



Hindus  
for Human Rights



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## **INDIA: The Rights of Religious Minorities**

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**The World Evangelical Alliance (WEA)** is a network of churches in over 130 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.

**Open Doors International (ODI)** is an international NGO that supports communities of Christians from all denominations in more than 60 countries where their fundamental rights are violated because of their faith.

**Indian American Muslim Council (IAMC)** is a Washington, D.C.-based 501(c)(3) nonprofit organization that advocates for civil and political liberties, human rights and religious freedom, both in India and the United States. IAMC works in alliance with a diverse civil rights organizations in the U.S. and globally, too, to advance its advocacy for peace, pluralism and social justice.

**Hindus for Human Rights** is a nonprofit organization founded in 2019. They advocate for pluralism, civil and human rights in South Asia and North America, and we provide a Hindu voice of resistance to caste, Hindutva (Hindu nationalism), racism, and all forms of bigotry and oppression.

**Justice for All** is a human rights organization incorporated in 1999. Having grown from the Bosnian genocide, current projects focus on Rohingya, Uyghur, Kashmir, Sri Lanka and India.

**International Commission for Dalit Rights (ICDR) International** is a leading global movement of people striving to eliminate Caste or Work and Descent-based Discrimination (CWDD), inequality and injustice. With over 255 members across the globe, ICDR collaborates, networks, and provides technical support for its associates, civil society, government agencies, and the communities, as they strive to promote equal opportunities, civil rights, dignity, and rule of law.

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# **1. Introduction**

We, the members of the India Coalition for Minority Rights are honored to jointly submit a stakeholder report on India at its 4<sup>th</sup> UPR cycle. We are a diverse group of faith and non-faith-based NGOs. As friends of India, we are alarmed by the deterioration of the situation of minorities, of the rule of law, and of the overall health of India's democracy. We have come together to make this joint submission, in the hope of constructively engaging with the UPR process and its key stakeholders, to seek positive change for human rights and democracy in India.

Since 2014, India's public sphere has witnessed a marked shift towards a discriminatory consensus that involves the assertion of a violent majoritarian ideology commonly referred to as Hindutva, or 'Hinduness'. Much of what Hindutva stands for is the othering of Indian Christians and Muslims that it sees as hostile elements, posing a threat to the unity of India because their holy lands, and thus allegiance, allegedly lie outside India. The primary goal for Hindutva is to become a Hindu nation where religious minorities such as Christians, Muslims and Sikhs, who together make up over 20% of the population, would either convert to Hinduism, become second-class citizens without fundamental rights or be expelled from the nation and deprived of their citizenship.<sup>1</sup> What has followed is the Hindu nationalists' targeting of minorities, in campaigns of hate and physical attacks, accompanied and facilitated by changes in laws that, in effect, have empowered militant anti-minority groups.<sup>2</sup> Since being voted back to power with a stronger majority in 2019, the BJP has taken several additional steps to make India into a Hindu majoritarian state in law, and for further exclusion of its minorities.<sup>3</sup> There have also been increasing instance of attacks by state forces against minorities, with killings, detentions and custodial torture often reported.<sup>4</sup>

Our submission catalogs some of these human rights abuses and violations against India's large population of religious minorities.<sup>5</sup>

## **Implementation of India's 3<sup>rd</sup> UPR recommendations**

India received a total of 249 recommendations in its last UPR in 2017. Of these, 15 related specifically to freedom of religion and minority rights. India '*noted*' the following recommendations on minority rights and related to combating religious intolerance, violence and discrimination (Nos. 161.73, 161.129, 161.130, 161.133); guaranteeing freedom of religion or belief, including abrogating anti-conversion laws (Nos. 161.126, 161.127, 161.128); enacting laws to prevent communal violence (161.49), besides undertaking human rights awareness (No. 161.71). India '*supported*' only 6 recommendations on minority rights – on protecting minorities, among others (No. 161.72, 161.144), providing human rights training for police forces (161.66), and acting against anti-minority violence (No. 161.99).<sup>6</sup>

As our report below will show, in the years since the 3<sup>rd</sup> Cycle review, India has failed to implement the recommendations it '*supported*'. Moreover, in not paying heed to the rest of the recommendations that it '*noted*', authorities in India have created a situation where

incitement and violence against religious minorities have become rife, and minority communities are fast being reduced to second class status.

## **Methodology**

This report is based on input from coalition members, who have independently undertaken research and reporting on various aspects related to the rights of religious minorities in India. In addition, we quote NGO reports, media accounts and UN sources when corroborating our own respective findings.

## **2. Discrimination Against Religious Minorities**

### **Anti-Conversion Laws (“Freedom of Religion Acts”)**

The Constitution of India guarantees religious freedom under Articles 25 and 26. Article 25 of the Indian Constitution states that all persons are equally entitled to freedom of conscience and the right to freely profess, practice, and propagate religion.<sup>7</sup> However, Indian states have enacted so-called ‘**Freedom of Religion Acts**’ or **anti-conversion laws** that directly contravene with Article 25 of the Indian Constitution. The following eleven states in India have enacted anti-conversion laws: Odisha (in 1967), Madhya Pradesh (1968, 2021), Arunachal Pradesh (1978), Chhattisgarh (2000), Gujarat (2003), Himachal Pradesh (2006), Jharkhand (2017), Uttarakhand (2018) and Uttar Pradesh (2020), Karnataka (2021), Haryana (2022).<sup>8</sup> In 2021, the state of Madhya Pradesh modified its anti-conversion law and made it much more stringent. It now carries prison sentences of up to 10 years for any person found guilty of leading “illegal conversions.”

While in the past, anti-conversion laws criminalized conversion on the basis of force, fraud, inducement, or allurement, the recent trend exemplified by the new law in Madhya Pradesh has been to include interfaith ‘marriage’ as an illegal means of conversion. Karnataka’s new law makes ‘a promise of marriage’ a means of unlawful conversion.

These laws use broad and vague terms (inducement, allurement) that might be interpreted to cover the legitimate expression of many religious beliefs.<sup>9</sup> They fail to clearly define what makes a conversion improper, bestows on the authorities unfettered discretion to accept or reject the legitimacy of religious conversions and to intrude individuals’ choice of partners. They require prior notice to, or in some cases approval from, authorities for conversion. Religious conversion is presumed to be illegal (presumption of guilt) and the burden of proof of the legality of the conversion is on the person accused of illegal conversion; in violation of article 14(2) ICCPR. Finally, some of these laws give preferential treatment to re-conversions, for example by stipulating that returning to the forefathers’ original religion or to one’s own original religion shall not be construed as conversion.

