



Home Office

Country Information and Guidance

India: Religious minority groups

April 2015

Archived

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – as well as country of origin information (COI) about – India. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

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 make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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1. Introduction

1.1 Basis of Claim

- 1.1.1 Fear of harm or mistreatment by either the state authorities or non state agents, on account of the person's religious affiliation.

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1.2 Summary of Issues to Consider

- ▶ Is the person's account a credible one?
- ▶ Are members of a religious minority at risk of mistreatment or harm amounting to persecution in India?
- ▶ Are those at risk able to seek effective protection?
- ▶ Are those at risk able to internally relocate within India?

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2. Consideration of Issues

2.1 Is the person's account a credible one?

- 2.1.1 Decision makers must consider whether the material facts relating to the person's account of their religious affiliation, opinions or activity, is reasonably detailed, internally consistent (e.g. oral testimony, written statements) as well as being externally credible (i.e. consistent with generally known facts and the Country Information). Decision makers should take into account the possible underlying factors as to why a person may be inconsistent or unable to provide details of material facts.
- 2.1.2 For further information and advice on this, see the [Country Information](#) section and the relevant section(s) of the Asylum Instruction on [Assessing credibility and refugee status](#).

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2.2 Are members of a religious minority at risk of mistreatment or harm, amounting to persecution, in India

- 2.2.1 India is a secular republic; the constitution and other laws protect religious freedom and this is generally respected by the government. The law provides "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. However, some states' laws and policies restrict this freedom including the enforcement of "anti-conversion" laws by those state governments. Persons entering into inter-religious marriages may be subject to discrimination, social exclusion, or family or communal violence. (see [Overview](#) in the country information section)
- 2.2.2 There are incidences of societal abuse, intimidation, harassment and discrimination, attacks on sites of worship and communal violence on account of religious affiliation, sometimes resulting in deaths, injury, rape and forced displacement, and alleged forced conversion to Hinduism. (see [Religiously motivated violence and discrimination](#), and

Religious conversion in the country information section). However, religious minorities live throughout the country and the evidence does not support a finding that there is a real risk of persecution, serious harm, or other breach of fundamental human rights to members of those minorities.

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2.3 Are those at risk able to seek effective protection?

- 2.3.1 Whilst there is a functioning criminal justice system, the effectiveness and conduct of the police varies from state to state. (see Rule of law and the judiciary in the [Country Information and Guidance India: Background, including actors of protection and internal relocation](#)) In some instances local police and enforcement agencies have failed to effectively protect religious minorities from communal violence. Whilst legal protections for religious freedom are generally enforced, prosecutions are brought for violations of religious freedom, and legal protections exist to address discrimination or persecution by private individuals, authorities implemented some restrictive laws and did not always efficiently or effectively prosecute those who attacked religious minorities. (See [Avenues of redress and protection](#), in the country information section)
- 2.3.2 Effective state protection may be available for members of religious minority groups. However decision makers must assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future in that particular locality. (See relevant section(s) of the Asylum Instruction on [Assessing credibility and refugee status](#)).

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2.4 Are those at risk able to internally relocate within India?

- 2.4.1 India is a vast country and covers an area of 3,287,263 sq km including the whole of Jammu and Kashmir, which is divided between India and Pakistan. The country's population is just over 1.2 billion. (see the [Country Information and Guidance India: Background, including actors of protection and internal relocation](#)) Religious minority communities are found across the country and generally live peacefully side by side (see [Religious minorities](#) in the country information).
- 2.4.2 Decision makers must determine whether the person could relocate internally to a place where they would not face a real risk of serious harm and where they can reasonably be expected to stay. This assessment will need to be based on the facts of the individual case.
- 2.4.3 For more information on how to consider internal relocation, see also the relevant section of the [Asylum Instruction on Assessing Credibility and Refugee Status](#). For general information on internal relocation in respect of India see the [Country Information and Guidance India: Background, including actors of protection and internal relocation](#); and in the case of women see also the [Country Information and Guidance India: Women fearing gender based harm/violence](#).

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3. Policy Summary

- **In general religious minorities are able to practise their faith freely, attend places of worship and participate in religious activities; however 'anti-conversion' laws have been used to discriminate against minorities and to arbitrarily arrest minorities perceived to proselytise, though the conviction rate is low.**
- **There have been instances of societal abuse, intimidation, harassment, discrimination, attacks on sites of worship and communal violence, sometimes**

resulting in deaths, injury, rape, forced displacement, against religious minorities, and alleged forced conversion to Hinduism, which may amount to persecution in individual cases, but this is not at a level to pose a general risk of persecution.

- Persons entering into inter-religious marriages may be subject to discrimination, social exclusion or family or communal violence, including honour crimes.
- Where there is a real risk, effective protection may be provided by the authorities.
- Additionally internal relocation to another area of India may be an option, but will depend on the nature and origin of the threat as well as the personal circumstances of the person as long as it would not be unduly harsh to expect them to do so.
- 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 in most cases the claim based on membership of a religious minority is likely to be certifiable as 'clearly unfounded'.

For further information on making asylum decisions, see the [Asylum Instruction on Assessing credibility and refugee status](#), the [Asylum Instruction on Humanitarian Protection](#) and the [Asylum Instruction on Discretionary Leave](#).

For further information on certification, see the [Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#).

