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## India

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### **July-December, 2010 International Religious Freedom Report**

Report

**September 13, 2011**

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The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom; however, some state-level laws and policies restricted this freedom. India is a secular republic, with all religions offered equality under the law.

There was no change in the status of respect for religious freedom by the government during the reporting period. Some state governments enforced existing "anticonversion" laws, and some local police and enforcement agencies in certain instances were not swift to counter communal attacks, including attacks against religious minorities.

The country is the birthplace of several religions, Hinduism, Buddhism, Jainism, and Sikhism, and home for thousands of years to Jewish, Zoroastrian, Muslim, and Christian communities. The vast majority of citizens of all religious groups lived in peaceful coexistence and were conscious of religious freedom and minority rights; however, at times, violence between religious groups and organized communal attacks against religious minorities occurred during the reporting period. The Ministry of Home Affairs published in its Annual Report 2009-10 that 826 communal incidents occurred in 2009, in which 125 persons died, compared to 943 incidents in 2008 in which 167 persons died. State governments also reported communal incidents. The country's democratic system, open society, independent legal institutions, vibrant civil society, and free press actively provided mechanisms to address violations of religious freedom when they occurred.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. During meetings with senior government officials, as well as state and local officials, and religious community leaders, senior U.S. officials discussed religious freedom issues including reports of harassment of minority groups and missionaries, the 2002 communal riots in Gujarat, and the 2008 violence against Christians in Orissa and Karnataka.

Section I. Religious Demography

According to the 2001 census, the country has an area of 1.3 million square miles and a population of 1.15 billion. Hindus constitute 80.5 percent of the population, Muslims 13.4 percent, Christians 2.3 percent, and Sikhs 1.9 percent. Groups that constitute less than 1.1 percent of the population include Buddhists, Jains, Parsis (Zoroastrians), Jews, and Bahais. Slightly more than 85 percent of Muslims are Sunni; the rest are Shia. Tribal groups (indigenous groups historically outside the caste system), generally included among Hindus in government statistics, often practice traditional indigenous religious beliefs (animism).

There are large Muslim populations in the states of Uttar Pradesh (UP), Bihar, Maharashtra, West Bengal, Andhra Pradesh, Karnataka, and Kerala; Muslims are the majority in Jammu and Kashmir. Although Muslims are a minority, the country has the world's second-largest Muslim population. Christian populations are found across the country but in greater concentrations in the northeast, 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.

Two hundred and fifty million persons, or 24 percent of the population, belong to the Scheduled Castes (SC), also known as Dalits and Scheduled Tribes (ST). Some converted from Hinduism to other religions, ostensibly to escape discrimination since many SC and ST members continued to face impediments to social advancement. Discrimination based on caste was officially illegal but incidents of discrimination occurred, especially in rural areas. Some who converted from a desire to escape discrimination and violence encountered hostility and backlash from conservative sections of Hindu society.

Under the 1992 National Commission for Minorities Act, five religious communities – Muslims, Sikhs, Christians, Parsis, and Buddhists – were considered minority communities.

## Section II. Status of Government Respect for Religious Freedom

### Legal/Policy Framework

Please refer to Appendix C in the Country Reports on Human Rights Practices for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom and, in practice, the national government generally enforced these protections. Some state and local governments, which hold responsibility under the constitution for law and order, limited this freedom by maintaining or enforcing existing "anticonversion" legislation and by not efficiently or effectively prosecuting those who attacked religious minorities. The government provides minorities strong official legal protection, although at times its weak law enforcement, lack of trained police, and overburdened court system played a role in not addressing communal tensions as swiftly as possible.

The national government, led by the United Progressive Alliance (UPA), continued to implement an inclusive and secular platform that included respect for the right to religious freedom. Despite the national government's rejection of Hindutva (Hindu nationalism), a few state and local governments continued to be influenced by Hindutva.

The law generally provided remedies for violations of religious freedom; however, due to a lack of sufficiently trained police and elements of corruption, the law was not always enforced rigorously or effectively in some cases pertaining to religiously oriented violence. Legal protections existed to cover discrimination or persecution by private actors.

The country's political system is federal and gives state governments primary jurisdiction over law enforcement and the maintenance of order, which limited the national government's capacity to deal directly with state-level issues, including abuses of religious freedom. The national law enforcement agency, the Central Bureau of Investigation (CBI), cannot

investigate a crime committed in a state without the state government's permission; however, in some instances, the national government's law enforcement authorities have intervened to maintain order when state governments were reluctant or unwilling to do so.

The Ministry for Minority Affairs, the National Human Rights Commission (NHRC), and the National Commission for Minorities (NCM) are governmental bodies created to investigate allegations of religious and other forms of discrimination and make recommendations for redress to the relevant local or national government authorities. Although NHRC recommendations do not have the force of law, central and local authorities generally followed them. The NCM and NHRC intervened in several instances of communal tension, the enactment of "anticonversion" legislation in several states, and incidents of harassment and violence against minorities. Such intervention included high profile cases, such as the 2002 anti-Muslim violence in Gujarat and the 2008 attacks against Christians in Orissa. The national government earmarked approximately 26 billion rupees (\$552 million) for 2010-11 – an increase of 50 percent from the prior year – for the Ministry of Minority Affairs.

On March 17, the Ministry of Minority Affairs informed parliament that the NCM had received 2,268 complaints in 2008-2009, compared to 1,508 complaints received in 2007-2008. The Muslim community submitted the most complaints.

