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India: The Situation for Religious Minorities Has Worsened

Joint written statement submitted by World Evangelical Alliance and the Religious Liberty Commission of the Evangelical Fellowship of India to the Human Rights Council's thirty-ninth session (10-28 September 2018) under Agenda item 4: Human rights situations that require the Council's attention.

The World Evangelical Alliance (WEA) was founded in 1846 in London. Today, the WEA is a network of churches in 129 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide.

The Religious Liberty Commission of the Evangelical Fellowship of India endeavors to facilitate reconciliation, to promote religious liberty and fundamental freedoms, and to seek justice for those who are abused and oppressed in India. The Evangelical Fellowship of India, a member of the WEA, is the national representative voice for the Evangelical Church in India representing more than 45000 Churches across India.

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1. Situation for minorities in India has worsened steadily under the current Government. The two minority communities that have had to bear the brunt mostly have been the Muslims and the Christians. The Dalits too have been targeted.
2. Attacks on minorities increased right after the swearing in of Mr. Narendra Modi in May 2014, with an election campaign tainted with hate speech against minorities. Even as election results were declared, many members of the BJP and the RSS family of organizations (RSS is the Rashtriya Swayamsevak Sangh or National Volunteer Organization), indulged further in hate speech, in a mode of triumph.
3. The killing of Mohsin Mohammed Shaikh, an IT professional, in Pune, Maharashtra, made national headlines and was the first death after Mr. Modi's swearing in on May 26, 2014. Shaikh, a Muslim, was attacked on June 4, 2014, by members of the Hindu Rashtra Sena (Hindu Nation Army) over an alleged Facebook post, during heightened communal tensions, and later succumbed to his injuries in a hospital. To date, Indian authorities have failed to convict anyone of this murder.
4. Attacks on minorities have continued unabated since then. Riots, hate speeches, lynch mobs, attacks and murder of mostly Muslims by cow vigilantes (in the name of "cow protection"), attacks on Churches and Christian workers, assaults on Christian homes alleging conversion activities and arrests on false and trumped up charges are some of the ways that the minorities in India have been coping up under an administration that remains silent when they are attacked and so encourages impunity among radical nationalist forces that target and attack the minorities in India.
5. It is estimated by various groups that over 76 people have been killed in incidents of mob violence in India since 2015. According to the website <http://lynch.factchecker.in>, 36 people have been lynched by cow vigilantes since 2012 onwards in 90 incidents that affected 296 victims. This prompted the Supreme Court to ask the Parliament to pass laws establishing lynching as a separate offence with punishment. The Apex Court condemned the incidents of lynching and the targeting of Dalits and Minorities and termed the incidents as "horrendous acts of mobocracy". In August 2018, Prime Minister Modi has for the first time condemned violence against minorities, saying that everyone has a duty to fight the "menace" of mob lynching.
6. According to the government's own data as shared in the parliament in February 2018 by the Minister of State in the Ministry of Home Affairs, incidents of sectarian violence rose by 28% from 2014 to 2017 with the state of Uttar Pradesh leading the tally. The state of Uttar Pradesh saw a bitterly contested and much polarized State Legislative Election in the early part of 2017. These elections led an Indian monk and Hindu nationalist politician, Yogi Adityanath, to become Chief Minister of Uttar Pradesh. Mr. Adityanath has indulged in hate speech and has incited violence against minorities.
7. As far as Christians are concerned, the year 2017 and the first six months of 2018 have been among the most traumatic periods for the minority community. The Religious Liberty Commission of the Evangelical Fellowship of India documented at least 351 cases of targeted hate and sectarian violence against Christians in 2017. This was by no means an exhaustive compilation as it is based on voluntary reporting and civil society investigations. Most cases go

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unreported either because the victim is terrified or the police, especially in the northern states, just turn a blind eye and refuse to record the mandatory First Information Report. The first six months of 2018 have seen over 120 incidents being reported from all over the country with Uttar Pradesh and Tamil Nadu leading the tally, consistent with the trends in 2017.

