Home Office

Country Policy and Information Note
India: Religious minorities

Version 2.0

May 2018

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the basis of claim section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis of COI; and (2) COI. These are explained in more detail below.

Analysis

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general:**

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), Researching Country Origin Information – Training Manual, 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a terms of reference which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date in the country information section. Any event taking place or report/article published after this date is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the Country Policy and Information Team.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the gov.uk website.

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Analysis

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1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by state or non-state actors due to the person's religion or, in the case of Dalits, particular social group.

1.2 Points to note

1.2.1 This CPIN focuses primarily on the situation for Christians, Muslims, and Sikhs (see Religious minorities). There is also information on the situation for members of Scheduled Castes, also known as Dalits (see Scheduled Castes (Dalits)).

1.2.2 Where a claim is refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as India is listed as a designated state (see Certification).

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the Asylum Instruction on Assessing Credibility and Refugee Status.

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on Language Analysis).

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2.2 Particular social group (PSG)

2.2.1 Dalits form a particular social group (PSG) in India within the meaning of the Refugee Convention because they share a common characteristic that cannot be changed and have a distinct identity which is perceived as being different by the surrounding society.

2.2.2 Although Dalits form a PSG, this is not sufficient to be recognised as a refugee. The question is whether the particular person will face a real risk of persecution on account of their membership of such a group.

2.2.3 For further guidance on particular social groups, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.3 Assessment of risk

2.3.1 Of the estimated 1.3 billion population of India, approximately 200 million are religious minority members, and a further 200 million are members of Scheduled Castes (Dalits) (see Population).

a. State treatment

2.3.2 India is a secular republic; the constitution and other Federal laws protect religious freedom and this is generally respected by the government. The law provides for 'minority community' status for Muslims, Sikhs, Christians, Parsis, and Buddhists. Legislation states that the government will protect the existence of these minorities and encourage conditions for the promotion of their individual identities. Regional states also have the power to grant minority status to minority religious groups, and Gujarat and Maharashtra have recognised the Jain and Jewish communities respectively, but none have recognised groups identified in this note. Such recognition enables these groups to access to several government assistance programmes. However, some states' laws and policies are restrictive and discriminatory, including the enforcement of 'anti-conversion' laws, which impose penalties for converting out of Hinduism (see Legal context and Religious conversion).

2.3.3 The constitution allows for a form of positive action for Scheduled Castes (Dalits), though only for Hindus, Sikhs, or Buddhists. Non-Hindu Dalits, especially Christians and Muslims, do not qualify for the officially reserved jobs or school placements available to Hindu Dalits, putting these groups at a significant economic and social disadvantage. The only means through which Christians and Muslims may qualify for affirmative action benefits as members of religious communities is if they are considered members of the 'backward' classes due to their social and economic status (see Scheduled Castes (Dalits)).

2.3.4 There have been incidents of public officials, including politicians, instigating communal violence against religious minorities through public discourse. There have been isolated reports of Christians facing arrests, fines, beatings, extortion, imprisonment and restrictions on public expressions of their faith. Since the 2008 terrorist attacks in Mumbai Muslims are increasingly targeted by police through profiling, staged encounters and detention under false accusations of terrorism.

2.3.5 Religious minorities and members of Scheduled Castes may experience some local state discrimination, including police hostility and harassment. However, it is unlikely that this would, in general, be sufficiently serious by nature and repetition that would cause them to face a real risk of persecution or serious harm.

2.3.6 Each case must be considered on its own facts and the onus is on the person to demonstrate that they would be at risk of persecution or serious harm on return to India.

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b. Societal treatment

2.3.7 Sporadic outbreaks of large-scale communal violence against religious minorities has occurred over the years – Christians (Odisha in 2007–2008),

Muslims (Uttar Pradesh in 2013, and Gujarat in 2002) and Sikhs (Delhi in 1984). Smaller-scale Hindu nationalist abuses against religious minorities tend to occur most frequently in the Indian states of Uttar Pradesh, Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Odisha, Karnataka, Madhya Pradesh, Maharashtra, and Rajasthan. Several hundred cases of communal violence were recorded in 2016 and 2017. However, with a population of around 200 million religious minority members, the low number of incidents relative to the size of the population means it is not reasonably likely that a person could establish a real risk (see Religious minorities – Violence and discrimination).

2.3.8 Christians enjoy religious freedom in much of India and are able to express their faith freely and openly. However, they face some abuses by Hindu nationalists, including interruption of church services or worship; vandalism; physical violence; and threats and harassment, most typically accusing Christians of forcibly converting Hindus (see Hindu nationalism, Christians – Societal treatment and Religious conversion).

2.3.9 Muslim community members report harassment and attacks by Hindu nationalists, who accuse them of being terrorists; spying for Pakistan; forcibly kidnapping, converting, and marrying Hindu women; and disrespecting Hinduism by slaughtering cows (see Hindu nationalism and Muslims – Societal treatment and Religious conversion).

2.3.10 Incidents of communal violence against Sikhs are less frequent than against other religious minorities. Some Sikhs face harassment and pressure by Hindu nationalists to reject their religious practices and beliefs (see Hindu nationalism and Sikhs – Societal treatment).

2.3.11 Members of Scheduled Castes (Dalits) are subject to widespread discrimination, for example, social segregation, difficulties accessing services such as health care, education, temple attendance, and marriage. Incidents of violence against Dalit communities have been reported and the practice of using members of Scheduled Castes for manual scavenging continues (see Scheduled Castes (Dalits)).

2.3.12 Persons entering into inter-faith marriages may, in some cases, be subject to disapproval from their families, discrimination, societal exclusion or family or communal violence. Marriages between Hindus and Muslims have attracted adverse attention and led, in some cases, to retribution acts of violence, including killings (see Interfaith marriages and relationships).

2.3.13 Religious minorities live throughout India and information on the scale of the problem is vague, but Hindu nationalists are a small sub-set of the population and many issues in themselves would not give rise to a well founded fear of persecution. Whilst outbreaks of communal violence do occur, in general, religious minorities, those in interfaith marriages, and members of Scheduled Castes, although sometimes subject to discrimination and localised harassment, are in general not subject to treatment which is sufficiently serious by nature and repetition to be persecutory or cause serious harm.

2.3.14 However, decision makers must consider whether there are particular factors specific to the person which would place them at real risk. Each case must

however be considered on its facts with the onus on the person to show that they would be at risk of persecution or serious harm if returned to India.

2.3.15 For further guidance on assessing risk, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.4 Protection

2.4.1 Where the person's fear is of persecution and/or serious harm by the state, which in itself is unlikely, and they are unable to avail themselves of the protection of the authorities, there are avenues of redress.

2.4.2 Where the person's fear is of persecution and/or serious harm from non-state actors, decision makers must assess whether the state can provide effective protection.

2.4.3 Constitutional provisions and laws are in place to protect the rights of religious minorities, members of Scheduled Castes (Dalits), and address communal violence. Whilst these legal protections are generally enforced, the authorities also implement some restrictive laws but in the most part efficiently or effectively prosecute those who attack religious minorities or Dalits (see Law enforcement and reparation and Scheduled Castes (Dalits)).

2.4.4 The National Commission for Minorities, the National Human Rights Commission, and the Ministry of Minority Affairs, may investigate allegations of religious discrimination. Whilst the commissions have no powers of enforcement, they investigate allegations of religious discrimination and submit their findings to law enforcement agencies for action (see Government support).

2.4.5 There is a functioning criminal justice system, but the effectiveness and conduct of the police varies from state to state (see the country policy and information India: Background, including actors of protection and internal relocation) and there are instances when the police have failed to provide protection to religious minorities from communal violence or register complaints of attacks by third parties (see Law enforcement and reparation).

2.4.6 However, in general, the state is willing and able to provide effective state protection to religious minorities and Scheduled Castes, but each case will need to be considered on its facts.

2.4.7 For further guidance on assessing the availability of state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.5 Internal relocation

2.5.1 India is a vast country with a population of around 1.3 billion, where freedom of movement is generally unrestricted (see the country policy and information India: Background, including actors of protection and internal relocation). Religious minority communities are found across the country and in some states form the majority religion (see Population). Religious groups, in general, live peacefully side by side throughout the country (see Religious minorities – Violence and discrimination).

2.5.2 In general, it would be reasonable to expect a person to relocate, but each case should be considered on its facts.

2.5.3 For general information on internal relocation in respect of India see the country policy and information India: Background, including actors of protection and internal relocation; and in the case of women India: Women fearing gender based harm/violence.

2.5.4 For further guidance on internal relocation and the factors to be considered, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.6 Certification

2.6.1 Where a claim falls to be refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as India is listed as a designated state, and the claim based on membership of a religious minority is likely to be certifiable as 'clearly unfounded'.

