to have been built at the birth site of the Hindu god Rama. Ensuing communal riots left many hundreds dead in cities across India. Mumbai was especially hard hit as the site of coordinated 1993 terrorist bombings believed to have been a retaliatory strike by Muslims. In 2002, another group of Hindu activists returning by train to the western state of Gujarat after visiting the Ayodhya site were attacked by a Muslim mob in the town of Godhra, Gujarat; 58 were killed in a fire. Up to 2,000 people died in the fearsome communal rioting that followed, most of them Muslims (the official death tally was 790 Muslims and 254 Hindus, with another 223 missing). Hundreds of mosques, madrassas, and Muslim cemeteries were destroyed. The BJP governments of then-Gujarat Chief Minister Modi and then-Prime Minister Atal Vajpayee came under fire for inaction; some observers even saw evidence of Gujarat government complicity in anti-Muslim attacks. In 2011, a court found 31 Muslims guilty of setting fire to the train in Godhra; another 63 people were acquitted. Of those convicted, 11 were sentenced to death and the remaining 20 to life imprisonment.

The U.S. State Department and human rights groups were critical of New Delhi's largely ineffectual efforts to bring those responsible for the post-Godhra rioting and murders to justice; the Indian Supreme Court expressed some of these criticisms in 2003. In 2005, the George W. Bush Administration made a controversial decision to deny a U.S. visa to Narendra Modi under a U.S. law barring entry for foreign government officials found to be complicit in severe violations of religious freedom. The decision was strongly criticized in India. In 2008, a Gujarat state government commission claimed to have found "absolutely no evidence" that Modi or his ministers had acted improperly. In 2012, a Special Investigation Team (SIT) appointed by the Supreme Court issued a report saying it had found no "prosecutable evidence" against Modi, including insufficient evidence to support a police officer's sworn testimony that Modi had ordered that rioters be "given a free hand." In 2014, India's Supreme Court refused a plea to reopen investigations and expressed satisfaction with the SIT's findings.

The BJP (along with its 1951-1977 antecedent, the Bharatiya Jana Sangh) has been a primary political purveyor of Hindutva in Indian society. Narendra Modi and current BJP President Amit Shah are credited with orchestrating the party's national surge after 2013.[56] Throughout the country's history, India's Muslims have consistently favored the Congress Party over the BJP. While at least one-third of Muslim votes nationwide were cast for the Congress in the 21st century, the BJP's share of the Muslim vote dropped from 7% in 2004 to 3% in the 2009 cycle. Some surveys suggest that Modi's party and its electoral allies received up to 8% of the Muslim vote in 2014, with the main opposition Congress Party and its allies garnering 38%.[57] Of 1,400 BJP members serving in various Indian state assemblies in 2017, 4 were Muslim. Muslims comprise about 19% of Uttar Pradesh's population, but 6% of its state assembly.[58] Muslim representation in the Lok Sabha peaked at 10% in 1980 and lingered at about 6% until dropping to 4% in 2014.[59] A 2016 assessment found that Muslims were vastly underrepresented in the

[55] A review of such questions is Sundeep Dougal, "Dear Marendra, Could You Please ...," *Outlook* (Delhi), March 5, 2012.

[56] Shah, a Gujarati politician and longtime RSS member with close ties to Modi, was elevated to party leadership in 2014 and was the main architect of its 2017 sweep in Uttar Pradesh. A controversial figure, Shah spent three months in prison in 2010 on charges of involvement in the murder and kidnaping a Muslim civilian in 2005, a case that remains unresolved (see Poornima Joshi, "The Organizer," *Caravan* (New Delhi), April 1, 2014, at http://www.caravanmagazine.in/reportage/organiser).

[57] "Angst and Aspiration," *India Today* (Delhi), March 17, 2014; "Who Did India's Muslims Vote for in General Election?," BBC News (online), May 30, 2014.

[58] United States Commission on International Religious Freedom, *Annual Report 2018*, "India," https://go.usa.gov/xUG4t.