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4. Overview

4.1.1 India is a secular republic and all religions are considered equal under the law. The constitution and other laws protect religious freedom and this is generally respected by the government. However, some laws and policies restrict this freedom including the enforcement of “anti-conversion” laws by some state governments. Some local police and enforcement agencies failed to effectively respond to attacks against religious minorities and communal violence in certain instances.¹

Demography

4.1.2 A July 2014 estimate put the total population of India at just over 1.2 billion.² The US Department of State’s International Religious Freedom Report 2013 observed that ‘According to the 2001 census ... Hindus constitute 80.5 percent of the population, Muslims 13.4 percent, Christians 2.3 percent, and Sikhs 1.9 percent.’³ Groups constituting less than two percent⁴ of the population included ‘Buddhists, Jains, Parsis (Zoroastrians), Jews, and Bahais. “Tribal” groups, which are indigenous groups historically outside the caste system and generally included among Hindus in government statistics, often practice traditional indigenous religious beliefs (animism).’⁵

For more detailed information on the demography of Muslims, Christians, and Sikhs, see [Religious minorities](#)

Legislation

4.1.3 The US Department of State’s International Religious Freedom Report 2013 noted that: ‘The law provides “minority community” status for five religious groups: Muslims, Sikhs, Christians, Parsis, and Buddhists. The law states that the government will protect the existence of these minorities and encourage conditions for the promotion of their individual identities.

‘The constitution provides that Sikhism, Jainism, and Buddhism are considered subsets of Hinduism; however, these groups view themselves as distinct faiths. Subsequent legislation identifies Buddhism as a separate religion. Jains have minority status in the states of Delhi, Maharashtra, Karnataka, Madhya Pradesh, Uttarakhand, Rajasthan, Jharkhand, Chhattisgarh, Uttar Pradesh, Andhra Pradesh, and West Bengal. State governments have the power to grant minority status to religious groups designated as minorities under the law.

‘There are different state laws only applicable to certain religious communities (known as “personal laws”) in matters of marriage, divorce, adoption, and inheritance. The

¹ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Executive summary, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

² CIA World Factbook, India, People and society, updated 22 June 2014, <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html>, date accessed 6 February 2015

³ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section I, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

⁴ CIA World Factbook, India, People and society, updated 22 June 2014, <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html>, date accessed 6 February 2015

⁵ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section I, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

government grants a significant amount of autonomy to personal status law boards in crafting these laws. Hindu law, Christian law, Parsi law, and Islamic law are legally recognized and judicially enforceable. None is exempt from national and state level legislative powers or social reform obligations as stated in the constitution.

'The law provides Sikhs partial recognition and permits them to register marriages under specific legislation governing such marriages rather than under legislation governing Hindu marriages. There are no divorce provisions for Sikhs, however, and other Sikh matters still fall under Hindu codes.'⁶

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Religious conversion

4.1.4 The US Commission on International Religious Freedom noted in its Annual Report 2014 that seven states – Chhattisgarh, Himachal Pradesh, Gujarat, Madhya Pradesh, Arunachal Pradesh, Rajasthan and Odisha – have “Freedom of Religion Act(s)”, commonly referred to as “anti-conversion” laws. These laws generally require government officials to assess the legality of conversions and provide for fines and imprisonment for anyone who uses force, fraud, or “inducement” to convert another. These laws have resulted in few arrests and no convictions, but have created a hostile atmosphere for religious minorities, particularly Christians.⁷ According to NGOs and Christian missionary activists in Odisha, local authorities in some districts invoked a provision of the law to arrest Christian preachers on the grounds they were “forcibly” converting citizens.⁸ According to Freedom House, ‘legislation in several Hindu-majority states criminalizes religious conversions that take place as a result of “force” or “allurement,” which can be broadly interpreted to prosecute proselytizers’.⁹ The US Department of State’s International Religious Freedom Report 2013 added that: ‘Arunachal Pradesh’s anti-conversion law is not implemented due to a continuing lack of enabling legislation. Authorities explain these laws as protective measures meant to shield vulnerable individuals from being induced to change their faith. For example, the Gujarat law proscribes religious conversions through “allurement, force, or fraud”.’¹⁰ The same report continued:

‘Under Himachal Pradesh law, 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.” Violations are punishable by up to two years’ imprisonment and/or a fine of 25,000 rupees (\$407), with increased penalties if “Scheduled Caste” or “Scheduled Tribe” members (socially marginalized groups) or minors are involved. Chhattisgarh maintains similar prohibitions against conversion by force or enticement.

4.1.5 ‘Odisha law 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 include imprisonment, a fine, or both, and are harsher if the offense involves minors, women, or

⁶ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section II, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

⁷ United States Commission on International Religious Freedom, USCIRF Annual Report 2014 - Tier 2: India, 30 April 2014, available at: <http://www.refworld.org/docid/5369e5b05.html>, date accessed 10 February 2015

⁸ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section II, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

⁹ Freedom House, Freedom in the World 2015 - India, 16 February 2015, available at: <http://www.refworld.org/docid/54e46b45c.html>, date accessed 5 March 2015

¹⁰ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section II, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

a Scheduled Caste or Scheduled Tribe member. The law requires individuals to provide notification prior to conversion and clergy to declare their intent to officiate in a conversion ceremony. The law also requires district magistrates to maintain a list of religious organizations and individuals propagating religious beliefs.’¹¹ Speaking at the Tom Lantos Human Rights Commission, the Vice Chair of the US Commission on International Religious Freedom stated that the anti-conversion laws are

‘deeply problematic, as they violate international standards and place the government in the inappropriate position of determining the validity of individual decisions regarding religious faith. They are one-sided and discriminatory, placing hurdles and penalties for converting out of Hinduism, but not towards it. In addition, these laws have led to higher incidents of intimidation, harassment and violence against religious minority communities, particularly Christians and Muslims, with few arrests and no convictions. Yet these accusations are rarely true, which the incredibly low conviction rates under these laws prove. However, while not leading to large-scale arrests, these laws have fostered a climate of societal impunity against minorities and have led to police harassment. Accusations of forced conversion often are used against religious minority communities, particularly Christian adherents and their religious leaders, when there are disputed issues unrelated to religion including, for example, if a religious leader or adherent speaks out against a particular political issue or local politician or if there is a land dispute.’¹²

4.1.6 Reporting on the situation of Sikhs outside of Punjab province, the Research Directorate of the Immigration and Refugee Board of Canada stated that ‘Sources indicate that people who converted to Sikhism face potential difficulties in some states... According to the legal counsel of WSO [World Sikh Organization of Canada], converts from lower castes often face a backlash from their communities...’¹³

4.1.7 There were reports of forced conversions of religious minorities by Hindu nationalists with allegations that they involved force, fraud or inducement. Hardline Hindu groups like the RSS (Rashtriya Swayamsevak Sangh), Bajrang Dal, VHP (Vishwa Hindu Parishad) claimed the conversions were voluntary, and that they allowed Christians and Muslims to return to their “original religion”.¹⁴ See [Muslims](#), [Christians](#) and [Sikhs](#).