Hindutva vigilantes are strenuous advocates of anti-conversion laws. They falsely claim that Christians and Muslims use coercion, allurements or inducements to convert vulnerable Hindus.<sup>10</sup> These claims are backed by little or no evidence. In fact, a recent study from Pew Research Center found that, despite proselytism and conversions being a very contentious

political issue, conversions are not very common and have a minimal impact on the overall size of religious groups in India.<sup>11</sup>

**Recommendation:** Advise states to repeal anti-conversion laws or modify them to comply with international human rights standards

## Nationality laws and policies

Since 2017, the Government of India has put in place a body of laws and procedures on nationality and citizenship. These are discriminatory against minorities, especially Muslims.

**The National Register of Citizens (NRC)** in Assam was published in August 2019 excluding a total of 1,906,657 Assam residents<sup>12</sup> – around 6% of the state’s population – as of doubtful nationality. Despite fundamental concerns about poor and discriminatory procedures<sup>13</sup> that excluded religious and linguistic minorities, especially women and children among them, highlighted by victim groups<sup>14</sup> as well as human rights bodies<sup>15</sup>, authorities have confirmed the finality of the NRC.<sup>16</sup> Appeals against exclusion will be heard by Foreigners Tribunals (FT) that in law have power to declare individuals as ‘foreigners’ and order their confinement in detention centers. Human rights bodies have documented how FTs are “designed to exclude”<sup>17</sup>, mostly Muslims. Additionally, the National Human Rights Commission’s findings include detainees being kept in sub-standard, prison-like conditions and separation of children from their parents.

The NRC was followed by the **Citizenship (Amendment) Act**<sup>18</sup> (CAA), signed into law in December 2019, opening a route to expedited nationality for Hindus, Sikhs, Buddhists, Jains, Parsis and Christians, and excluding Muslims.<sup>19</sup> Discriminating explicitly on grounds of religion and nationality, CAA violates domestic and international law.<sup>20</sup> Muslims, among those excluded from the Assam NRC, will bear the direct impact of the CAA. But as the US Commission for International Religious Freedom warns, the dangers of CAA go far beyond Assam.<sup>21</sup> With the CAA in place, Muslims would primarily bear the punitive consequences of exclusion from the all-India NRC that the central government has been seeking to finalize<sup>22</sup>. Despite the over 150 challenges against the CAA in the Supreme Court, including by several state governments, and the passing of over 2 years, CAA has not yet been struck down by the Court, not even a substantive hearing has been held on it yet.<sup>23</sup>

### Recommendations:

- (i) Regarding the National Register of Citizens in Assam, commence appeals process within a timebound calendar, and ensure Foreigners Tribunals follow set procedures and protocols for hearing appeals and weighing the evidence.
- (ii) Amend the Citizenship (Amendment) Act to remove religion as an eligibility criterion, in line with international human rights standards
- (iii) Ratify UN Statelessness Convention
- (iv) Ratify UN Refugee Convention

## **Denial of affirmative action to Christians and Muslims from Scheduled Castes (Constitution Order 1950)**

250 million Indians are estimated to be members of the Scheduled Castes, or Dalit Community. They suffer from extreme and persistent forms of discrimination based on descent and traditional occupation. Article 17 of the Indian Constitution seeks to secure the abolition of untouchability. The Presidential Constitution (Scheduled Castes) Order 1950 (10 August 1950) provides special protection and affirmative action measures to members of Scheduled Castes to overcome the effects of centuries of marginalization and oppression. These measures include special social welfare benefits, quotas for educational placements, scholarships and employment opportunities, and the right to seek election in the reserved constituencies from Panchayat (village council) level up to national parliament.

A closer look reveals that the Presidential Order of 1950 is discriminatory on grounds of religion. Initially it specified that no one from a religion other than Hinduism could be recognized as being from a 'Scheduled Caste.' This requirement was subsequently amended as to include other 'Indic' religions, interpreted as Sikhism (1956) and Buddhism (1990), but excluding Christianity and Islam. As a result, Christian Dalits and Muslim Dalits do not benefit from the same privileges that their Hindu, Sikhs and Buddhist counterparts are entitled to by law.

**Recommendation:** Remove all religious references to the application of the 'Scheduled Caste' Constitutional Order 1950 to allow all Dalits – irrespective of religion - to benefit from affirmative action.

## **Prevention of Cow Slaughter (also 'animal preservation') laws**

20 out of 29 states in India have enacted cow protection laws, according to which cow slaughter is a criminal offence, treated on par with offences such as culpable homicide and slave trading. Many of these laws make the offence cognizable, non-bailable, and shift the burden of proof on the accused, in violation of Article 14(2) of the ICCPR.<sup>24</sup> In 2020, the Uttar Pradesh Legislature amended the Uttar Pradesh Prevention of Cow Slaughter Act of 1955 by prescribing a punishment of imprisonment for up to 10 years<sup>25</sup>. Karnataka, another BJP-ruled state, passed a more stringent Prevention of cow-slaughter and cattle preservation Act in 2021<sup>26</sup>, prescribing a maximum of seven years of jail term for offenders.

Prevention of cow slaughter laws provides a social and political space for Hindutva vigilantes to justify mob lynching. States with the strictest laws, namely Haryana and Uttar Pradesh, reported higher incidents of lynching, with Muslims disproportionately affected. Christians from Dalit and Adivasi backgrounds have also been targeted, framed by Hindutva vigilantes and falsely accused of cattle trading, sometimes fatally injured and killed by the vigilante mobs<sup>27</sup>. In most cases, the perpetrators of violent acts are not punished, instead the victims and their families face legal action under the cow-protection laws.<sup>28</sup>

Such laws disproportionately affect religious minorities and members of Dalit groups, who usually engage in the meat sector as a means of livelihood and rely on meat as food source.

In 2017, after the Bharatiya Janata Party (BJP) assumed power in Uttar Pradesh, Chief Minister Yogi Adityanath launched a crackdown on slaughterhouses and meat shops, mostly run by Muslims.

**Recommendation:** Advise states to amend “cow protection laws” to respect the rights to fair trial and to due process, and remove provisions that allow, in law or in procedures, non-state actors formal role in enforcing the law

### **Supreme Court’s Babri Masjid judgment: Taking over religious shrines**

In November 2019 Supreme Court of India gave its Ayodhya judgment, granting title to the 16<sup>th</sup> century mosque to Hindu parties that the court acknowledged were complicit in its destruction in 1992. The judgment has been criticized as bad in law by experts, for applying a different standard of proof for majority Hindus and minority Muslims.<sup>29</sup> Scholars note how “the extrajudicial purge (of the historical monument) that Hindu extremist mobs enacted in December 1992, the Supreme Court “finished, through judicial opinion”.<sup>30</sup> There are now calls and motions in courts to target other historical mosques – such as in Mathura - and convert them into temples.<sup>31</sup>

**Recommendations:** Enact a ban on conversion of religious places of worship

## **3. Incitement and Violence against Religious Minorities**

Violence against religious minorities has been a long-standing aspect of social and political life in India. However, the rise to power of the BJP in 2014 ushered in a new phase where incidents of violence have increased significantly.

