

# briefing

## India

*Communalism, anti-conversion and religious freedom*

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*“Communal violence is not inevitable; it not the norm in a maturing democracy, an economic and political superpower, and a caring multi-cultural society such as India wants to be in the 21<sup>st</sup> century.”*

Dr John Dayal, member of Communal & Sectarian Violence Bill Advisory Group

## I. Executive Summary

This briefing is concerned principally with recent trends of communal violence against Christians, the factors which underlie this, the state responses to such violence, and ongoing violations of religious freedom in law.

India has a long history of religious pluralism, and compulsions towards mutual respect and violent intolerance continue to exist in parallel. The largest threat to pluralism comes from the Hindu nationalist ideology, espoused by a body of organisations known collectively as the Sangh Parivar (section 3.2). At its heart is the concept of a Hindu nation, excluding non-Hindus. The marginalisation, discrimination and violence faced by Muslims and Christians must be seen against this background. Communal violence is the outworking of this highly negative view of religious pluralism: ‘communalism’ sees relations between religious communities as a zero-sum game, in which conflict between religious groups is inevitable (section 3.3). Communal violence is most likely to occur in the context of long-standing antagonism along religious lines, with a sense among perpetrators that violence is justifiable and that police reactions would be absent, partisan or ineffective.

The worst post-independence case of communal violence faced by Christians took place in Orissa in 2008, including brutal murders and rapes, widespread destruction of churches and property and forcible conversions to Hinduism. Three years later, there continue to be serious concerns over the rehabilitation of victims, the delivery of justice and community reconciliation (section 5.1). Karnataka continues to see the highest rate of incidents of violence against Christians. This occurs against the background of the intensive attacks around September 2008. In February 2011, the one-man Justice B.K. Somasekhara Commission of Inquiry released its report on the violence, which has been criticised as a whitewash for largely exonerating the Sangh Parivar and state Government, whereas the independent People’s Tribunal Enquiry by Justice Saldanha found evidence of pre-planned attacks carried out with the complicity of the state, and heavily criticised police brutality.

Incidents of communal violence continue to take place in other states, as in previous years. Concern has been raised about an upward trend of violence in southern Rajasthan and western Madhya Pradesh, although this is not being reported consistently yet. Avenues of legal redress are theoretically strong, but the implementation of the law is weak, and negligent police responses are common. This has reinforced a culture of impunity, which needs to be reversed in order to ensure that inciters and perpetrators of communal violence expect to be brought to justice.

The Government should do more to address systemic problems underlying communal violence, including tackling extremist organisations responsible for instigating it, addressing the failings of law enforcement authorities in response to it, and empowering its victims. The Government has made it a priority to introduce a pioneering bill to prevent, control and deal with the aftermath of communal violence. Following criticism of an earlier draft, the ruling UPA set up a working group to review the bill; this has produced a new draft, which continues to attract a number of key concerns (section 4.5). The Government should continue to consult with civil society to construct an effective bill.

Overall, India boasts an excellent constitution and a strong body of legislation providing for the right to freedom of religion and belief. However, there remain several problematic areas of legislation. These include the *de facto* penalisation of Dalits who convert to religions other than Hinduism, Sikhism or Buddhism (section 4.3), which several Indian bodies and two UN committees have recommended be changed, and state-level anti-conversion laws (section 4.4), described by the UN Special Rapporteur on freedom of religion or belief as raising “serious human rights concerns”.

## 2. Recommendations

### 2.1. To the Government of India

As an emerging economic superpower, India has a well-established and growing reputation for strong democratic values. With respect to freedom of religion and belief, the national Government has a clear commitment to secularism, and to the welfare and social inclusion of religious minorities. However, in order to pursue this agenda most effectively, it is recommended that the Government of India should implement the recommendations of the UN Special Rapporteur on freedom of religion or belief given in the report of her 2008 mission to India.<sup>1</sup>

CSW specifically recommends that the Government of India should:

