



Religious Freedom and Religious Persecution Issues In India

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SUMMARY

Religious minorities in India, particularly Christians and Muslims, suffer religious persecution daily, even despite nominal protection granted under India's Constitution. Belying any constitutional claim of religious freedom, both federal and state legislation include "anti-conversion" laws which work to the detriment of religious minorities *only*; re-conversion to Hinduism escapes regulation. Moreover, law enforcement consistently fails to grant protection for religious minorities, even where the laws seemingly grant a scintilla of religious freedom. In many cases, reports indicate that law enforcement has been obviously complicit in the persecution.

In addition to legislated disparate treatment for minority religions, Hindu extremists have perpetrated atrocious human rights violations upon Christians and Muslims too numerous to recount in whole. Hindus believe that these minority religions undermine their social caste system. Thus, India's history is replete with examples of religious persecution, although long escaping international scrutiny. Thus, legislative restrictions on minority religious freedom have flourished, and persecution of such minority religions remains an everyday occurrence.

In Section I below, this Memorandum discusses various constitutional and statutory laws. The Indian Constitution nominally grants religious freedom; however, numerous Federal and State statutory laws often contradict these stated constitutional protections. Moreover, India's judicial courts fail to offer protection against "illegal" persecution of religious minorities.

Section II of this Memorandum summarizes specific accounts of governmental and Hindu extremist persecution against Christians and Muslims, according to reports on several of India's 28 States. Among other sources documented, this Memorandum relies upon the

U.S Department of State's International Religious Freedom Report for 2007, various media outlet reports, and analyses of non-profit human rights organizations. These sources provide horrific detail of human rights abuses committed against Christians and Muslims.

I. LEGAL FRAMEWORK

A. Constitution and Legislation

India is a secular country with no officially recognized religions. India's Constitution provides that "all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion," subject to public order, morality and health.¹ The Constitution explicitly prohibits discrimination on the basis of religion.² Article 19 of the Constitution further protects freedom of speech, expression and association.³ Additionally, Article 51 imposes a positive duty on citizens to "promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious . . . diversities."⁴ However, recent federal and state laws directly counter the freedom that the Constitution

¹ India Const. art. 25 § 1, *available at* <http://lawmin.nic.in/coi/contents.htm> [hereinafter India Constitution] (follow the hyperlinks to view English and Indian translations).

² *Id.* art. 15. Specifically, Article 15 states:

(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—

(a) access to shops, public restaurants, hotels and places of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

[(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.]

Id. With regard to section (4), footnote 2 explains that the bracketed section was added by the Constitution (First Amendment) Act, 1951, s.2.

³ *Id.* art. 19, § (1)(a)–(c). These freedoms however are limited by Article 19, § (2)–(4), which roughly state that nothing in the sub-clauses

shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause[s] in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

Id. § (2)–(4) (internal brackets omitted).

⁴ *Id.* art. 51, § (e).

provides, resulting in widespread persecution towards religious minorities.⁵ The following pages discuss some of these discriminatory laws.

1. Anti-Conversion Laws

Seven of India's twenty-eight States have "anti-conversion" laws: Orissa, Chhattisgarh, Madhya Pradesh, Himachal Pradesh, Gujarat, Arunachal Pradesh, and Rajasthan.⁶ The status of these States' anti-conversion laws are known as of March 2007:

- *In force*: Orissa, Madhya Pradesh (2006 amendment not yet ratified), Chhattisgarh (2006 amendment not yet ratified), Himachal Pradesh;
- *Introduced but not formally implemented*: Arunachal Pradesh, Gujarat (2006 amendment not yet ratified);
- *Introduced but pending ratification by governor*: Rajasthan;
- *Repealed*: Tamil Nadu.⁷

In July 2006, Madhya Pradesh and Chhattisgarh attempted to amend existing laws to "require that an individual planning on converting obtain prior permission from district authorities."⁸ The amendments, however, did not equally apply to religious minorities intending to "re-convert" to Hinduism.⁹ "The terminology of 're-conversion' to Hinduism (*ghar vapsi*; also translated 'homecoming') is widely used within India, including by Hindu fundamentalist groups to describe their own proselytism."¹⁰ However, this term is "not included in the purview of any anti-conversion law."¹¹ Although these amendments became void in January 2007, similar laws exist in Himachal Pradesh¹² and Orissa.¹³ The Gujarat

⁵ See U.S. Dep't of State, Bureau of Democracy, Human Rights and Labor, *International Religious Freedom Report: India* (Sep. 14, 2007) [hereinafter *International Religious Freedom Report: India*], available at <http://www.state.gov/g/drl/rls/irf/2007/90228.htm> ("[S]ome state and local governments limited this freedom by enacting or amending 'anti-conversion' legislation, and by not efficiently or effectively prosecuting those who attacked religious minorities.").

⁶ Christian Solidarity Worldwide, *Briefing: Freedom of Religion Legislation in India* (May 2006), at 4, available at <http://dynamic.csw.org.uk/article.asp?t=report&id=8> [hereinafter Christian Solidarity Worldwide]. For further discussion of each state's anti-conversion law, see *International Religious Freedom Report: India*, *supra* note 5, § II.

⁷ Christian Solidarity Worldwide, *supra* note 6, at 4.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 5.

¹¹ *Id.*

¹² The Himachal Pradesh Freedom of Religion Act, signed into law on February 19, 2007 requires Any members of a religious group wishing to change his or her religious beliefs is required to give 30 days prior information to district authorities or otherwise face punishment of one

State Assembly passed an amendment in September 2006 to clarify the law, but the “Governor did not take action by the end of the reporting period.”¹⁴ Similarly, the Rajasthan State Assembly recently passed its anti-conversion law, but “it was refused twice by the Governor and forwarded to the President on June 20, 2007, for legal review and guidance on its constitutional merit.”¹⁵

India’s anti-conversion laws, called the Freedom of Religion Acts, have resulted in discriminatory practices against minority religious groups. With some variation among the Indian states, the anti-conversion acts generally prohibit attempts to convert, directly or otherwise, any person from one religious faith to another by use of force, inducement, or any fraudulent means; aiding any person in such conversion is also prohibited.¹⁶ Some Indian states further require individuals to provide the government with a declaration and registration of their conversion. Penalties for violating the Act range from monetary fines to imprisonment.¹⁷

While these anti-conversion laws, on their face, appear to protect religious adherents only from attempts to induce conversion by improper means, the failure to clearly define what makes a conversion improper bestows governments with unfettered discretion to accept or reject the legitimacy of religious conversions. Governments have described “subtle forms of humanitarian aid and development carried out as a normal part of [a] Church’s mission” as

month imprisonment and/or \$25 (1,000 INR) fine. However, returning back to a previous religious group is not considered violating this law.

International Religious Freedom Report: India, *supra* note 5, § II.

¹³ See *Indian Churches Come Under Attack*, BBC News, Dec. 26, 2007, http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/7160164.stm (“The state has a law obliging people to ask for police permission before changing religion—thought to be a measure aimed at Christian missionaries.”).

¹⁴ *International Religious Freedom Report: India*, *supra* note 5, § II.