### **Extrajudicial killings and police firings at peaceful protestors**

In Uttar Pradesh, since 2017, the police have reportedly killed over 140 young men in so-called “encounters” where police claimed that the victim was shot dead in self-defense, but credible sources indicate that the victims did not pose any threat.<sup>32</sup> According to police data, between March 2017 and March 2021 the victims of some 37 % of these de facto extra judicial killings were Muslims. (Muslims make up 19% of the population of Uttar Pradesh).<sup>33</sup>

Similarly, in Assam, the police forces have carried out a series of extra-judicial killings resulting in at least 31 deaths, mostly targeting Muslims and ethnic minorities.<sup>34</sup>

In December 2019, in response to peaceful protests against the Citizenship (Amendment) Act 2019, 22 protesters and by-standers were shot dead by the police in Uttar Pradesh, all of whom were Muslims.<sup>35 36</sup> Various videos show police directly firing live bullets at protesters, contradicting police claims that deaths were the result of cross-firing by protesters’ using illegal firearms.<sup>37</sup> In addition, many media accounts and witness testimonies rebut the police claims and hint at the possibility that it was the police who provoked the crowd and used excessive force resulting in killings.<sup>38</sup>



In 2021, the police in Assam was reported to have used excessive force against those protesting forced mass evictions of Muslims from their homes, resulting in at least two killings and over 20 injured.<sup>39</sup>

### **Detentions and custodial torture, and denial of the right to fair trial**

The Crackdown against anti-CAA protests in Delhi and Uttar Pradesh has also resulted in mass detentions. 18 students and activists, including 16 Muslims, who were part of the anti-CAA protests were detained under false charges of instigating violence in Northeast Delhi district, with the draconian Unlawful Activities Prevention Act (UAPA), 1967, India's principal anti-terror law invoked in all cases. 13 continue to be in detention for over 2 years, and are still denied bail.<sup>40,41</sup> In Uttar Pradesh, scores of anti-CAA protestors were detained with numbers ranging from 800 to 4500, according to various statements made by the state authorities. Among those arrested were prominent human rights defenders, lawyers, environmental activists, academics, artists, and a number of minors.<sup>42</sup>

Security laws are used increasingly to target religious minorities. In Uttar Pradesh, invocation of UAPA increased significantly since 2017 itself, with over 100 cases being reported every year.<sup>43</sup> Detentions under the UAPA in the state have disproportionately targeted Muslims.<sup>44</sup> Assam too has witnessed a similar pattern of abuse of counter-terrorism laws against Muslims.<sup>45</sup> Recently UAPA was invoked by authorities in eastern Tripura state against 102 persons, including journalists and advocates reporting anti-Muslim violence in October 2021 on social media.<sup>46</sup> Father Stan Swamy, a Jesuit priest who dedicated most of his life to Adivasi rights, was imprisoned in October 2020 under the UAPA and died in prison in July 2021, at the age of 84.<sup>47</sup>

The National Security Act (NSA), a preventive detention legislation<sup>48</sup>, has also been invoked disproportionately in Uttar Pradesh and other states, against Muslims often for minor offences without any reasonable security implications, such as cow slaughter. Recently it was revealed that the NSA was invoked against 139 people up until August that year, of whom, 88 were Muslims. 76 of these for cow slaughter and 12 for anti-CAA protests.<sup>49</sup> Charges under UAPA as well as NSA, and sedition provisions of the Indian Penal Code (IPC), are used to intimidate victims from among minority community and frame human rights defenders as terrorists. There have been allegations of custodial torture too, against minors<sup>50</sup> and women HRDs<sup>51</sup>, besides others.

#### **Recommendations**

- (i) Ensure Independent Investigation and prosecution in all cases of state violence against minorities
- (ii) Amend laws and procedures, including Unlawful Activities Prevention Act, National Security Act, Public Safety Act, sedition under Indian Penal Code, to ensure compliance with article 9 of the ICCPR and other international human rights standards
- (iii) Amend laws and procedures, including repealing section 197 of the Indian Code of

Criminal Procedure (1973), that obstruct access to justice for victims of abuses committed by police officers.

## **Incitement to hostility and violence against religious minorities**

Senior political leaders, including state ministers and individuals associated with the BJP and their ideological front, the Rashtriya Swayamsevak Sangh (RSS), regularly engage in incitement to discrimination, hostility, and violence against religious minorities in public spaces as well as through online platforms such as Twitter, Facebook, etc. They falsely accuse Muslims, Christians or Dalits of acts such as smuggling cattle, possessing beef, forced or paid religious conversion, attempts at religious intermarriage.

Following the anti-CAA movement, from December 2019 to February 2020, Delhi witnessed a campaign of inciteful speeches by BJP electoral candidates, party leaders, and senior ministers of the central government targeting Muslims and the anti-CAA protestors.<sup>52</sup> Kapil Mishra's speeches are emblematic<sup>53</sup>, of many such.<sup>54</sup>

With the onset of COVID-19 in March- April 2020, Muslims across India became the target of hate, vilification, and incitement, with orchestrated campaigns<sup>55</sup> by BJP leaders and pro-BJP TV channels<sup>56</sup>, together with social media platforms, blaming Muslims for spreading the virus, and calling for direct action against them. This anti-Muslim targeting spilled over into real-world violence, economic boycotts, and denial of public services.<sup>57</sup>

In the state of Chhattisgarh, where episodes of violence against Christians have skyrocketed during 2021 and continuing to rise at alarming rates during 2022, a Hindu leader, in presence of local BJP leaders, called for the beheading of Christian 'converters'.<sup>58</sup>

In Assam, during the state legislative assembly elections in 2021, BJP candidates were reported to have repeatedly made incendiary speeches against the Bengali-speaking Muslims in the state equating them as 'termites' or illegal migrants, or encroachers.<sup>59</sup>

Most recently, at Hindu religious conferences across several sites, senior leaders have been pledging the destruction of the Muslim community and urging their followers to take to arms.<sup>60</sup> Calls for "cleanliness drive" against Muslims and to kill "at least 2 million" have been repeated in these 'religious parliaments' (Dharam Sansads) by some of the most prominent leaders, all with strong links to the ruling party. They also called to "rape and impregnate" Muslim women.<sup>61</sup> Separately, hundreds of prominent Muslim women were, on New Year day, sold in mock auctions on social media, in an obvious attempt to dehumanize them.<sup>62</sup>

This climate of hatred and intolerance empowers vigilantes to engage in acts of violence and discrimination against members of religious minorities as well as incite others to imitate their example. Apart from regular incidents of mob-lynching, daily life for religious minorities is now marked by fear, and a heightened sense of abandonment by the government. So far, the Indian government has been silent, failing to condemn violence against religious minorities. Nor has it promoted public messaging encouraging intercommunal harmony, an alternative to incitement to violence and discrimination, neither has it taken any action against its party members who made these threats on public fora.