1. Adopt and implement the recommendations of the Justice Ranganath Misra National Commission for Religious and Linguistic Minorities, specifically that the eligibility for membership of the Scheduled Castes should not be linked to religious status.
2. Encourage the state governments of Arunachal Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Madhya Pradesh, Orissa and Rajasthan to repeal their respective anti-conversion laws, and to protect “right to freedom of thought, conscience and religion” as defined by Article 18 of the International Covenant on Civil and Political Rights, subject only to such limitations as are prescribed by General Comment 22 of the UN Human Rights Committee. The rights enunciated in Article 18 include the following:
  - a. The right of a person “to have or to adopt a religion or belief of his choice” (Article 18), including the right “to replace one’s current religion or belief with another or adopt atheistic views” (General Comment 22);
  - b. The freedom of a person “either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching” (Article 18), including the right “to persuade others to believe in a certain religion”.<sup>2</sup>
3. Hold additional consultations with representatives of communities affected by communal violence, and ensure their concerns are addressed in the forthcoming new draft of the bill to address communal and targeted violence.
4. Strongly urge the state Government of Orissa to implement the following measures in response to the communal violence:
  - a. Invite the Central Bureau of Investigation (CBI) to carry out an investigation into the assassination of Swami Lakshmananda Saraswati and the subsequent anti-Christian violence, paying specific attention to the root causes of this violence and allegations of links between its perpetrators and Swami Aseemanand and others;
  - b. Instruct police to register First Information Reports (FIRs) for all complaints previously not registered, and investigate these thoroughly;<sup>3</sup>
  - c. Investigate reports of police officers failing to register cases or showing complicity in attacks, and negligence by public prosecutors, bring

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<sup>1</sup> ‘Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir: Addendum: Mission to India’, A/HRC/10/8/Add.3, 26 January 2009 (<http://www2.ohchr.org/english/bodies/hrcouncil/10session/reports.htm>).

<sup>2</sup> ‘United Nations General Assembly: Human rights questions: human rights questions including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms’, A/60/399, 30 September 2005 ([http://www2.ohchr.org/english/issues/religion/docs/A\\_60\\_399.pdf](http://www2.ohchr.org/english/issues/religion/docs/A_60_399.pdf)), paragraph 59.

<sup>3</sup> ‘Writ Petition (Criminal) No. 68 of 2008 (Lalita Kumar vs. Government of U.P.)’

- prosecutions against offending officers, and replace any officials guilty of the dereliction of their duty;
- d. Implement a basic witness protection scheme, and provide assistance and remuneration to victims in order to ensure they are able to testify in court;
  - e. Provide livelihood assistance to victims;
  - f. Establish police outposts not more than 20kms apart, towards ensuring long-term peace;
  - g. Provide for the education of children from among the victims facing discrimination in schools;
  - h. Foster-community-based activities to build bridges between different communities.
5. Implement the following measures in response to the communal violence in Orissa:
    - a. Provide compensation for individuals, institutions and churches, which is fully commensurate with needs, covers loss of assets, and is in line with that given to victims of previous communal riots;
    - b. Provide for the remaining houses which have been destroyed to be rebuilt or replaced;
    - c. Conduct a specific investigation into the activities of extremist groups implicated in the incitement of the violence;
    - d. Investigate the legitimacy of the election of Manoj Pradhan to the Orissa state legislative assembly.
  6. Take measures to ensure the full, consistent and effective implementation of legislation protecting minorities from religiously-motivated violence, and thereby to tackle impunity for perpetrators of such violence. This should involve reform of the policing system in order to address negligence and communal bias, including by reforming or replacing the Police Act of 1861 and implementing the following specific measures:<sup>4</sup>
    - a. Ensuring the proper registration of FIRs in all cases, by removing structural disincentives, disciplining negligent officers, and conducting monitoring visits;
    - b. Establishing internal and external mechanisms for increasing police accountability, including state- and district-level police complaints authorities;
    - c. Increasing the capacity of police, through recruitment, training and appropriate resourcing;
    - d. Improving working and living conditions for police.
  7. Grant constitutional status to the National Commission for Minorities, or the right to prosecute perpetrators on behalf of victims of violence from minority communities.
  8. Ensure that an active Commission for Human Rights and Commission for Minorities (in the model of their national counterparts), is operational in every state, and that members of each commission are appointed by transparent and non-partisan procedures.
  9. Carry out a full investigation into the nationwide activities of all extremist groups accused of instigating or perpetrating violence against religious minorities.
  10. Promote media compliance with the 2005 Press Council 'Norms of Journalistic Conduct'<sup>5</sup> and investigate allegations where they arise against media for inciting or fostering communal grievances, bringing prosecutions where appropriate.

