

U.S. Department of State Annual Report on International Religious Freedom for 2004 – India - September 2004

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The Constitution provides for secular government and the protection of religious freedom, and the central Government generally respected these provisions in practice; however, it sometimes did not act effectively to counter societal attacks against religious minorities and attempts by state and local governments to limit religious freedom. This failure resulted in part from the legal constraints inherent in the country's federal structure, and in part from shortcomings in the law enforcement and justice systems. Ineffective investigation and prosecution of attacks on religious minorities were seen by some extremists as a signal that such violence may be committed with impunity.

The status of religious freedom improved in a number of ways during the period covered by this report yet problems remained in some areas. While the government took some steps to decrease attacks and bring about justice, attacks against minorities persisted. However, there were no new anti-conversion laws during the period covered by this report and Tamil Nadu announced its decision to repeal its anti-conversion law. During the period covered by this report, the Gujarat police conducted no illegal surveys of Christians and no tridents (trishuls) were distributed in any state. "Hindutva," the politicized inculcation of Hindu religious and cultural norms to the exclusion of other religious norms, influenced governmental policies and societal attitudes.

During most of the period covered by this report, the central Government was led by a coalition called the National Democratic Alliance (NDA). The leading party in the coalition was the Bharatiya Janata Party (BJP), a Hindu nationalist party with links to Hindu extremist groups that have been implicated in violent acts against Christians and Muslims. Human rights groups and others also suggested that the Government's inadequate response to acts of violence against religious minorities was due at least in part to links between extremist groups and the ruling Bharatiya Janata Party (BJP) during much of the period covered by this report. The BJP was also head of state governments in Goa, Gujarat, Madhya Pradesh, Rajasthan, and Chhattisgarh. The BJP-led government, which previously campaigned on a Hindutva platform, adopted more inclusive rhetoric regarding minorities and took some steps to decrease violence.

In late May, a new coalition, the United Progressive Alliance (UPA), came to power and pledged to "take immediate steps to reverse the trend of communalization of education," which it said had occurred when the National Democratic Alliance (NDA) governed India. Although the new UPA government retained the new NCERT books introduced by the NDA government for this academic year, they are currently being revised and new texts, with corrected information, will be introduced in the next academic year.

In May President APJ Abdul Kalam invited Dr. Manmohan Singh, a member of Congress Party, to form a coalition government led by the UPA to replace the NDA, which had been in power since 1998. The UPA pledged to respect the country's traditions of secular government and religious tolerance, and to pay particular attention to the rights of religious minorities.

Dr. Singh, a Sikh, became the first member of a religious minority to be prime minister. As President Kalam is a Muslim and the President of the governing Congress party (Sonia Gandhi) is a Christian, three of the most important politicians in India are members of religious minority communities.

Tensions between Muslims and Hindus, and to a continued extent between Christians and Hindus, were a problem. Attacks on religious minorities occurred in several states, which brought into question the Government's ability to prevent sectarian and religious violence. However, some improvements were observed during the period covered by this report. In April the Supreme Court handed down a major decision ordering a retrial of the Best Bakery Case, in which Hindu extremists killed 14 Muslims when the Best Bakery, in the Hanuman Tekri area of Vadodara, was attacked by a large mob. There have been allegations that police failed to take adequate action to save the victims during the attack. The Supreme Court also stated that the guilty were likely to escape prosecution as long as the case was tried in the state of Gujarat, and, therefore, ordered that the trials be moved to the jurisdiction of the Bombay (Mumbai) High Court. In November 2003, the Kheda District Sessions Court in Gujarat sentenced 12 persons to life imprisonment for the murder of 14 Muslims in Ghodasar village. Three persons were sentenced to 2 years rigorous imprisonment for unlawful assembly in the same case. This case was the first conviction in conjunction with the violence directed against Muslims by Hindus that took place in Gujarat in February and March 2002 and which left an estimated 2,000 dead and 100,000 displaced into refugee camps. At the end of the period covered by this report, only 3 other cases related to the Gujarat rioting completed trial in the lower level courts. Two cases resulted in acquittals and two in convictions. In the two acquittals (Best Bakery and Mod) the Hindu offenders were exonerated in June and July 2003; while in two other cases, lower courts ruled in November 2003 and January to convict and sentence 13 Hindu offenders (after the Supreme Court heard the Best Bakery case). It was alleged widely that the police and state government did little to stop the violence promptly, and at times encouraged or assisted Hindus involved in the riots. Despite substantial evidentiary material, the judicial commission responsible for investigating the riots reported inconclusive findings. There were reports of intimidation and harassment of witnesses; however, the NHRC and Supreme Court continued to press investigation of the Best Bakery case and the NHRC pressed for a retrial. While progress in the Gujarat justice process took place under the BJP-led government, the election of the UPA government encouraged human rights groups to demand further prosecution of the remaining perpetrators of the Gujarat riots. Violence and discrimination against