Despite government efforts to foster communal harmony, some extremists continued to view ineffective investigation and prosecution of attacks on religious minorities as a signal that they could commit such violence with impunity, although numerous cases were in the courts at the end of the reporting period.

The government introduced the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill in the Rajya Sabha, the upper house of parliament, in 2005. A parliamentary standing committee rejected the bill and called for a new law that provided for speedy prosecution; strict punishment for perpetrators of sectarian violence; and quick justice, relief, rehabilitation, and compensation for victims and survivors.

The country established a National Commission for Minority Education Institutions that was empowered to resolve disputes and investigate complaints regarding violations of minority rights, including the right to establish and administer educational institutions.

Federal and state laws related to religion included the Foreign Contribution Regulation Act, 2006 (FCRA), several state level "anticonversion" laws, the Andhra Pradesh antipropagation law, the 1967 Unlawful Activities Prevention Act, the 1988 Religious Institutions (Prevention of Misuse) Act, the 1946 Foreigners Act, and the 1869 Indian Divorce Act.

The FCRA regulates foreign contributions to nongovernmental organizations (NGOs), including faith-based NGOs. Some organizations complained that the FCRA prevented them from properly financing humanitarian and educational activities. The FCRA is in the process of being amended by the government. The new law was notified in the Gazette of India on September 27 after being signed by the president, but at the end of the reporting period, the regulations for its implementation were not in place.

There are active "anticonversion" laws in five of the 28 states: Gujarat, Orissa, Chhattisgarh, Madhya Pradesh, and Himachal Pradesh. Although Arunachal Pradesh enacted its law in 1978, the government has yet to frame the rules needed for enforcement. Gujarat has a Freedom of Religion Act (2003) and Rules (2008) that proscribed religious conversions by means of allurement, force, or fraud. At the end of the reporting period, no court date had been set for the challenge by civic groups of the constitutional validity of the Gujarat legislation. There were reports of arrests but no convictions under these laws during the reporting period.

Local authorities on occasion relied upon certain sections of the 150-year-old Indian Penal Code (IPC), which in general emphasize preserving social harmony rather than individual freedoms, to arrest persons engaged in religious activities.

For example, IPC section 153A prohibits "promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, and doing acts prejudicial to maintenance of harmony." IPC section 295A prohibits "deliberate and malicious acts, intended to outrage religious feelings or any class by insulting its religion or religious beliefs."

Himachal Pradesh's state assembly passed the Freedom of Religion Act in 2006, and the governor signed it into law in 2007. The law states, "No person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by the use of force or by inducement or by any other fraudulent means nor shall any person abet any such conversion." There were no reports of prosecutions under this law during the reporting period. The law stipulated punishment of up to two years' imprisonment and/or a fine of 25,000 rupees (\$625) and increased penalties if SC/ST members or minors are involved. The law also requires a Notice of Intention to be filed 30 days' before any act of conversion, except for acts of reconversion.

The states of Chhattisgarh and Madhya Pradesh have similar legal prohibitions against conversion by force or allurement. Since 2007, state governments have proposed changes to the law that would require notification prior to any act of conversion. The national government had not approved the amendments at the end of the reporting period.

The 1967 Orissa Freedom of Religion Act also prohibits religious conversion "by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion." Penalties for breaking the law included imprisonment, a fine, or both, and are harsher if the offense involved minors, women, or an SC/ST member. The law also required that district magistrates maintain a list of religious organizations and individuals propagating religious beliefs, that individuals provide notification prior to conversion, and that clergy declare the intent to officiate in a conversion ceremony. There were no reports of district magistrates denying permission for religious conversions or of convictions under the act during the reporting period.

The 1967 Unlawful Activities Prevention Act empowered the government to ban religious organizations that provoked intercommunity friction, have been involved in terrorism or sedition, or violated the 2006 FCRA.

There were no requirements for religious groups to be licensed; however, the government prohibited foreign missionaries of any religious group from entering the country without prior clearance and usually expelled those who performed missionary work without the correct visa. There was no national law barring a citizen or foreigner from professing or propagating religious beliefs.

The country's law has several sections which prohibited hate speech and provided penalties for illustrations, speech, or writings that insult the religion or religious beliefs of any regional group, caste, or community.

In 2007 Andhra Pradesh enacted the Propagation of Other Religions in the Places of Worship or Prayer (Prohibition) Law. Thus far the state has identified only Hindu religious sites for this protection. Punishment for violations of the act can include imprisonment up to three years and fines up to 5,312 rupees (\$125). To date there have been no prosecutions under the act. A fact finding team from the NCM found that the prohibition was not in line with the constitution's protections of freedom of religion, adding that the IPC had provisions sufficient to deal with offenses committed in places of worship.

The states of Madhya Pradesh, Rajasthan, Uttar Pradesh, and West Bengal have laws regulating the construction of public religious buildings and the use of public places for religious purposes.

The 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act listed offenses, including those pertaining to religious duties and practices, against disadvantaged persons and provided for steep penalties for offenders.

Article 17 of the constitution outlawed untouchability; however, many members of lower castes remained in a disadvantageous position, particularly in rural areas. The government continued to implement an elaborate affirmative

action system that reserved government jobs and places in higher education institutions for SC/ST members belonging to the Hindu, Sikh, and Buddhist religious groups, but not for Christians or Muslims.

There were no updates on a court case filed by Christian groups demanding that SC converts to Christianity and Islam enjoy the same access to reservations as other SCs. The case was appealed to the Supreme Court, which had not ruled by the end of the reporting period.