¹⁵ *Id.*

¹⁶ See Compass Direct News, *India: “Anti-Conversion” Laws Linked to Higher Persecution; Himachal Pradesh State Approves the Latest So-Called “Freedom of Religion” Law*, Feb. 28, 2007, available at <http://compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=4784>.

¹⁷ *Id.*

a cause of improper and unethical conversions.¹⁸ Anti-conversion laws are used to prevent religious minorities from seeking voluntary converts from members of the majority faith. The United States Commission on International Religious Freedom noted that, “[i]n June 2006, a report by the Indian national government’s National Commission for Minorities (NCM) found that Hindu extremists had frequently invoked the state’s anti-conversion law as a pretext to incite mobs against Christians.”¹⁹

Although anti-conversion laws do not explicitly ban conversions, in practice these laws, “both by their design and implementation, infringe upon the individual’s right to convert, favor Hinduism over minority religions, and represent a significant challenge to Indian secularism.”²⁰ Specifically, some state and local governments limit the constitutional freedoms by enacting or amending “anti-conversion” legislation and by not “efficiently or effectively prosecuting those who attacked religious minorities.”²¹ India’s political system further exacerbates this problem. The federal political system “accords state governments the exclusive jurisdiction over law enforcement and the maintenance of order, which limits the national government’s capacity to deal directly with state-level abuses, including abuses of religious freedom.”²²

2. Federal Acts Infringing on Religious Liberty

Under the Foreign Contribution Regulation Act (FCRA) of 1976, foreign contributions to Non-governmental organizations (NGOs), including faith-based NGOs, are highly regulated. “Missionaries and foreign religious organizations must comply with the FCRA, which limits overseas assistance to certain NGOs, including ones with religious

¹⁸ Tracy Hresko, Note, *Rights Rhetoric as an Instrument of Religious Oppression in Sri Lanka*, 29 B.C. Int’l & Comp. L. Rev. 123, 127 (2006).

¹⁹ U.S. Comm’n on Int’l Religious Freedom, *Annual Report* 244 (2007), available at <http://www.uscirf.gov/countries/publications/currentreport/2007annualRpt.pdf#page=1>.

²⁰ *International Religious Freedom Report: India*, *supra* note 5.

²¹ *Id.* at § II.

²² *Id.*

affiliations.”²³ The Unlawful Activities Prevention Act (UAPA) of 1967 “empowers the Government to ban religious organizations that provoke intercommunity friction, have been involved in terrorism or sedition, or violated the 1976 FCRA.”²⁴ Additionally, the government generally limits entry of new religious institutions and foreign missionaries from entering the country without prior authorization.²⁵ Those who enter without the proper approval documentation are typically expelled.²⁶ Whereas the Government has not admitted new resident foreign missionaries since the mid-1960s, “[l]ong established foreign missionaries generally can renew their visas.”²⁷ Furthermore, India’s Foreigners Act of 1946 “prohibits speaking publicly against the religious beliefs of others,” which is considered detrimental to society.²⁸

3. Personal Status Laws

India has different personal status laws for the various religious communities, accommodating “religion-specific laws in matters of marriage, divorce, adoption, and inheritance.”²⁹ Thus, “[t]here is a Hindu law, a Christian law, a Parsi law, and a Muslim law—all legally recognized and judicially enforceable. None of these are exempt from national and state level legislative powers and social reform obligations as laid down in the Constitution.”³⁰ “The Indian Divorce Act of 2001³¹ limits inheritance, alimony payments, and property ownership of persons from interfaith marriages”³² Furthermore, when one party

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ Marriage Laws (Amendment) Act, No. 49 of 2001, available at <http://indiacode.nic.in/> (follow “Short Title”; then search for “Marriage Laws (Amendment) Act”); Indian Divorce (Amendment) Bill, No. 51 of 2001, available at <http://indiacode.nic.in/> (follow “Short Title”; then search for “Indian Divorce”).

³² *International Religious Freedom Report: India*, *supra* note 5, § II.

is a non-Christian, the Divorce Act of 2001 prohibits the use of churches for marriage ceremonies.³³

Additionally, the Special Marriage Act of 1954³⁴ contains provisions that deprive converts to non-Hindu religions, such as Islam and Christianity, of certain rights and privileges.³⁵ For example, if either parent of a child converts to Christianity or Islam, that parent loses the right to guardianship over the child.³⁶ Likewise, under the law, a Hindu wife who converts to Christianity or Islam loses her right to marital support from her husband.³⁷ Conversion can even be a basis for divorce.³⁸

4. Religious Discrimination in Reservation Policy³⁹

The Hindu community is divided into four major castes: Brahmins, the priestly caste, is situated at the top of the hierarchy; the Kshatriya, the warrior caste, is second, followed by the Vysya, the business class, and the Sudra at the bottom.⁴⁰ Below this caste system are the “outcastes” or “Dalits.”⁴¹ The Dalits, or the “Scheduled Castes,” are seen as the “untouchables” of the Hindu community.⁴² Dalits are not allowed to study or read the

³³ *Id.*

³⁴ Special Marriage Act, No. 43 of 1954, available at <http://indiacode.nic.in/rspaging.asp?tfnm=195443>; Foreign Marriage Act, No. 33 of 1969, available at <http://indiacode.nic.in/rspaging.asp?tfnm=196933>.

³⁵ Forum 18, *Situations of Religion Freedom in India*, <http://www.forum18.org/PDF/india.pdf> (last visited Feb. 22, 2008).

³⁶ *Id.*

³⁷ *Id.*

³⁸ Converts Marriage Dissolution Act, No. 21 of 1866, available at <http://www.indialawinfo.com/barcacts/convert.html>; Indian Divorce Act, No. 4 of 1869, available at <http://indiacode.nic.in/rspaging.asp?tfnm=186904>; Indian Christian Marriage Act, No. 15 of 1872, available at <http://indiacode.nic.in/rspaging.asp?tfnm=187215>.

³⁹ For an in depth look at the caste system and violations of international freedom of religion laws see Christian Solidarity Worldwide, *supra* note 6. See also Christian Solidarity Worldwide, *Briefing: A submission to the United Nations Human Rights Council Universal Periodic Review: India* (Jan. 11, 2007), available at <http://dynamic.csw.org.uk/article.asp?t=report&id=73> [hereinafter *A submission to the United Nations Human Rights Council Universal Periodic Review*].

⁴⁰ *Situations of Religion Freedom in India*, *supra* note 35.