[59] "Fact Sheet: Muslim Representation in Parliament," *India Today* (Delhi), March 10, 2014; "Muslim Representation on Decline," *Times of India* (Delhi), August 31, 2015.

legislative assemblies of BJP-controlled states, an imbalance only exacerbated by subsequent state-level wins for the party. The problem was starker when examining state ministers: at the time, only a single Muslim was among the 151 in BJP-controlled states.[60]

A study by India's daily *Hindustan Times* found that, although only a small proportion of the more than 50,000 national and state-level politicians assessed were facing criminal charges for inciting religious violence or hatred (less than one-half of one percent), the BJP had the highest proportion (1.3%) of any party, more than triple that of the Congress Party. Moreover, the politicians facing such charges—including such high-profile figures as a federal cabinet minister and Uttar Pradesh's chief minister—were nearly five times more likely to win their elections than those not facing them.[61]

Hindutva as Governance Policy

Hindu nationalists have a relatively short, but long-standing list of political goals. Many of these are found in the BJP's 2014 election manifesto.[62] RSS leaders were mostly disappointed by the BJP-led government that ruled India from 1999 to 2004, in large part because then-Prime Minister Vajpayee and his lieutenants were not seen to be taking up core RSS issues. While out of power in the latter half of the 2000s, the RSS and BJP suffered a degree of mutual alienation; at one point in 2010 the then-RSS chief suggested that the BJP be dissolved and replaced by a new party. Yet the organization's leaders appeared to view the BJP victory in 2014 as crucial to the very existence of the RSS. Its leaders thus threw the full weight of their organization behind Modi's campaign while enjoying a correlate spike in participation in 2014.[63] Leading Hindutva and widely-held RSS aspirations include

- scaling back laws and government programs designed to benefit the religious minorities, Muslims in particular;
- establishing a Uniform Civil Code (to replace current personal law based on religious customs and thus standardizing all national laws regarding such topics as marriage, divorce, and inheritance);
- repealing Article 370 of the Indian Constitution, which grants limited autonomy to the state of Jammu and Kashmir (a step that would, if implemented, allow citizens from other states to buy property in Jammu and Kashmir, see "The Kashmir Dispute," below);
- redrafting public school textbooks to remove what are alleged to be insults to Hindu gods and excessive praise of the subcontinent's past Muslim rulers;
- constructing a Ram temple on the Ayodhya site of the Babri Mosque that was razed in 1992; and
- preventing cow slaughter through legislation (cows are revered animals in Hinduism).[64]

[60] "Just One Muslim Among 151 Ministers in BJP-Ruled States," *Hindu* (Chennai), April 9, 2016.

[61] "Let's Talk About Hate: In Indian Politics, Candidates Who Stoke Communal Hatred Thrive," *Hindustan Times* (Delhi), July 27, 2017.

[62] See Bharatiya Janata Party, *Election Manifesto 2014*, http://www.bjp.org/manifesto2014.

[63] "RSS Steps in to Work For Modi's Victory and Its Own Survival," *Business Standard* (Mumbai), March 5, 2014; "Narendra Modi Effect: 2,000-Odd RSS Shakhas Spout in Three Months," *Economic Times* (Mumbai), April 13, 2014.

[64] For expanded discussion, see the case studies in Walter Andersen and Shridhar Damle, *The RSS: A View to the Inside*, Penguin (Haryana, 2018).

Anti-Conversion Laws and Forced Conversions

Of India's 29 states, 8 have legislation restricting religious conversions, with laws in force in 7 of those states. Arunachal Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Madhya Pradesh, Odisha, and Uttarakhand have so-called "Freedom of Religion Act(s)," commonly referred to as anti-conversion laws. Rajasthan state's parliament passed an anti-conversion bill, but it was never signed by the state's Chief Minister. Although such state-level legislation predates the rise of the BJP after 1980—and some Congress Party governments supported restrictions in the past—six of the seven states listed are run by BJP chief ministers.

In most cases, existing anti-conversion laws require government officials to perform a legal review of conversions, and they provide for fines and imprisonment for anyone who uses force, fraud, or "inducement" to convert another citizen.[65] Indian authorities explain these laws as protective measures meant to shield vulnerable individuals from being induced to change their faith. According to USCIRF, although these laws have resulted in few arrests and no convictions, they "have created a hostile atmosphere for religious minorities, particularly Christians," and "Christian communities have long reported harassment and violent attacks in the states that have adopted anti-conversion laws," largely as reaction to perceived proselytizing activities. Among the Commission's 10 key recommendations to the U.S. government is, "Advocate for the central Indian government to press states with anti-conversion and anti-cow slaughter laws to repeal or amend them to conform with international human rights standards."[66]

Proponents of "religious freedom laws" say, contrary to the characterizations of critics, the laws do not restrict a person's freedom to convert and are meant only to protect "vulnerable populations" from forced conversion.[67]

In 2017, the press began reporting more frequently on allegations of so-called "love jihad" campaigns by Muslim extremists purportedly coercing Hindu women to marry Muslim men and convert to Islam. Such reporting was blamed for inciting violent attacks on innocent Muslims.[68]

India's pending Citizenship (Amendment) Bill of 2016 would change the definition of "illegal migrants" and allow certain Hindu, Sikh, Buddhist, Jain, Parsi, and Christian migrants from Afghanistan, Bangladesh, and Pakistan to become citizens, but it excludes Muslims. If enacted, it thus could violate the Indian Constitution's equal protection provisions.[69] In 2018, the BJP-led

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[65] See Tariq Ahmad, "State Anti-Conversion Laws in India," Library of Congress, June 2017, at https://www.loc.gov/law/help/anti-conversion-laws/india.php.