Under article 25 of the constitution Sikhism, Jainism, and Buddhism are considered sects of Hinduism; however, these groups viewed themselves as unique and sought to introduce their own separate personal laws. Sikhs sought a separately codified body of law that recognizes their uniqueness and precludes ambiguity. The 1992 National Commission for Minorities Act identified Buddhism as a separate religion. The Supreme Court rejected the inclusion of Jainism under the act, stating that the practice of adding new religious groups as minorities should be discouraged. In June 2008, the Delhi government decided to accord minority status to the Jain community. Jains have also been accorded this status in the states of Maharashtra, Karnataka, Madhya Pradesh, Uttaranchal, Rajasthan, Jharkhand, Chhattisgarh, Uttar Pradesh, and West Bengal. According to press reports, state governments have the power to grant minority status to religious groups designated as minorities under the 1992 act, but not all states have officially done so. The states of Andhra Pradesh and Karnataka recognized Sikhs as minorities.

There were different personal laws for the various religious communities in matters of marriage, divorce, adoption, and inheritance. The government granted a significant amount of autonomy to personal status law boards in crafting these laws. There was Hindu law, Christian law, Parsi law, and Islamic law; all were legally recognized and judicially enforceable. None were exempt from national and state level legislative powers or social reform obligations as laid down in the constitution.

In 2007, under the 2006 Juvenile Justice (Care and Protection of Children) Amendment Act, the government provided clearance for members of all religious groups to legally adopt children.

The government permitted private religious schools, but did not permit religious instruction in government schools. The government may prescribe merit-based admission for religious colleges that receive public funding. Other religious schools may use their own criteria, including religious affiliation.

There were no updates on the September 2009 petition against compulsory recitation under a Madhya Pradesh state law of Hindu religious prayers before serving government-funded mid-day meals in schools. A group of religious organizations in Madhya Pradesh had filed the petition because they believed the practice infringed upon the religious freedom of minorities in the state. The case is still pending before the High Court.

There were approximately 30,000 madrassahs (Islamic schools) providing full or part-time education. Most did not accept government aid, alleging that it would subject them to government influence. Educational institutions given "minority status" by the government were not eligible for government aid. The National Sample Survey Organization report released on May 19 concluded the proportion of Muslims enrolled in the formal education system was the lowest of all communities, including the STs.

On July 1, Bihar Chief Minister Nitish Kumar announced financial support for 2,700 Islamic madrassahs in the state. The madrassahs are affiliated to the Bihar State Madrasa Education Board but had not received any financial aid from the government. Bihar has over 4,000 madrassahs, of which 1,127 are state run, with staff paid by the government and free books and mid-day meals for students. The Chief Minister has won wide popularity among Bihar's Muslim community through his work for the community, which includes assistance to madrassas, improvements in education, and compensation for victims of communal riots.

The government observes numerous religious holidays as national holidays, including: Good Friday and Christmas (Christian); the two Eids (Islamic); Lord Buddha's Birthday (Buddhist); Guru Nanak's Birthday (Sikh); Dussehra, Diwali, and Holi (Hindu); and the Birthday of Lord Mahavir (Jain).

#### Restrictions on Religious Freedom

The national government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

The government maintained a list of banned books that may not be imported or sold in the country because they contained material that government censors deemed inflammatory and apt to provoke communal or religious tensions. Most bans imposed during previous reporting periods remained in effect during this period. On July 9, the Maharashtra Supreme Court upheld a lower court decision to lift the state government's four-year old ban on the publication and circulation of "Shivaji- The Hindu King in Muslim India."

The Bharatiya Janata Party (BJP), the Rashtriya Swayamsevak Sangh (RSS), and other affiliated organizations (collectively known as the Sangh Parivar) publicly claimed to respect and tolerate other religious groups; however, the RSS opposed coerced conversions from Hinduism and expressed the view that all citizens, regardless of their religious affiliation, should adhere to Hindu cultural values, which they claimed were the country's values. During the reporting period, the BJP did not actively push for the enactment of anticonversion laws in all states or the enactment of a uniform civil code, and called for reconciliation through dialogue after the September verdict on a disputed religious site in Ayodhya.

In July the BJP-led state government in Karnataka passed a controversial religiously motivated bill that would prohibit the killing of cows and buffalos. The state governor asked the country's president to review the bill, and it has not yet become law.

#### Abuses of Religious Freedom

There were reports of abuses of religious freedom; while there were no reports accusing the national government of committing abuses of religious freedom, human rights activists criticized it for alleged inaction regarding abuses committed by state and local authorities and private citizens.

Law enforcement and prosecution continued to be weak. This shortcoming was exacerbated by a low police to population ratio, corruption, and an overburdened, antiquated court system.

There were cases of communal attacks on religious minorities and their property, and allegations of police brutality. In several instances those attacked were reportedly arrested.

According to the Global Council of Indian Christians, the Tamil Nadu police in Theni detained eight Christians, including evangelist V.K. Williams, after several Hindu activists disrupted their religious meeting. The Hindu activists filed a complaint against the Christians of "forceful conversion" and pressured police to arrest them. Officers took the Christians to the police station for questioning and subsequently released them.

Jehovah's Witnesses reported that in March three female Witnesses were accused by four men of converting Hindus in Karwar by offering them money. The men called the police and the media and soon a mob of approximately 80 persons gathered. The police confiscated their publications and took the women to the police station, while the mob continued to abuse them verbally. The women were charged with maliciously insulting the religion or religious beliefs of any class and with house trespass; the police refused to file a counter complaint from the Witnesses.