⁴¹ *Id.*

⁴² “The nomenclature ‘Scheduled Castes’ is the formal designation of those below the fourfold Hindu caste system. The term was preserved in Section 305 of the Government of India Act, 1935. The religious scope of the category has twice been amended: in 1956, to include Mazhbi Sikhs, and in 1990, to include Neo Buddhists.” Christian Solidarity Worldwide, *supra* note 6, at 6 n.2.

religious scriptures, and violating this system is frequently met with very cruel punishment.⁴³

Additionally,

Dalits who embrace Christianity or Islam are currently excluded from the legal category of 'Scheduled Castes', which is used of other Dalits, including those who convert to Buddhism or Sikhism. Members of the Scheduled Castes are eligible for a set of affirmative action benefits, including quotas of reserved places in public sector education and employment, under the system known as 'reservation'. Additionally, Scheduled Castes are covered by specific legislative protections against the particular forms of violence, discrimination and humiliation suffered by Dalits, including the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.⁴⁴

By excluding Christian and Muslim Dalits from the Scheduled Castes, these religious minorities are at a severe disadvantage socially and legally. A recent editorial in Zee News puts the issue in proper perspective:

Since Dalit Muslims and Christians are not entitled to SC reservation, they are deprived of the opportunity to contest elections in over 1000 assembly and 79 Lok Sabha constituencies. When Dalit Sikhs have been given reservation by amending the Constitution in 1956 and Buddhists in 1990, why is the government delaying the matter when it comes to Muslim and Christians?⁴⁵

The legality of the 1950 Constitution (Scheduled Castes) Order, which restricted membership of the Scheduled Castes to those professing the Hindu religion (although Sikhs and Buddhists have subsequently been admitted to the category), is being contested in a Supreme Court challenge, filed by the Centre for Public Interest Litigation, in writ petition no. 180 of 2004. The Supreme Court has repeatedly delayed deciding this case and to date, the Supreme Court has not issued its ruling.⁴⁶

B. Case Law

Effective since 1950, the Indian Constitution is the oldest constitution in the developing world, and the interpretation of this document lies with India's Supreme Court.

⁴³ *Situations of Religion Freedom in India*, *supra* note 35.

⁴⁴ Christian Solidarity Worldwide, *supra* note 6, at 6.

⁴⁵ Yusuf Ansari, *Pasmanda Muslims: The voice unheard!*, Zee New India, Feb. 23, 2008, <http://www.zeenews.com/articles.asp?aid=425815&sid=ZNS>

⁴⁶ *See infra* Part I (B), note 52.

According to the Court, secularism forms part of the “basic structure of the Constitution.”⁴⁷ With the immense religious diversity in India, “secularism” does not mean an absence of religion. Individuals are free to believe the tenets of their respective religions, to profess their tenets, and engage in the essential practices of their faiths.⁴⁸ However, due to the religious diversity and potential for conflict, religious exercise can be limited when it disrupts the “public order.”⁴⁹

Reaching a satisfactory level of adjudication in Indian courts presents an overwhelming delay in most cases. At the current rate of dispensing with cases, the last case in India’s backlog will not see final adjudication until sometime in the twenty-second century.⁵⁰ Those seeking judicial redress often wait decades to see one of the few Indian judges; India has 13.5 judges per million citizens, whereas the United States has 107.⁵¹

As mentioned above, a Supreme Court case involving the rights of Dalit Christians is pending in India.⁵² In sum, Dalits have historically suffered discrimination.⁵³ Legislation over the years has awarded members of this caste special treatment to overcome unfair discrimination; however Dalits who have converted to Christianity or Islam are not offered protective treatment despite consistent reports that conversion from Hinduism does not relieve one from caste discrimination.⁵⁴

C. Recent Developments

⁴⁷ Seval Yildirim, *Expanding Secularism’s Scope: An Indian Case Study*, 52 Am. J. Comp. L. 901, 909 (2004) (citing *Kesavananda Bharati v. State of Kerala*, A.I.R. 1973 S.C. 1461).

⁴⁸ *Ratilal Panachand Gandhi v. State of Bombay*, A.I.R. 1954 S.C. 388 (belief in tenets); *Punjab Rao v. D.P. Meshram*, A.I.R. 1965 S.C. 1179 (right to profess beliefs); *Sarup Singh v. State of Punjab*, A.I.R. 1959 S.C. 860 (right to practice “essential” practices).

⁴⁹ Yildirim, *supra* note 47, at 912 (citing *Stainislaus v. State of Madhya Pradesh & Orissa*, (1977) 2 S.C.R. 616, 618).

⁵⁰ See Ashwinie Kumar Bansal, *Burden of backlog: Towards speedy dispensation of justice*, Chandigarh Tribune, May 20, 2007, available at <http://www.tribuneindia.com/2007/20070520/edit.htm#1>.

⁵¹ *Id.*

⁵² Press Release, All India Council, *India’s Supreme Court Delays Justice for Millions of Dalits* (Jan. 25, 2008), <http://indianchristians.in/news/content/view/1878/42/>.

⁵³ See *Situations of Religion Freedom in India*, *supra* note 35.

⁵⁴ *Id.*

In September 2007, the government of the state of Tamil Nadu announced a change in their existing reservation policy to allow for limited quotas for Christians and Muslims. Under the new plan, the overall 69 percent reservation for the Backward Classes (BC) is preserved, but the state will carve out 7 percent of this total for Christians and Muslims, to be split evenly.⁵⁵

In late November 2007, according to the Christian Post, the Supreme Court had “postponed hearings on demands made by Dalit Christians and Muslims for full constitutional rights after the central government again failed to officially respond.”⁵⁶ A recent report indicates that the next hearing in the matter before the Supreme Court is scheduled for March 27, 2008.⁵⁷

II. REPORTS OF RELIGIOUS PERSECUTION

A. Background of Persecution in India

Religious Persecution is not a new phenomenon in India. Christians, as well as Muslims, have faced widespread attacks for decades preceding India’s recent anti-conversion legislation. Hinduism and Islam are India’s two most prominent religions.⁵⁸ India became predominately Hindu after the British “partition of the subcontinent and loss of Pakistan's largely Muslim population” in 1947.⁵⁹ Currently, “Hindus . . . make up about three-fourths of

⁵⁵ *State announces seven per cent quota for Muslims, Christians*, The Hindu, Sept. 14, 2007, <http://www.hindu.com/2007/09/14/stories/2007091458850100.htm>.

⁵⁶ Dibin Samuel, *India’s Supreme Court Delays Dalit Christian Hearings*, Christian Post, Nov. 30, 2007, http://www.christianpost.com/article/20071130/30275_India's_Supreme_Court_Delays_Dalit_Christian_Hearings.htm.

⁵⁷ *India: debate on equal rights at critical stage*, Spero News, Feb. 25, 2008, <http://www.speroforum.com/site/article.asp?id=14585&t=India%3A+debate+on+equal+rights+at+critical+stage>.

⁵⁸ Encyclopedia Britannica Online, *India: Religions*, <http://www.britannica.com/eb/article-46403/India>.

⁵⁹ *Id.*

India's population."⁶⁰ "Muslims, however, are still the largest single minority faith," and Christians form an important minority as well.⁶¹

Religious persecution has continued with increased frequency since India's independence in 1947. Religious conflict in India is deeply rooted in the ethnic and religious character of the continent and in its caste system: "[f]or the last 52 years, India has entirely escaped any kind of international scrutiny of what's been called India's 'hidden apartheid'—abuses stemming from the caste system."⁶² In a 2006 report, Christian Solidarity Worldwide noted, "[t]he widespread ongoing discrimination against Dalits [India's lowest class] and tribals forms the context for substantial social and political animosity towards religious conversions in India."⁶³ The report continued, "[t]he embracement of other religions by Dalits and 'low' castes, in attempts to escape the stigma, dehumanisation and discrimination associated with their caste, attracts considerable opposition, which is manifested in legislative restrictions upon religious freedom, and social pressures, which often erupt into violence."⁶⁴ The roots of the violence also lay in political incitement against Christians by more extreme members of Hinduism, especially Hindutva organizations.⁶⁵ Although the Indian constitution provides for freedom of religion, religious expression has not been well protected: "The rise

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Smita Narula, Human Rights Watch, *Address of Religious Persecution in China and India at Trinity College* (Sept. 26-27, 1999), in *Religious Persecution as a U.S. Policy Issue* 19 (Rosalind I. J. Hackett et al. eds., 2000), available at <http://www.trincoll.edu/depts/csrpl/Religious%20Persecution/relperse.pdf>.