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<sup>4</sup> This echoes a much more detailed set of recommendations on police reform made by Human Rights Watch in its report, 'Broken System: Dysfunction, Abuse and Impunity in the Indian Police', August 2009 (<http://www.hrw.org/en/reports/2009/08/04/broken-system-0>). On 22 September 2006, the Supreme Court issued instructions in 'Writ Petition (Civil) No. 310 of 1996 (Prakash Singh vs. Union of India)'. The National Police Commission also issued detailed recommendations in 1981.

<sup>5</sup> Press Council of India, 'Norms of Journalistic Conduct' (<http://presscouncil.nic.in/norms.htm>).

## **2.2. To states and regional actors**

It is recommended that states and regional actors should use appropriate means of dialogue to engage the Government of India on issues affecting religious freedom, particularly to encourage the implementation of the recommendations given in section 2.1 above, and the recommendations of the UN Special Rapporteur on freedom of religion or belief in the report of her 2008 mission to India.

It is particularly recommended that states and regional actors should commend the Government of India for its efforts to introduce a pioneering bill on communal violence, which has the potential to be a model for other countries in the region. The Government of India should particularly be commended for taking seriously the viewpoints expressed by civil society groups, but should be encouraged to ensure that the process of consultation extends to ensure that their concerns with the new draft are addressed.

It is further recommended that states and regional actors should consider implementing specific projects or offering assistance to address the aftermath of cases of mass communal violence, including in Orissa in 2008, or to address systemic problems in these areas, including police and judicial ineffectiveness.

### 3. Introduction

India's religious diversity and vitality perhaps surpasses that of any other country in the world. The Indian subcontinent has a long history of religious pluralism, with Christianity having been brought to south India in the first century, and Islam having entered the subcontinent in the eighth century. Hinduism, Sikhism, Buddhism and Jainism originated in India, and innumerable traditional religious beliefs have long been practised among indigenous groups.

It is not possible to generalise about relations among India's religious communities: throughout its history, including since independence, these relations have been marked both by tolerance and inter-penetration, and by ghettoisation and communal violence. Compulsions towards mutual respect and violent intolerance continue to exist in parallel.

This briefing is concerned principally with recent trends of violence against Christians, the factors which underlie this, the state responses to such violence, and ongoing violations of religious freedom in law.

#### 3.1. Demography

India is currently conducting its decennial census, and the full results will not be published until 2012. The provisional total population is, however, 1,210 million, accounting for approximately 17.5 per cent of the world's population. The census will also include data on religion and caste, being measured in a separate survey which also covers economic status.

At the previous census, in 2001,<sup>6</sup> Hindus accounted for 80.5 per cent of the population. Muslims constituted 13.4 per cent, the third largest Muslim population in the world after Indonesia and Pakistan, with large concentrations in Uttar Pradesh, West Bengal and Bihar states. Christians were the third largest religious community, with 2.3 per cent scattered throughout the country. Sikhs, Buddhists and Jains together accounted for 3.1 per cent, and 0.6 per cent belonged to other religions or persuasions. 0.1 per cent did not state their religion. Much of Indian law considers Sikhism and Buddhism to be subsets of Hinduism.

Scheduled Castes, the legal category for Dalits which first established in 1950, formed 16.2 per cent of the population. Dalits constitute the base of the hierarchical caste system, which continues to shape Indian society and social attitudes to a large extent, and they face grievous patterns of discrimination, exploitation and violence. Scheduled Tribes, or *adivasis*, constituted 8.2 per cent of the population.

Many converts to non-Hindu religions, particularly Buddhism, Christianity and Islam, are drawn from among the Dalits, *adivasis* and 'low' castes.<sup>7</sup> It is often among these groups that the most serious assaults on religious freedom occur.

#### 3.2. Hindu nationalism: India's ideological threat to pluralism

India has a rich theoretical tradition of secularism, which unlike the dominant historical model in Europe, implies the neutrality of the state towards religion rather than the exclusion of religion from the public square.

However, the upheavals of the nineteenth and twentieth centuries saw the emergence of a Hindu nationalist movement, which constitutes the largest threat to pluralism in India today. Violence and discrimination against religious minorities are most commonly fostered by

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<sup>6</sup> 2001 census of India, 'Religious Composition' ([http://www.censusindia.gov.in/Census\\_Data\\_2001/India\\_at\\_glance/religion.aspx](http://www.censusindia.gov.in/Census_Data_2001/India_at_glance/religion.aspx)).