#### Recommendations

- (i) State officials should publicly condemn extremist ideology which promotes and condones violence and discrimination against religious minorities in India, including Muslims and Christians.
- (ii) Promote media literacy to identify widespread misinformation by including it as a critical component in the education policy.

### **Non-state actors targeting religious minorities: Vigilantism, Mob lynching**

Since 2014, and especially since 2017, there has been a steady increase in the incidence of violent attacks by private actors targeted at civilians because of their religious identity.<sup>63</sup> The attacks take the form of mob lynching including those resulting in death, attacks on religious infrastructure; property and livelihoods.<sup>64</sup> Between 2017 and 2021, an average of 350 violent incidents against Christians or their property have been documented. While research methods vary, key organizations documenting violence against Christians, including by Evangelical Fellowship of India, Open Doors, Aid for the Church in Need, and Persecution Relief, have all noted tangible and significant increase of mob violence against Christians and attacks on property of Christians since 2014. Political discourses including by top politicians, coupled with political initiatives such as anti-conversion legislation, have incentivized and legitimized violence against religious minorities. In 2021, Christians in India experienced a 74% increase in incidents of violence from 2020. Many experts working with minority groups in India are of the opinion that this number is just the tip of the iceberg since reporting a crime in India is a challenging task in itself.

Muslims have suffered some of the most vicious and sustained of these violent campaigns - carried out on various pretexts, viz. cow slaughter; 'love jihad', 'corona jihad', 'land jihad', 'employment jihad', among other bogeys. A database<sup>65</sup>, records 212 instances of hate crime between 2014 and 2020. Of these, more than 50 per cent were against Muslims. Almost 30 per cent of all cases resulted in death, over 80 per cent of which were Muslims. In a remarkable 71 per cent of the cases where information was available, police investigated the victims for crimes, rather than the perpetrators.<sup>66</sup> Muslim localities are often attacked and collective punishment meted out by authorities in retribution.<sup>67</sup> Muslim businesses continue to be targeted, forced to shut down,<sup>68</sup> and boycotted by local communities.<sup>69</sup>

In February 2020, during what was an organized campaign of Hindu groups working with BJP leaders, Muslim communities in Northeast Delhi district witnessed four-days of targeted violence which led to 53 dead, including 40 Muslims, and scores grievously injured<sup>70</sup>, prompting UN mandate holders to take note.<sup>71</sup>

#### Recommendations

- (i) Ensure independent investigation and prosecution in all cases of incitement against religious minorities and provide reparations to victims of violence
- (ii) Ensure public counting and reporting of anti-minority incitement and violence

## **4. Denying minority voice and participation**

During the past few years the people of India have experienced blanket bans on protests, internet shutdowns, and surveillance, besides the targeting of minority institutions. At the same time, human rights organizations, journalists as well as media houses who speak of the concerns of minorities, and human rights more broadly, have been subjected to physical, financial, and social reprisals.

### **Attacks against journalists and media houses, and dissenters**

Journalists who were reporting on the CAA movement have been repeatedly attacked and harassed. In several high-profile incidents, ‘raids’ by serious crime agencies of the central government, including Enforcement Directorate, and Central Bureau of Investigation were carried out at the offices of news outlets critical of the government, without any evidence of alleged crimes. These include Newsclick, and NDTV. In Assam, police forces barged into offices of a private news channel and assaulted their staff with batons for reporting on anti-CAA protests.<sup>72</sup>

### **Curfews, restrictions of peaceful protests and other attacks against the right to assembly**

In December 2019 authorities imposed blanket curfews banning assembly of over 4 people across regions, in Uttar Pradesh, Delhi, Assam, ahead of anticipated protests against the enactment of the CAA.<sup>73</sup> The curfews deprived the population of their legitimate democratic right to protest against a law that was seen as being fundamentally discriminatory.<sup>74</sup> The Police also instructed cellular companies to cut communications in key areas where they apprehended large scale protests. Reports have shown that areas under curfew were mostly Muslim concentration areas.<sup>75</sup>

### **Targeting associations of and for minorities: The use and abuse of FCRA**

NGOs, especially those working on human and minority rights issues, have been targeted for shut down through the Foreign Contribution Registration Act (FCRA)<sup>76</sup> – a statute to regulate foreign remittance in India.<sup>77</sup>

In January 2022, close to 6,000 organizations had their FCRA registration revoked, thus becoming ineligible to receive overseas funds.<sup>78</sup> This has brought to approximately 20,000 the number of Indian non-profit organizations that have lost their FCRA licenses since 2011. FCRA renewal decisions for the remaining approximately 17,000 NGOs, including those who lost their license but have appealed, will be due on 31 March 2022. Several prominent NGOs have suffered FCRA targeting,<sup>79</sup> whilst others have been the subject of other draconian laws.<sup>80</sup>

The crackdown on NGOs using FCRA is indicative of how the FCRA regime undermines key human rights.<sup>81</sup> First, FCRA regulations and practices have created an environment that hinders the enjoyment of the right to freedom of assembly and association. The stringent requirements and restrictions of FCRA regulations cannot be deemed as ‘necessary in a democratic society,’ in accordance with international law. Second, the government of India

has revoked or refused to renew FCRA licenses as a reprisal measure against NGOs, including those serving and advocating for the rights of religious minorities.