⁶³ Christian Solidarity Worldwide, *supra* note 6, at 3.

⁶⁴ *Id.*

⁶⁵ Christian Solidarity Worldwide, *Preliminary Report: Communal Violence in Kandhamal District, Orissa* (Jan. 2008), at 3, available at <http://dynamic.csw.org.uk/article.asp?t=report&id=72> [hereinafter *Communal Violence*]. According to the report,

'Hindutva' describes an extremist nationalist interpretation of Hinduism, which encompasses a vision of India as a Hindu nation in which minorities must assimilate to and revere the Hindu religion, race and culture and which, in practice, seeks to preserve and defend the cultural hegemony of Hinduism at the expense of minority religions.

Id. at n.1. Additionally, United States based humanitarian group Human Rights Watch concluded in a recent report: "[A]s with attacks against Muslims in the early 90s[,] attacks against Christians are part of a campaign by right-wing Hindu groups to exploit communal clashes for political ends." *South Asia: India under Fire over Christian Rights*, BBC News, Sept. 19, 1999, http://news.bbc.co.uk/2/hi/south_asia/461380.stm. BBC News reported that "Christians are the new scapegoats in India's political battles . . . with over a 100 cases of anti-Christian violence according to India's parliament . . . includ[ing] the killing of priests, the raping of nuns, and the destruction of churches, schools and cemeteries." *Id.*

of Hindutva extremism resulted in a hate campaign against Muslims in the early '90s and against Christians in the late '90s as being followers of foreign religions.”⁶⁶ Since that time, violence, discrimination, and religious persecution have continued relatively unabated up to the present time.⁶⁷

Christians, in particular, have often faced religious opposition and discrimination.⁶⁸ According to Christian Solidarity Worldwide, “Christian groups are increasingly reviled by Hindu extremists for their alleged ‘conversion activities,’ which are seen to undermine the Hindu-based caste system.”⁶⁹ Because members of India’s lower castes, such as the Dalits (the “Untouchables”), view Christianity as a means of liberation from “the identity imposed upon them by their caste,”⁷⁰ “many convert to Christianity to escape abuses under the caste system”⁷¹ Consequently, “[r]eligious conversions are increasingly obstructed by legislation, and widespread attacks are perpetrated against Christians at the hands of Hindu extremists in many states across the country.”⁷²

B. Examples of Religious Persecution in India

In recent decades, “reports of village churches destroyed and church leaders threatened by local Hindus” have become a frequent reality in India.⁷³ Specific instances of personal attacks are ubiquitous, occurring in every state in India.⁷⁴ There is a general lack of media reports prior to the 1990s, but the number of reports swelled in the late 1990s, as humanitarian and religious organizations began to take increasing notice. Incidents of

⁶⁶ International Christian Concern, Country Statistics: India, <http://www.persecution.org/suffering/countryinfodetail.php?countrycode=3> (last visited Feb. 18, 2007).

⁶⁷ For example, in February 2008, thirty Hindu extremists attacked a church in Karnataka, assaulting the pastor and the 300 believers present, grievously injuring three. Press Release, Int’l Christian Concern, *Christians Attacked in Karnataka* (Feb. 6, 2008), <http://www.persecution.org/suffering/newsdetail.php?newscode=7052>.

⁶⁸ The Voice of the Martyrs, *Country Report: India*, <http://www.persecution.net/country/india.htm> (last visited Feb. 20, 2008).

⁶⁹ Christian Solidarity Worldwide, *Information by Country: India*, <http://dynamic.csw.org.uk/country.asp?s=id&urn=India> (last visited Feb. 20, 2008).

⁷⁰ Christian Solidarity Worldwide, *supra* note 65.

⁷¹ Narula, *supra* note 62, at 19.

⁷² *Id.*

⁷³ The Voice of the Martyrs, *supra* note 68.

⁷⁴ *Id.*

persecution have typically focused on clergy, converts, congregation members, missionaries and Christian students.⁷⁵ Unfortunately, religious persecution continues to plague India today, as evidenced by countless reports of violence against Christians and other religious minorities by the media and nonprofit organizations.⁷⁶ In May 2007, “at least 4,000 Christians from across India were temporarily arrested in New Delhi . . . in protest against the federal government’s silence over increasing attacks on Christians.”⁷⁷ All of these reports and many more indicate that persecution remains a current, widespread problem throughout the nation of India.

C. Regional Reports of Persecution in India

In addition to the issue of religious discrimination on a national scale, various Indian States are particularly intolerant toward religious minorities. Christians in India faced widespread violent attacks throughout 2006 and 2007. Most Indian states saw acts of

⁷⁵ *Id.*

⁷⁶ For instance, the All India Christian Council (AICC) is a federal coalition that was organized in 1998 to fight for religious freedom in India. All India Christian Council, FAQ, <http://indianchristians.in/news/content/view/1737/114/> (last visited Feb. 8, 2008). The alliance “consists of thousands of Christian groups, denominations, Christian NGOs, and mission agencies” as well as hundreds of key church leaders in India. *Id.* At the AICC website, hundreds of news articles (from 1999 to today) report on instances of Christian and Dalit “atrocities” and “abuses.”

The Global Council of Indian Christians (GCIC), another nonprofit organization in India, “is an association of the concerned who have been anxious about the trends of intolerance triggered by religious fundamentalists in the Indian society.” Global Council of Indian Christians, About GCIC, <http://gcic.us/aboutus.htm> (last visited Feb. 8, 2008). The GCIC publishes persecution updates and reports dozens of instances of religious persecution in India. Persecution Update India, GCIC, <http://persecution.in/> (last visited Feb. 8, 2008).

Christian Solidarity Worldwide, is a human rights NGO that promotes religious liberty, reports on instances of persecution against Christians through print, broadcast media, and high-profile events. Christian Solidarity Worldwide, About Us, <http://www.csw.org.uk/indepth/aboutus.htm> (last visited Feb. 14, 2008). Specifically, its in-depth report on religious freedom abuses in India was submitted to the UN Human Rights Council for review in November 2007 and is available on the organization’s website. *A submission to the United Nations Human Rights Council Universal Periodic Review*, *supra* note 39.

Additionally, The Voice of the Martyrs is a ministry organization in Canada that seeks to be an “effective and reliable source of information and support of persecuted Christians around the world.” The Voice of the Martyrs, About Us, <http://www.persecution.net/about.htm> (last visited Feb. 20, 2008). Its country report on India offers more than eighty news stories detailing instances of religious persecution from January 2007 to January 2008. The Voice of the Martyrs, *supra* note 68. Similarly, International Christian Concern is a non-profit human rights organization in the United States that frequently reports on religious persecution in India. International Christian Concern, *Press Releases*, http://www.persecution.org/suffering/press_release.php?PHPSESSID=1dc39cbba1373b048fa51e5de3dbe20c&start=1 (last visited Feb. 11, 2008).