[66] See United States Commission on International Religious Freedom, *Annual Report 2018*, "India," https://go.usa.gov/xUG4t. Some historians suggest that a central purpose of pre-independence anti-conversion laws was to protect Hindus against the "onslaught" of Christian missionary activities. Notably, pre-1947 princely states with Muslim rulers did not enact similar laws. At the same time, active Christian proselytization was an integral part of the colonial project in India, but it also served, according to some historians, to "liberate" many Indians, especially Dalits, the lowest-caste "untouchables," from their society's rigid caste system. It thus is notable that today most of the states with active anti-conversion laws have relatively large Dalit populations, that most of their laws require official permission for conversions, and that "reconversion" to Hinduism goes unaddressed by such legislation ("Constitutionality of Anti-Conversion Laws," *Statesman* (London), January 8, 2015; Saurav Datta, "India's Mass Conversion Problem" (op-ed), Al Jazeera (online), January 4, 2015; see also Christophe Jaffrelot, *Dr. Ambedkar and Untouchability: Fighting the Indian Caste System*, Columbia University Press, 2005).

[67] See, for example, the Hindu American Foundation's March 2011 rebuttal at https://www.hafsite.org/media/pr/uscirf-hearing-testimony.

[68] See Human Rights Watch, "India: Events of 2017," https://www.hrw.org/world-report/2018/country-chapters/india.

[69] See analysis by the New Delhi-based Parliamentary Research Service at http://www.prsindia.org/billtrack/the-citizenship-amendment-bill-2016-4348.

Assam government has faced a destabilizing debate between proponents of the bill, who say it will help to end the alienation of Bengali Hindus who came to Assam from Bangladesh (the former East Pakistan) after 1971, and opponents, who decry the bill as a blatant effort at religious discrimination. In July, the Assam government published a National Register of Citizens draft that elicited criticism for seeking to oust the (mostly Muslim) Bengali population from Assam.[70]

Cow Slaughter and Vigilantism

The Indian Constitution and 21 of India's 29 state governments significantly restrict or ban the killing of cows, which are considered sacred animals in the Hindu religion. Such restrictions—which can lead to prison sentences of 6 months to 14 years, if violated—were found constitutional by India's Supreme Court in 2005. According to the Indian Agriculture Ministry's 2002 National Commission on Cattle report, "the cow has always had a very special place in the social fabric of the country," and it suggests that cow protection laws are not incompatible with a secular society.[71] Cow protection through vigilante action largely is a new phenomenon in India.[72]

The RSS has called for a nationwide ban on cow slaughter. In May 2017, the federal government issued new rules banning sale of cows for slaughter, a decree taken by some observers as imposition of an indirect ban on beef. Several state governments expressed opposition; those in West Bengal and Kerala said they would not follow the "arbitrary" order, which subsequently was struck down by the Supreme Court in a ruling that emphasized the bans' potential to adversely impact the livelihoods of those (largely Muslims) engaged in the country's beef and leather industries.[73]

According to USCIRF, enforcement of such provisions economically marginalizes Muslims and Dalits, who adhere to various religious faiths, and even mere accusations of violations have led to violence.[74] According to Human Rights Watch, "Mob attacks by extremist Hindu groups affiliated with the ruling BJP against minority communities, especially Muslims," continued throughout 2017 and, "Instead of taking prompt legal action against the attackers, police frequently filed complaints against the victims under laws banning cow slaughter," suggesting official sympathy toward the attackers.[75]

The widely reported 2015 lynching of a Muslim man in Uttar Pradesh after (unfounded) rumors that his family had killed and eaten a cow during the Muslim Eid holiday was half-heartedly condemned by Prime Minister Modi, and after an eight-day delay. The incident sparked a

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[70] "Simply Put: Why Citizenship Bill Disturbs Assam," *Indian Express* (Mumbai), May 19, 2018; "Assam Citizenship May Spark a Fresh Govt-Opposition Face-Off," Live Mint (online, Delhi), July 30, 2918.