**Recommendations**

- (i) Repeal or significantly amend Foreign Contribution Regulation Act (FCRA) to comply with international human rights standards

### **Restricting minority participation and representation**

Political and economic participation among religious minorities has historically been limited.<sup>82</sup> This has resulted in poor access to resources and capacity for citizens and groups working for religious minority groups.<sup>83</sup> Often, policy making has also been hostile to religious minorities.<sup>84</sup> As a result, improvement in the socio-economic situation of minority groups has been very modest.<sup>85</sup> Similarly, minority representation has always been poor – especially for Muslims and Christians. As data on representation in Parliament and in public sector jobs shows, these current trends are more the norm, historically, than the exception.<sup>86</sup>

**Recommendations:**

- (i) Create avenues for greater minority representation in police forces, civil service, justice institutions, elected bodies
- (ii) Pursue training and sensitization on minority and human rights among police, civil services, judiciary
- (iii) Enact better policies and programs, and foster greater public investment for minority inclusion and impact: livelihoods, education, health, housing and urban services
- (iv) Collect and publish data, disaggregated by religious groups on representation in elected bodies, public employment, including armed and police forces; and on working of programs and policies for minority inclusion

### **Administration of Justice: Failures of right to fair trial and right to effective remedy**

Evidence shows that law enforcement officials refuse or inordinately delay the filing of complaints against Hindutva vigilantes. Police are also quick to file a counter complaint by the vigilantes against Christian and Muslim victims of violence. And courts in most cases have either been prevented from intervening or have not acted expeditiously in matters where judicial action was warranted, as in habeas corpus cases.<sup>87</sup> There is also reprisal against victims for seeking justice and officials delay compensation or use government machinery to intimidate religious minorities with various kinds of paperwork. In the lower courts, judges do not take such cases seriously, fail to hold officials accountable and on other occasions, have allowed cases to drag on for years leading to petitioners losing all expectations of obtaining justice.

Despite strong powers to intervene, higher courts (Supreme Court and High Courts) have remained relatively passive in the face of visible, serious human rights abuses against

minorities. As a result, police officers or political leaders are seldom charged, investigated, or prosecuted. The same can be said about powers of the Indian judiciary to review legislations for compatibility with fundamental constitutional rights.

#### Recommendations

- (i) Take appropriate administrative and legal action against officials responsible for unfair independent investigation and prosecution of crimes against minorities
- (ii) Ensure the efficient functioning of Police Complaints Authorities (PCA) in all the states to take disciplinary action against erring police officers.
- (iii) Establish a judicial accountability mechanisms to ensure accountability of judges and courts responsible for decisions contrary to legal or constitutional standards.

### Redress bodies for the rights of minorities

The main institutions for protection and promotion of the rights of minorities are the National Human Rights Commission (NHRC), and the National Commission for Minorities (NCM).<sup>88</sup> National and state-level commissions face multiple challenges. Not all states have established their respective human rights commission or commission for minorities. In states where State Human Rights Commissions exist, there are too many vacant seats, and procedures for appointing members lack the required fairness and transparency. As with the judiciary, NHRC and NCM, not to speak of their state formations, have passively stood by as minorities have been targeted and their rights denied.

#### Recommendation

- (i) Ensure that an active state Human Rights commission and State Minorities Commission is operational in every state, and that the members of the commissions are appointed through transparent and non-partisan procedures.

<sup>1</sup> “Destructive Lies: Disinformation, speech that incites violence and discrimination against religious minorities in India”, Open Doors International, 2021, available at:

<https://www.opendoors.no/Admin/Public/DWSDownload.aspx?File=%2fFiles%2fFiles%2fNO%2fIndiakampanje-2021%2fLSE-Report-Destructive-Lies-Full-version-DIGITAL.pdf>.

<sup>2</sup> <https://www.bbc.co.uk/news/world-asia-india-51382414>

<https://caravanmagazine.in/politics/adityanath-reign-of-terror>.

<sup>3</sup> Including NRC Assam, <https://www.bbc.co.uk/news/world-asia-india-49520593>. Abrogations in Kashmir, <https://www.bbc.co.uk/news/world-asia-india-49234708>. Babri Masjid judgement, <https://www.bbc.co.uk/news/world-asia-india-50355775>.

<sup>4</sup> Human Rights Watch annual report 2020, 2021, Amnesty International annual Report, 2020, 2021. USCIRF annual report, 2020, 2021.

<sup>5</sup> Sikhs, Buddhists, Parsis, Christians and Muslims, and Jains are legally considered to be minority religious communities. They constitute approximately 20% of India’s population which is majority-Hindu.

<sup>6</sup> Working Group on Human Rights in India and UN. Universal Period Review (UPR) Mid Term Report 2020. Assessing India’s Implementation of UPR – III Recommendations.

<sup>7</sup> The Constitution of India, available at: <https://legislative.gov.in/sites/default/files/COI.pdf>.

<sup>8</sup> Minorities Rights and the Right to Freedom of Religion or Belief in India – Joint Report to the Human Rights Committee’s 126th Session, World Evangelical Alliance, May 9, 2019, <https://un.worlddea.org/minorities-rights-and-the-right-to-freedom-of-religion-or-belief-in-india-joint-report-to-the-human-rights-committees-126th->

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[session/](#); India: Anti-Conversion Laws Incentivize Violence Against Religious Minorities – Submission to the Human Rights Council, World Evangelical Alliance, February 3, 2021 <https://un.worldidea.org/india-anti-conversion-laws-incentivize-violence-against-religious-minorities-submission-to-the-human-rights-council/>.

<sup>9</sup> In March 2008, Special Rapporteur on Freedom of Religion or Belief Asma Jahangir wrote: “the laws and bills on religious conversion in several Indian states should be reconsidered since they raise serious human rights concerns, in particular because of the use of vague or overbroad terminology and discriminatory provisions.” Report of the Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, on her mission to India (3-20 March 2008), Addendum, A/HRC/10/8/Add.3, 26 January 2009, <https://digitallibrary.un.org/record/647317>

<sup>10</sup> Destructive Lies: Disinformation, speech that incites violence and discrimination against religious minorities in India”, Open Doors International, 2021, <https://www.opendoors.no/Admin/Public/DWSDownload.aspx?File=%2fFiles%2fFiles%2fNO%2fIndiakampanje-2021%2fLSE-Report-Destructive-Lies-Full-version-DIGITAL.pdf>; South Asia State of Minorities Report 2021: Hate Speech against Minorities, <https://thesouthasiacollective.org/annual-reports/#202>.

<sup>11</sup> <https://www.pewforum.org/2021/06/29/religion-in-india-tolerance-and-segregation/>.

<sup>12</sup> Office of State Coordinator NRC, [Publication of Final List 2019](#) (31 August 2019).

<sup>13</sup> The UN High Commissioner for Refugees, for example warned that NRC could leave “large numbers of people without a nationality’ and be an ‘enormous blow to global efforts to eradicate statelessness” [UN High Commissioner for Refugees expresses alarm at statelessness risk in India’s Assam](#) (1 September 2019).

<sup>14</sup> <https://timesofindia.indiatimes.com/city/guwahati/aamsu-to-move-sc-against-order-to-delete-ineligible-names-from-nrc/articleshow/78908630.cms>.

<sup>15</sup> Human Rights Watch, “[Shoot the Traitors](#)’: Discrimination Against Muslims under India’s New Citizenship Policy,” (April 2020).