⁷⁷ Press Release, Int’l Christian Concern, *4,000 Indian Christians Temporarily Arrested for Protesting Violence* (May 30, 2007), <http://www.persecution.org/suffering/pressdetail.php?presscode=181&PHPSESSID=1dc39cbba1373b048fa51e5de3dbe20c>.

violence. According to Christian Solidarity Worldwide, “[t]he states of Madhya Pradesh and Karnataka saw a particularly high rate of attacks, which were often committed with impunity or, in some cases, with clear police complicity.”⁷⁸ “The vast majority of attacks were either perpetrated or incited by Hindu extremist groups”⁷⁹ Thus, a brief survey of some of these regions is indicative of localized problems Christians and other minority religious groups encounter in the places they live. The following sections will detail only a fraction of the hundreds of reported recent instances of religious persecution in various regions or states of India.

1. State of Orissa

Reports from Orissa in 2006 and 2007 indicate that violence wrought against Christians is constant and there is no likelihood of an ebbing tide of violence in the near future. Hindu extremists have resorted to forced re-conversions; “[o]n October 4, 2006, Hindu extremists abducted, tonsured, and tortured a convert to Christianity.”⁸⁰ Just two days prior to this attack, “the VHP reconverted 129 tribal Christians to Hinduism.”⁸¹ “The minority Christian community in Kandhamal district [of Orissa], many of whom are forest tribal people and low-caste Dalit converts from Hinduism to Christianity, say they’ve been targeted by radical Hindu nationalist organizations seeking to put an end to the church and its activities in the region.”⁸²

In one Orissa village, the people of Barkhama “ran for their lives to the nearby jungle,” where they licked dew on plants and trees for water.⁸³ Barkhama saw such violence by the Hindu extremists on December 24 and 25 of 2007.⁸⁴ Local police arrived during the

⁷⁸ Christian Solidarity Worldwide, *supra* note 6, at 7.

⁷⁹ *Id.*

⁸⁰ *International Religious Freedom Report: India*, *supra* note 5, § III.

⁸¹ *Id.*

⁸² Dan Isaacs, *What is Behind Hindu-Christian Violence*, BBC News, Jan. 29, 2008, http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/7214053.stm.

⁸³ Research & Fact Finding Report Based on Visits to Kandhamal, *Orissa in the Aftermath of Anti-Christian Attacks*, All India Christian Council (Jan. 8, 2008), <http://indianchristians.in/news/content/view/1826/45/>.

⁸⁴ *Id.*

second attack but “took no action.”⁸⁵ Instead, they stood by as silent spectators.⁸⁶ In another Orissa village, the pastor of a small church and twelve Christians were forced into a field where their heads were shaved because they refused to renounce their Christian faith.⁸⁷ “Later all of them were told to eat raw rice mixed with goat blood in order to become Hindus.”⁸⁸ Suspicions have risen that there is a conspiracy to hide or destroy bodies, as increasing numbers of Christians are reported missing.⁸⁹ The extremist attacks have been called “the worst anti-Christian violence independent India has seen” and such religious violence is not expected to stop.⁹⁰

Additionally, there have been reports of violence against religious properties with the complicity of law enforcement. Following an arson attack in Matiapada, Orissa on January 16, 2007, “two Christians arriving at the police station to register the case were instead detained under the state anti-conversion law, and police refused to include the name of the village head in the First Information Report (FIR), despite the persistent claims of the victims that he had led the attack.”⁹¹

Yet another atrocity occurred on February 22, 2007, when “a group of Hindus demolished a church building under construction in Bhubaneswar, Orissa.”⁹² “The police filed a FIR” of the incident.⁹³ A few days later, on February 28, 2007, another “group of Hindus attacked the Believers’ Church Bible College campus at Jharsuguda, Orissa.”⁹⁴ The Orissa branch of the All-India Christian Council (AICC) reported that “the attackers entered the premises, beat up students and staff, and ransacked property.”⁹⁵ The attack may have been

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *India’s Christians: The Cross They Bear*, Economist, Feb. 7, 2008 (“Christians fear more violence.”).

⁹¹ Christian Solidarity Worldwide, *supra* note 6, at 7.

⁹² *International Religious Freedom Report: India*, *supra* note 5, § III.

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

incited by an earlier “altercation between the students of the college and the inhabitants of a nearby village.”⁹⁶ After the attack, “[a]rmed police were deployed in the area . . . and a FIR was lodged with the Brajarajnagar police station.”⁹⁷

Violence is perpetual. In less than one month’s time after the siege on the Bible College, on March 5, 2007, the Orissa Chapter of the All-India Christian Council reported that “Christians in Ranalai village, Gajapati, Orissa, were attacked by Hindus.”⁹⁸ Then again on April 4, 2007, a group of about three hundred people from the Sangh Parivar and the RSS “reportedly demolished an Evangelical Lutheran Church and vandalized the pastor’s property in Orissa.”⁹⁹

During the violence that occurred in Barkhama (the Kandhamal area) on December 24 and 25, 2007, the extremists also committed arson against the homes of Christians when more than 40 structures were reportedly burned.¹⁰⁰ The acts were committed primarily by Hindu extremists who claimed Christians had attacked a Hindu leader, while Christians asserted the conflict began over Hindu opposition to a Christmas presentation.¹⁰¹ Swami Laxmananand Saraswati, head of the Vishuwa Hindu Parishad (World Hindu Council) remarked about the violence, “[Christians] want to convert people to Christianity and convert the country into a Christian land. . . . We are opposed to that and that is the source of all disputes and fights.”¹⁰²

In January 2008, fact-finding teams visited the villages that suffered from the holiday violence and reported that “[n]ewly confirmed cases of arson, murder, and assault make this violence qualify as the largest attack on the Christian community in the history of democratic

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Simon Robinson, *A Christian-Hindu Clash in India*, Time, Dec. 27, 2007, available at <http://www.time.com/time/world/article/0,8599,1698533,00.html>.

¹⁰¹ *Id.*

¹⁰² *Id.*

India.”¹⁰³ In sum, “95 churches were vandali[z]ed or destroyed, 730 Christian homes burnt, and four Christians killed with many still missing and presumed dead.”¹⁰⁴

2. State of Madhya Pradesh

In Madhya Pradesh, the number of vicious assaults against Christians rose from 12 to 20 in the U.S. Department of State, International Religious Freedom Report’s previous reporting period, which covered July 1, 2006 through June 30, 2007.¹⁰⁵ Religious media reports “also stated that Bajrang Dal members and other extremists attacked prayer meetings, church services, and church property, resulting in arrests, threats, harassment, serious injuries to pastors and congregants, and destruction of property.”¹⁰⁶ Furthermore, the Catholic Bishops’ Conference of Madhya Pradesh reported that “police often failed to file [FIRs] or to mention the names of Hindu perpetrators in the FIRs.”¹⁰⁷ A recent April 1, 2007 report details extremist’s assault on Christians participating in Palm Sunday services in Gokulpur, Jabalpur and in Damoh District.¹⁰⁸ Christian and extremists sustained severe physical injuries.¹⁰⁹

In addition to physical assaults, the character and credibility of Christians has come under fire. “On March 31, 2007, a Hindu leader Snehlata Kedia reportedly claimed in a public lecture in Bhopal [the capital city of Madhya Pradesh] that Christian priests have sex with young Hindu girls under the pretext of hearing confessions.”¹¹⁰ Two independent pastors were accused of “hurting” residents’ “religious feelings” because they were distributing religious literature; and the men were ultimately arrested on March 16, 2007, in Chenapur, Khargone district.¹¹¹

¹⁰³ Press Release, All India Christian Council, *Fact Finding Reports Released on Unprecedented Orissa Tragedy* (Jan. 8, 2008), <http://indianchristians.in/news/content/view/1829/42/>.