2.6.2 For further guidance on certification, see Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).

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Country information

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3. Legal context

3.1 Constitution

3.1.1 India is a secular state and the constitution provides for the freedom to profess, practice and propagate religion. This is generally respected by the government. Discrimination on the basis of religion is prohibited, including in regard to employment[1] [2].

3.1.2 As noted in the US International Religious Freedom Report for 2016 (US IRF Report 2016) 'The constitution states the government will protect the existence of religious minorities and encourage conditions for the promotion of their individual identities.'[3]

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3.2 Federal and state laws

3.2.1 National and state laws make freedom of religion 'subject to public order, morality, and health'. Some states restricted religious conversions[4] (see Religious conversion).

3.2.2 The US IRF Report 2016 noted that:

'Federal law empowers the government to ban religious organizations that provoke intercommunal tensions, are involved in terrorism or sedition, or violate laws governing foreign contributions.

'The federal penal code criminalizes "promoting enmity between different groups on grounds of religion," as well as "acts prejudicial to maintenance of harmony," including acts that cause injury or harm to religious groups and members. The penal code also prohibits "deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs." Violations of any of these provisions are punishable by imprisonment for up to three years, a fine, or both. If the offense is committed at a place of worship, imprisonment may be for up to five years.'[5] (see Religious minorities – Violence and discrimination).

3.2.3 The US IRF Report 2016 noted:

'Federal law provides minority community status to six religious groups: Muslims, Sikhs, Christians, Parsis, Jains, and Buddhists. State governments have the power to grant minority status to religious groups that are minorities in a particular region and designate them as minorities under the law in that state. In May and June [2016] respectively, the Gujarat government legally recognized the Jain community and the Maharashtra government legally

[1] US IRF, 'International Religious Freedom Report for 2016', (Section II), 15 August 2017, url.
[2] The Constitution of India, as of 9 November 2015, url.
[3] US IRF, 'International Religious Freedom Report for 2016', (Section II), 15 August 2017, url.
[4] US IRF, 'International Religious Freedom Report for 2016', (Section II), 15 August 2017, url.
[5] US IRF, 'International Religious Freedom Report for 2016', (Section II), 15 August 2017, url.

recognized the Jewish community as minority religious groups. The status makes these groups eligible for several government assistance programs.'[6]

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3.3 Anti-cow slaughter legislation

3.3.1 Article 48 of the Indian constitution prohibits cow slaughter[7]. Of the 29 states, 24 have imposed laws that restrict or ban the slaughter of cows[8]. Penalties, which depend on whether the animal is a cow, calf, bull or ox, vary according to the state and, as noted in the US IRF Report 2016, '… range from six months' to two years' imprisonment and/or a fine of 1,000 to 10,000 rupees ([US]$15 to $151). Rajasthan, Punjab, Haryana, Himachal Pradesh, and Jammu and Kashmir penalize cow slaughter with imprisonment of two to 10 years.'[9]

See Religious minorities – Violence and discrimination and Muslims – Societal treatment for further information on how restrictions and bans on the slaughter of cows affects religious minorities.

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3.4 Personal status laws

3.4.1 The US IRF Report 2016 stated:

'Personal status laws are applicable only to certain religious communities in matters of marriage, divorce, adoption, and inheritance. The government grants significant autonomy to personal status law boards in drafting these laws. Law boards are selected by community leaders; there is no formal process and selection varies across communities. Hindu, Christian, Parsi, and Islamic personal status laws are legally recognized and judicially enforceable. These laws, however, do not supersede national- and state-level legislative powers or constitutional provisions. If the law boards cannot offer satisfactory solutions, the case is referred to the civil courts.'[10]

3.4.2 Under the constitution, Sikhs, Jains, and Buddhists are deemed to be Hindus. The US Commission on International Religious Freedom (USCIRF) noted in its Annual Report 2017, covering 2016 events (USCIRF Annual Report 2017) that 'As a result, members of these faiths are subject to Hindu Personal Status Laws, and they are denied access to social services or employment and educational preferences available to other religious minority communities.'[11]

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[6] US IRF, 'International Religious Freedom Report for 2016', (Section II), 15 August 2017, url.
[7] The Constitution of India, (Article 48, page 23), as of 9 November 2015, url.
[8] USCIRF, 'Annual Report 2017', (page 150), 26 April 2017, url.
[9] US IRF, 'International Religious Freedom Report for 2016', (Section II), 15 August 2017, url.
[10] US IRF, 'International Religious Freedom Report for 2016', (Section II), 15 August 2017, url.
[11] USCIRF, 'Annual Report 2017', (page 150), 26 April 2017, url.

4. Demography

4.1 Population

4.1.1 India's total population was estimated to be nearly 1.3 billion, as of July 2017, approximately 200 million of whom are members of religious minority groups[12].

4.1.2 The US IRF Report 2016 noted that, according to India's 2011 census:

'Hindus constitute 79.8 percent of the population, Muslims 14.2 percent, Christians 2.3 percent, and Sikhs 1.7 percent. Groups that together constitute less than 1 percent of the population include Buddhists, Jains, Zoroastrians (Parsis), Jews, and Bahais. The Ministry of Tribal Affairs officially classifies the more than 104 million members of Scheduled Tribes – indigenous groups historically outside the caste system who often practice animism and indigenous religious beliefs – as Hindus in government statistics.'[13]

4.1.3 The same source added 'According to the same government estimates, there are large, minority Muslim populations in the states of Uttar Pradesh, Bihar, Maharashtra, West Bengal, Telangana, Karnataka, and Kerala; Muslims constitute 68.3 percent of the population in the state of Jammu and Kashmir, the only state in which they constitute a majority of the population. Slightly more than 85 percent of Muslims are Sunni; most of the rest are Shia.'[14]

4.1.4 The US IRF Report 2016 noted '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 have large Christian majorities: Nagaland (90 percent), Mizoram (87 percent), and Meghalaya (70 percent).'[15] A June 2017 joint report, by Minority Rights Group International (MRG) and the Center for Study of Society and Secularism (CSSS), noted that Christians form a majority in 4 states – Mizoram, Nagaland, Meghalaya and Arunachal Pradesh – although in real terms the states with the largest Christians populations are Kerala and Tamil Nadu[16].

4.1.5 Sikhs constitute 54 percent of Punjab's population, with an estimated 16 million members[17].

4.1.6 The United States Commission on International Religious Freedom (USCIRF) Report 2017, reporting on events of 2016, noted 'Dalits officially are estimated at over 200 million people.'[18] A 2016 report on caste-based discrimination by the UN special rapporteur on minority issues stated 'This figure does not include Dalits who have converted or are born and raised within non-Hindu religious communities, such as the Dalit Muslim and

[12] CIA, 'World Factbook – India', (People and society), last updated 22 February 2018, url.
[13] US IRF, 'International Religious Freedom Report for 2016', (Section I), 15 August 2017, url.
[14] US IRF, 'International Religious Freedom Report for 2016', (Section I), 15 August 2017, url.
[15] US IRF, 'International Religious Freedom Report for 2016', (Section I), 15 August 2017, url.
[16] MRG/CSSS, 'A Narrowing Space', (page 2), 29 June 2017, url.
[17] US IRF, 'International Religious Freedom Report for 2016', (Section I), 15 August 2017, url.
[18] USCIRF, 'Annual Report 2017', (page 152), 26 April 2017, url.

Christian communities; unofficial statistics estimate that the actual number of Dalits in India is much higher.'[19] (See Scheduled Castes (Dalits)).

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5. Religious minorities

5.1 Hindu nationalism

5.1.1 The USCIRF Annual Report 2017, covering 2016 events, noted:

'Hindu nationalist groups – such as the Rashtriya Swayamsevak Sangh (RSS), Sangh Parivar, and Vishva Hindu Parishad (VHP) – and their sympathizers perpetrated numerous incidents of intimidation, harassment, and violence against religious minority communities and Hindu Dalits. These violations were most frequent and severe in 10 of India's 29 states. National and state laws that restrict religious conversion, cow slaughter, and the foreign funding of nongovernmental organizations (NGOs) and a constitutional provision deeming Sikhs, Buddhists, and Jains to be Hindus helped create the conditions enabling these violations. While Prime Minister Narendra Modi spoke publicly about the importance of communal tolerance and religious freedom, members of the ruling party have ties to Hindu nationalist groups implicated in religious freedom violations, used religiously divisive language to inflame tensions, and called for additional laws that would restrict religious freedom. These issues, combined with longstanding problems of police and judicial bias and inadequacies, have created a pervasive climate of impunity in which religious minorities feel increasingly insecure and have no recourse when religiously motivated crimes occur.'[20]

5.1.2 The USCIRF Annual Report 2017 added:

'The BJP [ruling Bharatiya Janata Party], RSS, Sangh Parivar, and VHP subscribe to the ideology of Hindutva ("Hinduness"), which seeks to make India a Hindu state based on Hinduism and Hindu values. Some individuals and groups adhering to this ideology are known to use violence, discriminatory acts, and religiously motivated rhetoric against religious minorities, creating a climate of fear and making non-Hindus feel unwelcome in the country.'[21]