In March authorities in Kerala arrested six persons, including two pastors, Pathanamthitta district on charges of publishing and distributing a book that promoted enmity between religions. The book, Chinwathu Palam (Bridge to Heaven), allegedly contained sacrilegious comments about the Prophet Mohammad. Among the arrested were the deceased author's son, the author's three brothers, the local pastor, and a pastor who also worked as a publisher. Five of the accused were released on bail by order of the magistrate. After prominent Muslim groups objected and called for a general strike, the court revoked bail and they were rearrested. The accused contended they had nothing to do with the book's publication, that all arrangements had been made by the deceased author, and that the authorities were trying to appease a section of voters before the next election. Subsequently, those arrested were released. The case was pending at the end of the reporting period.

In March according to a press report, extremists from the Vishwa Hindu Parishad, (World Hindu Council) attacked the Christian Personality Development Center for Youth in Durg, Chhattisgarh. Extremists carrying the national flag entered the center, attacked the students and teachers, and burned Bibles and Gospel literature. Police later briefly detained three Christians at the center after Hindu extremists accused them of "insulting the national flag" before releasing them on bail. No reported action was taken against the vandals.

In January according to Jehovah's Witnesses in Nanganallur, Chennai, Witnesses inadvertently parked their bicycles in front of a BJP leader's home. When the BJP leader arrived, he verbally abused two female Witnesses, who immediately left the area. When the male Witnesses returned to retrieve their bicycles, the BJP leader and another man assaulted one Witness and verbally abused him. The Witness required medical attention as a result of the beating. At the end of the reporting period, the Chennai Police had not taken any follow up action on the First Information Reports (FIR) filed.

In January six Muslim women from Godhra, Gujarat, wrote to the chief justice of the Gujarat High Court requesting him to take up the case of alleged physical and sexual assault by the Godhra police in December 2009, during a police operation in the Muslim sections of the city in the wake of rioting and a stone-throwing incident. The Godhra superintendent of police said the allegations were fabricated to prevent the police from entering the area, "which is a known hub of illegal animal slaughter." The magistrate in Godhra initiated a query based on the complaint filed by the women. A three-person team from the National Commission of Women visited the city to investigate the allegations and found that some compensation had been provided, but their findings have not been publicized.

There were no updates available about the 2008 clash between Hindus and Muslims in Digras and Pusad in eastern Maharashtra where two persons died from police fire.

During the reporting period, there were reports from some faith-based media of approximately 16 arrests under state level "anticonversion" laws and other restrictive laws in Chhattisgarh and Madhya Pradesh. In the same period, Christian Solidarity Worldwide reported over 50 incidents in which Christians were falsely accused of forcible conversions, beatings, and arrests by police.

On December 30, Pastor Devanand Dantale was assaulted by four Hindu extremists in Jabalpur, Madhya Pradesh, while Dantale was distributing copies of religious literature. The assailants accused Dantale of forcible conversion. When the pastor attempted to file a complaint, the police refused and instead warned Dantale against forcible conversion. Dantale and church members later approached a senior police official who filed a complaint against the assailants. At the end of the reporting period, no arrests had been made.

On November 6 in Raipur, Chhattisgarh, Hindu extremists disrupted a Christian youth meeting and accused the organizers, Vision India, of forcible conversion. The police asked the organizers to submit a list of participants and the meeting took place under heavy police surveillance.

On September 26, Karnataka police arrested Pastor Shivanda Siddi under Section 295 of the Indian Penal Code and charged him with conducting "false religious conversions." According to the Global Council of Indian Christians, Hindu extremists attacked Siddi during a religious service and pressured police to arrest him. On September 29, Siddi was released on bail.

On September 12, in Satna, Madhya Pradesh, Hindu extremists accused Pastor V A Anthony of forcible conversion and of holding the funeral of an alleged non-Christian in a local Christian cemetery. The Inspector General of Police summoned the pastor and booked him under the state's anti-conversion law. Anthony was released the next day, and the police ordered an investigation into the incident, which revealed the deceased was the son of a local church member and the pastor had buried him in the Christian cemetery according to the wishes of his parents.

On July 5, police in Jabalpur, Madhya Pradesh arrested Pastors Vishal Lal and Shraavan Kumar from the Apostolic Church after Hindu extremists accused them of forceful conversion. The pastors were released on bail the next day.

In March the Golagam village president, Ramu Naidu, assaulted Pastor Nireekshana Rao and his wife Mani for their conversion activities in Visakhapatnam, Andhra Pradesh. The police did not file a case against the attacker, but a compromise was reached with the village head agreeing to provide a suitable place for constructing a church.

In January according to a faith-based media outlet, Hindu extremists stopped a religious service of the Central India Christian Mission in Shahdol, Madhya Pradesh. The attackers allegedly forced 35 church members to testify falsely against the pastor conducting the meeting. Under pressure, the Christians gave a written statement that the pastor converted them to Christianity by offering them 5,000 rupees (\$108) each, and that he also forced them to eat beef. Police summoned the pastor, and detained and questioned him for two hours. The local inspector reportedly asked the pastor for a bribe of 100,000 rupees (\$2,200) for not arresting or beating him; local Christians paid the bribe. When Christian activists raised the case to higher authorities, the chief minister ordered the police to drop all charges against the pastor.