¹⁰⁴ *Id.*

¹⁰⁵ *International Religious Freedom Report: India*, *supra* note 5, § II; Preface, “Acknowledgment” (reporting period).

¹⁰⁶ *Id.* § III.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

Despite incessant attacks and severe injuries suffered by Christians, the number of arrests made or reports filed by police against their assailants is nominal. What is more egregious, the brutal attacks and assaults against Christians are likely fostered and assisted by the Indian law enforcement. “On March 3, 2007, a group of Hindus assaulted two Christian youths distributing prayer tracts” and “dragged” them to the local police station to “register[] a complaint alleging denigration of other religious beliefs and forcible conversions.”¹¹²

Reported in April 2007, violence erupted again in the central state of Madhya Pradesh when three hundred Hindu fundamentalists that appeared to be members of the Bharatiya Janata Party (BJP) “pelted the houses of Catholics with stones and attacked them with knives and batons” in the district of Jhabua.¹¹³ The attack was allegedly “triggered by a minor fight between a Catholic and a Hindu boy, and it took place where none of the two boys lived.”¹¹⁴ The violence was so intense that “the police had to use tear gas shells to disperse the mob.”¹¹⁵ Until the police arrived, the rioters prevented the injured from getting to the hospital.¹¹⁶ The mob injured eleven Catholics, three of which were women.¹¹⁷ Two of the injured men, ages sixteen and twenty-two, suffered multiple stab wounds and were still in the hospital in critical condition when the incident was reported.¹¹⁸ “Surprisingly, following the attack, the police filed a case *against* four Catholics and arrested one of them, acting on a complaint lodged by the attackers for ‘disturbing the religious harmony.’”¹¹⁹ Although the victims also filed complaints against their attackers, “naming at least six of them,” there was no knowledge of

¹¹² *Id.*

¹¹³ Press Release, International Christian Concern, *Police Forced to Use Tear Gas on Hindu Mob to Protect Christians* (Apr. 23, 2007), <http://www.persecution.org/suffering/pressdetail.php?presscode=171>.

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.* (emphasis added).

their arrests when the incident was reported.¹²⁰ The situation has been tense since the attack, and “church authorities have sought police protection against any further attack.”¹²¹

Near Indore, another Madhya Pradesh village, Hindu activists barged into a house and physically attacked five nuns, claiming that the women “[made] attempts to convert the local people.”¹²² The nuns were “seriously injured,” and had to be rushed fifteen kilometers for treatment in Indore.¹²³ Local police initially refused to file an FIR about the incident and “threatened the local Christians with serious consequences if they dared to file.”¹²⁴ However, when the Church planned a hunger strike on the same day the city was hosting a Global investors meeting, “the police immediately sprang into action and started investigations into the attack.”¹²⁵

3. State of Kerala

On January 13, 2003, “radical Hindus with the Rashtriya Swayamsevak Sangh (RSS) wielding machetes, knives, iron bars, and sticks” assaulted six Christians, including a visiting American, as they walked along a rice paddy embankment leaving a Christian convention taking place in the city of Trivandrum, in Kerala.¹²⁶ The assailants beat a pastor’s wife and daughter until the two women were unconscious; but he finally fled when villagers came to the rescue.¹²⁷

In Mananthavady, a village in the Wayanad district of Kerala, on October 14, 2007, Hindu radicals attacked a pastor of the New India Bible Church and his wife in their home.¹²⁸

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² Press Release, All India Christian Council, *Five Nuns Attacked in Madhya Pradesh* (Oct. 26, 2007), <http://indianchristians.in/news/content/view/1670/45/>.

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ Joshua Newton, *India: Machete Attack on American Alarms Local Christians*, Christianity Today, Mar. 1, 2003, <http://www.ctlibrary.com/ct/2003/march/17.30.html>.

¹²⁷ *Id.*

¹²⁸ Press Release, All India Christian Council, *Pastor and Wife Were Attacked in Kerala* (Oct. 14, 2007), <http://indianchristians.in/news/content/view/1646/45/>.

“The attackers first disconnected the phone and power supply, broke open the door of their house and beat them up.”¹²⁹ The couple was admitted to the hospital with severe injuries.¹³⁰

4. State of Rajasthan

Rajasthan has witnessed governmental persecution against both Christian institutions and individuals. For example, the Rajasthan government revoked Emmanuel Ministries International’s (EMI) license to operate several of its charities in February 2006.¹³¹ In the following month, EMI’s bank accounts were frozen by the government. Both incidents resulted because of accusations of forced conversions and “defamation of Hinduism.”¹³² These actions were overturned by the Jaipur High Court, however EMI’s president still had sedition charges pending against him at the end of the reporting period (June 30, 2007) for use of a map of India which did not include the disputed territories of Kashmir and Jammu.¹³³

In spring of 2007, a trend of intimidation and violence towards Christians was reported in the Indian state of Rajasthan.¹³⁴ In April 2007, Hindu fundamentalists “brutally attacked” two Christian workers who were visiting the state.¹³⁵ On April 29, 2007, assailants attacked independent pastor Walter Masih at his home.¹³⁶ The attackers were allegedly affiliated with the youth wing of the VHP, and “police arrested seven people, including [a] government employee and VHP officer.”¹³⁷ A national television channel filmed the attack.¹³⁸

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *International Religious Freedom Report: India*, *supra* note 5, § II.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.* at § III.

¹³⁵ Press Release, International Christian Concern, *Christian Workers Attacked, Arrested by Police* (April 5, 2007), <http://www.persecution.org/suffering/pressdetail.php?presscode=169&PHPSESSID=1dc39cbba1373b048fa51e5de3dbe20c>.

¹³⁶ *International Religious Freedom Report: India*, *supra* note 5, § III.

¹³⁷ *Id.*

¹³⁸ *Id.*

Just one month later, in May, fifteen people attacked a Catholic priest's home and forced him to leave.¹³⁹ The group accused the priest of "engaging in unethical conversions."¹⁴⁰

5. State of Uttar Pradesh

On August 17, 2007, a group of Hindu fundamentalists belonging to Rashtriya Swayamsevak Sangh and Bajrang Dal in Uttar Pradesh, brutally attacked and beat Dr. Raju Abraham, Chief Surgeon of Kachhwa Mission Hospital.¹⁴¹ Dr. Abraham was attacked during "a programme organised for Dalit children," and the Hindu attackers also damaged hospital equipment and assaulted the hospital staff and participants of the programme.¹⁴²

6. State of Chhattisgarh

Chhattisgarh government and law enforcement have willfully participated in persecution against Christians. For example, following an attack on a Christian prayer meeting in Bothli village, Chhattisgarh, on June 25, 2006, in which an eight-month pregnant woman was injured, police refused to take action against the perpetrators, claiming they had received orders not to register complaints from Christians.¹⁴³

Similarly, on October 10, 2006, the Chhattisgarh government closed a government-funded and Christian operated child nutrition center and fired seventeen employees upon suspicion of engaging in conversion activities.¹⁴⁴ Then, on November 9, 2006, news reports show that a BJP politician and party workers attacked six Christians at a village meeting; the Christians claimed that police refused to file a report on the incident.¹⁴⁵

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ Press Release, All India Christian Council, *Christian Doctor Attacked by RSS in Uttar Pradesh* (Aug. 17, 2007), <http://indianchristians.in/news/content/view/1550/45/>.