5.1.3 The USCIRF report of February 2017 stated 'As feared by many faith communities across India, threats, hate crimes, social boycotts, desecrations of places of worship, assaults, and forced conversions led by radical Hindu nationalist movements have escalated dramatically under the BJP-led government.'[22]

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5.2 Violence and discrimination

5.2.1 The Pew Research Center, a U.S.-based think tank, in its 2015 study on global restrictions on religion, ranked India as having some of the highest

[19] UN HRC, 'Report of the Special Rapporteur on minority issues', (para 33), 28 January 2016, url.
[20] USCIRF, 'Annual Report 2017', (page 148), 26 April 2017, url.
[21] USCIRF, 'Annual Report 2017', (page 149), 26 April 2017, url.
[22] USCIRF, 'Constitutional and Legal Challenges', (page 1), February 2017, url.

overall levels of government restrictions and social hostilities involving religion. The report stated:

'It is important to note, however, that these restrictions and hostilities do not necessarily affect the religious groups and citizens of these countries equally, as certain groups or individuals may be targeted more frequently by these policies and actions than others. … there are often important regional differences in harassment, especially in large countries such as India, and most people living in these countries probably did not experience harassment directly. But this analysis does demonstrate how geographic distribution – or lack thereof – may intensify the impact of harassment for certain groups.'[23]

5.2.2 The USCIRF Annual Report 2017 stated that religious tolerance and freedom continued to deteriorate during 2016. According to the report:

'… the Indian government has struggled to maintain religious and communal harmony, protect minority communities from abuses, and provide justice when crimes occur. The country has experienced periodic outbreaks of large-scale communal violence against religious minorities, including in Uttar Pradesh in 2013, Odisha in 2007–2008, Gujarat in 2002, and Delhi in 1984… These large-scale outbreaks of communal violence, as well as smaller-scale Hindu nationalist abuses against religious minorities, tend to occur most frequently in 10 Indian states: Uttar Pradesh, Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Odisha, Karnataka, Madhya Pradesh, Maharashtra, and Rajasthan. In at least some of these states, religious freedom violations appear to be systematic, ongoing, and egregious and rise to CPC [Country of Particular Concern] status.'[24]

5.2.3 The same report added:

'While there was no large-scale communal violence in 2016, the Indian government's Union Ministry of Home Affairs reported in January 2017 that in the first five months of 2016 there were 278 incidents of communal violence. In 2016, the governmental National Commission for Minorities received 1,288 complaints from minorities regarding such incidents, down from nearly 2,000 in 2015. However, religious minority communities, especially Christians and Muslims, reported to USCIRF that incidents had increased but minorities were afraid or believed it to be pointless to report them.'[25]

5.2.4 In an additional statement on religious freedom in India, cited in the USCIRF Annual Report 2017, Commissioner Tenzin Dorjee stated 'Overall, I have observed and experienced religious harmony among faiths in India. That said, India must effectively address problematic religious conditions including outbreaks of communal violence due to interfaith conflicts and politics. While I do not condone any form of violence, given India's multi-faith stance and with the second largest populace in the world, such intermittent outbreaks of violence are understandable.'[26]

[23] Pew Research Center, 'Global Restrictions on Religion', (pages 14 and 25), 11 April 2017, url.
[24] USCIRF, 'Annual Report 2017', (page 149), 26 April 2017, url.
[25] USCIRF, 'Annual Report 2017', (page 150), 26 April 2017, url.
[26] USCIRF, 'Annual Report 2017', (page 154), 26 April 2017, url.

5.2.5 The June 2017 MRG/CSSS report noted that religious minorities were particularly susceptible to the threat of communal violence. The report noted 'Official data shows more than 700 outbreaks of communal violence in 2016 alone, with 86 killed and 2,321 injured. However, the actual figures are likely to be considerably higher as many incidents go unreported.'[27]

5.2.6 According to government statistics for 2017, 111 persons were killed and at least 2,384 injured in 822 cases of sectarian violence across India. UCA News, Asia's independent Catholic news service, reported that this was the highest figure in the past three years. The report noted that the highest number of sectarian incidents was reported in Uttar Pradesh, which saw 195 incidents of religion-based violence, claiming 44 lives and injuring 452 people[28].

5.2.7 A USCIRF report on the legislation of religious minorities in India, dated February 2017, noted that, despite India being a democratic, secular, and plural society since independence in 1947, in recent years:

'… religious minorities have witnessed a deterioration of their rights. The Indian government – at both the national and state levels – often ignores its constitutional commitments to protect the rights of religious minorities. National and state laws are used to violate the religious freedom of minority communities; however, very little is known about the laws. Violence against religious minorities, discrimination, forced conversions, and environments with increased instances of harassment and intimidation of religious minorities are not new phenomena in India, as they have occurred under both the Congress Party and Bharatiya Jan[a]ta Party (BJP) governments.'[29]

5.2.8 The USCIRF Annual Report 2017 also noted 'Religious minority communities also report that Hindu nationalist groups publicly have urged Hindus to boycott Muslim- or Christian-owned businesses, refuse to rent them properties, and deny them employment.'[30]

5.2.9 The US IRF Report 2016 reported:

'There were reports of hundreds of religiously motivated killings, assaults, riots, restrictions on the right to practice religion and proselytize, discrimination, and attacks against property. Groups most frequently targeted were Muslims and Christians. Cow protection groups, many of whose members believed cow slaughter and eating beef were an attack on the Hindu deities representing motherhood, carried out an increasing number of violent attacks, including killings, beatings, harassment, and intimidations, against consumers of beef or those involved in the beef industry.'[31]

5.2.10 The USCIRF report of February 2017 stated:

'Cow slaughter in India has remained a perpetual source of tensions between Hindu and Muslim and Dalit communities. The ban on cow slaughter is often termed as "food fascism" by the religious minorities'

[27] MRG/CSSS, 'A Narrowing Space', (page 2), 29 June 2017, url.
[28] UCA News, 'Indian govt admits rise in religion-based hate crime', 9 February 2018, url.
[29] USCIRF, 'Constitutional and Legal Challenges', (page 1), February 2017, url.
[30] USCIRF, 'Annual Report 2017', (page 152), 26 April 2017, url.
[31] US IRF, 'International Religious Freedom Report for 2016', (Section III), 15 August 2017, url.

activists. Beef is a critical source of nutrition for various minority communities, including Dalits, Christians, and Muslims. Members of these communities work in the cattle transportation and beef industries, including slaughter for food consumption, hauling items, and producing leather goods. Slaughtering animals, including cows, for the Islamic festival Eid-ul-Adha is also an essential practice in Islam.'[32]

See also Muslims – Societal treatment.

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6. Christians

6.1 State treatment

6.1.1 Church in Chains, an independent Irish charity supporting Christians worldwide, prepared a briefing for the Oireachtas (Irish parliament) Joint Committee on Foreign Affairs and Trade, and Defence, on attacks against Christians in India during the period July to December 2017. The briefing was compiled by analysing publicly available reports from Indian and international sources. The report noted 'In India, Christians face persecution from state authorities in the form of arrests, fines, beatings and imprisonment as well as prohibitions on meetings and public expressions of faith.'[33]

6.1.2 In a sample of 57 incidents of maltreatment of Christians during the first half of 2017, Church in Chains documented cases where police had reportedly used extortion, violence, made arrests, filed false charges, and halted prayer services and meetings. The report noted that the police rarely arrested the perpetrators of attacks against Christians. However, the same report also cited examples of when the police had provided protection to Christians[34].

6.1.3 CPIT was not able to find further information on the state treatment of Christians, at the time of writing, in the sources consulted in compiling this note – see bibliography for full list of sources.

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6.2 Societal treatment

6.2.1 The Church in Chains report noted:

'Christians enjoy freedom in much of the Republic of India, but in some areas they face persecution. In recent years religious intolerance has grown with the rise of Hindutva (Hindu nationalism). Its followers use the slogan "One Nation, One Religion, One Culture", and consider Christians and Muslims to be followers of foreign religions. Hindutva violence against Christians includes burning church buildings, destroying property and violent attacks that leave Christians seriously injured or dead. Typically, intruders break up church services, beat the worshippers and call the police to arrest the Christians on false charges of "forcible conversion".'[35]

6.2.2 According to the USCIRF Annual Report 2017:

[32] USCIRF, 'Constitutional and Legal Challenges', (page 7), February 2017, url.
[33] Church in Chains, 'Official India: On the side of the militants', (page 3), February 2018, url.
[34] Church in Chains, 'Official India: On the side of the militants', (pages 4, 9-16), February 2018, url.
[35] Church in Chains, 'Official India: On the side of the militants', (page 4), February 2018, url.