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Inter-religious marriages

4.1.8 The Immigration and Refugee Board (IRB) of Canada published a report on interfaith marriages in May 2012. The IRB report 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.’¹⁵ However the same report cited academic sources

¹¹ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section II, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

¹² Testimony of Katrina Lantos Swett, Vice Chair U.S. Commission on International Religious Freedom, Before the Tom Lantos Human Rights Commission on the Plight of Religious Minorities in India, 4 April 2014, page 1, <http://www.uscirf.gov/sites/default/files/css/India%20Testimony%20TLHRC%20April%202014%20FINAL.pdf>, date accessed 28 February 2015

¹³ Immigration and Refugee Board of Canada: India: Situation of Sikhs outside the state of Punjab, including treatment by authorities; ability of Sikhs to relocate within India, including challenges they may encounter (2009-April 2013) [IND104369.E], 13 May 2013 (available at [ecoi.net](http://www.ecoi.net)) http://www.ecoi.net/local_link/248800/359138_en.html, date accessed 24 February 2015

¹⁴ BBC News, India parliament uproar over conversions by Hindu groups, 22 December 2014, <http://www.bbc.co.uk/news/world-asia-india-30573796>, date accessed 24 February 2015

¹⁵ Immigration and Refugee Board of Canada: ‘India: Situation of inter-religious couples from both urban and rural locations, including societal attitudes, treatment by government authorities and the treatment of their children

which noted that marriages between Hindus and Muslims – particularly where the wife is Muslim – could be more ‘problematic’ than other inter-religious marriages.¹⁶

4.1.9 The Canadian IRB report also observed that Hindus from higher castes were likely to experience more opposition to an inter-religious marriage than Hindus from lower castes, that academic sources indicate that the situation of inter-religious couples in India varies depending upon class and region and that there was a significant difference in the way interfaith couples were treated in urban areas (cities) as compared with rural areas, including villages.¹⁷

4.1.10 A report for the Australian Refugee Review Tribunal, dated June 2012, stated:

‘Intermarriage between Hindus, Sikhs and Jains appears to be more generally accepted than intermarriage between members of these religions and Christians, Jews or Muslims...

‘By and large, inter-caste and inter-religious marriages are discouraged, and those who have asserted their free choice along these lines recount their experiences of severe friction in and disruption of intra-family relations on account of it. [A professor from Allahabad, Uttar Pradesh]

‘Treatment of inter-religious couples may range from passive discrimination or social exclusion to violent attacks. The degree of mistreatment may depend on a couple’s location and social levels, and either family members or broader communities may be responsible for such treatment.

‘Treatment depends on many factors including the respective religions to which the parties belong and geographic and socio-economic factors. In certain castes, especially in the case of Hindu-Muslim marriages, respective communities and in some rare cases even local politicians become involved.

‘Reports note various forms of mistreatment by family members, including imprisonment in the home, forcing one party to seek an annulment – regardless of the legal status of the marriage, and killings.

‘A public interest petition filed with the Supreme Court by a non-government organisation (NGO) stated that young couples who were seen to have dishonoured their family were sometimes driven to suicide as a result of harassment and threats. Such couples, according to the NGO, were often subjected to prolonged low-level physical abuse and bullying, including “battery, torture, mutilation, rape, forced marriage and imprisonment within the home”. Women may be particularly targeted if their sexual behavior is seen as dishonourable.

‘[M]ost reported cases of violence against interreligious couples occur in ‘villages and small towns’ in northern and western India.

‘Hindu-Muslim marriages can attract not only the disapproval of the families involved but the collective objection of broader communities. There have been reported cases [of] Hindu-Muslim couples being murdered.’

(2005-April 2012)’, 11 May 2012, <http://www.unhcr.org/refworld/docid/50b4a36c2.html> date accessed 10 February 2015

¹⁶ Immigration and Refugee Board of Canada: ‘India: Situation of inter-religious couples from both urban and rural locations, including societal attitudes, treatment by government authorities and the treatment of their children (2005-April 2012)’, 11 May 2012, <http://www.unhcr.org/refworld/docid/50b4a36c2.html> date accessed 10 February 2015

¹⁷ Immigration and Refugee Board of Canada: ‘India: Situation of inter-religious couples from both urban and rural locations, including societal attitudes, treatment by government authorities and the treatment of their children (2005-April 2012)’, 11 May 2012, <http://www.unhcr.org/refworld/docid/50b4a36c2.html> date accessed 10 February 2015

Media sources reported an increase in honour killings relating to inter-religious marriage, noting the practice occurs particularly in Punjab, Haryana Uttar Pradesh and Rajasthan states.¹⁸

- 4.1.11 A May 2013 Immigration and Refugee Board of Canada report on honour crimes reports that the practice may occur as a result of: 'inter-caste marriages ..., inter-religious marriages ..., marrying within the same gotra [clan, kinship group]..., pre-marital affairs ..., extra-marital affairs ..., same-sex relationships ..., inter-class marriages (between rich and poor) ..., marriages against parents' wishes ..., [and] issues related to land ...'¹⁹
- 4.1.12 The US Department of State's International Religious Freedom Report 2013 noted that: 'The Special Marriage Act (SMA) grants interreligious couples the right to marry without a religious conversion. There were, however, reports that many couples faced administrative difficulties in doing so and harassment by local officials during the registration process. Couples are required to provide 30 days public notice, and include addresses, photographs, and religious affiliation for public comment. This process opens the interfaith couple up to possible harassment by religious groups objecting to interreligious marriages. In Faridabad, in Haryana, a couple intending to marry under the SMA is required to publish this notice in the local media. Additionally, Hindus, Buddhists, Sikhs, or Jains who marry outside their religions face the possibility of losing their property inheritance rights.'²⁰

See also Country Information and Guidance [India: Sexual orientation and gender identity](#), and [India: Women fearing gender based harm/violence](#).