[71] See Government of India, Ministry of Agriculture and Farmers Welfare, Department of Animal Husbandry, Dairying, and Fisheries, *Report of the National Commission on Cattle*, Chapter 2, July 2002, http://dahd.nic.in/related-links/chapter-ii-exective-summery.

[72] See "'Cow Vigilantism' in India," *Economist*, February 15, 2018.

[73] "India States Oppose Cow Slaughter Ban," BBC News, May 30, 2017; "Is India's Ban on Cattle Slaughter 'Food Fascism'?", BBC News, June 2, 2018; "India's Supreme Court Suspends Ban on Sales of Cows for Slaughter," Reuters, July 11, 2017.

[74] See United States Commission on International Religious Freedom, *2016 Annual Report*, "India," April 2016, http://go.usa.gov/cSDgW.

[75] See https://www.hrw.org/world-report/2018/country-chapters/india. In the assessment of one Indian outlet based on Western media reports, from 2010 to 2017, the majority of victims of cow-related violence were Muslim, including 21 of the 25 killed in 60 such incidents. Notably, "As many of 97% of these attacks were reported after Prime Minister Narendra Modi's government came to power" ("84% Dead in Cow-Related Violence Since 2010 Are Muslim; 97% of Attacks Since 2014," *IndiaSpend* (online, Mumbai), June 28, 2017).

nationwide debate on religious intolerance and brought the Modi government under considerable criticism for its alleged inattention, with one commentator arguing that Modi cared "more about the killing of cows than he does about the killing of Muslims."[76] The 2017 seating of a hardline Hindu cleric as chief minister of India's largest state sparked a spate of "cow protection" vigilantism in Uttar Pradesh, and the shuttering of dozens of slaughterhouses and some 50,000 meat-selling shops, reportedly contributing to a 15% drop in India's multi-billion dollar beef export industry, among the world's largest.[77]

In mid-2017, even after Prime Minister Modi (finally) condemned such violence, the RSS announced plans to recruit 5,000 "religious soldiers" to "control cow smuggling and love jihad."[78] Under pressure again more recently, Modi reiterated words of condemnation in August 2018:

> I want to make it clear that mob lynching is a crime, no matter the motive. No person can, under any circumstances, take the law into his or her own hands and commit violence. State governments need to adopt effective measures to prevent mob violence and lynching, protect innocent citizens irrespective of caste, creed, place, time and religion, and take stringent action as per law against the perpetrators of such violence.

He went on to assert that a "high-level" government committee would soon provide recommendations for government action on the issue.[79]

By some accounts, Hindu nationalists seek to impose a vegetarian culture and deprive Muslims of access to meat, a staple of their diets, including through more outright bans. Hindu extremist leaders have called on Christians to be deported from India wholesale if they do not stop eating beef and pork.[80] Human Rights Watch and Amnesty International are among the groups that call on Indian authorities to end impunity for instigators of public lynchings and other hate crimes, "who seem to be operating in some cases with the tacit approval of state authorities."[81]

Constraints on Human Rights NGO Operations in India

Human rights watchdogs have found their activities constrained under the Modi government, and they express concerns about Modi's commitment to minority rights, his past willingness to tolerate suppression of free expression, and the vigor with which some of his supporters have quashed dissent.[82] According to reporting on a leaked 2014 internal Indian government intelligence document, the United States is the top source of foreign donations to Indian NGOs, providing more than three times as much as Britain, the next largest donor.[83]

India's 2010 Foreign (Contributions) Regulation Act regulates the use of money received from foreign individuals, associations, or companies that may fund activities "detrimental to the

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[76] Sadanand Dhume, "A Murder over Beef Exposes Indian Tensions" (op-ed), *Wall Street Journal*, October 8, 2015; Arif Rafiq, "Modi's Sacred Cows," *Foreign Policy* (online), October 9, 2015.

[77] "Cows Are Sacred to India's Hindu Majority," *Washington Post*, July 15, 2018.

[78] See Human Rights Watch, "India: Events of 2017," https://www.hrw.org/world-report/2018/country-chapters/india.

[79] "I Want to Make It Clear That Lynching Is a Crime No Matter the Motive: PM Modi" (interview), *Times of India* (Delhi), August 12, 2018.

[80] "MP BJP Leader Wants to Ban Meat in Hoshangabad," India.com (online), April 11, 2017; "Stop Eating Pork & Beef, Embrace Hindutva,or Else Leave India: Swami Maharaji to Christians," Indiascoops.com (online), May 31, 2018.

[81] "India: Hate Crimes Against Muslims and Rising Islomophobia Must Be Condemned," AI release, June 28, 2017. See also, "India" 'Cow Protection' Spurs Vigilante Violence," HRW release, April 27, 2017.