Available at :<https://www.hrw.org/report/2020/04/09/shoot-traitors/discrimination-against-muslims-under-indias-new-citizenship-policy>. See also OHCHR, [OL IND 13/2018](#) (June 2018); OHCHR, [OL IND 29/2018](#) (December 2018)

<sup>16</sup> <https://www.hindustantimes.com/india-news/assam-foreigners-tribunal-says-nrc-is-final-101632222612470.html>.

<sup>17</sup> [https://www.amnesty.be/IMG/pdf/rapport\\_inde.pdf](https://www.amnesty.be/IMG/pdf/rapport_inde.pdf).

<sup>18</sup> <https://www.hrw.org/report/2020/04/09/shoot-traitors/discrimination-against-muslims-under-indias-new-citizenship-policy>

<https://www.uscirf.gov/news-room/releases-statements/uscirf-releases-new-factsheet-indias-citizenship-amendment-act>

[https://law.unimelb.edu.au/\\_data/assets/pdf\\_file/0005/3769484/Citizenship-Amendment-Act-and-International-Law.pdf](https://law.unimelb.edu.au/_data/assets/pdf_file/0005/3769484/Citizenship-Amendment-Act-and-International-Law.pdf).

<sup>19</sup> [New citizenship law in India ‘fundamentally discriminatory’](#) (UN human rights office, 13 December 2019); OHCHR [Amicus Brief](#) on CAA before the Indian Supreme Court (3 March 2020).

<sup>20</sup> The UN High Commissioner for Human Rights called the CAA ‘fundamentally discriminatory’ (<https://news.un.org/en/story/2019/12/1053511> ) and has sought to intervene in the legal challenge against the legislation in the Supreme Court of India ([https://www.thehinducentre.com/resources/article30979486.ece/binary/pdf\\_upload-370845.pdf](https://www.thehinducentre.com/resources/article30979486.ece/binary/pdf_upload-370845.pdf)).

<sup>21</sup> <https://www.uscirf.gov/news-room/releases-statements/uscirf-releases-new-factsheet-indias-citizenship-amendment-act>.

<sup>22</sup> [Lok Sabha elections 2019: BJP promises NRC replication across India in poll manifesto](#) (The New Indian Express, 9 April 2019); [NRC Necessary for National Security, Will Be Implemented: Amit Shah in Kolkata](#) (The Wire, 1 October 2019).

<sup>23</sup> <https://theprint.in/judiciary/caa-case-comes-up-just-thrice-in-1-year-in-sc-despite-140-pleas-including-from-un-body/579837/>.

<sup>24</sup> ‘A Narrowing Space: Violence and discrimination against India’s religious minorities’, Center for Study of Society and Secularism & Minority Rights Group International, June 2017.

<sup>25</sup> <https://thewire.in/government/uttar-pradesh-cabinet-ordinance-punishment-cow-slaughter>.

<sup>26</sup> [https://prsindia.org/files/bills\\_acts/acts\\_states/karnataka/2021/Act%201%20of%202021%20Karnataka.pdf](https://prsindia.org/files/bills_acts/acts_states/karnataka/2021/Act%201%20of%202021%20Karnataka.pdf).

<sup>27</sup> “Destructive Lies: Disinformation, speech that incites violence and discrimination against religious minorities in India”, Open Doors International, 2021, available at:

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<https://www.opendoors.no/Admin/Public/DWSDownload.aspx?File=%2fFiles%2fFiles%2fNO%2fIndiakampanje-2021%2fLSE-Report-Destructive-Lies-Full-version-DIGITAL.pdf>.

<sup>28</sup> Ibid.

<sup>29</sup> <https://thewire.in/law/watch-parts-of-ayodhya-judgment-laughable-different-standards-of-proof-unfair>.

<sup>30</sup> <https://caravanmagazine.in/religion/ayodhya-babri-masjid-ram-mandir-supreme-court-audrey-truschke>.

<sup>31</sup> <https://www.barandbench.com/news/sri-krishna-janmabhoomi-allahabad-high-court-restores-plea-for-handover-of-mathuras-shahi-masjid-mosque-site-to-hindus>.

<sup>32</sup> <https://scroll.in/article/1005307/thok-do-adityanath-governments-zero-tolerance-of-crime-leaves-a-trail-of-victims>.

<sup>33</sup> The incidence has been so widespread that UN experts sent a communication to the Government of India on the subject in December 2018. Communication by UN mandate holders to the Government of India, [UA IND 27/2018](#) (11 December 2018); Human Rights Watch, World Report, [India](#) (2021).

<sup>34</sup> 'In BJP Rule, 31 Killed in Assam's Alleged Encounters – Most Belong to Ethnic or Religious Minorities' (Scroll.in, 16 December 2021); 'Shoot Criminals If They Try to Escape: Assam CM Justifies Encounter Killings' (Outlook, 6 July 2021); Assam CM Tweets [here](#) and [here](#).

<sup>35</sup> Human Rights Watch, ["Shoot the Traitors": Discrimination Against Muslims under India's New Citizenship Policy](#) (April 2020).

<sup>36</sup> UN experts, on 9 October 2020, raised concern about among others, "violent attacks and harassment of peaceful anti CAA protesters, disproportionately targeting Muslim religious minority", in Uttar Pradesh in December 2019 and in Delhi in February 2020 [AL IND 15/2020 DownloadPublicCommunicationFile \(ohchr.org\)](#).

<sup>37</sup> 'CAA protests: Video shows police firing at protesters, contrary to UP DGP claims' (Gulf News, 23 December 2019), 'Video Suggests UP Cop Opened Fire In Kanpur, Contrary To 'No Police Firing' Claim' (NDTV, 22 December 2019).

<sup>38</sup> 'Meet the "Friends" of the Uttar Pradesh Police who Wielded batons against Muslims a Month ago' (Scroll, 20 January 2020); [Video Contradicts UP Police's Claim of Not a 'Single Bullet' Fired at Anti-CAA Protesters](#), (The Wire, 22 December 2019).

<sup>39</sup> [Assam: Police Open Fire at Locals Protesting Eviction Drive, Two Killed](#) (The Wire, 23 September 2021); [Assam: Police Opened Fire On Mob Protesting Against Eviction, Two Killed](#) (Outlook, 23 September 2021).

<sup>40</sup> CIVICUS, [India: Ongoing targeting of activists under anti-terror laws for their protests against citizenship law](#) (26 January 2022); National Campaign Against Torture, [Unprovoked Police beatings, Unwarranted Deaths, and Uninterrupted Repression](#) (June 2020) See section on misuse of counter-terrorism laws and for more factual

<sup>41</sup> In June 2020, UN special Rapporteurs and the Working group on Arbitrary Detention highlighted 11 cases of detention of anti-CAA protesters in Delhi Communication by UN mandate holders to the Government of India (11 June 2020) [AL IND 10/2020](#).