Muslims and Christians continued in other parts of the country. To date there have been no prosecutions of any of those responsible for religiously motivated killing and destruction in other parts of the country.

The U.S. Government discusses religious freedom issues with the Government in the context of its overall policy to promote human rights. The U.S. Embassy and its consulates continued to promote religious freedom through contact with the country's senior leadership, as well as with state and local officials. During meetings with important leaders of all of the significant minority communities, U.S. officials discussed reports of ongoing harassment of minority groups, converts, and missionaries. U.S. agencies provided funding for an NGO program designed to assist internally displaced persons in Gujarat following communal violence in the area in 2002; and U.S. officials continued to meet with officials and private citizens concerning the violence. U.S. officials also have continued to engage state officials on the implementation and reversal of anti-conversion laws.

Section I. Religious Demography

The country has a total area of approximately 1.3 million square miles and a population of slightly more than 1 billion. According to the latest government estimates, Hindus constitute 82 percent of the population, Muslims 12 percent, Christians 2.3 percent, Sikhs 2.0 percent, and others, including Buddhists, Jains, Parsis (Zoroastrians), Jews, and Baha'is, less than 2 percent. Hinduism has a large number of branches. Slightly more than 90 percent of Muslims are Sunni; the rest are Shi'a. Buddhists include followers of the Mahayana and Hinayana schools, and there are both Catholic and Protestant Christians. Tribal groups (members of indigenous groups historically outside the caste system), which in government statistics generally are included among Hindus, often practice traditional indigenous religions. Hindus and Muslims are spread throughout the country, although large Muslim populations are found in the states of Uttar Pradesh, Bihar, Maharashtra, West Bengal, Andhra Pradesh, and Kerala, and Muslims are a majority in Jammu and Kashmir. Christian concentrations are found in the northeastern states, as well as in the southern states of Kerala, Tamil Nadu, and Goa. Three small northeastern states (Nagaland, Mizoram, and Meghalaya) have large Christian majorities. Sikhs are a majority in the state of Punjab.

Over the years, many lower caste Hindus, Dalits (formerly called "untouchables" see Section II), and other non-Hindu tribal groups have converted to other faiths to escape widespread discrimination and achieve higher social status. However, lower caste and Dalit converts continue to be viewed by both their coreligionists and by Hindus through the prism of caste. Converts are regarded widely as belonging to the caste of their ancestors, and caste identity, whether or not acknowledged by a person's own religion, has an effect on marriage prospects, social status, and economic opportunity. However, such converts often lose benefits conferred by the Government's affirmative action programs because these, according to the Constitution, are reserved only for those having scheduled caste status. There are anti-conversion laws for Dalits in the states of Tamil Nadu, Orissa, Andhra Pradesh, Chattisgarh, Madhya Pradesh, Gujarat, and Arunachal Pradesh.

There are a number of immigrants, primarily from Bangladesh, Sri Lanka, and Nepal, who practice various religions. Immigrants from Bangladesh usually reside near the border.

According to the Catholic Bishop's Conference of India, there are approximately 1,100 registered foreign missionaries in the country representing a variety of Christian denominations (see Section II).