[82] See, for example, "Greenpeace India's Shutdown 'Temporarily Halted,'" BBC News, November 20, 2015.

[83] "Greenpeace and Other Advocates Fear Clampdown After Leaked Report," *New York Times*, June 12, 2014.

national interest." In 2015, India's Home Ministry revoked the licenses of nearly 9,000 charitable organizations operating in India, claiming the revocations were a result of noncompliance with the act's reporting requirements.[84] However, numerous affected religious and nonreligious NGOs contended that the action was taken in retaliation for highlighting of the government's allegedly poor human rights record.[85]

In 2015, two senior U.S. government officials—the State Department's newly-appointed Ambassador for monitoring and combatting human trafficking, and its special envoy for LGBT rights—met with difficulties in arranging visits to India; both officials worked on issues where the Washington and New Delhi governments have divergent policy perspectives. In 2016, researchers from the U.S. Commission on International Religious Freedom were denied visas for a long-planned visit to India, a development that left the U.S. government "disappointed."[86] In 2017, India's federal government blocked the Bill and Melinda Gates Foundation from accepting foreign donations, jeopardizing the operations of one of the country's largest nonprofit public health organization. At least 11,000 NGOs operating in India have been barred from accepting foreign donations since Modi took office.[87]

Some Hindutva extremists are concerned that India's nearly 200 million Dalits are vulnerable to conversion by Christian missionaries. Such concerns appear to have been behind the 2017 shutdown of India operations by the Colorado-based, Christian NGO Compassion International, which had been the largest religious-affiliated charity working in India, reportedly providing services to some 150,000 Indian children.[88] For most of 2016, senior U.S. government officials, including then-Secretary of State John Kerry, had engaged in a behind-the-scenes effort to dissuade the New Delhi government from taking such action. The House Foreign Affairs Committee held a December 2016 hearing entitled, "American Compassion in India: Government Obstacles." Witnesses decried New Delhi's crackdown on NGOs as representing thinly veiled religious discrimination.[89]

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[84] Greenpeace India has been among the most high-visibility victims of purported government repression. A leaked internal Indian government intelligence document reportedly called the group a threat to the country's national economic security through their advocacy of protests against certain coal and nuclear power projects. According to the report, the United States is the top source of foreign donations to Indian NGOs, providing more than three times as much as Britain, the next largest donor. Greenpeace India was among the many groups whose operations became legally constrained in 2015 and, in September of that year, the federal government revoked the group's license to raise money overseas, a move one Greenpeace official called "a desperate attempt to get us to cease our work." Soon after, the government cancelled the group's registration to operate in India, but an Indian court later issued a temporary stay on the order ("Greenpeace and Other Advocates Fear Clampdown After Leaked Report," *New York Times*, June 12, 2014; quote in "Greenpeace in India Barred From Receiving Foreign Funding," *Guardian* (London), September 4, 2015; "Greenpeace India's Shutdown 'Temporarily Halted,'" BBC News, November 20, 2015).

[85] See United States Commission on International Religious Freedom, *2016 Annual Report*, "India," April 2016, http://go.usa.gov/cSDgW.

[86] An Indian Embassy response stated that, "We do not see the locus standi of a foreign entity like USCIRF to pass its judgment and comment on the state of Indian citizens' constitutionally protected rights." The subsequent USCIRF annual report for 2016 concluded that religious freedom in India deteriorated in 2015 ("U.S. 'Disappointed' by India's Visa Refusal for Religious Rights Panel," Reuters, March 8, 2016; March 4, 2016, Indian Embassy release at https://www.indianembassy.org/archives_details.php?nid=2338).

[87] "India's Ban on Foreign Money for Health Group Hits Gates Foundation," *New York Times*, April 20, 2017.

[88] See United States Commission on International Religious Freedom, *Annual Report 2018*, "India," at https://go.usa.gov/xUG4t.

[89] See documents from the December 6, 2016, hearing at https://go.usa.gov/xUAb2.