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5. Religiously motivated violence and discrimination

- 5.1.1 The US Department of State's International Religious Freedom Report 2013 noted that: 'There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Since ethnicity and religion were often interrelated, however, it often remained difficult to determine the source of conflict. Uttar Pradesh, the largest state, experienced the highest number of deaths in communal unrest for the second consecutive year, including the 65 killed in Hindu-Muslim communal violence in Muzaffarnagar.'²¹
- 5.1.2 The US Department of State's International Religious Freedom Report 2013 also noted that 'There were reports of arrest and harassment of religious minorities. Authorities invoked several sections of the IPC [Indian Penal Code] in a manner resulting in restricting these minorities' freedom of speech on internet sites'. On February 2 [2013], the Hyderabad police cybercrime cell requested a social networking site remove a post

¹⁸ Australia: Refugee Review Tribunal, Mixed Marriage in India, June 2012, Societal attitudes p.10 and Treatment by non-state actors p.13-15 available at: <http://www.refworld.org/docid/51f628114.html> date accessed 10 February 2015

¹⁹ Immigration and Refugee Board of Canada, India: Honour crimes, including their prevalence in both rural and urban areas; government protection and services offered to victims of honour crimes (2009-April 2013), 9 May 2013, <http://www.refworld.org/docid/51ab3f114.html>, date accessed 16 March 2015

²⁰ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section II, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

²¹ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section III, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

in response to a complaint made by Muslim groups about a social media page reportedly calling on Hindus to wage war against Muslims.²²

- 5.1.3 Human Rights Watch recorded in its World Report 2015 that ‘Incidents of violence against religious minorities spiked in 2013 in the run-up to national elections; according to government sources 133 people were killed and 2,269 injured in 823 incidents.’²³ According to a September 2014 Christian Solidarity Worldwide (CSW) report, ‘Since May 2014, there have been over 600 incidences of communal violence against religious minorities, and victim-survivors of these and past incidences of communal violence have yet to receive justice, or adequate compensation for their loss. CSW is calling on the Indian Government to develop a comprehensive framework to deal with outbreaks of communal and targeted violence, to actively pursue reform of the Indian Police Service, and to address the delivery of justice and compensation to the victims of communal violence through an examination of the legal and judicial process.’²⁴
- 5.1.4 The US Commission on International Religious Freedom reported in its Annual Report 2014, covering 2013 events, that:
- ‘In late August 2013, communal violence erupted in Muzaffarnagar district, Uttar Pradesh (UP). While the federal and state governments deployed to the area army troops, provincial military personnel, and federal Rapid Action Force officers, between 40 and 60 people were killed; at least a dozen women and girls were raped, often by gangs; nearly 100 people were injured; and upwards of 50,000 were displaced to “relief camps.” As of early 2014, several thousand people, mostly Muslims, remained displaced in deplorable conditions out of fear of returning to their homes. Sixteen local governmental officials from several different political parties were arrested in September 2013 and charged with inciting the communal violence, as were several local parliamentarians and community leaders. Their cases remain pending. In addition 570 cases, implicating over 6,000 people (including local governmental leaders and police) have been filed.’²⁵
- 5.1.5 In April 2014, at the Tom Lantos Human Rights Commission, the Human Rights Watch Asia Advocacy Director stated in a testimony on religious minorities in India that, whilst tensions did exist, sometimes resulting in violence, ‘On most days and in most places, members of these diverse groups enjoy their basic civil and political rights, and freedom to pursue their beliefs.’ The testimony went on to cite major incidences of communal violence in recent history.²⁶ The same source further noted that ‘Indian authorities have all too often failed to properly investigate and prosecute suspects after major spates of violence, even after reports by independent inquiries implicating officials and members of law enforcement. The pattern of impunity continues to the present day.’²⁷
- 5.1.6 Also speaking at the Tom Lantos Human Rights Commission, the Vice Chair of the US Commission on International Religious Freedom stated that ‘individuals or communities often claim public order disturbances or falsely accuse religious minority communities of

²² US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section II, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

²³ Human Rights Watch, World Report 2015 – India, 29 January 2015, Treatment of minorities, <http://www.hrw.org/world-report/2015/country-chapters/india>, date accessed 10 February 2015

²⁴ Christian Solidarity Worldwide, India: CSW urges US government not to sideline concerns of religious minorities during Modi visit, 26 September 2014 <http://dynamic.csw.org.uk/article.asp?t=news&id=2148> date accessed 16 March 2015

²⁵ United States Commission on International Religious Freedom, USCIRF Annual Report 2014 - Tier 2: India, 30 April 2014, available at: <http://www.refworld.org/docid/5369e5b05.html>, date accessed 10 February 2015

²⁶ Human Rights Watch, The Plight of Religious Minorities in India, 4 April 2014, <http://www.hrw.org/news/2014/04/04/plight-religious-minorities-india>, date accessed 28 February 2015

²⁷ Human Rights Watch, The Plight of Religious Minorities in India, 4 April 2014, <http://www.hrw.org/news/2014/04/04/plight-religious-minorities-india>, date accessed 28 February 2015

denigrating Hinduism to stop religious adherents from public worship or practices, such as proselytizing.’²⁸