<sup>7</sup> Sometimes the word, 'Dalit' is used to encompass all of these groups.



affiliates of the extremist Hindu nationalist movement, espoused by groups known collectively as the Sangh Parivar. Its chief organ is the Rashtriya Swayamsevak Sangh (RSS), founded in 1925, which has a number of subsidiary and associated organisations. The Vishwa Hindu Parishad (VHP) is the religious and cultural wing of the Sangh Parivar; it effectively operates as an agency for grassroots mobilisation and was heavily implicated in the 2008 anti-Christian violence in Orissa. The Bajrang Dal, the youth wing of the VHP, is often involved in violence against religious minorities. Other branches of the Sangh Parivar include the Vanvasi Kalyan Ashram (VKA), established in 1952 to counter Christian missionary influence among *adivasis*, and the Akhil Bharatiya Vidyarthi Parishad (ABVP), which operates among students.

The Bharatiya Janata Party (BJP) is the principal political wing of the Sangh Parivar. It performed poorly in the general election of May 2009, but continues to hold power singly in Chhattisgarh, Gujarat, Himachal Pradesh, Karnataka, and Madhya Pradesh, and to form part of coalition governments in Bihar, Jharkhand, Nagaland, Punjab and Uttarakhand.

The reach of the Hindu nationalist movement is considerable: in 2010, the RSS claimed to have held 39,823 daily meetings in over 27,000 locations during the previous year.<sup>8</sup> It operates through a large network of *pracharaks*, unmarried males who promote the Hindu nationalist agenda at a local level.

The Hindu nationalist movement has its roots in nineteenth-century Hindu revivalism, during a time of rising communal tensions between Hindus and Muslims in India. At its heart is the concept of the 'Hindu rashtra', a term which encapsulates the essence of a Hindu nation, to the exclusion of non-Hindus.

One of the early ideologues of Hindu nationalism was V D Savarkar, who coined the term, 'Hindutva', which has come to encapsulate the ideology. Savarkar drew a distinction between Hindus, for whom India was 'Holy-Land', and Muslims or Christians, for whom India could never be more than a 'Father-Land'. The religious affiliation of Muslims or Christians called into question their national loyalty: "Their holyland is far off in Arabia or Palestine. Their mythology and Godmen, ideas and heroes are not the children of this soil. Consequently their names and their outlooks smack of foreign origin. Their love is divided".<sup>9</sup> M S Golwalkar, the second *sarsangchalak*, or supreme head of the RSS, concluded that, "All those not belonging to the national i.e. Hindu Race, Religion, Culture and Language, naturally fall out of the pale of the real 'National' life".<sup>10</sup>

Some academics also suggest that the very act of classifying the population by religion in the decennial census, which goes back to the colonial period, has helped to create long-running historical narratives that continue to be manipulated to the detriment of relations between the different communities. In 1909, U.N. Mukherji published a book, *Hindus: A Dying Race*, which used census data and population projections to paint a picture of Hindu decline against a background of Muslim growth. The result is what scholar P.K. Datta has called a "communal common sense" built around the myth that Hindus are a dying race.<sup>11</sup>

The marginalisation, discrimination and violence faced by India's minorities, particularly Muslims but also including Christians, must be seen against the background of Hindu

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<sup>8</sup> 'RSS pratinidhi sabha starts at Kurukshetra', India Today, 26 March 2010 (<http://indiatoday.intoday.in/site/Story/89997/India/RSS's+pratinidhi+sabha+starts+at+Kurukshetra.html>).

<sup>9</sup> V D Savarkar, *Hindutva: Who is a Hindu?*, Poona: S.R. Date, 2<sup>nd</sup> ed., 1942, p. 92.

<sup>10</sup> M S Golwalkar, *We or Our Nationhood Defined*, in Jaffrelot, *Reader*, pp. 115-16.

<sup>11</sup> Pradip Kumar Datta, "'Dying Hindus": Production of Hindu Communal Common Sense in Early 20<sup>th</sup> Century Bengal', *Economic & Political Weekly* 28:25 (June 1993), p. 1305.

nationalism's rising influence which, in turn, must be recognised as a fairly recent phenomenon.