<sup>42</sup> <https://theprint.in/india/no-rectal-bleeding-but-police-thrashed-us-and-said-drink-urine-up-madrasa-students/344634/>.

<sup>43</sup> National Crime Records Bureau - <https://pqars.nic.in/annex/253/AU1830.pdf>.

<sup>44</sup> A widely reported recent instance was the arrest of Siddique Kappan, a Muslim journalist, along with three other Muslims in October 2020, while on their way to interview the family of a Dalit woman who had been gang raped and murdered by "upper" caste men in Hathras, Uttar Pradesh [5,000-Page UAPA Charge Sheet Filed Against Journo Siddique Kappan](#) (Quint, 4 April 2021).

<sup>45</sup> [UAPA slapped, 15 held in Assam for 'pro-Taliban' posts](#) (Indian Express, 22 August 2021).

<sup>46</sup> <https://www.firstpost.com/india/editors-guild-says-deeply-shocked-by-uapa-against-journalists-reporting-tripura-communal-violence-10118511.html>.

<sup>47</sup> <https://www.ohchr.org/en/press-releases/2021/07/india-death-custody-priest-stan-swamy-devastating-un-expert>.

<sup>48</sup> With authorities empowered to determine whether the accused are threat to national security or law and order, no formal charge is required, and with only limited judicial intervention.

<sup>49</sup> [Indian state uses draconian law to detain those accused of killing cows](#) (Reuters, 11 September 2020)

<sup>50</sup> <https://theprint.in/india/no-rectal-bleeding-but-police-thrashed-us-and-said-drink-urine-up-madrasa-students/344634/>.

<https://www.telegraphindia.com/india/uttar-pradesh-police-accused-of-stripping-cleric/cid/1731127>

<sup>51</sup> P Nair, "I felt like a Jew in Hitler's Germany" Sadaf Jafar on Police Detention". Outlook, January 15, 2020, quoted in Jaffrolet, C. (2021:383).



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<sup>52</sup> [Narendra Modi, Amit Shah, Subramanian Swamy, Anurag Thakur, Giriraj Singh, Yogi Adityanath, Tarun Chugh, Kapil Mishra, Parvesh Verma, Abhay Verma, Tajinder Bagga, Somasekhar Reddy.](#)

<sup>53</sup> Kapil Mishra, a senior BJP politician popularized the violent slogan (“*Desh ke ghaddaron ko, goli maaron saalon ko*” (Shoot dead the bastards, traitors to the nation) in Delhi through large public rallies, tweets (shared by millions), and physically leading Hindu mobs in Northeast Delhi, sparking the violence that would leave over 53 dead in February 2020 [The Roots of the Delhi Riots: A Fiery Speech and an Ultimatum](#) (New York Times, 28 February 2020).

[AL IND 15/2020](#) (pg. 2); [Video of the Speech and Ultimatum](#) (Scroll, 21 December 2019); Citizens Against Hate, [Darkness at Noon](#) (2020).

<sup>54</sup> The scale of these speeches led the UN Special Adviser on the Prevention of Genocide, Adama Dieng, in May 2020, expressing his concern over reports of increased hate speech and discrimination against Muslims in India [Note to Media on India by Under-Secretary-General Adama Dieng, United Nations Special Adviser on the Prevention of Genocide](#) (18 May 2020).

This was followed by a group of UN experts, in October 2020, raising concern about “hate speech, violent attacks and harassment of peaceful anti CAA protesters, disproportionately targeting Muslim religious minority”, in Uttar Pradesh in December 2019 and in Delhi in February 2020.

<sup>55</sup> <https://www.bbc.co.uk/news/world-asia-india-52147260>.

<sup>56</sup> <https://www.newslaundry.com/2020/04/27/audit-of-bigotry-how-indian-media-vilified-tablighi-jamaat-over-coronavirus-outbreak>.

<sup>57</sup> <https://strongcitiesnetwork.org/en/coronajihad-covid-19-misinformation-and-anti-muslim-violence-in-india/>.

<sup>58</sup> <https://www.asianews.it/news-en/Hindu-nationalist-leader-call-for-beheading-of-converters-54347.html>.

<sup>59</sup> ‘[Stress on Hindu identity’: BJP hate campaign in poll-bound Assam](#) (Al-Jazeera, 25 March 2021).

<sup>60</sup> [Hindutva Leaders at Haridwar Event Call for Muslim Genocide](#) (The Wire, 22 December 2021).

<sup>61</sup> <https://m.thewire.in/article/communalism/sadhvi-vibhanands-call-to-rape-muslim-women-with-impunity-shows-hindutvas-politicsf-fear/amp>.

<sup>62</sup> <https://time.com/6140574/muslim-women-india/>.

<sup>63</sup> We're. Indians. Too. An analysis of escalating human rights violations against religious minority communities in India, Open Doors International, 2019, <https://www.opendoorsuk.org/about/how-we-help/advocacy/uk-india-resource-booklet.pdf>.

<sup>64</sup> <https://www.hrw.org/news/2019/02/19/india-vigilante-cow-protection-groups-attack-minorities>.

<sup>65</sup> A key challenge is there is no official counting of hate crimes against religious minorities in India. Private initiatives too were reportedly forced to stop. <https://indianexpress.com/article/india/ncrb-leaves-out-data-on-lynchings-khap-and-religious-killings-6081188/>

<sup>66</sup> [https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2022-](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2022-01/RISJ_Final%20Report_Rachel_2021_Final.pdf)

[01/RISJ\\_Final%20Report\\_Rachel\\_2021\\_Final.pdf](#). Over 2/3rd of all cases occurred in states ruled by BJP or BJP-led coalitions. Perpetrators in 3/4<sup>th</sup> of the cases in which information was available, belonged to Vishwa Hindu Parishad, Bajrang Dal or Shiv Sena, all with close links to BJP and part of the RSS family.

<sup>67</sup> <https://thewire.in/communalism/madhya-pradesh-dhar-communal-clash-raze>.

<sup>68</sup> [UP: Bajrang Dal Workers Create Ruckus, Shut Muslim Shop Alleging 'Love Jihad' \(thewire.in\)](#).

<sup>69</sup> ['Boycott Muslim Vendors': Chhattisgarh Villagers Seen Taking Oath in Viral Video \(thequint.com\)](#).

<sup>70</sup> Human Rights Watch, [“Shoot the Traitors’: Discrimination Against Muslims under India’s New Citizenship Policy”](#) (April 2020); [Delhi Minority Commission, “Report of the DMC fact-finding Committee on North-East Delhi Riots of February 2020”](#) (27 June 2020); [Delhi Riots Death Toll at 53, Here Are the Names of the Victims](#) (The Wire, 06 March 2020).