- 5.1.7 In regards to women from religious minorities, the UN Special Rapporteur on violence against women observed that:

‘Numerous testimonies shared on recurrent episodes of communal violence against religious minorities, including Muslims and Christians, reflect a deep sense of insecurity and trauma of women living in those communities. Experiences included women being stripped, burned, attacked with objects inserted into their vaginas and sexually assaulted in myriad ways because of their religious identity. It was reported that perpetrators of those crimes usually held positions of authority and often went unpunished. Further, those minorities are allegedly excluded from access to education, employment and adequate housing on equal terms with other citizens, despite the existence of affirmative action schemes and measures by the Ministry of Minority Affairs and the National Commission for Minorities aimed at empowering minority women through the provision of knowledge, tools and training.’²⁹

- 5.1.8 Freedom House reported in its Freedom in the World 2015 report that routine abuse of ordinary prisoners, particularly minorities and lower castes, continued to be a problem.³⁰

For more information on the general position of women in India see the [Country Information and Guidance India: Women fearing gender based harm/violence](#)

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6. Religious minorities

For information on ‘Scheduled Castes’ and ‘Scheduled Tribes’ see the [Country Information and Guidance India: Background, including actors of protection and internal relocation](#)

Muslims

- 6.1.1 The US Department of State’s International Religious Freedom Report 2013 observed that the 2001 census recorded that 13.4 per cent [approximately 160 million] of the population of India was Muslim. The report added ‘There are large Muslim populations in the states of Uttar Pradesh, Bihar, Maharashtra, West Bengal, Andhra Pradesh, Karnataka, and Kerala; Muslims constitute the majority in Jammu and Kashmir. Slightly more than 85 percent of Muslims are Sunni; most of the rest are Shia.’³¹

- 6.1.2 Human Rights Watch reported on events in 2014 in its World Report 2015, stating: ‘More than a year after communal violence killed over 60 people, mostly Muslims, and displaced tens of thousands in Muzaffarnagar and Shamli districts of Uttar Pradesh state, both the central and the state governments had not provided proper relief or justice. The BJP even chose Sanjeev Balyan, charged with inciting violence during the

²⁸ Testimony of Katrina Lantos Swett, Vice Chair U.S. Commission on International Religious Freedom, Before the Tom Lantos Human Rights Commission on the Plight of Religious Minorities in India, 4 April 2014, page 2, <http://www.uscirf.gov/sites/default/files/css/India%20Testimony%20TLHRC%20April%202014%20FINAL.pdf>, date accessed 28 February 2015

²⁹ UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to India, dated 1 April 2014, A/HRC/26/38/Add.1, paragraph 16, <http://www.refworld.org/docid/53982c3e4.html>, date accessed 6 January 2015

³⁰ Freedom House, Freedom in the World 2015 - India, 16 February 2015, available at: <http://www.refworld.org/docid/54e46b45c.html>, date accessed 5 March 2015

³¹ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section I, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

riots, as their candidate in parliamentary elections and appointed him as a minister, intensifying Muslim insecurities. The state government forcibly closed down relief camps and failed to act on allegations that lack of adequate relief services caused the death of over 30 children in the camps.

'In June 2014, an ultranationalist Hindu group organized violent protests in the western city of Pune against a social media post derogatory to some Hindu historical and political figures. Some members of the group, assuming that the anonymous post was the work of Muslims, arbitrarily beat and killed Mohsin Shaikh – who had no links to [the] post – but was easily identified as Muslim because of his prayer cap.'³²

6.1.3 Human Rights Watch also noted that:

'Many Muslim men have been arbitrarily detained, interrogated, and tortured after bombing attacks, especially between 2006 and 2008. (Later investigations found that members of Hindu extremist groups were actually responsible for some of these attacks.) Authorities have also used draconian and abusive laws, including the Sedition Law and Unlawful Activities (Prevention) Act, to target Muslims. ... Not only do Muslims frequently fear arbitrary arrest, they can also fear for their lives. In July 2013, the Central Bureau of Investigation filed charges against senior Gujarat police and intelligence officials for the extrajudicial killing of four Muslims, including a 19-year-old woman. The police had initially claimed that the four, who were suspected of conspiring to assassinate Chief Minister Modi, were intercepted and killed in an exchange of gunfire. A later independent investigation found that the four were taken into custody and later executed by members of the Gujarat police. Some of the policemen are now being investigated in other cases of extrajudicial killings.'³³

6.1.4 BBC News reported on 19 January 2015 that 'At least 14 people have been arrested in the northern Indian state of Bihar after three Muslims were burnt alive when a mob set fire to dozens of homes. The violence... came after the body of a Hindu man was found in the village more than a week after he went missing. A senior police official told BBC Hindi the man had been in love with a Muslim girl. "He was abducted and murdered," he said.'³⁴ Dawn reported that police security had been tightened in and around the village where the incident occurred.³⁵ The BBC added that 'Correspondents say [Hindus and Muslims] largely live peacefully, but there is occasional violence.'³⁶

6.1.5 BBC News reported that, in December 2014, 57 Muslim families in Agra were reportedly forced to convert to Hinduism. The BBC noted that 'it is alleged that local Hindus employed fraud (by not telling people they were going to be converted) and also offered inducement (by promising ration cards). The Hindu groups have denied the charges, saying the conversions were voluntary and that they intend to do many more.'³⁷

6.1.6 The German Federal Office for Migration reported in its Briefing Notes from 16 February 2015 that:

'Reports of mass conversions abound in India. Around 250 Indian Muslims were reportedly converted to Hinduism against their will recently in Agra in Uttar Pradesh

³² Human Rights Watch, World Report 2015 – India, 29 January 2015, Treatment of minorities, <http://www.hrw.org/world-report/2015/country-chapters/india>, date accessed 24 February 2015