'Christian communities across many denominations reported numerous incidents of harassment and attacks in 2016, which they attribute to Hindu nationalist groups supported by the BJP. In early 2017, the NGO, Open Doors, estimated that a church was burned down or a cleric beaten 10 times a week on average in India between January and October 2016 – triple the number of incidents the group reported in 2015.

'These incidents often are based on suspicions or allegations that Christians are forcibly converting Hindus through inducement and denigrating Hinduism. For example, in March 2016, about 60 Christians worshipping at a Pentecostal church in Chhattisgarh were attacked violently by Hindu radicals who believed they were attempting to convert Hindus. Church property was destroyed, congregation members were beaten, and female members of the congregation were stripped naked and beaten. In April 2016, a Pentecostal community in Bihar was attacked, allegedly for trying to convert Hindus. Thirty congregants and several pastors were beaten; one pastor reportedly was kidnapped and tortured for hours before being released. Reportedly, the community did not file a request for investigation of the attack. In July 2016 Hindu extremists abducted Pentecostal Minister Ramlal Kori and a friend in the village of Gadra, Madhya Pradesh, allegedly for trying to convert Hindus. The men were dragged into the forest and beaten with sticks. The police found them eight hours later tied to a tree; instead of arresting the attackers, authorities detained the Christians on the basis of the state's anti-conversion law, but later released them. Reportedly, the minister did not file a request for an investigation of the attack.'[36]

6.2.3 The USCIRF Annual Report 2017 also noted 'Hindu national group members have claimed Christians are spies from the United States and are Western imperialists that seek to diminish Hinduism through forced conversion and to make India a Christian country.'[37] (See also Religious conversion).

6.2.4 The Church in Chains briefing stated that in 2016, 441 incidents were reported by Indian Christian organisations, and 410 were reported in the first six months of 2017. However, Church in Chains considered the actual number of incidents were far greater. The report documented a sample of 57 incidents of maltreatment of Christians during the first half of 2017[38].

6.2.5 According to the Evangelical Fellowship of India (EFI), there were at least 351 cases of violence against Christians in 2017, though added that most cases went unreported. The highest number of incidents were recorded in Tamil Nadu (52), followed by Uttar Pradesh (50), Chhattisgarh (43), Maharashtra (38), and Madhya Pradesh (36). The types of incidents recorded, inter alia, included physical violence, threats and harassment, interruption of church services or worship, false accusations and vandalism. The report stated that the reasons for under reporting included '… because the victim is terrified or the police, especially in the northern states, just turn a blind eye and refuse to record the mandatory First Information Report. [...] No disaggregated data is available and the criminal justice system at the

[36] USCIRF, 'Annual Report 2017', (page 151), 26 April 2017, url.
[37] USCIRF, 'Annual Report 2017', (page 152), 26 April 2017, url.
[38] Church in Chains, 'Official India: On the side of the militants', (page 3), February 2018, url.

village and small towns level routinely ignores or violates provisions in the law.'[39]

6.2.6 The MRG/CSSS report of June 2017 noted that 'Recent violence against Christians has reportedly been concentrated in Chhattisgarh, Madhya Pradesh, Uttar Pradesh and Telangana, all states in which Christians form a small state-level minority.'[40]

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7. Muslims

7.1 State treatment

7.1.1 The USCIRF Annual Report 2017 noted 'Members of the BJP with known ties to Hindu nationalist groups … have stoked religious tensions by claiming Muslim population growth is an attempt to diminish the Hindu majority. In 2016, high-ranking BJP parliamentarians, such as Yogi Adityanath and Sakshi Maharaj, reportedly called for laws to control the Muslim population. In April 2016, Yogi Adityanath publicly urged Muslims to leave India and go where "Shariat" law is practiced.'[41]

7.1.2 The MRG/CSSS report noted:

'In the wake of terrorist attacks by Islamist extremists, in particular the 2008 attacks in Mumbai, Muslims have increasingly been targeted by police through profiling, staged encounters and incarceration on false accusations of terrorism under the cover of anti-terror laws, such as the Unlawful Activities Prevention Act (UAPA). Muslims have also been the target of state violence, in particular in Jammu and Kashmir, where civil society groups have documented systematic and widespread human rights abuses by police, including arbitrary arrests, torture and extrajudicial killings. It is within this broader context that Muslims in India have been subjected to the most serious manifestations of communal riots since Partition: in many cases, violence has been actively enabled by the failure (such as lack of protection or access to justice) or even complicity (for example, through hate speech) of public officials.'[42]

7.1.3 In August 2017, the Supreme Court of India ruled the practice of triple talaq – whereby a Muslim man can instantly divorce his wife by saying the word "talaq" three times – was unconstitutional. The judgement was welcomed by women's rights groups for its positive impact on the lives of Muslim women[43].

7.1.4 In March 2018, Human Rights Watch stated 'Several senior BJP leaders have repeatedly instigated hate crimes against religious minorities, such as whipping up fear of Muslim men, who they baselessly claim kidnap, rape, or lure Hindu women into relationships as part of a plot to make India into a Muslim-majority country.'[44]

[39] EFI, 'Hate and targeted violence – Report 2017', (pages 3 and 5), 16 February 2018, url.
[40] MRG/CSSS, 'A Narrowing Space', (page 6), 29 June 2017, url.
[41] USCIRF, 'Annual Report 2017', (page 152), 26 April 2017, url.
[42] MRG/CSSS, 'A Narrowing Space', (page 6), 29 June 2017, url.
[43] UN Women, 'The Supreme Court of India bans instant divorce', 25 August 2017, url.
[44] HRW, 'Holding Killers to Account for Hate Crimes in India', 21 March 2018, url.

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7.2 Societal treatment

7.2.1 The MRG/CSSS report indicated that Muslims were disproportionately affected by communal violence[45].

7.2.2 According to the USCIRF Annual Report 2017:

'During the past year, there were numerous reports of harassment and violent attacks against Muslims by Hindu nationalists, including local and state BJP [the ruling Bharatiya Janata Party] members. Members of the Muslim community report that their abusers often accuse them of being terrorists; spying for Pakistan; forcibly kidnapping, converting, and marrying Hindu women; and disrespecting Hinduism by slaughtering cows. Members of the Muslim community rarely report abuses because of societal and police bias and police and judicial intimidation by the RSS [Rashtriya Swayamsevak Sangh – Hindu nationalist group].'[46]

7.2.3 Human Rights Watch (HRW) noted in its World Report 2018, covering 2017 events:

'Mob attacks by extremist Hindu groups affiliated with the ruling BJP against minority communities, especially Muslims, continued throughout the year amid rumors that they sold, bought, or killed cows for beef. Instead of taking prompt legal action against the attackers, police frequently filed complaints against the victims under laws banning cow slaughter. As of November, there had been 38 such attacks, and 10 people killed during the year.

'In July [2017], even after Prime Minister Narendra Modi finally condemned such violence, an affiliate organization of the BJP, the Rashtriya Swayamsevak Sangh (RSS), announced plans to recruit 5,000 "religious soldiers" to "control cow smuggling and love jihad". So-called love jihad, according to Hindu groups, is a conspiracy among Muslim men to marry Hindu women and convert them to Islam.'[47] (see Interfaith marriage and relationships – Hindus and Muslims).

7.2.4 Amnesty International reported that although arrests were made following attacks by 'vigilante cow protection groups', no convictions were reported. The same source noted 'In September [2017], Rajasthan police cleared six men suspected of killing Pehlu Khan, a dairy farmer who had named the suspects before he died. Some BJP officials made statements which appeared to justify the attacks. In September, the Supreme Court said that state governments were obligated to compensate victims of cow vigilante violence.'[48]

7.2.5 BBC News reported in July 2017 that 'Muslim men have been murdered by Hindu mobs, mostly in BJP-ruled states, for allegedly storing beef and, in one case for helping a mixed-faith couple elope.' The BBC India correspondent spoke to historian Sanjay Subrahmanyam, who described the

[45] MRG/CSSS, 'A Narrowing Space', (page 16), 29 June 2017, url.
[46] USCIRF, 'Annual Report 2017', (page 151), 26 April 2017, url.
[47] HRW, 'World Report 2018', (pages 262-263), 18 January 2018, url.
[48] AI, 'India 2017/2018', (Communal and ethnic violence), 22 February 2018, url.

spate of vigilante violence as 'sporadic and unsystematic', which was happening, in part, '… because there is a political party, and a set of militant Hindu groups like the Rashtriya Swayamsevak Sangh, Bajrang Dal, Vishwa Hindu Parishad "who are operating in society to defend these kinds of [conservative] norms. The same kinds of entities exist in many Muslim societies, and also act in this way".' Despite Prime Minister Narendra Modi saying murder in the name of cow protection was 'not acceptable', just hours later a Muslim man was reportedly killed by a mob who accused him of transporting beef in his car. Subrahmanyam told the BBC that '"… the federal government and some state governments are turning a blind eye to these [acts of violence], or enabling them. Of course, this directly undermines the rule of law".'[49]

7.2.6 The MRG/CSSS report cited several incidents of communal violence linked to cow vigilantism between January 2016 and April 2017. The report noted that in most of the cases, the perpetrators had gone unpunished, whilst the victims and their families had frequently faced legal action under anti-cow slaughter legislation[50]. (See Anti-cow slaughter legislation).