¹⁴² *Id.*

¹⁴³ Press Release, All India Christian Council, *Christian Prayer Group Attacked in Chhattisgarh* (July 26, 2007), <http://indianchristians.in/news/content/view/272/45/>.

¹⁴⁴ *International Religious Freedom Report: India*, *supra* note 5, § II.

¹⁴⁵ *Id.*

In December 2006, the persecution continued when “a pastor and 20 other Christians in Chhattisgarh who were singing Christmas carols” were assaulted by “the Bajrang Dal” (which are the “Hindu right”).¹⁴⁶ Consequently, “[t]he pastor and 10 others were subsequently arrested for forcibly converting others.”¹⁴⁷

Christian persecution continued through 2007. A BJP leader and his followers attacked three pastors on February 20, 2007, while the pastors were holding a prayer meeting.¹⁴⁸ The party leader accused the victims of engaging in illegal conversion activities; however, local police found the accusation unsustainable.¹⁴⁹

Additionally, a dispute over property transfers erupted in this State in April 2007. There was an incident “of discrimination against members of religious groups with respect to land transfers”:

[T]he Chhattisgarh chapters of the RSS and BJP held a major rally in Raipur to protest the transfer or purchase of land by Christian tribal groups. Faith-based organizations alleged that the Chhattisgarh Government, at the behest of local Hindu leader BJP MP Dilipsinh Judeo, deliberately lodged false cases against Christian tribals who had bought land for Church activities.¹⁵⁰

In addition to extremely violent acts of personal injury and murder, destruction of Christians’ property occurred as well. In late November 2007, approximately one hundred-fifty Hindu extremists in Mandwa village in the Bastar district of Chhattisgarh “destroyed the church building belonging to the Bastar for Christ Missionary Movement, beat up Pastor Suduru Kashyap and his associates, and kidnapped 21-year-old Aayatu Kashyap, who was later found dead.”¹⁵¹ In that attack, “[t]he extremists were armed with hammers, iron rods and other heavy arms.”¹⁵²

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *International Religious Freedom Report: India*, *supra* note 5, § III. The Bharatiya Janata Party (BJP) is the political wing of the RSS, which is a Hindu nationalist Organization. *Id.*

¹⁵¹ Press Release, All India Christian Council, *Believer Killed, Church Reduced to Rubble in Chhattisgarh* (Nov. 28, 2007), <http://indianchristians.in/news/content/view/1728/45/>.

¹⁵² *Id.*

As with the previous States, violence has already begun in 2008. Most recently, in another Chhattisgarh incident, at least a dozen people were seriously injured in January 2008 when a Hindu organization attacked a health camp conducted by Christian missionaries.¹⁵³ A member of the National Commission of Minorities stated that although, “[t]he government and local officials had been warned of trouble as early as on 22 December 2007[,] . . . they did not take any action.”¹⁵⁴

7. State of Andhra Pradesh

Similar persecution occurred in Andhra Pradesh at the hands of government and Hindu extremists. Police assaulted Andhra Pradesh Christians who had been screening a religious film on December 4, 2006, even though organizers obtained permission from the village head.¹⁵⁵ Andhra Pradesh authorities are also reported to have arrested three pastors who led foreign tourists, including several Americans, into a slum on April 5, 2007.¹⁵⁶ As reported, the group allegedly had engaged in conversion activities and made derogatory remarks towards Hindu gods, which lead to their arrest.¹⁵⁷

In an incident reported in October 2007, a pastor and his church members were “humiliated and beaten up for refusing to partake in the meat offered to a Hindu goddess near Nirmal in Andhra Pradesh.”¹⁵⁸ The Christian believers were “manhandle[d]” by residents of Krishnaraopet in Andhra Pradesh, and received no help from local police upon filing a complaint.¹⁵⁹

Reports from Andhra Pradesh allege not only attacks on Christians by Hindu extremists, but forcible conversions. As recently as January 2008, the violence continues to

¹⁵³ Press Release, All India Christian Council, *Christians attacked in Chhattisgarh* (Jan. 18, 2008), <http://indianchristians.in/news/content/view/1863/45/>.

¹⁵⁴ *Id.*

¹⁵⁵ *International Religious Freedom Report: India*, *supra* note 5, § II.

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ Press Release, All India Christian Council, *Pastor Forced to Eat Meat Offered to Idols in Andhra Pradesh* (Oct. 21, 2007), <http://indianchristians.in/news/content/view/1655/45/>.

¹⁵⁹ *Id.*

escalate. On January 15, about one hundred Hindu activists, armed with belts, attacked and ransacked a Christian center where pastors were having a special meeting.¹⁶⁰ The following day, local police arrested the pastor and three of the Christian leaders.¹⁶¹

8. State of Karnataka

The U.S. Department of State, in its International Religious Freedom Report for 2007, reported an increase from 6 to 40 incidents of violence against Christians in the State of Karnataka in comparison to the previous reporting period.¹⁶² Such reports included “injuries to pastors and congregants . . . threats and intimidation, and destruction of property and places of worship.”¹⁶³

The following examples visibly illustrate the ever-increasing acts of violence, which are routinely approved by law enforcement. On August 19, 2006, police were reported to have pressured a Christian convert to re-convert to Hinduism.¹⁶⁴ In November 2006, “alleged Hindu activists carried out an arson attack on a Catholic Church in Dharwad, Karnataka.”¹⁶⁵ Although the attack did not damage the church’s property, church authorities did claim that police were apathetic “in providing protection to the community.”¹⁶⁶ Again in November 2006, “approximately 50 members of the Bajrang Dal¹⁶⁷ and [Vishva Hindu Parishad (“VHP”)] attacked [a] Catholic Girls’ High School in Misore, Karnataka, physically assaulting staff and vandalizing property.”¹⁶⁸ Moreover, extremists “accused the

¹⁶⁰ Press Release, All India Christian Council, *Christian Centre Attacked in Kakinada, Andhra Pradesh* (Jan. 15, 2008), <http://indianchristians.in/news/content/view/1862/45/>.

¹⁶¹ *Id.*

¹⁶² *International Religious Freedom Report: India*, *supra* note 5, § III. Note, as previously explained, the reporting period for the 2007 Report ran from July 1, 2006 through June 30, 2007.

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.* § III.