³³ Human Rights Watch, The Plight of Religious Minorities in India, 4 April 2014, <http://www.hrw.org/news/2014/04/04/plight-religious-minorities-india>, date accessed 28 February 2015

³⁴ BBC News, India arrests after Muslim men burnt alive in Bihar, 19 January 2015, <http://www.bbc.co.uk/news/world-asia-india-30875859>, date accessed 24 February 2015

³⁵ Dawn, Four burned to death in Hindu-Muslim clash in India, 19 January 2015, <http://www.dawn.com/news/1158013>, date accessed 24 February 2015

³⁶ BBC News, India arrests after Muslim men burnt alive in Bihar, 19 January 2015, <http://www.bbc.co.uk/news/world-asia-india-30875859>, date accessed 24 February 2015

³⁷ BBC News, Indian Agra Muslim fear conversions to Hinduism, 11 December 2014, <http://www.bbc.co.uk/news/world-asia-india-30429118>, date accessed 24 February 2015

state at a conversion ceremony. The official version is that these persons voluntarily returned to Hinduism within the framework of a “reawakening programme” because they had realised that “they are better off with us”. Their ancestors had reportedly converted to Islam around 30 years ago. By contrast, participants said they had been promised wheat and rice. They said they had known nothing about a conversion at the ceremony... Muslim clerics pointed out that in Islam apostasy is a punishable offence.’³⁸

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Christians

- 6.1.7 Christians constitute 2.3 per cent [approximately 27 million] of the population. According to the US Department of State’s International Religious Freedom Report 2013 ‘Christian communities 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.’³⁹
- 6.1.8 The same source reported that:
‘According to the All India Christian Council, Christian preachers and missionaries in Andhra Pradesh were victims of 46 incidents of physical intimidation or other types of harassment through July [2013]. Police neither officially registered nor investigated most of these incidents ... On November 18 [2013], the seven-year old son of a Christian missionary was found dead in a pond with signs of torture in Sadar Thana, Dungarpur, Rajasthan. Harish Gameti, the boy’s father, blamed right-wing Hindu activists for his son’s death, and said he had received death threats as late as November 10, asking him to stop missionary activities or face consequences. Police registered a First Information Report and were investigating the case as of the end of the year ... In January members of Hindu Janajagruti Samiti, a Hindu nationalist organization, attacked Christian villagers in Malwan, Maharashtra and similar attacks were reported during the year in Palghar and Sawantwadi in Maharashtra. The Christian Secular Forum (CSF) reported a number of incidents of violence against Christians throughout the year, including attacks in February and March by members of Hindu nationalist party Shiv Sena against Christian schools in Mumbai and by a Hindu group against an independent pastor and his family in Jhalod, Gujarat for running a house church in May’.⁴⁰
- 6.1.9 BBC News reported on Christian protests following a suspected arson attack on a Catholic church in east Delhi in December 2014.⁴¹ Deutsche Welle reported on 5 February 2015 that since the December incident ‘at least five Catholic churches in and around Delhi have reported attacks, including burglary, suspected arson, vandalism and stone-throwing, raising concerns about a deliberate campaign of violence.’⁴² BBC News reported that dozens of people were arrested as they protested against the recent church attacks, as Christian groups accused hardline Hindus of carrying them out. The

³⁸ Federal Office for Migration and Refugees (Germany): Briefing Notes, 16 February 2015, available at http://www.ecoi.net/file_upload/4232_1424338255_deutschland-bundesamt-fuer-migration-und-fluechtlinge-briefing-notes-16-02-2015-englisch.pdf, date accessed 23 February 2015

³⁹ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section I, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

⁴⁰ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section II and III, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

⁴¹ BBC News, India Christians protest over church fire, 2 December 2015, <http://www.bbc.co.uk/news/world-asia-india-30288169>, date accessed 24 February 2015

⁴² Deutsche Welle, Fear grips India’s Christians amid church attacks, 5 February 2015, <http://www.dw.de/fear-grips-indias-christians-amid-church-attacks/a-18235914>, date accessed 24 February 2015

police stated there was little evidence of this, and that they had provided security to over 200 churches in the capital.⁴³

- 6.1.10 Responding to the recent attacks on Christian institutions in Delhi, Prime Minister Narendra Modi condemned the violence and stated 'My government will not allow any religious group, belonging to the majority or the minority, to incite hatred against others, overtly or covertly.'⁴⁴
- 6.1.11 In December 2014, BBC News noted that 'it was reported that about 100 Christians had converted to Hinduism in the western state of Gujarat while 30 Christians were converted in the southern state of Kerala.' There were allegations by opposition MPs, that the religious ceremonies, held by Hindu nationalist groups, involved force, fraud or inducement.⁴⁵
- 6.1.12 The US Commission on International Religious Freedom reported in its Annual Report 2014 that:
- 'In mid-December 2013, the Catholic Bishops' Conference of India, the National Council of Dalit Christians, the National Council of Churches in India, and the Church of North India organized a rally in New Delhi to protest the treatment of Christian and Muslim Dalits, as compared to Hindu Dalits. When some protestors crossed police lines, the police responded with a water cannon and attacked protestors with canes and batons, injuring scores of people. In addition, police arrested dozens of protestors including the General Secretary for the Church of North India, Alwan Masih; the Roman Catholic Archbishop of New Delhi, Anil Couto; and dozens of nuns, monks, and others of both the Christian and Muslim faiths. The following day Prime Minister Manmohan Singh promised a full investigation, but the outcome is not known as of this reporting.'⁴⁶
- 6.1.13 On 23 February 2015 the Society for Threatened Peoples reported that 'Since January 2014, there were at least 149 attacks against Christians in India. In more than half of the cases, the Christians were threatened, intimidated or forced to convert. About a quarter of these incidents were physical attacks against Christian institutions or people of Christian faith.'⁴⁷