In July 2009 according to a group of Jehovah's Witnesses, four male Witnesses were speaking to a woman at Bangalore University when a man who appeared to be her son accused them of trying to convert her. The four Jehovah's Witnesses claimed that a mob physically and verbally abused them before they were taken into police custody and held for three days. The Jehovah's Witnesses reported that the police did not protect them from the mob. A First Information Report was filed against the Jehovah's Witnesses.

The All India Christian Council noted several violations of religious freedom during the previous reporting period. In March 2009 a group of 30 to 40 persons attacked Pastor Erra Krupanamdham of Bethel Church. He suffered permanent spinal injuries. The pastor filed a case with police, who arrested one person, and the case is pending. In January 2009 Hindu extremists attacked Pastor Yakobu in his home in Karimnagar District. The attackers fled, and a complaint was filed with the Potkapaali police station. The case was pending at the end of the reporting period.

There was continued concern about the Gujarat government's failure to arrest those responsible for the communal violence in 2002 that killed over 1,200 persons, a majority of which were Muslim. Media reports indicated some Muslims still feared repercussions from Hindu neighbors as they waited for the court cases to be resolved.

The Gujarat government appointed the Nanavati-Mehta Commission in 2002 to investigate the violence. The term of the commission was extended for the 15th time, with the final report on the 2002 Gujarat communal violence now due on June 30, 2011, when the term of the commission ends. The Commission has received over 50,000 affidavits and supporting documents from various witnesses, and has stated that it is in the process of writing the final report. Several victims have accused the Special Investigation Team (SIT), appointed by the Supreme Court in March 2008, of pressuring them to

dilute its earlier testimony before the Nanavati-Mehta Commission. In many of the cases tried in Gujarat's lower courts, the accused were acquitted due to lack of evidence or changes in testimony.

By the end of January, the Gujarat government had paid additional compensation to the next of kin to all victims, including those of 228 missing persons declared dead in February 2009. However, the amount disbursed to persons was disputed between the state and central governments. A case filed by an NGO for full housing compensation was pending in the Gujarat High Court at the end of the reporting period.

During the year Citizens for Justice and Peace, a group advocating for justice for victims of the 2002 violence, raised doubts about the work of the SIT in investigating 10 major cases. Several victims voiced concern that the SIT intimidated eye witnesses and produced additional witnesses to foil the prosecution. In February the Supreme Court appointed an additional and senior lawyer to review the SIT reports. Also in February, the public prosecutor in the Gulberg Society Massacre case resigned, citing a lack of cooperation from the SIT in bringing the perpetrators to justice. On March 15, the Supreme Court halted the Gulberg trial after allegations of SIT bias in favor of the alleged perpetrators and also ruled that other special trial courts would not pronounce judgments in the other cases until the Supreme Court gave its verdict about the SIT. On April 6, the Supreme Court ordered the removal of two high level officers from the SIT and ordered the appointment of two new officers to the SIT on May 14.

On March 27, at the request of the Supreme Court, the SIT questioned Gujarat Chief Minister Narendra Modi regarding the complaint filed by Zakia Jafri, a survivor of the Gulberg Society killings who had tried since 2006 to register a complaint against Modi and 60 other high-level state officials for their alleged role in the violence. The SIT submitted its final report on the Jafri complaint to the Supreme Court on May 14. At years end, media reported the SIT inquiry report stated that there was insufficient evidence to pursue criminal charges against Modi and other high-ranking officials in the Gujarat state government. The SIT gave no public comment regarding the leak. A three-judge bench of the Supreme Court is due to convene on March 3, 2011, to determine the next steps into the investigation.

In October 2009, ten days before Prashanth Bhushan was to submit his report on the SIT report, the Government of Gujarat accused him of bias against Chief Minister Modi. Bhushan then recused himself from the investigation. The Supreme Court approached several noted lawyers, and in November lawyer Raju Ramchandran was appointed to review the SIT reports. As of December 6, neither Subramaniam nor Ramchandran had submitted a report on the SIT investigation to the Supreme Court.

In 2007 the newsweekly Tehelka published secretly recorded interviews in which many of the accused admitted their roles as well as police and BJP leadership complicity in the 2002 violence. In 2008 the NHRC requested an inquiry by the CBI into the Tehelka tapes; the CBI concluded in November 2009 that the tapes were authentic. The media reported the conclusion that the tapes were genuine and, on March 22, Tehelka and Citizens for Justice and Peace released the authenticated tapes in the public domain.

Hundreds of other court cases stemming from the 2002 violence (which were not in the purview of the SIT) remained unsettled.

The situation for many persons displaced by the 2002 violence remained difficult. In September, the Norwegian Refugee Council's Internal Displacement Monitoring Center reported that approximately 19,000 persons remained displaced eight years after the violence, living in 86 relief colonies that lacked adequate infrastructure and typically were not connected to city centers.

At the end of the reporting period, more than 80 Muslims accused in the Godhra train-burning case remained in jail despite various rulings by the central government's Prevention of Terrorist Activities Act (POTA) Review Committee and the

Gujarat High Court that POTA charges against them should be dropped, and that they should be granted bail. The bail issue remained before the Supreme Court.

Trials in several other high profile cases that the Supreme Court had ordered in 2009, including the Gulberg case, were continuing at the end of the reporting period. Former Gujarat BJP minister Maya Kodnani, and VHP leader Jaydeep Patel, accused in the Naroda Patiya case, were questioned by the SIT in August. Kodnani and Patel remained on bail while the trial continued in special court at year's end.