### 3.3. Communalism

The term, 'communalism' is frequently used to describe the mindset which seeks to aggravate tensions between religious communities in India. The classic definition of 'communalism' was given by Bipan Chandra: it is the view that the secular interests of a religious community are homogenous, and they are necessarily in conflict with the interests of another religious community.<sup>12</sup> In other words, relations between religious communities are seen in terms of a zero-sum game, in which one community's gain inevitably involves another community's loss.<sup>13</sup> This view casts religion as the overwhelmingly dominant, if not sole, focus of a person or a community's identity, and insists that conflict between religious groups is inevitable.

Consequently, communal violence must be seen as being more than just a challenge to law and order, but as the outworking of a highly negative view of relations between religious communities.

The UN Special Rapporteur on freedom of religion or belief echoed the National Commission for Minorities (NCM) by stating that communal violence is most likely to occur in a situation in which certain conditions are present. These conditions are:

- Long-standing antagonism along religious lines;
- A specific occurrence, triggering an emotional response among members of religious communities;
- A sense among perpetrators and the religious community to which they belong that communal violence is justifiable;
- A sense among perpetrators that the reaction of police to communal violence would be absent, partisan or ineffective.<sup>14</sup>

The vast majority of communal violence in post-Independence India has been perpetrated against Muslims. The monumental act of partition in 1947 was accompanied by riots which caused loss of life running into hundreds of thousands. The most notorious incident in recent history occurred in Gujarat in February 2002, with the burning to death of 59 Hindu pilgrims in a train in Godhra, followed by massive retaliatory riots in Ahmedabad in which an estimated 2,000 people, mostly Muslims, were killed.

Earlier, in 1984, approximately 3,000 Sikhs in Delhi were massacred after Prime Minister Indira Gandhi was murdered by her two Sikh bodyguards in retaliation for the military's 'Operation Blue Star' in Punjab. The worst single outbreak of communal violence suffered by the Christian community occurred in Orissa state in 2008 (see section 5.1 below), with an earlier wave of mass violence carried out in Gujarat around Christmas 1998.

However, frequent individual attacks against Christians are also ongoing (see section 5 below for lists of incidents verified in 2010). This arises largely from the demography of the Christian community, spread in small pockets throughout India rather than in large

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<sup>12</sup> Bipan Chandra, *Communalism in Modern India*, New Delhi: Vikas Publishing House, 1984, pp. 1-3.

<sup>13</sup> Sumit Sarkar, 'Conversions and Politics of Hindu Right', *Economic & Political Weekly* 34:26 (June-July 1999), p. 1692.

<sup>14</sup> 'Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir: Addendum: Mission to India', A/HRC/10/8/Add.3, 26 January 2009 (<http://www2.ohchr.org/english/bodies/hrcouncil/10session/reports.htm>), paragraph 31.

concentrations, and must also be recognised as a facet of the communal violence which has blighted India's history.

### **3.4. 'Routine violence': conversion and the anti-Christian narrative**

The scholar Gyanendra Pandey has argued that communal violence arises from something more fundamental, something which he calls "routine violence". He suggests that, "There is a violence involved in the unrelenting construction of enemies of the nation, and in the concomitant denial of equal rights or respect to the latter". He argues that the 'routinisation' of violence occurs not only in specific acts of aggression, nor even in the establishment of power structures, but "also in the construction and naturalization of particular categories of thought, in history and in politics".<sup>15</sup>

In relation to Christians, the main focus of this briefing, the Hindu nationalist movement has constructed a particular narrative around religious conversion, and the alleged threat this poses to the nation. This is the principal means by which violence against Christians has become 'routinised'. Indeed recourse is frequently made to this narrative to justify incidents of physical violence against Christians, sometimes with legal complaints made in parallel.

The Hindu nationalist ideology begins with a conception that India is a Hindu nation, in which Hinduism is the default 'way of life' for Indians. The ideology makes a distinction between conversions away from Hinduism, which are seen as a threat to the national integrity of India and a key contributor to the alleged decline of Hinduism, and conversions to Hinduism, which are described by the term *ghar vapsi*, translated as 'homecoming', or 're-conversion'.

The Hindu nationalist ideology uses a paradigm of conversion which focuses particularly on the role of the agent who causes the change of religion. It sees Christians as predators who force vulnerable people to change their religion against their will.