Freedom of Expression and Social Media

The Indian Constitution provides for freedom of speech and expression, but does not explicitly mention freedom of the press. According to the State Department's annual *Country Reports on Human Rights*, in 2017, the New Delhi government "generally respected these rights, although there were instances in which the government allegedly pressured or harassed media outlets critical of the government." The report lists numerous incidents of abuse, and notes that, "Online and mobile harassment, particularly of female journalists, was prevalent."[90] The *2018 World Press Freedom Index,* issued by Paris-based Reporters Without Borders, ranked India 138th out of 180 countries in measures of press freedoms, identifying a "deadly threat" in Modi's brand of Hindu nationalism.[91]

Many independent analysts are more urgent in their warnings, with one scholar offering that, "The Modi era is witnessing concerted assaults on dissent not seen since the 1975-1977 Emergency" (when then-Prime Minister Indira Gandhi suspended the Constitution and ruled by decree).[92] According to one senior U.S.-based analyst, writing in 2015, the Modi government's "studied silence in the aftermath of other communal and religious violence ... suggests it may well be seeking to usher in a new social order—one that privileges India's dominant Hindu community over everyone else."[93] There are signs of growing disenchantment with the BJP among some of its own supporters, including public resignations, due to "the arrogance with which the BJP disregards genuine concerns, crushes dissent, and peddles propaganda."[94]

Studies by an Indian think tank have found that the incidence of "religio-cultural hate speech" on Indian social media is rising sharply, with most examples inciting violence against Indian Muslims. Topics eliciting hate speech include opposition to interfaith marriage between Hindus and Muslims, positions on universal human rights, and the issues of cow protection and beef consumption. An August 2018 report warned that India's social media platforms provide "both tacit and overt sanction for rising incidents of majoritarian violence."[95]

Hundreds of notable Indian figures from the fields of science, art, filmmaking, history, and elsewhere have publicized their alarm at what they see as efforts by the Modi government and its supporters to "rewrite history by distorting facts about a glorious Hindu past," and many have signed open letters calling on Modi to protect India's tradition of secularism and diversity.[96] In early 2018, it was revealed that in 2016 the BJP government, via its Minister of Culture, had appointed a commission of scholars to prove that modern Hindus descended from the region's original inhabitants. The search for a scientific basis for claims that India is an inherently Hindu nation suggests that the Hindutva project aims to fundamentally revise India's history, shifting

[90] See U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, *Country Reports on Human Rights Practices for 2017*, "India," https://go.usa.gov/xUGCn.

[91] See Reporters Without Borders, "India," https://rsf.org/en/india.

[92] Arun Swamy, "Hindu Nationalism in India a Century in the Making," East Asia Forum, May 15, 2018.

[93] Sumit Ganguly, "Modi's Silence on Hindu Violence Threatens India's Secular Tradition," *World Politics Review*, October 26, 2015.

[94] Shivam Shankar Singh, "Reactions to My Resignation from BJP Should Worry Modi More Than My Viral Post, *The Print* (online, Delhi), June 18, 2018.

[95] See Maya Mirchandani, "Digital Hatred, Real Violence: Majoritarian Radicalization and Social Media in India," Observer Research Foundation (New Delhi), August 29, 2018.

[96] See, for example, "Indian Intellectuals Alarmed by Rise in Attacks on 'Science and Reason,' and Modi's Silence," *US News & World Report*, October 31, 2015.

away from the more multicultural, migration-based conception of its roots that has held sway for at least two centuries.[97]

The Bajrang Dal and other youth wing groups are said to use intimidation and violence on college campuses "to silence secular or non-Hindu classmates and shut down events that challenge their viewpoints."[98] In 2014, a BJP official asserted that the party will seek to "showcase Indian social values through movies."[99] Three years later, Hindu extremist groups rioted and burned down cinemas in response to allegations that a Bollywood film had depicted a Hindu queen daydreaming romantically about a Muslim king.[100]

A major 2016 HRW report, "Stifling Dissent: The Criminalization of Peaceful Expression in India," contended that, "Indian authorities routinely use vaguely worded, overly broad laws"—a colonial-era sedition law perhaps the most abused among them—"as political tools to silence and harass critics." More recently, HRW warned that, "Journalists faced increasing pressure to self-censor due to threat of legal action, smear campaigns and threats on social media, and even threats of physical attacks."[101] In September 2017, unidentified gunmen shot dead publisher and editor Gauri Lankesh, a vocal critic of militant Hindu nationalism, outside her home in Bengaluru. Evidence suggests the existence of organized campaigns to silence critics of the Hindutva movement, sometimes called "rationalists" for their opposition to the insertion of religion into politics.[102] Indian journalists report coming under increasing pressure and bullying to remove stories critical of the Hindu nationalist government, and self-censorship by media organizations is seen to be a worsening problem by many.[103]

Even before Modi's national elevation, his supporters were known for bellicose social media activity; in 2012, one former senior Indian intelligence officer wrote, "The style of the online blitzkrieg adopted by [Modi's] die-hard followers in India and abroad are reminiscent of the methods of the Nazi stormtroopers."[104] The BJP has since been accused of cultivating "an army of cyber warriors to propagate its message of Hindu chauvinism and hyper-nationalism, and to launch vicious attacks on its opponents." "Modi's troll army" is, by some accounts, an orchestrated effort by the BJP to target critics on social media. Whether officially sanctioned or not, some of the most notable offenders—who openly celebrate the murder of critics for the mere act of exercising their right to free speech—are followed by Modi on Twitter.[105] One U.S.-based commentator opined that, earlier in his prime ministership, Modi could afford to associate himself with "foul-mouthed trolls on Twitter," but his 2017 choice to allow Yogi Adityanath as Uttar

[97] "By Rewriting History, Hindu Nationalists Aim to Assert Their Dominance over India," Reuters, March 6, 2018.