8. Several Indian states have managed to pass and implement “Freedom of Religion” Acts. Known popularly as Anti-Conversion laws, these acts actually curtail the Freedom of Religion despite the constitution granting Freedom of Religion to all citizens. In 2018, Jharkhand and Uttarakhand became two new states to have passed and implemented this Act through their respective legislatures. The total tally of states having these laws now stands at seven with Madhya Pradesh, Chhattisgarh, Orissa, Himachal Pradesh and Gujarat being the other five.
9. The newly implemented laws in Jharkhand and Uttarakhand bring back the prior permission clause which states that a citizen must have the permission of the state prior to his or her conversion from one faith to another. This is a gross denial of the freedom of conscience as enshrined in the constitution and contained in the various international treaties of which India is a party.
10. India has sought, through the Constitution (Scheduled Castes) Order 1950, to improve the situation of schedule casts. The order limits the “scheduled caste” rights to Hindus and denies affirmative action to Christian Dalits. This Presidential Order constitutes therefore a major denial of justice for minorities, in particular for Dalits choosing to leave Hinduism for another faith. A Dalit who convert to other ‘Indic’ religions such as Sikhism and Buddhism still benefit from the affirmative action presidential order, but conversion to ‘Semitic’ religions such Christianity and Islam denies them this same benefit.¹ Freedom of belief, and change of religion, is a right otherwise guaranteed by the Constitution of India. But now Dalit Hindus cannot convert to any religion other than Buddhism and Sikhism or else they would lose their jobs or scholarships if they chose Islam or Christianity.
11. We hope that the various state governments and the union government will uphold fundamental rights especially the right to Freedom of Religion or Belief, through concrete action and enforcement of law, without partiality.
12. In this context, the World Evangelical Alliance would like to ask the members of the Human Rights Council to address freedom of religion in India, and makes the following recommendations to the Government of India:
 - Enact a comprehensive national legislation against targeted and communal violence.
 - Enforce rule of law and arrest members of groups promoting sectarian hate and violence and others who attack persons on mere suspicion of consumption or storage of beef or on alleged charges of forced or fraudulent conversions, and to take stringent action against them as per the law.
 - Ensure stringent action under criminal law against all those who channel hate speech with the intention of inciting violence and hatred against the Christian community.

¹ Paragraph 3 of the Constitution (Scheduled Castes) Order 1950, states that: “No person who professes a religion different from the Hindu, the Sikh and the Buddhist religion shall be deemed to be a member of a Schedule Caste [from the Dalit community].” Some statistics put the Christian population from the Schedule Caste backgrounds at 70% of total Indian Christians. This population is economically poor and engaged in menial occupations.

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- Advise State Governments to take adequate measures to protect Christian places of worship which are being increasingly targeted and attacked by violent groups who disrupt Christian worship and attack innocent Christians on false allegations that “conversions” are being performed during the worship services. This kind of attack amounts to desecration and hurting of religious sentiments of the entire community.
- Prosecute police officials who fail in their constitutionally mandated duty to enforce the law of the land, by being complicit in attacks against religious minorities, and by shielding the attackers or otherwise scuttling due process of law.
- Provide trainings through the Ministry of Home Affairs, on human rights and religious freedom standards and practices to the state and central police and judiciary.
- Advise the state governments of Arunachal Pradesh, Orissa, Madhya Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh and Jharkhand to repeal the anti-conversion laws known as Freedom of Religion Acts as well as abandon efforts towards a national anti-conversion law which would only curb the fundamental right to freedom of religion or belief, particularly of religious minorities in India.
- Amend paragraph 3 of the Constitution (Scheduled Castes) Order 1950 to include Christians and Muslims.
- Ensure that an active Commission for Human Rights and Commission for Minorities is operational in every state, and that members of each commission are appointed by transparent and non-partisan procedures.
- Prevent and pursue through the judicial process, all violent acts against religious and tribal minorities and Dalits.