7.2.7 The UN Special Rapporteur's January 2017 report on adequate housing, noted:

'Discrimination against Muslims in housing manifests itself in different ways in different parts of the country. For example, studies on access to private rental accommodation in the capital show that discrimination against Muslims (as well as Dalits) can at times be a barrier to access to housing. Private landlords, real estate brokers and property dealers will often refuse to rent to someone who is Muslim, or impose unfair conditions on them. The Special Rapporteur was informed that in some parts of the country, Muslims have felt compelled to leave their neighbourhoods and move to places where other Muslims are living, often in informal settlements. The Special Rapporteur visited one such settlement where the conditions were extreme owing to overcrowding, the absence of sanitation facilities and electricity and the lack of garbage collection.'[51]

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8. Sikhs

8.1 State treatment

8.1.1 In his additional statement on religious freedom in India, cited in the USCIRF Annual Report 2017, Commissioner Tenzin Dorjee stated 'In regards to Sikhs' religious requirements, they travel freely in India wearing unshorn hair and turban and Article 25 of the Indian constitution deems Sikhs' carrying kirpan legal as an article of faith.'[52]

8.1.2 According to the US IRF Report 2016 'The law recognizes the registration of Sikh marriages. There are no divorce provisions for Sikhs under the personal

[49] BBC News, 'Why stopping India's vigilante killings will not be easy', 10 July 2017, url.
[50] MRG/CSSS, 'A Narrowing Space', (page 19), 29 June 2017, url.
[51] UN HRC, 'Report of the Special Rapporteur on adequate housing', (para 72), 10 January 2017, url.
[52] USCIRF, 'Annual Report 2017', (page 154), 26 April 2017, url.

status laws, however, and other Sikh personal status matters fall under Hindu codes. Any person, irrespective of religion, may seek a divorce in civil court under the law.'[53]

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8.2 Societal treatment

8.2.1 The MRG/CSSS report noted that incidents of communal violence against Sikhs was less frequent than against other religious minorities[54].

8.2.2 The USCIRF Annual Report 2017 noted:

'Hindu nationalists often harass Sikhs and pressure them to reject religious practices and beliefs that are distinct to Sikhism, such as wearing Sikh dress and unshorn hair and carrying mandatory religious items, including the kirpan, which is a right protected by the Indian constitution. Article 25 of the Indian constitution deems Sikhs to be Hindus. This creates an environment in which Hindu nationalists view Sikhs as having rejected Hinduism and as being enemies of India because some Sikhs support the Khalistan political movement, which seeks to create a new state in India for Sikhs and full legal recognition of Sikhism as an independent faith.'[55]

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9. Interfaith marriages and relationships

9.1 Legislation

9.1.1 The US IRF Report 2016 noted:

'Federal law permits interreligious couples to marry without religious conversion [under the Special Marriage Act 1954]. Interreligious couples, as all couples marrying in a civil ceremony, are required to provide public notice 30 days in advance, including addresses, photographs, and religious affiliation, for public comment. Hindus, Buddhists, Sikhs, or Jains who marry outside their religions, however, face the possibility of losing their property inheritance rights under those communities' laws.'[56]

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9.2 Prevalence

9.2.1 The Immigration and Refugee Board (IRB) of Canada published a report on interfaith marriages in May 2012. The report noted that:

'According to a study, by Kumudin Das of Pillai's College of Arts, Commerce and Science, Navi Mumbai, P. K. Tripathy of Utkal University, K. C. Das, and T. K. Roy, both of the International Institute for Population Sciences (IIPS) [Mumbai], entitled 'Dynamics of Inter-religious and Inter-caste Marriages in India', which used data taken from the 2005-2006 National Family Health Survey of 42,183 people in 29 states, 2.1 percent of marriages in India were inter-religious…The states with the highest percentages of inter-religious

[53] US IRF, 'International Religious Freedom Report for 2016', (Section II), 15 August 2017, url.
[54] MRG/CSSS, 'A Narrowing Space', (page 6), 29 June 2017, url.
[55] USCIRF, 'Annual Report 2017', (page 152), 26 April 2017, url.
[56] US IRF, 'International Religious Freedom Report for 2016', (Section II), 15 August 2017, url.

marriages were Arunachal Pradesh (9.2 percent), Sikkim (8.1 percent), Manipur (7.6 percent), Punjab (7.3 percent), and Meghalaya (6.7 percent).'[57]

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9.3 Societal attitudes and treatment

The IRB quoted an external source as stating: 'While it isn't the norm for inter-faith couples to be subject to violence, it does happen. The threat of violence would exist, in the vast majority of cases, from the families involved. Only in certain rural areas would individuals outside the family take an interest in an inter-faith marriage and take any action.' One source noted that '… Hindus from higher castes were likely to experience more opposition to an inter-religious marriage than Hindus from lower castes.'[58]

9.3.1 The IRB noted:

'Academic sources indicate that the situation of inter-religious couples in India varies depending upon class and region ... There are differences depending on whether the couple is in a rural or urban area ... The history professor noted that there is less discrimination towards inter-religious marriages that occur "within a middle-class urban context" … She said that inter-religious couples from rural areas who experience problems with their families or villages often move to urban areas, where there is "more tolerance" and it is "easier to meld" ... Similarly, the WSO legal counsel explained that:

'"[t]here is a very stark difference between the treatment of inter-faith couples in rural areas and urban areas. Whereas in urban areas, it is not uncommon for inter-religious marriages to take place, they are much more controversial in rural areas. ... In urban areas it would be more difficult to identify inter-faith couples. Even where an inter-faith couple is identified, it is not likely they would face serious hardship".

'In contrast, Reuters states [in 2011] that inter-religious relationships are "a taboo" both in rural areas and for "educated, well-off families in urban India" ...'[59]

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9.4 Hindus and Christians

9.4.1 In 2012, a history professor from the University of Toronto told the IRB Research Directorate that '… marriages between Hindus and Christians were less problematic [than, for example, marriages between Hindus and Muslims], and that, in general, Christians who inter-marry, although they may face disapproval, were unlikely to face violence from their families.'[60]

9.4.2 The Economist stated in September 2017 'It is not only Muslims who are accused of preying on Hindu women. A 28-year-old Hindu woman filed charges against a yoga centre in Kerala earlier this month, alleging that she

[57] IRB, 'Situation of inter-religious couples', 11 May 2012, url.
[58] IRB, 'Situation of inter-religious couples', 11 May 2012, url.
[59] IRB, 'Situation of inter-religious couples', 11 May 2012, url.
[60] IRB, 'Situation of inter-religious couples', 11 May 2012, url.

had been held there against her will for three weeks, abused and indoctrinated in an attempt to make her divorce her Christian husband. Her affidavit alleged that another 60 women had been held at the centre in similar circumstances.'[61]

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9.5 Hindus and Muslims

9.5.1 In 2012, the IRB cited academic sources which noted that marriages between Hindus and Muslims would face the most opposition and, marriages where the woman is Muslim, were more 'problematic' than other inter-religious marriages[62].

9.5.2 BBC News reported in March 2018:

'Marriages between Hindus and Muslims have long attracted censure in conservative Indian families, but the attachment of a deeper, sinister motive to them is a recent phenomenon.

'Radical Hindu fringe groups have started describing some interfaith marriages as "love jihad" – a term they use to accuse Muslim men of participating in a "conspiracy to turn Hindu women from their religion by seducing them".'[63]

9.5.3 The MRG/CSSS report of June 2017 stated:

'…right-wing groups continue to present Muslims as a "demographic threat" ... These groups have increasingly linked the growth of India's Muslim population to a covert attempt to reduce the country's Hindu majority. These tensions have underlined not only discussions around conversion, but also the equally fraught issue of inter-faith marriage. Hindu nationalist groups, in particular the RSS and Vishwa Hindu Parishad (VHP), have recently launched counter-campaigns against what they refer to as "love jihad" …

'Framed as "rescue operations", to counter "love jihad", Hindu nationalist groups have forcibly separated couples, and reportedly deployed right-wing lawyers to identify and share registered cases of inter-religious marriage between Muslim men and Hindu women. These groups have acknowledged levelling false accusations of rape and kidnapping against Muslim men, and have benefitted from legal and political patronage, with strong links to the police and certain political actors. The BJP campaign drew on references to "love jihad" during the 2017 state elections in Uttar Pradesh and, in March 2017, following their electoral success, so-called "anti-Romeo squads" were formed by the police. While framed under the broader auspices of protecting women from harassment, this campaign contributes to fears and anxieties linked to the "love jihad" narrative…

'In April 2016, for instance, Hindu extremists attempted to block an inter-faith marriage between a Muslim man and a Hindu woman who had converted, with security arrangements in place at the wedding to protect the couple. More recently, in May 2017, following news that a married Hindu woman and

[61] The Economist, 30 September 2017, url.
[62] IRB, 'Situation of inter-religious couples', 11 May 2012, url.
[63] BBC News, 'India Supreme Court restores 'love jihad' marriage', 8 March 2018, url.