[98] United States Commission on International Religious Freedom, *Annual Report 2018*, "India," https://go.usa.gov/xUG4t.

[99] Quoted in "BJP to Promote Movies Rich in Indian Cultural Values," *Hindustan Times* (Delhi), May 16, 2014.

[100] "A Film Has Inflamed Indians, but Moviegoers Say Its Mostly Fine," *New York Times*, January 25, 2018.

[101] See https://www.hrw.org/report/2016/05/24/stifling-dissent/criminalization-peaceful-expression-india and https://www.hrw.org/world-report/2018/country-chapters/india.

[102] "Same Gun Was Used to Kill Two Critics of Hindu Nationalists in India," *New York Times*, June 8, 2018.

[103] "In Modi's India, Journalists Face Bullying, Criminal Cases and Worse," *Washington Post*, February 13, 2018; "Indian Journalists Say They Intimidated, Ostracized If They Criticize Modi and the BJP," Reuters, April 27, 2018.

[104] B. Ramen, "Mr Modi's Problem" (op-ed), *Outlook* (Delhi), September 3, 2012.

[105] Quote from Sashi Tharoor, "India's Social Media Lynch Mobs," Project Syndicate (online), July 11, 2018; Swati Chaturvedi, "General Narendra Modi and His Troll Army" (op-ed), *The Wire* (online, New Delhi), September 8, 2017.

Pradesh Chief Minister "makes it much harder to argue that power will moderate the [BJP's] more feral instincts."[106]

The Kashmir Dispute

Although India suffers from several militant regional separatist movements, the Kashmir issue has proven to be the most lethal and intractable. Armed conflict has plagued the region continuously since 1989. Both India and Pakistan formally claim the entire territory of the former princely state, with India controlling roughly two-thirds of that territory, including the fertile, Muslim-majority Valley region. Jammu and Kashmir is India's only state with a Muslim majority. Although conflict in the Kashmir Valley was more intense in the 1990s and 2000s, it continues to kill, maim, and disrupt daily life for citizens, and today "is probably driven less by geopolitics than by internal Indian politics, which have increasingly taken an anti-Muslim direction."[107] After 1989, as many as 250,000 Kashmiri Hindus, known as "Pandits," fled the Valley and have been unable to return. Most remain internally displaced inside their own country, with many living in camps in Jammu or around Delhi.

Article 370 of India's 1950 Constitution was crafted to provide extra governance space for Jammu and Kashmir's leaders, who were operating in special circumstances. The main purpose of the law—which appears in the document's "Temporary and Transitional Provisions" section—was to prevent the central government from imposing any new laws on Jammu and Kashmir without the concurrence of the state legislature. Vital exceptions were made for matters of defense and foreign affairs. However, the "autonomy" originally granted to the state has been significantly eroded by executive action over intervening years. Few substantive differences from other states remain; those that do mainly are laws for permanent residents and their rights, along with a ban on altering the state's borders without its legislature's approval.

BJP leaders, including Modi, typically contend that the Jammu and Kashmir's special status has only served to encourage (Muslim) Kashmiri separatist elements, and Hindu nationalists have long sought its removal from the Constitution.[108] The BJP's 2014 manifesto stated, "The return of Kashmiri Pandits to the land of their ancestors with full dignity, security, and assured livelihood will figure high on the BJP's agenda."[109] In office, the BJP has taken little substantive action on that agenda item, causing some among the Pandit community to accuse the party of making hollow claims. Still, the issue is another with the power to animate Hindu nationalists.[110]

[106] Sadanand Dhume, "Modi's Three Big Gambles" (op-ed), *Wall Street Journal*, June 2, 2018.