¹⁶⁶ *Id.*

¹⁶⁷ The Bajrang Dal is the youth wing of the VHP. *Id.*

¹⁶⁸ *Id.*

headmistress of engaging in unethical conversion during school hours,” and as reported, police issued her a warning.¹⁶⁹

In Bangalore, the capital of Karnataka, two pastors “complained that the local police [had been] lax in dealing with their case” when, on January 7, 2007, Hindu activists attacked one of the pastors with two of his parishioners in a Bangalore suburb, and then attacked a prayer meeting conducted by a different pastor on the same day.¹⁷⁰ Similar reports are recorded in March 28 and June 8 2007 in Mangalore and Bangalore, respectively.¹⁷¹ Additionally, two Christian missionaries (one an American citizen) were arrested in Bangalore on March 20, 2007, “for allegedly making slanderous statements ridiculing Hindu deities.”¹⁷²

9. State of Jharkhand

Persecution in Jharkhand has been occurring for quite some time. As reported in November 1999, Animist worshipers in a village in Jharkhand drove a family out of their home for becoming Christians. The family was barred from the village so as not to “‘pollute the atmosphere of the village any more.’”¹⁷³ One member of the family (the wife and mother) “was . . . tonsured and had lime powder applied to her face. Villagers paraded her around the village and chased her, her husband . . . and sons . . . out of the village.”¹⁷⁴

10. State of Maharashtra

Reports from Maharashtra are similar. On January 1, 2001, two priests of the Friend of Missionary Prayer from Ichalkaranji, in Maharashtra’s Kolhapur district, were severely beaten by Hindu activist groups Bajrang Dal and Vishwa Hindu Parishad (VHP). After beating them in full public view, the Hindu groups dragged the priests to the local police

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.* § II.

¹⁷³ All India Christian Counsel, *Family Driven out from Jharkhand Village for Embracing Christ* (Nov. 30. 1999), <http://indianchristians.in/news/content/view/986/45/>.

¹⁷⁴ *Id.*

station. Instead of protecting the priests or arresting the activists, the police merely detained the priests under allegations that they had coercively converted people from Hinduism.¹⁷⁵

On another occasion, Christians attempting to follow up on a previous complaint to police were met, according to reports, with verbal and physical abuse and charged with breach of the peace by Maharashtra police in June 2006.¹⁷⁶ Similar reports of violence against Muslims occurred as well.¹⁷⁷ For example, in September 2006, a series of bomb explosions in and around a mosque took the lives of 38 people and more than 100 persons sustained injuries.¹⁷⁸

11. State of Gujarat

As recorded by the U.S. Department of State, on September 21, 2006, extremists in Gujarat, reacting to the passage of an amendment to anti-conversion legislation by the State government, attacked eight members of the Indian Missionary Society.¹⁷⁹ When the victims filed a complaint with the authorities, the victims themselves were arrested upon charges of forceful conversions and possession of weapons.¹⁸⁰

Persecution in India is not limited to Christians; other minority religions have been the victims of atrocities and religious persecution, specifically Muslims in Gujarat. For example, in May 2006, the Vadodara City government “demolished a 300-year-old shrine in Gujarat.”¹⁸¹ Amidst the ensuing mob of Muslim protestors, three Hindus were stabbed to death, a Muslim man was set on fire by a group of Hindus, and the Gujarat police killed two Muslims.¹⁸² Media reports on the incident indicate that 42 others were injured.¹⁸³ Three more deaths resulted in Gujarat, in August 2006, when “police firing killed three people (two

¹⁷⁵All India Christian Counsel, *VHP Activists Beat up Two Priests* (Jan. 1, 2001), <http://indianchristians.in/news/content/view/1160/45/>.

¹⁷⁶*International Religious Freedom Report: India*, *supra* note 5, § II.

¹⁷⁷*Id.* §§ II, III.

¹⁷⁸*Id.* § II.

¹⁷⁹*Id.*

¹⁸⁰*Id.*

¹⁸¹*Id.*

¹⁸²*Id.*

¹⁸³*Id.*

Muslims and one Hindu) during protests by Muslims of the local administration's action to breach the wall of a Muslim cemetery to let flooding waters subside."¹⁸⁴

These recent incidents follow a history of violence against Muslims in Gujarat. A train fire, on February 27, 2002, which caused 59 people to perish on the Sabarmati Express, led to a string of riots and widespread communal violence across the state.¹⁸⁵ Hindu fundamentalists blamed Muslims for the suspected attack and launched a regional attack on people from the Muslim communities throughout the state of Gujarat.¹⁸⁶ The death toll from the ensuing violence ran high. "Home Ministry figures released in May 2005 indicated that 790 Muslims and 254 Hindus were killed, and 2,500 others injured."¹⁸⁷ However, "[s]ome NGOs maintained the number of Muslims killed was higher, with figures ranging anywhere from 1,000 to 2,500."¹⁸⁸

12. Persecution in Various Other States

In 2003, a crowd of 200 Hindus in the State of Manipur burned a Christian church, which marked the third attack on this particular church since the beginning of the year.¹⁸⁹ Believer's Church, situated on the outskirts of Lamding village in a Hindu-dominant region of the state of Manipur, was completely destroyed and four Christians were injured in the

¹⁸⁴ *Id.*

¹⁸⁵ See *id.*; International Initiative for Justice, *Threatened Existence: A Feminist Analysis of the Genocide in Gujarat* 1, 92 & nn.73-74 (2003), available at <http://www.onlinevolunteers.org/gujarat/reports/iiijg/2003/fullreport.pdf> [hereinafter *Gujarat Analysis*].

¹⁸⁶ *Gujarat Analysis*, supra note 185, at 1-2.

¹⁸⁷ *International Religious Freedom Report: India*, supra note 5, § II. "There were also reports of rape, gang rape, and molestation of Muslim women." *Id.*

¹⁸⁸ *Id.* For instance, one analysis by the International Initiative for Justice (IIJ) suggested that "[i]n a matter of 72 hours – the time for which the administration did not act or was given strict instructions by the state government to not act – there were about 2000 people killed in the violence. Although the official figure is 762, about 2000 people were missing or killed according to unofficial estimates and around 113,000 people were living in relief camps while others who were displaced were living with relatives in Gujarat or outside. The losses suffered by the Muslim community were estimated to be 38,000 million rupees – 1150 hotels burnt in Ahmedabad city alone, over 1000 trucks burnt, thus severely affecting the hotel and transport industry, which were businesses mainly run by Muslims. About 250 mosques and dargahs were destroyed as part of an attack on the community itself." *Gujarat Analysis*, supra note 185, at 2.

¹⁸⁹ Press Release, All India Christian Counsel, *Church Burned, Christians Attacked in Manipur* (Nov. 23, 2003), <http://indianchristians.in/news/content/view/230/45/>.

attack.¹⁹⁰ Villagers told members of the Believer's Church to leave or "face the consequences."¹⁹¹

In May 2004, Hindu fundamentalists broke into the Independent Church at Berikkai in the Hosur district of the State of Tamil Nadu, assaulted the pastor and extensively ransacked the church.¹⁹² The assailants accused the pastor of "forcibly converting people of the area through inducement," and based on these accusations, the police the arrested and imprisoned the pastor.¹⁹³

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² Press Release, All India Christian Counsel, *Pastor Attacked in Hosur* (May 5, 2004), <http://indianchristians.in/news/content/view/674/45/>.

¹⁹³ *Id.*