<sup>71</sup> In October 2020, several UN mandate holders had expressed their grave concern at the violent attacks targeting the Muslim religious minority and their places of worship as well as properties in Uttar Pradesh (UP) and in Delhi’s North-East district, also noting a ‘persistent climate of impunity and serious lack of accountability by the authorities and police. [AL/IND/15/2020](#) (9 October 2020); [Pehlu Khan Case: What Followed A Year After Acquittal of Accused](#) (The Quint, 20 August 2020) [Meat Seller Dies in UP, Wife Blames Police While They Deny Claims](#) (The Quint, 30 May 2021), <https://article-14.com/post/3-jharkhand-widows-struggle-to-get-by-years-after-cow-vigilantes-lynched-their-husbands-61b81c428a932>.

<sup>72</sup> [Guwahati: Assam Police Beat up Local TV News Channel's Staff](#) (The Wire, 13 December 2019).

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<sup>73</sup> Police order [tweeted](#) by ANI, [India muzzles citizenship law protests, detaining thousands and shutting down Internet in several cities](#) (The Washington Post, 19 December 2019).

<sup>74</sup> The UN had already issued a statement sharing concerns over the discriminatory law. [New citizenship law in India ‘fundamentally discriminatory’](#) (UN human rights office, 13 December 2019).

<sup>75</sup> Police order [tweeted](#) by ANI, [India muzzles citizenship law protests, detaining thousands and shutting down Internet in several cities](#) (The Washington Post, 19 December 2019).

<sup>76</sup> Originally enacted in 1976 to curb foreign funding in domestic politics. For more on its implications on civil society, see G. Sampat, [Time to repeal FCRA](#) (The Hindu, 27 December 2016).

<sup>77</sup> FCRA grants non-profit organizations in India the right to receive foreign contribution. Legislative amendment in 2010 made the license renewable every 5 years. In 2020, an amendment made requirements for renewal equivalent to a new application.

<sup>78</sup> According to government sources, out of the 6000 NGOs whose FCRA was revoked, 5,789 organizations had not applied for the mandatory renewal of license. However, an unknown number of NGOs who lost their FCRA had indeed applied and were able to prove that they had applied. The licenses of 179 organizations were canceled presumably in violation of FCRA regulation.

<sup>79</sup> In February 2020, the government canceled the FCRA licenses of five Christian Evangelical and Protestant organizations, alleging proselytizing. In September 2020, Amnesty International India ceased operations in the country after the government froze its bank accounts in response to a FCRA investigation. Missionaries of Charity and Oxfam India had their FCRA license revoked in January 2022. Missionaries of Charity’s had their FCRA reinstated following international outcry. The Centre for Promotion of Social Concerns and People’s Watch had their respective FCRA licenses revoked in parallel with other acts of harassment by authorities.

<sup>80</sup> Faith-based organizations of Christians and Muslims, as well as human rights groups have been targeted for shut down on the pretext also of financial crimes, including Lawyers Collective, Mumbai / New Delhi, Centre for Justice and Peace, Mumbai, Centre for Equity Studies, New Delhi, and Human Rights Law Network, New Delhi, using Prevention of Money Laundering Act; on the pretext of spreading COVID-19, specifically Tablighi Jamaat, New Delhi and on charges of terrorism and other ‘disruptive activities’, including Jamaat e Islami, Kashmir.

<sup>81</sup> In October 2020, the High Commissioner for Human Rights Michelle Bachelet said in a statement that the overbroad and vaguely formulated FCRA provisions are “open to abuse” and that the Act is “indeed actually being used to deter or punish NGOs for human rights reporting and advocacy that the authorities perceive as critical in nature.”

<sup>82</sup> For a review of working of programs created for minorities recommended by the government appointed Sachar Committee to document exclusion of Muslims, see *Promises to Keep – Investigating Government’s Response to Sachar Committee Recommendations* (New Delhi: Centre for Equity Studies, 2011 rev. 2014), 94, [http://www.accountabilityindia.in/sites/default/files/document-library/promises\\_to\\_keep\\_investigating\\_governments\\_response.pdf](http://www.accountabilityindia.in/sites/default/files/document-library/promises_to_keep_investigating_governments_response.pdf).

<sup>83</sup> A study of over 350 NGOs working with Muslims from across eight states revealed that while over 70 per cent of NGOs headed by non-Muslims had access to international funds, only 30.5 per cent of those headed by Muslims had similar access. Likewise, nearly 50 per cent of NGOs headed by non-Muslims had accessed Indian donor agencies, while just over 21 per cent of Muslim-headed NGOs have this access. See Farah Naqvi, *Working With Muslims: Beyond Burqa and Triple Talaq* (Gurgaon: Three Essays Collective, 2018).

<sup>84</sup> Research has shown for instance, that implementation of Multi Sectoral Development Programme (MSDP) - the flagship minority development program created out of the Sachar Committee process - laboring between seeking to fill development gaps suffered by Muslims / concentrated pockets, and the urge by authorities not to be seen to cater exclusively to Muslim needs (and those of other minorities). Centre for Equity Studies. *Promises to Keep*.

<sup>85</sup> Summary and Recommendations of the Kundu Committee. 4<sup>th</sup> December 2014. <https://twocircles.net/2014dec04/1417692480.html>.

<sup>86</sup> Against a 14% share of national population, Muslim representation in the lower house of Parliament currently is 4.9%. Similar is the situation among the permanent bureaucracy: only 3.7 % successful entrants to the central civil service in its last round of recruitment were Muslim, while none of the over 28 state police chiefs and state chief secretaries, the senior-most state level civil servant, currently, is Muslim. Only one of the 33 judges of Supreme Court is Muslim, whilst there is no Muslim member on the board of governors of India’s top professional colleges (Indian Institute of Technology, Indian Institute of Management and All India Institute of

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Medical Sciences). There is similar zero Muslim representation on the board of top corporations, banks, public sector enterprises, as well as media houses – print as well as TV ‘Muslim Representation in Governing Body of Prominent Institutes of India: 14 Years of Sachar Committee’, *Ars Longa, Vita Brevis*, accessed July 16, 2020, <https://rajatdutta13.blogspot.com/2020/05/muslim-representation-in-governing-body.html?m=1>.

<sup>87</sup> HRW, cow vigilantism, 2019. “Destructive Lies: Disinformation, speech that incites violence and discrimination against religious minorities in India”, Open Doors International, 2021.

<sup>88</sup> NHRC was established in 1993. In parallel, a state government may constitute a body known as the State Human Rights Commission (SHRC). Since 1993, 26 states have constituted an SHRC. In the same period, under the National Commission for Minorities Act of 1992, a National Commission for Minorities (NCM) was established, as well as State Minorities Commissions (SMC).