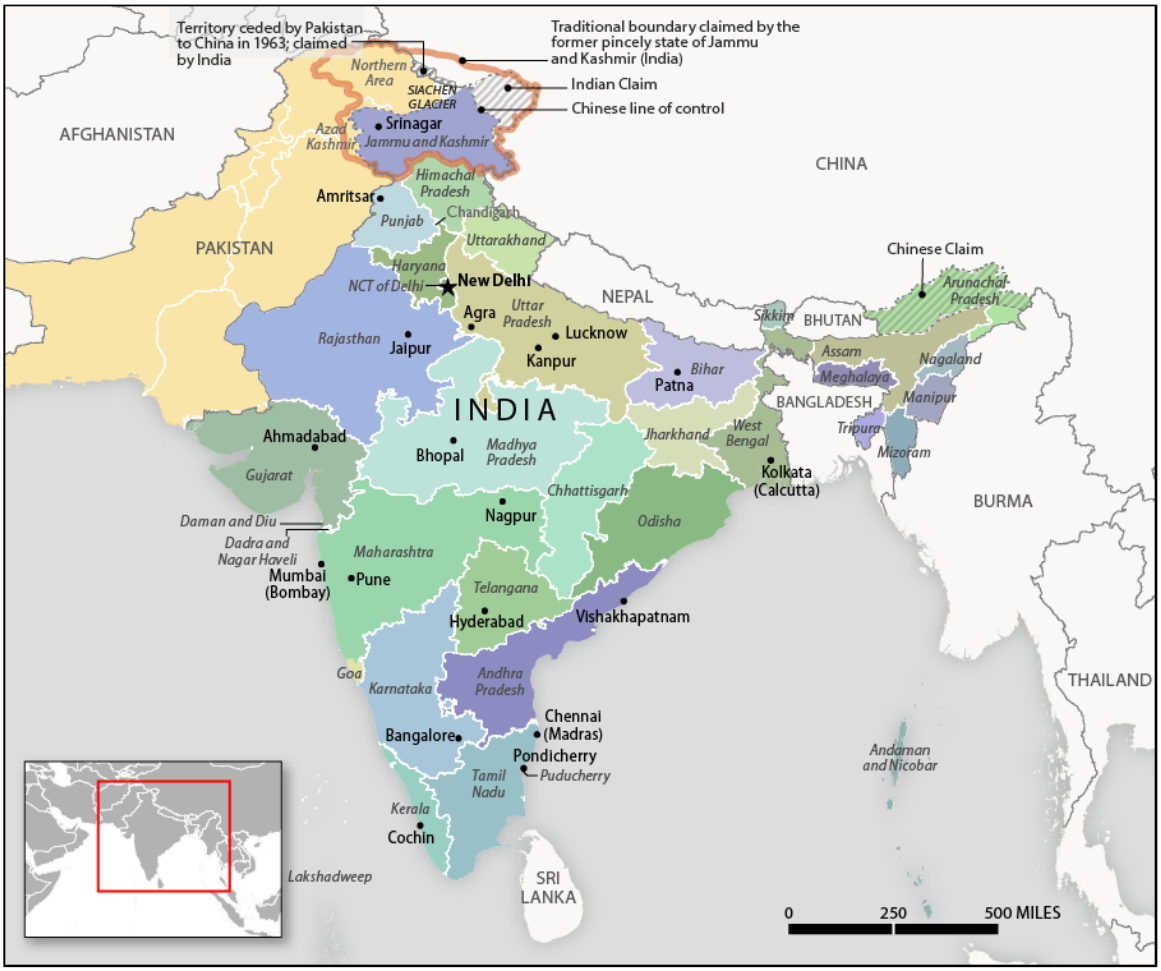
[107] "In Kashmir, Blood and Grief in an Intimate War," *New York Times*, August 1, 2018.

[108] Amitabh Mattoo, "Understanding Article 370" (op-ed), *Hindu* (Chennai), December 6, 2013; "Voters in City of Srinagar Heed Calls for Boycott," *New York Times*, April 30, 2014.

[109] See Bharatiya Janata Party, *Election Manifesto 2014*, http://www.bjp.org/manifesto2014.

[110] Varad Sharma, "Thanks for the Tokenism, BJP: We Kashmiri Pandits Appreciate Even That" (op-ed), *Daily O* (online, Noida), May 21, 2018; Nitasha Kaul, "Kashmiri Pandits Are a Pawn in the Game of Hindutva Forces" (op-ed), *The Wire* (online, New Delhi), January 7, 2016. See also "Kashmir: The Pandit Question" (interview), Al Jazeera (online, Doha), August 1, 2011.

Figure 4. Map of Indian States



Sources: CRS in consultation with the Department of State (2016); Department of State international boundary files (2015); Esri (2014); and DeLorme (2014).

Note: Limits shown do not reflect U.S. government policy on boundary representation or sovereignty.

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