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Sikhs

- 6.1.14 Reporting on the situation of Sikhs outside of Punjab province, where the majority of Sikhs live (over 14 million), accounting for approximately 60 per cent of the Punjab population, the Research Directorate of the Immigration and Refugee Board (IRB) of Canada noted that 'According to statistics from the 2001 census, there are over 19

⁴³ BBC News, Fresh protest against Delhi church attacks, 5 February 2015, <http://www.bbc.co.uk/news/world-asia-india-31143947>, date accessed 24 February 2015

⁴⁴ Reuters, India's Modi vows to protect all religious minorities, 17 February 2015, <http://www.reuters.com/article/2015/02/17/us-india-modi-religion-idUSKBN0LL0LC20150217>, date accessed 28 February 2015

⁴⁵ BBC News, India parliament uproar over conversions by Hindu groups, 22 December 2014, <http://www.bbc.co.uk/news/world-asia-india-30573796>, date accessed 24 February 2015

⁴⁶ United States Commission on International Religious Freedom, USCIRF Annual Report 2014 - Tier 2: India, 30 April 2014, available at: <http://www.refworld.org/docid/5369e5b05.html>, date accessed 10 February 2015

⁴⁷ Society for Threatened Peoples, Written statement* submitted to the UN Human Rights Council by the Society for Threatened Peoples, a non-governmental organization in special consultative status, 23 February 2015 http://www.ecoi.net/file_upload/1930_1425550203_g1503365.pdf, date accessed 16 March 2015

million Sikhs in India, representing approximately 1.9 percent of the population.’⁴⁸ The IRB added that there are:

‘sizable Sikh minorities in other states... According to the 2001 census, there are Sikhs living in all states in India, with over one million in Haryana, and populations of over 100,000, but less than one million in the states or union territories of Chandigarh, Delhi, Jammu and Kashmir, Madhya Pradesh, Maharashtra, Rajasthan, Uttar Pradesh, and Uttaranchal... . In correspondence with the Research Directorate, a legal counsel for the World Sikh Organization (WSO) of Canada explained that “[a]lmost every major Indian city has a Sikh community. There are very large communities in places like Delhi and Udhampur in the state of Uttaranchal (also known as the Terai area) as well as the states that border Punjab such as Jammu, Rajasthan, Haryana and Himachal Pradesh”.’ Other sources contacted by the IRB Research Directorate stated that there were Sikh communities in the south of India, “any metropolitan city in India”, including New Delhi and Mumbai.⁴⁹

6.1.15 The IRB reported with regards to the treatment of Sikhs that:

‘According to the interim executive director of the AHRC [Asian Human Rights Commission], there is “no discrimination” against Sikhs in India... Other sources state that there is little discrimination against Sikhs throughout India... The status of Sikhs in India has reportedly improved greatly since the 1980s... In the mid 1980s, there was widespread violence and human rights abuses against Sikhs in which over 3,000 people were killed... However, despite the formation of several government commissions, state authorities responsible for the killings were not brought to justice... According to a 26 February 2013 article by New Delhi Television (NDTV), there were 10 different commissions established in the last 30 years to address the killings of 8,000 Sikhs in the country, including 3,000 Sikhs in New Delhi, but only 30 people in 12 murder cases were convicted, while politicians and policemen who allegedly instigated the violence have not been convicted...

‘In a telephone interview with the Research Directorate, a professor of history at the University of Toronto, who is a specialist on India, stated that Sikhs are not subject to attacks and that “there is no sense of fear of Sikhs”... In contrast, an academic at the University of California (UC) at Berkeley who conducts research on armed conflict in India said that “Sikhs are distrusted by a large segment of the Indian community because of a large anti-Sikh propaganda effort during the 1980s and 1990s”...’⁵⁰

6.1.16 The former two-term Prime Minister of India was Sikh.⁵¹ The IRB added that Sarvashrestha Media noted in July 2012 that ‘many Sikhs have risen to other prominent positions in India, including four governors, the director of the Intelligence Bureau, chief

⁴⁸ Immigration and Refugee Board of Canada: India: Situation of Sikhs outside the state of Punjab, including treatment by authorities; ability of Sikhs to relocate within India, including challenges they may encounter (2009-April 2013) [IND104369.E], 13 May 2013 (available at [ecoi.net](http://www.ecoi.net)) http://www.ecoi.net/local_link/248800/359138_en.html, date accessed 24 February 2015

⁴⁹ Immigration and Refugee Board of Canada: India: Situation of Sikhs outside the state of Punjab, including treatment by authorities; ability of Sikhs to relocate within India, including challenges they may encounter (2009-April 2013) [IND104369.E], 13 May 2013 (available at [ecoi.net](http://www.ecoi.net)) http://www.ecoi.net/local_link/248800/359138_en.html, date accessed 24 February 2015

⁵⁰ Immigration and Refugee Board of Canada: India: Situation of Sikhs outside the state of Punjab, including treatment by authorities; ability of Sikhs to relocate within India, including challenges they may encounter (2009-April 2013) [IND104369.E], 13 May 2013 (available at [ecoi.net](http://www.ecoi.net)) http://www.ecoi.net/local_link/248800/359138_en.html, date accessed 24 February 2015

⁵¹ Government of India, Former Prime Ministers, undated, <http://pmindia.gov.in/en/former-prime-ministers/>, date accessed 24 February 2015

ministers, ambassadors, Supreme Court judges, and other important leaders in politics, government, academia, judiciary, and business, among other fields.’⁵²

6.1.17 Citing several sources, the IRB noted they indicated that:

‘Sikh minorities living in states outside Punjab have access to housing, employment, health care, education and freedom to practice their religion... The legal counsel of the WSO [World Sikh Organization of Canada] said that, in general, Sikhs outside Punjab “do not have any particular hardship in practicing their faith or having access to the services and facilities available to the general public”... When asked about how state authorities outside Punjab treat Sikhs, the WSO legal counsel added that “Sikhs in general are not the target of specialized abuse on a frequent basis. That having been said, Sikhs with particularly political opinions or those who advocate for those opinions may be subject to harassment, detention and torture. This is however much more common in Punjab than outside of it.”...’⁵³

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7. Avenues of redress and protection

For general information on actors of protection see the [Country Information and Guidance India: Background, including actors of protection and internal relocation](#).