In March 2006 the commission appointed by the Indian Railways, the Justice Banerjee Commission, concluded that the Godhra train incident, which sparked the 2002 Gujarat violence, was an accident. In September 2008 the Nanavati-Mehta Commission concluded that the Godhra incident was a conspiracy. At the end of the reporting period, the Supreme Court had not ruled on the dispute between the Indian Railways and the Gujarat government about the release of the Banerjee report to the public.

In December 2009 the Ministry of Home Affairs reported to the parliament that on the recommendations of the Nanavati Commission investigating the 1984 anti-Sikh riots, the government had announced a victim's rehabilitation package of 7.2 billion rupees (\$155 million) that was extended to West Bengal, Tamil Nadu, and Chandigarh in September 2009. The government has disbursed a sum of 4.6 billion rupees (\$100 million) to the states. The states informed the central government that they have settled 36,336 claims from migrant families for death, injury, and property damage.

On April 27, the Delhi Metropolitan Court closed all cases against Congress Party leader Jagdish Tytler for lack of sufficient evidence; however, on May 29 Sikh action groups filed an appeal with the Supreme Court to keep the cases open.

On May 4, the Delhi Additional Sessions Court accepted the Central Bureau of Investigation's request for criminal proceedings against Congress Party leader Sajjan Kumar and five others for their alleged role in the 1984 anti-Sikh riots.

According to the Ministry of Home Affairs annual report for 2009-10, 34,878 Pandit (Hindu) families from Jammu and Kashmir were living in 12 refugee camps in Jammu, 19,338 families were in Delhi's 14 camps, and the remaining displaced families were scattered across the country. There were 57,863 Kashmiri families living under displaced conditions. Kashmir has been mostly free of major religious-based violence for several years, and mainstream media reported that after 20 years, Kashmiri Pandit families were slowly returning to the area, aided by a rehabilitation package established by the government in 2008. The package included a provision for assistance for repair/renovation of damaged housing, transit accommodation, and employment and financial assistance.

There were unconfirmed reports of forced religious conversion. For example, authorities in some states arrested Christians under state level "anticonversion" laws during the reporting period for allegedly engaging in conversions by force, allurements, or fraud. Authorities granted bail to those charged, and there were no reports of convictions under these laws during the reporting period. Hindu nationalist organizations frequently alleged that Christian missionaries lured low caste Hindus in impoverished areas with offers of free education and health care, and these organizations equated such actions with forced conversions. Christians claimed that low caste Hindus converted of their own free will and that efforts by Hindu groups to "reconvert" these new Christians to Hinduism were accompanied by offers of remuneration and thus fraudulent.

#### Abuses by Rebel or Foreign Forces or Terrorist Organizations

There were no reports of attacks against the Hindu community in Jammu and Kashmir by rebel forces, foreign forces, or terrorist organizations during the reporting period.

On March 27, the Jammu and Kashmir government told the state assembly that 170 Hindu temples had been damaged by militants in the valley in the past 20 years. Ninety temples have been renovated, and the government has allocated funds for the renovation of other temples.

On July 4, Muslim radicals belonging to the Popular Front of India severed the right hand of Christian Professor T.J. Joseph in Muvattupuzha, Kerala, for alleged blasphemy. Joseph had been under suspension after an examination paper he had drafted was cited as containing negative references to the Prophet Muhammad. The exam contained an imaginary dialogue between God and a character referred to as Muhammad. On September 4, the college fired the professor for hurting religious sentiments. By the end of the reporting period, Kerala police had arrested 27 of the total 53 accused in the case, and several attackers were out on bail.

On December 7, a bomb blast at the Sheetla Ghat in the Hindu religious town of Varanasi left two individuals dead, including a baby girl, and injured 40 persons, including several foreign tourists. The banned terror group Indian Mujahideen reportedly claimed responsibility for the blast stating their goal was to avenge the demolition of Babri mosque 18 years ago. Several improvised explosive devices were recovered from the blast site. The Uttar Pradesh (UP) government ordered investigations into the blast, and the UP anti-terror squad had detained three men for questioning.

In November 2008, 10 terrorists carried out coordinated attacks across Mumbai over the course of three days and killed 173 persons, including several foreigners. Mohammed Ajmal Amir Kasab, the only terrorist captured alive, disclosed that the attackers belonged to the terrorist organization Lashkar e-Tayyiba. On May 3, a court found Kasab guilty of murdering seven persons, abetting the murder of 159, engaging in conspiracy, and waging war against the country, and he was sentenced to death on May 6. According to the law, the death penalty by a lower court must be approved by the state high court, which had not occurred at the end of the year.

#### Improvements and Positive Developments in Respect for Religious Freedom

During the year the Andhra Pradesh government continued to fund welfare and development schemes for minorities and allotted the State Minorities Financial Corporation 175 crore rupees (\$39 million). In 2010, the government allocated approximately 26.48 crore rupees (\$5.82 million) to the Andhra Pradesh Christian Finance Corporation (APCFC), which was initiated in 2008 to assist the Christians in the state on educational and economic development. The APCFC received fifteen percent of the 2010 Andhra Pradesh welfare budget for minorities.

The NHRC and NCM continued to promote freedom of religion during the reporting period. Through their annual reports and investigations, they focused attention on human rights problems and, where possible, encouraged judicial resolutions.

#### Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

There were instances of societal discrimination and violence based in whole or in part on religious affiliation. Many incidents were linked to politics, conversion, retaliation, or economic competition among religious communities for scarce resources. According to the Ministry of Home Affairs' 2009-10 Annual Report there were 826 instances of communal violence or violence along religious lines, in which 125 persons were killed and 2,424 injured.

Efforts at ecumenical understanding brought religious leaders together to defuse religious tensions. Prominent leaders of all religious groups made public efforts to show respect for other religious groups by celebrating their holidays and attending social events such as weddings. Muslim groups protested against the mistreatment of Christians by Hindu extremists. Christian clergy and spokespersons for Christian organizations issued public statements condemning prior anti-Muslim violence in places such as Gujarat.

There were instances of religiously motivated violence and sectarian rioting, including mob violence or vigilante action. Faith-based media documented acts of vandalism against religious properties during the reporting period. In most cases, police registered a complaint but made no arrests.

On September 13, according to Reuters news service, Muslim protesters in Kashmir set fire to a Christian missionary school to denounce international reports that copies of the Qur'an had been defaced in the United States. The school was destroyed and four people were killed when police fired on the protesters.

According to the Ministry of Home Affairs 2009-10 Annual Report, there were 76 incidents of Hindu-Christian violence in 2009, which resulted in two deaths and 44 injuries, compared to 44 deaths and 82 injuries in 2008.

Conversion of Hindus or members of lower castes to Christianity remained highly sensitive and occasionally resulted in assaults and/or arrests of Christians. Even so Christians often held large public prayer meetings without violence or protests. There were also instances of large scale "reconversion" ceremonies of Christians to Hinduism.

According to All India Christian Council, attacks on Christians occurred in the states of Orissa, Chhattisgarh, Karnataka, Andhra Pradesh, Madhya Pradesh, and Maharashtra. In these incidents Christians alleged Hindu extremists, such as members from Dharma Sena or Dharm Raksha Sena (Religion Protection Army) (DRS), disrupted prayer meetings, destroyed or damaged places of worship, vandalized property, assaulted pastors and lay persons, confiscated and destroyed religious material, and attempted to intimidate Christians from attending religious services, sometimes in the presence of police. In the Andhra Pradesh, local media reported nearly 30 cases of violence and vandalism against churches during 2010.

There were also reported incidents in which police arrested Christians assaulted by others rather than arresting the attackers. In Chhattisgarh, Karnataka, Madhya Pradesh, Maharashtra, and Orissa, Christians claimed that authorities filed false charges of conversion by force and allurement and charged that the police were biased in registering complaints, doing so promptly only when the accused was a Christian.

On July 6, the All India Christian Council (AICC) reported that alleged Hindu activists destroyed the Upparulu Community Church in Dhanam, Andhra Pradesh. A complaint was lodged at the Parawada police station.

On September 5, Andhra Pradesh police arrested two pastors, Dhanraj and Jyothi Kumar, in the Chittoor district for allegedly vandalizing a Hindu temple. According to the AICC, the pastors were released after two weeks of detention during which the police repeatedly declined to discuss the whereabouts of the pastors.

In November, Vishwa Hindu Parishad (The World Hindu Council) said it would not allow the construction of a new mosque in Ayodhya at the site of the 16th century mosque razed in 1992, asserting that Ayodhya is the birthplace of Lord Ram. VHP said it plans to construct a temple dedicated to Ram on the site. VHP's comments followed the Lucknow High Court ruling in September, which divided the site among the three plaintiffs and allowed for an appeal to the Supreme Court.

There was violence in Kandhamal, Orissa, after the murder of Vishwa Hindu Parishad (VHP) leader Swami Laxmanananda Saraswati and four of his aides in August 2008. Two fast-track courts in Kandhamal have expedited the delivery of justice to the victims of the 2008 violence. Of 828 FIRs lodged until the end of January 2011, 790 cases were found to be genuine. State officials brought charges in 475 cases, decided 157 cases, and convicted 279 people in 58 of these cases. Since the reelection of the BJD (Biju Janata Dal) in 2009, the Orissa state government has worked with the central government to rebuild communities in Kandhamal through infrastructure improvements, rehabilitation measures, and peace councils with various stakeholders. In June 2009 the central government disbursed 14,648,437 rupees (\$300,000) compensation to the next of kin of 35 Kandhamal victims. On February 27, 2010, the state announced a new

website to publicize the rehabilitation measures taken for victims of the communal riots. The government hopes the website will encourage the victims living outside the district to return to their parental villages. However, allegations remained that some local officials were colluding with Hindu nationalists.

While the pace of justice delivery in Orissa has been faster in other cases of communal violence, the speedy verdicts in Orissa have upset many Kandhamal victims who complain that the fast-track courts have acquitted offenders. According to NGO Sanjana, in 63 cases adjudicated until the end of March 2010, there were 89 convictions but 303 acquittals. Archbishop of Bhubaneswar Father Raphael Cheenath believed that weak investigations and intimidation of witnesses are weakening the cases, leading to a large number of acquittals.

The Fast Track Court One has 137 communal cases (incidents in which there are more than one accused) to try. There are 893 accused facing trials; at the end of the reporting period there were 110 convictions and 783 acquittals. Fast Track Court Two has 131 communal cases to try, with 685 accused facing trials. At the end of the reporting period there were 201 convictions and 484 acquittals.

There were also instances of Hindu-Muslim clashes or communal violence during the reporting period. According to the Ministry of Home Affairs 2009-10 Annual Report, there were 750 incidents of Hindu-Muslim violence throughout the country in 2009 resulting in 123 deaths and 2,380 injuries, compared with 656 incidents, including four riots, in 2008 resulting in 123 deaths and 2,272 injuries.