This model of conversion is analysed by sociologists Brock Kilbourne and James Richardson, who argue that it is "likely to be endorsed by status quo groups" and "used to dichotomize the world, simplistically, into good and evil forces", determined on the basis of whether they support or oppose the status quo.<sup>16</sup>

This model leaves no space for interpreting a religious conversion as a positive choice, or taking a rights-based approach. Instead, it sees the convert as "deterministically shaped by powerful social psychological forces", and subject to "group pressure, deception, isolation, fatigue, threat(s), and induced dissociative threats" in order "to obliterate natural ties to the family and community and to instil a new religious identity". It emphasises the alleged vulnerability of new converts, the powerful recruitment strategies of the new religions, and the negative results arising from this new religious affiliation.<sup>17</sup>

This narrative has become more entrenched and authoritative as a result of being given official sanction in various forms. In 1956, the publication of the 'Niyogi Committee Report on Christian Missionary Activities' introduced into official discourse the Hindutva perspective on conversion. Commissioned by the state Government of Madhya Pradesh to enquire into allegations that missionaries were bringing about conversions "either forcibly or

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<sup>15</sup> Gyanendra Pandey, *Routine Violence: Nations, Fragments, Histories*, New Delhi: Permanent Black, 2006, pp. 14-15.

<sup>16</sup> Brock Kilbourne & James T. Richardson, 'Paradigm Conflict, Types of Conversion, and Conversion Theories', *Sociological Analysis*, 50:1 (1989), p. 17.

<sup>17</sup> *Ibid*, pp. 7-8.

through fraud or temptations of monetary gain”,<sup>18</sup> it found that, “Evangelization in India appears to be a part of the uniform world policy to revive Christendom for re-establishing Western supremacy”,<sup>19</sup> and that “Conversions are mostly brought about by undue influence, misrepresentation, etc., or in other words not by conviction but by various inducements offered for proselytization in various forms”.<sup>20</sup> The report paved the way for the introduction of state-level anti-conversion laws (see section 4.4), which ban conversions carried out by means of force, fraud or allurement.

However, Hindu nationalist discourse has also evolved subtly, from emphasising the possibility that conversions can be brought about through force, to suggestions to conversions are by nature violent. This idea was put forward was Swami Dayananda Saraswati in 1999.

In order to tackle the perpetuation of ‘routine violence’ against Christians, centred on this narrative about conversion, the terms of the debate need to be framed differently. In particular, a distinction should be made between matters of principle and matters of practice, as the commentary by the UN Special Rapporteur on freedom of religion or belief has done: the right to propagate and the right to change religion should be protected in line with international law, so the focus should be on defining the limits of acceptable behaviour in bringing about religious conversion.<sup>21</sup> This would create space for a healthy assessment of whether religious propagation is conducted with due respect, and would allow for a focus on particular activities, rather than the vilification of an entire community.

#### **4. Religion and the law**

India boasts an excellent constitution and a strong body of legislation providing for the right to freedom of religion and belief, proscribing discrimination based on religion, and protecting the rights of religious minorities. However, there are a number of problematic areas of legislation, including the *de facto* penalisation of Dalits who convert to religions other than Hinduism, Sikhism or Buddhism, and state-level anti-conversion laws.

##### **4.1. Obligations under international law**

India acceded to the International Covenant on Civil and Political Rights (ICCPR) on 10 April 1979, and is therefore bound by its provisions. Article 18 provides that:

1. *Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.*
2. *No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.*
3. *Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.*

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<sup>18</sup> Sita Ram Goel, *Vindicated by Time: The Niyogi Committee Report on Christian Missionary Activities*, New Delhi: Voice of India, 1998, Vol. I, Part I, Chapter I, paragraph 2.

<sup>19</sup> *Ibid.*, Vol. I, Part IV, Chapter I, paragraph 7.

<sup>20</sup> *Ibid.*, Vol. I, Part IV, Chapter I, paragraph 3.

<sup>21</sup> ‘United Nations General Assembly: Human rights questions: human rights questions including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms’, A/60/399, 30 September 2005, paragraphs 60-68.