7.1.1 The US Department of State’s International Religious Freedom Report 2013 noted that: ‘The government generally enforced legal protections for religious freedom; however, human rights activists criticized it for failing to respond effectively to some abuses committed by state and local authorities and private citizens. Authorities implemented some restrictive laws and did not always efficiently or effectively prosecute those who attacked religious minorities. There were reports of arrests but no convictions under the “anti-conversion laws”.’⁵⁴ The report added:

‘The law generally provides remedies for violations of religious freedom, and legal protections exist to address discrimination or persecution by private individuals. Federal bodies including the Ministry for Minority Affairs, the National Human Rights Commission (NHRC), and the National Commission for Minorities (NCM) may investigate allegations of religious discrimination. There is also a National Commission for Minority Education Institutions that has the power to investigate complaints regarding violations of minority rights in the education system and the right to establish and administer educational institutions. These bodies 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 follow them and the two federal bodies have intervened in several high-profile incidents.’⁵⁵

7.1.2 The same source reported that ‘The Maharashtra State Minorities Commission began hearing cases on housing discrimination against Muslims following complaints by some

⁵² Immigration and Refugee Board of Canada: India: Situation of Sikhs outside the state of Punjab, including treatment by authorities; ability of Sikhs to relocate within India, including challenges they may encounter (2009-April 2013) [IND104369.E], 13 May 2013 (available at [ecoi.net](http://www.ecoi.net)) http://www.ecoi.net/local_link/248800/359138_en.html, date accessed 24 February 2015

⁵³ Immigration and Refugee Board of Canada: India: Situation of Sikhs outside the state of Punjab, including treatment by authorities; ability of Sikhs to relocate within India, including challenges they may encounter (2009-April 2013) [IND104369.E], 13 May 2013 (available at [ecoi.net](http://www.ecoi.net)) http://www.ecoi.net/local_link/248800/359138_en.html, date accessed 24 February 2015

⁵⁴ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section II, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

⁵⁵ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section II, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222329>, date accessed 6 February 2015

residential societies in Mumbai. In one case the police did not take action to investigate a complaint of discrimination in spite of an order from the commission to do so.⁵⁶

7.1.3 Speaking at the Tom Lantos Human Rights Commission, the Vice Chair of the US Commission on International Religious Freedom stated that 'India has taken some steps to address justice for past communal violence and other religious freedom violations, including establishing Fast-Track Courts, Special Investigative Teams, and independent commissions. Unfortunately, the effectiveness of these initiatives has been limited due to religious bias and corruption. Yet India has demonstrated the capacity to act effectively, including anticipating and responding to outbreaks of communal violence.'⁵⁷

7.1.4 The US Commission on International Religious Freedom reported in its Annual Report 2014 that:

'Despite the country's status as a pluralistic, secular democracy, India has struggled to protect minority communities or provide justice when crimes occur due to a lack of political will, political corruption, and religious bias by government officials. This exacerbates the climate of impunity that already exists in the country. ...The Indian courts are still adjudicating cases stemming from large-scale Hindu-Christian communal violence in Odisha in 2007-08 and large-scale Hindu-Muslim communal violence in Gujarat in 2002. NGOs, religious leaders, and human rights activists allege religious bias and corruption in these investigations and adjudications. In October 2013, a lower court acquitted 54 individuals of crimes relating to the Odisha violence, including burning down a Baptist church and dozens of homes and businesses, due to lack of evidence and witnesses. Also in October, the same court convicted seven Christians for murdering Hindu leader Laxamananda Saraswati, whose death triggered the violence, despite the fact that Maoist rebels have twice claimed responsibility for the murder. In 2013, a lower court in Gujarat found longtime Gujarat chief minister Narendra Modi – the current BJP candidate for Prime Minister – not responsible for the death of a prominent Muslim Congress Party leader who was burned alive in 2002. The case was brought by the leader's widow, and she reportedly has appealed. Several other cases where Modi has been implicated for involvement or complicity in the 2002 violence continue.'⁵⁸

7.1.5 The US Department of State's International Religious Freedom Report 2013 observed that:

'Christian groups reported police were slow to register complaints and file charges following physical attacks or harassment. Despite government efforts to foster communal harmony, ineffective investigation and prosecution of perpetrators led to delayed justice, although numerous cases were being pursued in the courts at the end of the year. For example, cases remained pending related to 1984 anti-Sikh violence and 2002 anti-Muslim violence in Gujarat. Verdicts in civil cases generally required 15 years and verdicts for criminal cases at times required up to 20 years. Petty cases often never got resolved. There were concerns in civil society over a perceived failure to bring

⁵⁶ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section II, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dclid=222329>, date accessed 6 February 2015

⁵⁷ Testimony of Katrina Lantos Swett, Vice Chair U.S. Commission on International Religious Freedom, Before the Tom Lantos Human Rights Commission on the Plight of Religious Minorities in India, 4 April 2014, page 1, <http://www.uscirf.gov/sites/default/files/css/India%20Testimony%20TLHRC%20April%202014%20FINAL.pdf>, date accessed 28 February 2015

⁵⁸ United States Commission on International Religious Freedom, USCIRF Annual Report 2014 - Tier 2: India, 30 April 2014, available at: <http://www.refworld.org/docid/5369e5b05.html>, date accessed 10 February 2015

to justice those responsible for communal violence against religious minorities contributing to a climate of impunity.’⁵⁹

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⁵⁹ US Department of State, International Religious Freedom Report for 2013 – India, 28 July 2014, Section II, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dlid=222329>, date accessed 6 February 2015

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