Muslim man had eloped, there were attacks on the homes of Muslims living in Nandrauli, an area in Sambhal District of Uttar Pradesh. This led to an exodus of the majority of Muslims from the village to nearby areas.

'Hindu nationalists have also responded to the perceived problem of Hindu women marrying outside their community with a campaign of bahu lao, beti bachao ("bring in the daughter-in-law, save the daughter") – an initiative to "protect" Hindu men married to Muslims or Christians and to encourage women from those communities to marry into Hinduism.'[64]

9.5.4 Also reporting on so-called 'love jihad' The Economist stated in September 2017:

'One populist Hindu organisation's helpline claims to have "rescued" 8,500 girls from "love jihad". A website called Struggle for Hindu Existence carries endless titillating stories about Muslim youths luring Hindu maidens into wickedness. Repeated police investigations have failed to find evidence of any organised plan of conversion. Reporters have repeatedly exposed claims of "love jihad" as at best fevered fantasies and at worst, deliberate election-time inventions.'[65]

9.5.5 The BBC News reported in March 2018 that the Supreme Court ruled an Indian woman, at the centre of an inter-religious marriage 'love jihad' row, could now live with her husband. After converting from Hinduism to Islam to marry a Muslim man, the marriage was annulled by the High Court in Kerala after the woman's family alleged she was brainwashed as part of an anti-Hindu conspiracy. The woman insisted she'd acted of her own free will and, after appealing the high court's decision, the Supreme Court restored the marriage[66]. (See also Religious conversion).

9.5.6 In February 2018, BBC News reported that a Facebook page called for violence against 102 Muslim men who were allegedly in relationships with Hindu women. The page, which was taken down, called on Hindus to 'track and hunt the boys on the list'[67].

9.5.7 The US IRF Report 2016 noted 'On September 20 [2016], police in Thane, Maharashtra State arrested a Muslim man, Shafiq Shamsuddin, for killing his cousin, Sufiya Mansuri, and her Hindu husband, Vijay Yadavat [at] their residence. Shamsuddin was opposed to their interfaith marriage.'[68]

9.5.8 The BBC News also reported in February 2018 on the murder of a Hindu man, in what local media described as an 'honour killing', for his alleged relationship with a Muslim woman[69].

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[64] MRG/CSSS, 'A Narrowing Space', (page 21), 29 June 2017, url.
[65] The Economist, 30 September 2017, url.
[66] BBC News, 'India Supreme Court restores 'love jihad' marriage', 8 March 2018, url.
[67] BBC News, 'India hit list of Hindu Muslim couples taken off Facebook', 5 February 2018, url.
[68] US IRF, 'International Religious Freedom Report for 2016', (Section III), 15 August 2017, url.
[69] BBC News, 'Delhi chief minister condemns murder of Hindu man', 6 February 2018, url.

9.6 Hindus and Sikhs

9.6.1 The IRB noted 'Both a professor of history from the University of Toronto and the Legal Counsel for the World Sikh Organization (WSO) of Canada expressed the opinion that marriages between Sikhs and Hindus would likely face less opposition than marriages between Sikhs and Muslims.'[70]

9.6.2 Regarding marriages between Hindus and Sikhs, the WSO legal counsel added:

'Marriages between Hindus and Sikhs are not uncommon, especially amongst urban Sikhs of the "Khatri" background/caste. Many Khatri families have both Hindu and Sikh members and therefore mixed marriages occur frequently. Such couples would in many cases not face any discrimination and their families may even be part of arranging the marriage. Where a couple [has] chosen to marry independently of their families' wishes, they may be faced with problems.'[71]

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10. Religious conversion

10.1 Legislation

10.1.1 Whilst the constitution allows for freedom of religion and conscience[72], the February 2017 USCIRF report on the legislation in respect of religious minorities in India noted that:

'Of the 29 states in India, seven – Gujarat (2003), Arnachal Pradesh (1978), Rajasthan (2006), Madhya Pradesh (1968), Himachal Pradesh (2006), Odisha (1967), and Chhattisgarh (1968) – have adopted a Freedom of Religion Act commonly referred to as an anti-conversion law. These anti-conversion laws generally ban religious conversion by use of force, inducement, or any fraudulent means; aiding any person in such a conversion is also banned.'[73]

10.1.2 Regarding state anti-conversion laws, the US IRF Report 2016 noted that 6 states enforced the laws; there was no implementing legislation for the anti-conversion law in Arunachal Pradesh. The report described the punishments proscribed in each state for contravening the laws, which can extend to three or four years' imprisonment[74].

10.1.3 The USCIRF Annual Report 2017 noted:

'Because of concerns about unethical conversion tactics, these laws generally require government officials to assess the legality of conversions out of Hinduism and to provide for fines and imprisonment for anyone who uses force, fraud, or "inducement" to convert another. While the laws purportedly protect religious minorities from forced conversions, they are one-sided, only concerned about conversions away from Hinduism but not

[70] IRB, 'Situation of inter-religious couples', 11 May 2012, url.
[71] IRB, 'Situation of inter-religious couples', 11 May 2012, url.
[72] The Constitution of India, (Article 25, page 13), as of 9 November 2015, url.
[73] USCIRF, 'Constitutional and Legal Challenges', (page 2), February 2017, url.
[74] US IRF, 'International Religious Freedom Report for 2016', (Section II), 15 August 2017, url.

toward Hinduism. [...] BJP President Amit Shah has advocated for a nationwide anti-conversion law.'[75]

10.1.4 Other laws affected the rights of converts, including the Special Marriage Act 1954, of which the USCIRF report of February 2017 noted:

'… includes provisions that deny converts to non-Hindu religions (e.g., Judaism, Islam, and Christianity) of certain rights and privileges. For instance, under the act, if either parent of a Hindu child converts to Christianity or Islam, that parent loses the right to guardianship over the child. The Hindu Minority and Guardianship Act of 1956 disqualifies converts from Hinduism to be the guardians of their own children. Similarly, under the law, a Hindu wife who converts to Christianity or Islam loses her right to marital support from her husband. Conversion from Hinduism can even be a basis for divorce.'[76] (See also Interfaith marriages and relationships).

10.1.5 The MRG/CSSS report noted regarding religious conversion that, in practice, '… the legislation has been used by Hindu extremists to discourage or prevent conversion from Hinduism to other religions, particularly Islam and Christianity…'.[77] (See Christians – Societal treatment).

10.1.6 In a joint submission to the May 2017 Universal Periodic Review of India, the submitted by The Advocates for Human Rights, an NGO in special consultative status, in collaboration with the Indian American Muslim Council (IAMC), Jamia Teachers Solidarity Association and The Quill Foundation, stated that:

'The Indian Constitution guarantees freedom of religion and also provides reserved places(reservations) for Scheduled Castes in educational institutions and government jobs. Yet the Government denies reservations to members of Scheduled Castes who convert out of Hinduism. In 2009, a commission led by a former Chief Justice recommended non-Hindu Scheduled Castes be eligible for reservations. The government opposed the recommendation in the Supreme Court. In February 2016, an Indian minister said allowing non-Hindu Scheduled Castes to benefit from reservations would "encourage conversion and weaken the Hindu religion".'[78]

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10.2 Forced conversions

10.2.1 According to the USCIRF Annual Report 2017:

'In 2014, the RSS announced plans to "reconvert" thousands of Christian and Muslims families to Hinduism as part of a so-called Ghar Wapsi (returning home) program, and began raising money to do so; after domestic and international outcry, the RSS postponed its plans.

'Nevertheless, […], smaller-scale forced conversions of religious minorities were reported in 2016. In addition, in February 2016 the RSS reportedly

[75] USCIRF, 'Annual Report 2017', (page 150), 26 April 2017, url.
[76] USCIRF, 'Constitutional and Legal Challenges', (page 4), February 2017, url.
[77] MRG/CSSS, 'A Narrowing Space', (page 20), 29 June 2017, url.
[78] IAMC, 'Joint Stakeholder Report to UN HRC UPR', (paragraph 9), 19 March 2017, url.

placed signs in train stations throughout India that said Christians had to leave India or convert to Hinduism or they will be killed by 2021.