4. *The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.*

UN Human Rights Committee General Comment 22 interprets the right to “have or to adopt a religion” as necessarily including the right “to replace one’s current religion or belief with another or adopt atheistic views” (clause 5). General Comment 22 also narrowly restricts the limitations permitted in Article 18(3): “The Committee observes that paragraph 3 of article 18 is to be strictly interpreted: restrictions are not allowed on grounds not specified there ... Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated.”

Article 27 of the ICCPR provides for the rights of persons belonging to minority religions:

*“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”*

India is also bound by its provisions of the Convention on the Rights of the Child (CRC), which it ratified on 2 December 1992. Article 2 guarantees that the rights enunciated in this covenant must be exercised without discrimination as to religion; Article 14 provides that “States Parties shall respect the right of the child to freedom of thought, conscience and religion”; and Article 30 extends to children belonging to religious minorities the right “to profess and practise” their own religion.

#### **4.2. Constitutional protections for religious freedom**

The constitution was enacted in January 1950. Its 42nd amendment, passed in 1976, added the word “secular” to the preamble, which now describes India as a “sovereign socialist secular democratic republic”. The preamble also resolves to constitute “liberty of thought, expression, belief, faith and worship”.

Article 15 prohibits discrimination, including on grounds of religion:

15. (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.*

Article 25(1) protects the right to freedom of religion:

*“Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.”*

Article 26 protects the freedom to manage religious affairs, including the right of every religious denomination “to establish and maintain institutions for religious and charitable

purposes”, “to manage its own affairs in matters of religion”, and to own, acquire and administer property. Article 27 provides that no tax proceeds shall go towards the promotion or maintenance of any particular religion.

### **4.3. Religious discrimination among Scheduled Castes**

Legislation in India has created a set of remedial measures to address the socio-economic disenfranchisement and discrimination faced by Dalits and *adivasis*. These include a system of quotas, or reservations, in public sector education and employment, and a law designed to protect Dalits and *adivasis* from the particular forms of violence, humiliation and exploitation which they face, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

However, the designation of Scheduled Castes, the legal category for Dalits eligible for these remedial measures, is linked to religious affiliation: Scheduled Castes include only Hindus, Sikhs and Buddhists. Dalits who convert to other religions, usually Christianity or Islam, lose their status as Scheduled Castes and consequently their eligibility for these measures.

There is no equivalent religious element to the classification of Scheduled Tribes, although some Hindu nationalist groups in Chhattisgarh, Jharkhand and Orissa states have been strongly calling for this to change.

Since caste-based discrimination continues to be practised to some extent in all religious communities, and since Dalit converts are typically regarded and treated as Dalits by caste society more broadly, irrespective of their religious identity, this system effectively imposes social and economic penalties for those embracing Christianity and Islam. In practice, it has also caused beneficiaries of reservations to conceal their religious affiliation, being afraid of losing their jobs. It also means that acts of violence against Dalit Christians or Dalit Muslims cannot be prosecuted under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. Additionally, Dalit Christians and Dalit Muslims will not be counted as Dalits in the 2011 census count of caste, religion and poverty.

This configuration is being challenged through a Supreme Court case, brought in 2004.<sup>22</sup> In response to the court’s request for an opinion, the Government appointed the National Commission for Religious and Linguistic Minorities (NCRLM) to undertake a study and issue a recommendation. In May 2007, the NCRLM recommended that Scheduled Caste status should no longer be linked to religious identity, and the National Commission for Scheduled Castes and the NCM has also issued recommendations to the same effect.<sup>23</sup>

The NCRLM report was presented to the Lok Sabha (the lower house of parliament) by the Ministry of Minority Affairs on 18 December 2009, but it was not debated or implemented

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<sup>22</sup> Writ Petition (Civil) No. 180 of 2004, filed by the Centre for Public Interest Litigation with Mr Franklin Caesar Thomas. This has been combined with three other writ petitions from 2005-06, two of which concern Dalit Christians and one of which concerns Dalit Muslims.