On August 16, four people were injured in a communal clash between Hindus and Muslims after some unidentified people set ablaze a vehicle belonging to a Kanwariya group camping in Fareedpur, Uttar Pradesh. Police arrested 36 persons and a curfew was imposed to prevent communal violence from spreading to other parts of the town, home to the headquarters of the Bareilvi school of Islam.

On September 2, eight persons, including two policemen, were injured in a clash at a function in Ranchi. The clash occurred when Hindus used loudspeakers for a major Hindu religious occasion at the same time as Muslims were offering evening prayers during Ramadan. Each side accused the other of creating trouble in the area and threw stones and fired guns. After several hours police were able to control the situation.

On September 6, riots began in Deganga, West Bengal. The riots continued until September 10, leaving 24 persons, including a senior police officer, injured. The local police failed to control mobs armed with swords, bricks, and crude bombs. As violence escalated, the district administration deployed the Rapid Action Force and Border Security Force personnel and also imposed prohibitory orders under Section 144 of the Criminal Procedure Code. When these measures failed, the state government deployed the army, which brought the situation under control.

According to media reports, clashes started when some Muslim youths damaged a pathway which connected a Hindu temple with Chattal Pally village. Hindus alleged that the pathway was dug up to prevent them from holding the Durga Puja festival (the main Hindu festival in West Bengal) at the temple. Muslims claimed that the path was dug to facilitate access to a Muslim burial ground adjacent to the temple.

There were also instances of intra-Muslim conflict during the reporting period. In August the Kerala High Court directed state police to give protection to a woman in Kasargod District who allegedly received death threats from activists of a hardliner Muslim organization for refusing to wear the burqa. The woman, an engineering graduate, claimed that she was a pious Muslim but did not consider wearing the burqa as essential to her faith. The human rights NGO Act Now for Harmony and Democracy protested the "fanatic, unconstitutional, anti-women diktats" of fundamentalist groups. Human rights groups point out that the head of another educational institution in the area that banned the wearing of burqa also received threats from the hardliner group.

Although the constitution bans discrimination based on caste, incidents of discrimination remain, particularly in rural areas, where they affect low-caste Muslims, Christians, Hindus, Buddhists, and Sikhs. Some Scheduled Caste members who sought to convert from a desire to escape discrimination and violence met hostility and a backlash from upper castes.

#### Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. The embassy and consulates continued to promote religious freedom through discussions with the country's senior leadership as well as with state and local officials. In addition, U.S. government officials regularly met with civil society activists and religious leaders and reported on events and trends that affect religious freedom.

The U.S. government supported a wide range of initiatives to encourage religious and communal tolerance and freedom. Members of the embassy community celebrated Hindu, Muslim, Christian, Sikh, Buddhist, and Jewish festivals throughout the reporting period with members of the various religious communities. The embassy and consulates also hosted and attended Iftars (dinners during the Islamic holy month of Ramadan) and interfaith dinners. Mission officers met regularly with religious leaders to learn more about their beliefs and their relationships with other religious communities.

On September 8, the Embassy hosted an Iftar reception for 150 leaders of both Shia and Sunni sects in Lucknow, the capital of Uttar Pradesh. For the past nine years, the event had been held in New Delhi. Representatives from the Barelvi and Deobandi schools also participated.

On October 4, the ambassador engaged with community representatives and hosted a tea in honor of Mahatma Gandhi's values of tolerance, religious freedom, and democracy.

On December 8, the ambassador issued a statement after an attack in Varanasi, offering his heartfelt condolences to the people of India and the victims, calling Varanasi "a shining example to the world of peace, tolerance, and religious freedom."

Throughout the reporting period, embassy officers investigated and reported on cases of alleged religious persecution, ongoing cases in Gujarat, rehabilitation of Christians affected by the Orissa violence, discrimination against Dalits, and religiously motivated attacks by militants, terrorists, and others.

Embassy officers also monitored the plight of internally displaced Kashmiri Hindus (Pandits) who fled their homes in Kashmir starting in 1989 due to attacks by terrorists seeking to drive out non-Muslims. They also regularly met with commissioners from the NHRC and NCM regarding actions by the state government that affected the free exercise of belief by religious minorities.

During the reporting period, embassy and consulate officials met with leaders of all significant religious minority communities to discuss religious freedom concerns. Embassy and consulate officials continue to engage Muslim religious and community leaders of a variety of sects (Sunni, Shia, Bohra, Khoja, Deobandi, Barelvi, and Salafi) on a regular basis through speaker programs. Consulate Mumbai's speakers program, "Muslim Life in America," has been in place since December 2003. Mission officers met regularly with local NGOs actively engaged on religious freedom issues.

Consulate Mumbai annually participates in the U.S.-funded Seeds of Peace – a South Asia program that brings together high school students from India, Pakistan, and Afghanistan for a three-week camp in Maine to discuss reconciliation and coexistence in conflict situations. There are approximately 100 active alumni in Mumbai. In September, members of the consulate hosted a luncheon with some alumni to discuss ongoing follow-up programs.

Consulate and senior embassy officers continued to express concern over the slow pace of bringing the perpetrators of the anti-Muslim violence in Gujarat in 2002 to justice. Embassy and consular officials engaged madrassahs directly and through special International Visitor Leadership Programs on topics such as religious freedom, tolerance, and respect for diversity.

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