'In addition, the Hindu nationalist Bahu Lao, Beti Bachao campaign seeks to encourage young Hindu men to marry and convert non-Hindu girls, which is often done by force. Love Jihad is a campaign that portrays all Muslim men who marry Hindu women as having done so forcibly, and Muslim-mukt Bharat' (Muslim-free India) calls for Muslims to leave India…

'Forced conversions of Christians and other religious minorities by Hindu nationalists also were reported in 2016. For example, in April 2016 in Chhattisgarh, two unidentified attackers, believed to be Hindu extremists, broke into a Pentecostal church and beat the pastor and his pregnant wife. The attackers also assaulted the pastor's children and attempted to set the family and church on fire with gasoline for failing to sing "Jai Sri Ram," a Hindu devotional song to Lord Ram. In May 2016, also in Chhattisgarh, six Gondi tribal Christian families fled the village of Katodi after their Hindu neighbors attacked and threatened them in order to forcibly convert them Hinduism. The families' homes were destroyed.'[79]

(See also Interfaith marriages and relationships).

10.2.2 The MRG/CSSS report noted in regard to religious conversion that:

'Dalits … have on occasions used conversion as a means to protest injustice or seek greater inclusion in another religion. Reports emerged in July 2016, for instance, that hundreds of Dalit villagers in Tamil Nadu were planning to convert to Islam after being denied access to the local temples by caste Hindus. Some right-wing activists accused local Muslims of actively stirring this division. In early 2015, similarly, a Valmiki community member converted to Islam following his exclusion from the local temple, prompting police to reportedly arrest him for 'disturbing peace and communal harmony'. Allegations of forced conversions have frequently been leveled against Christians and often accompany targeted attacks against them, which have been on the rise in recent years. In April 2017, for example, police in Uttar Pradesh halted a prayer meeting at a church upon receiving reports of alleged forced conversions from the right-wing Hindu Yuva Vahini.'[80] (See also Scheduled Castes (Dalits)).

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11. Scheduled Castes (Dalits)

11.1 India's caste system

11.1.1 BBC News explained the caste system of India – said to be over 3,000 years old – noting it:

'… divides Hindus into rigid hierarchical groups based on their karma (work) and dharma (the Hindi word for religion, but here it means duty) … The caste system divides Hindus into four main categories [in order of hierarchy] – Brahmins, Kshatriyas, Vaishyas and the Shudras… The main castes were

[79] USCIRF, 'Annual Report 2017', (pages 151-152), 26 April 2017, url.
[80] MRG/CSSS, 'A Narrowing Space', (page 20), 29 June 2017, url.

further divided into about 3,000 castes and 25,000 sub-castes, each based on their specific occupation. Outside of this Hindu caste system were the achhoots – the Dalits or the untouchables.'[81]

11.1.2 Official figures estimate the number of Dalits at over 200 million[82].

11.1.3 The practice of 'untouchability', in which members of higher castes will not touch anything that has come in physical contact with a Dalit, is banned under the Constitution[83] [84].

11.1.4 BBC News also stated:

'In recent decades, with the spread of secular education and growing urbanisation, the influence of caste has somewhat declined, especially in cities where different castes live side-by-side and inter-caste marriages are becoming more common.

'In certain southern states and in the northern state of Bihar, many people began using just one name after social reform movements. Despite the changes though, caste identities remain strong, and last names are almost always indications of what caste a person belongs to.'[85]

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11.2 Legislation

11.2.1 The BBC News noted:

'Independent India's constitution banned discrimination on the basis of caste, and, in an attempt to correct historical injustices and provide a level playing field to the traditionally disadvantaged, the authorities announced quotas in government jobs and educational institutions for scheduled castes and tribes, the lowest in the caste hierarchy, in 1950. In 1989, quotas were extended to include a grouping called the OBCs (Other Backward Classes) which fall between the traditional upper castes and the lowest.'

11.2.2 The US IRF Report 2016 noted:

'The constitution allows for a form of affirmative action for Scheduled Caste [Dalit] or Scheduled Tribe [Adivasi – indigenous people of India[86]] communities, and the law subsequently added the "Other Backward Class" category for groups deemed to be socially and educationally disadvantaged. Since the constitution specifies only persons who are Hindu, Sikh, or Buddhist shall be deemed a member of a Scheduled Caste, the only means through which Christian and Muslim individuals may qualify for affirmative action benefits as members of religious communities is if they are considered members of the "backward" classes due to their social and economic status.'[87]

[81] BBC News, 'What is India's caste system', 20 July 2017, url.
[82] USCIRF, 'Annual Report 2017', (page 152), 26 April 2017, url.
[83] BBC News, 'India's Dalits still fighting untouchability', 27 June 2012, url.
[84] The Constitution of India, (Part III, Article 17), as of 9 November 2015, url.
[85] BBC News, 'What is India's caste system', 20 July 2017, url.
[86] Encyclopaedia Britannica, 'Adivasi', undated, url.
[87] US IRF, 'International Religious Freedom Report for 2016', (Section II), 15 August 2017, url.

11.2.3 The UN Human Rights Council (HRC) Report of the Working Group on the Universal Periodic Review; India, July 2017, noted 'India … amended its laws to provide more stringent punishment for atrocities against persons belonging to the Scheduled Castes and Tribes. In addition, a range of policy measures had been adopted to address issues of social exclusion, deprivation and disadvantage that such groups might face.'[88]

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11.3 Violence and discrimination

11.3.1 The US Department of State's Human Rights report for 2016 (USSD HR Report 2016) noted:

'Although the law protects Dalits, there were numerous reports of violence and significant discrimination in access to services, such as health care, education, temple attendance, and marriage. Many Dalits were malnourished. Most bonded laborers were Dalits. Dalits who asserted their rights were often victims of attacks, especially in rural areas. As agricultural laborers for higher-caste landowners, Dalits reportedly often worked without monetary remuneration. Reports from the UN Committee on the Elimination of Racial Discrimination described systematic abuse of Dalits, including extrajudicial killings and sexual violence against Dalit women. Crimes committed against Dalits reportedly often went unpunished, either because authorities failed to prosecute perpetrators or because victims did not report crimes due to fear of retaliation.'[89]

11.3.2 The USCIRF report of February 2017 stated 'Hindus classified as Schedule Castes or Tribes, commonly referred to as Dalits, … are increasingly being attacked and harassed.'[90] Freedom House noted in its World Report 2018, covering 2017 events, 'Many Dalits are denied access to land, are abused by landlords and police, and work in miserable conditions.'[91] The USSD HR Report 2016 stated 'National crime statistics indicated Dalit women were disproportionately victimized compared with other caste affiliations.'[92]

11.3.3 In 2012, the IRB cited a history professor from the University of Toronto, who noted that 'Hindus from higher castes were likely to experience more opposition to an inter-religious marriage than Hindus from lower castes.'[93] (See also Interfaith marriage and relationships).

11.3.4 The USCIRF Annual Report 2017 noted:

'"Higher caste" individuals or local political leaders, often members of the Hindu nationalist groups, reportedly often prohibit Hindu Dalits from entering temples because their entrance would "unsanctify" the temples. Moreover, in the last year Dalits reported increasing harassment from Hindu nationalists who purport to be upholding the caste system and who do not believe Dalits should interact with "higher caste" individuals in jobs and in schools.

[88] UN HRC, 'Universal Periodic Review; India', (paragraph 17), 17 July 2017, url.
[89] USSD, 'Country Report on Human Rights for 2016', (Section 6), 3 March 2017, url.
[90] USCIRF, 'Constitutional and Legal Challenges', (page 1), February 2017, url.
[91] Freedom House, 'Freedom in the World 2018', (F4), January 2018, url.
[92] USSD, 'Country Report on Human Rights for 2016', (Section 6), 3 March 2017, url.
[93] IRB, 'Situation of inter-religious couples', 11 May 2012, url.

Additionally, non-Hindu Dalits, especially Christians and Muslims, do not qualify for the official reserves for jobs or school placement available to Hindu Dalits, putting these groups at a significant economic and social disadvantage.'[94]

11.3.5 According to the USSD HR Report 2016 'NGOs reported widespread discrimination, including prohibiting Dalits from walking on public pathways, wearing footwear, accessing water from public taps in upper-caste neighborhoods, participating in some temple festivals, bathing in public pools, or using certain cremation grounds.' Dalit children also faced discrimination at school[95].

11.3.6 The Amnesty International (AI) Report 2017/2018 noted:

'Official statistics released in November [2017] stated that more than 40,000 crimes against Scheduled Castes were reported in 2016. Several incidents were reported of members of dominant castes attacking Dalits for accessing public and social spaces or for perceived caste transgressions.

'In May [2017], two Dalit men were killed, several injured, and dozens of Dalit homes burned by dominant caste men in Saharanpur, Uttar Pradesh, following a clash between members of the communities. In August, S. Anitha, a 17-year-old Dalit girl who had campaigned against the introduction of a uniform national exam for admission to medical colleges, committed suicide, sparking protests in Tamil Nadu. Protesters said the exam would disadvantage students from marginalized backgrounds.

'Activists said that at least 90 Dalits employed as manual scavengers died during the year while cleaning sewers, despite the practice being prohibited. Many of those killed were illegally employed by government agencies. In August [2017], the Delhi state government said that people who employed manual scavengers would be prosecuted for manslaughter.'[96]

11.3.7 The UN Special Rapporteur's report on adequate housing, dated 10 January 2017, noted:

'In India, the legacy of scheduled castes and so-called "backward classes" remains. Scheduled castes and scheduled tribes comprise 22 per cent of the population of India, but are overrepresented among the poor. Despite affirmative action programmes and "reservations", those groups continue to be subject to stigmatization and discrimination, including in relation to housing. According to the 2011 census, scheduled castes and scheduled tribes have, on average, lower quality housing, made with inadequate materials, with only 22 per cent of households of scheduled tribes made with brick or concrete walls. Figures concerning the lack of access to latrines were more alarming than for the general population, with 66 per cent of members of scheduled castes lacking access to latrines, and 77 per cent of scheduled tribes.'[97]

[94] USCIRF, 'Annual Report 2017', (page 152), 26 April 2017, url.
[95] USSD, 'Country Report on Human Rights for 2016', (Section 6), 3 March 2017, url.
[96] AI, 'India 2017/2018', (Caste-based discrimination and violence), 22 February 2018, url.
[97] UN HRC, 'Report of the Special Rapporteur on adequate housing', (paragraph 67), 10 January 2017, url.

11.3.8 In its 2018 Annual report covering events of 2017, Human Rights Watch stated 'Two people died in caste clashes between Dalits and members of an upper caste community in Uttar Pradesh in April and May. Between April and July, 39 people reportedly died from being trapped in toxic sewage lines, revealing how the inhuman practice of "manual scavenging" – disposal of human waste by communities considered low-caste – continues because of the failure to implement laws banning the practice.'[98]

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12. Protection and redress

12.1 Government support

12.1.1 The US IRF Report 2016 indicated:

'The National Commission for Minorities, which includes representatives from the five designated religious minorities and the National Human Rights Commission, is tasked with investigating allegations of religious discrimination. The Ministry of Minority Affairs may also conduct investigations. These bodies have no enforcement powers but launch investigations on the basis of written complaints by plaintiffs charging criminal or civil violations and submit their findings to law enforcement agencies for action. Sixteen of India's 29 states and the National Capital Territory of Delhi have state minorities commissions, which also investigate allegations of religious discrimination.'[99]

12.1.2 In its February 2017 report to the UN Human Rights Council (HRC) Working Group on the Universal Periodic Review, the Government of India stated:

'To strengthen its response for aiding victims of communal violence, the Government has enhanced compensation to victims of communal violence from Rs. 300,000 to Rs. 500,000. This is in addition to directions from courts, especially the Supreme Court, on rehabilitation packages and other responses for aiding victims of communal violence. The Government of India has issued Communal Harmony Guidelines which lay down Standard Operating Procedures to deal with communal violence.'[100]

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12.2 Law enforcement and reparation

12.2.1 The MRG/CSSS report on violence and discrimination of India's religious minorities, noted:

'Overall, constitutional provisions and laws in place provide a framework to protect the rights of religious minorities and address communal violence. However, operationalization of these provisions through policy and legislation is limited, and implementation of laws regarding communal violence remains weak. There are also issues regarding judicial consistency; narrow judicial interpretation of Fundamental Rights, in particular Article 15;

[98] HRW, 'World Report 2018', (page 263), 18 January 2018, url.
[99] US IRF, 'International Religious Freedom Report for 2016', (Section II), 15 August 2017, url.
[100] UN HRC, 'National report', (paragraphs 60-61), 23 February 2017, url.

overly broad laws, or those which lack adequate definition; and institutional bias against minorities in the criminal justice system.'[101]

12.2.2 The USCIRF Annual Report 2017 noted:

'The Indian courts are still adjudicating cases stemming from large-scale Hindu-Muslim communal violence in Uttar Pradesh (2013) and Gujarat (2002), Hindu-Christian communal violence in Odisha (2007–2008), and Hindu-Sikh communal violence in Delhi (1984). NGOs, religious leaders, and human rights activists allege religious bias and corruption in these investigations and adjudications. Additionally, religious minority communities claim eyewitnesses often are intimidated not to testify, especially when local political, religious, or societal leaders have been implicated in cases. In two separate cases in June 2016, two courts in Gujarat convicted 48 individuals of murder and other crimes related to the 2002 violence in that state. The Muslim community and human rights activists lauded the convictions, but voiced concerns that dozens more were acquitted. In February 2016, the first major verdict concerning the 2013 riots in Muzaffarnagar, Uttar Pradesh, acquitted 10 people charged with arson and murder for lack of evidence. In February 2015, the Indian government formed a new Special Investigation Team (SIT) to review several incidents that occurred during the 1984 anti-Sikh riots, but the SIT reportedly has neither released any reports on their investigations nor filed any new cases.'[102]

12.2.3 Amnesty International noted 'A special investigation team set up in 2015 to reinvestigate closed cases related to the 1984 Sikh massacre closed 241 cases and filed charges in 12 others. In August [2017], the Supreme Court set up a panel comprising two former judges to examine the decisions to close the cases.'[103]

12.2.4 The USCIRF Annual Report 2017 noted that the impact of the structures to investigate and adjudicate crimes stemming from the incidents above have '… been hindered by limited capacity, an antiquated judiciary system, inconsistent use, political corruption, and religious bias, particularly at the state and local levels.'[104] The US IRF Report 2016 noted 'Religious minority communities stated that, while the national government sometimes spoke out against incidents of violence, local political leaders often did not, which left victims and minority religious communities feeling vulnerable.'[105]

12.2.5 The US IRF Report 2016 stated that the Commission for Minorities for Telangana and Andhra Pradesh States had received complaints of illegal occupation of Christian and Muslim community properties, including graveyards. The report noted 'The commission, which collected data on incidents but lacked enforcement powers, said most local government officials failed to address complaints by religious minorities.'[106]

[101] MRG/CSSS, 'A Narrowing Space', (page 12), 29 June 2017, url.
[102] USCIRF, 'Annual Report 2017', (page 153), 26 April 2017, url.
[103] AI, 'India 2017/2018', (Communal and ethnic violence), 22 February 2018, url.
[104] USCIRF, 'Annual Report 2017', (page 149), 26 April 2017, url.
[105] US IRF, 'International Religious Freedom Report for 2016', (Section II), 15 August 2017, url.
[106] US IRF, 'International Religious Freedom Report for 2016', (Section III), 15 August 2017, url.

12.2.6 In January 2018, dozens of arrests were made by police after right-wing Hindu groups protested the release of a Bollywood movie, which depicted a Muslim ruler in a relationship with a Hindu queen. The Supreme Court refused to allow a ban on the film and several states increased police security at theatres where the film was screened[107].

12.2.7 On 21 March 2018, Human Rights Watch (HRW) reported:

'A court in India yesterday sentenced 11 people to life in prison for beating to death Alimuddin Ansari, a Muslim, who his killers believed was trading in beef. Among those convicted was a local leader of the ruling Hindu nationalist Bharatiya Janata Party (BJP). Many Hindus consider cows to be sacred, and in the past four years a violent vigilante campaign against beef trade and consumption has led to the killing of at least 29 people, mostly Muslims, across the country. Dalits, so-called untouchables, have also been targeted because they handle animal carcasses and leather. The court, located in India's eastern Jharkhand state, has handed down the first conviction since attacks by self-appointed "cow protectors" spiked after the BJP took office in May 2014.'[108]

See also Muslims – Societal treatment and Scheduled Castes (Dalits).

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[107] Reuters, 'Indian police detain dozens protesting against controversial movie', 24 January 2018, url.
[108] HRW, 'Holding Killers to Account for Hate Crimes in India', 21 March 2018. url.

Terms of Reference

A ‘Terms of Reference’ (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the country information section. The Home Office’s Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
    - Constitution and domestic laws
- Demography
    - Population
- Religious minorities
    - Hindu nationalism
    - Violence and discrimination
- State treatment
    - Christians
    - Muslims
    - Sikh
- Societal treatment
    - Christians
    - Muslims
    - Sikh
- Religious conversions
- Interfaith marriages
- Scheduled castes
    - Legislation
    - Violence and discrimination
- Avenues of redress

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Version control

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **14 May 2018**

Changes from last version of this note

Minor changes to country information and analysis

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