<sup>23</sup> The National Commission for Minorities report, ‘Dalits in the Muslim and Christian Communities’, January 2008, is available at <http://ncm.nic.in/pdf/report%20dalit%20%20reservation.pdf>. The National Commission for Scheduled Castes gave its recommendation with the caveat that reservations for Dalit Christians and Muslims should not encroach upon the existing 15% reservations for Scheduled Castes, which would constitute a serious challenge, given that additional proposed reservations for the Other Backward Classes would take the total quotas to just below the 50% limit set by the Supreme Court in 1963. Reservation quotas are currently set as follows: 15% for Scheduled Castes; 7.5% for Scheduled Tribes; 27% for Other Backward Classes, excluding the ‘creamy layer’. The latter was recommended by the Mandal Commission in 1980 and became highly controversial; it was upheld by the Supreme Court in 1993. The current reservation quotas total 49.5%, leaving room of only 0.5% under the 50% limit.

before the end of that parliamentary session, and the Government did not table an Action Taken Report (ATR), which suggested it was unlikely that the recommendations would be implemented. The Supreme Court case continued to await the response of the Government, and was repeatedly adjourned. In the meantime, some Muslim community leaders have argued that the forthcoming census of caste, religion and poverty should not be undertaken until this issue is settled by the court.

The recommendations made by the NCRLM are politically contentious. Firstly, they would increase competition for Scheduled Caste reservations. Secondly, the removal of a link between Scheduled Caste status and religious affiliation has been condemned by Hindu nationalist groups, including the RSS, since the adoption of the NCRLM recommendations would remove a significant socio-economic disincentive to conversions away from Hinduism.

However, the NCRLM recommendations also have the backing of two significant recent UN reports. These are the report of the UN Special Rapporteur on freedom of religion or belief on her 2008 mission to India (paragraph 71)<sup>24</sup> and the ‘Concluding Observations’ of the UN Committee on the Elimination of Racial Discrimination (paragraph 21)<sup>25</sup>.

#### **4.4. State-level anti-conversion laws**

India’s seven state-level Freedom of Religion Acts, known informally as ‘anti-conversion laws’, pose a threat to freedom of religion through their restriction of religious conversions and their damaging normative effect on religious minorities. In the report of her 2008 mission to India, the UN Special Rapporteur on freedom of religion or belief indicated that she was “deeply concerned that laws and bills on religious conversion in several Indian states are being used to vilify Christians and Muslims” (paragraph 47). She concluded that these “should be reconsidered since they raise serious human rights concerns” (paragraph 70).

Anti-conversion legislation reflects Hindu nationalist antipathy towards conversions away from Hinduism. Although they have recently tended to belong within the agenda of the BJP and its political forebears, it was the Indian National Congress-appointed ‘Niyogi Committee Report on Christian Missionary Activities in Madhya Pradesh’ in 1956 that paved the way for the passage of the earliest anti-conversion laws, and the Orissa, Madhya Pradesh (out of which was created the state of Chhattisgarh) and Himachal Pradesh laws were passed by non-BJP governments.

##### **4.4.1. Status of laws**

The status of the respective laws is follows:

- Orissa (1967): in force;
- Madhya Pradesh (1968): in force, but 2006 amendment not ratified;
- Chhattisgarh (1968): in force, but 2006 amendment not ratified;
- Arunachal Pradesh (1978): introduced, but not implemented;
- Gujarat (2003): in force;
- Himachal Pradesh (2006): in force;
- Rajasthan (2008): introduced, but pending ratification by governor.

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<sup>24</sup> ‘Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir: Addendum: Mission to India’, A/HRC/10/8/Add.3, 26 January 2009

(<http://www2.ohchr.org/english/bodies/hrcouncil/10session/reports.htm>).

<sup>25</sup> ‘Concluding Observations of the Committee on the Elimination of Racial Discrimination’, CERD/C/IND/CO/19, 5 May 2007

(<http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.IND.CO.19.doc>).

There were no changes in the status of the laws in 2010 and early 2011, despite indications in February 2009 that the BJP state Government of Karnataka might attempt to introduce an anti-conversion law.<sup>26</sup>

#### 4.4.2. Summary of concerns

With the exception of the Madhya Pradesh and Chhattisgarh laws, which are identical, each of the seven laws and their amendments contain slightly different nuances. However, each of the anti-conversion laws prohibit a person from converting another person by means of “force”, “fraud”/“fraudulent means” or “allurement”/“inducement”. Each law also imposes legal obligations on religious priests conducting a conversion “ceremony”, and on the converts themselves.

The main areas of concern applicable to each of the anti-conversion laws are as follows:

1. There is no specific need for these laws. There is no evidence among any religious minority of forced or fraudulent conversions, indicated by the lack of any prosecutions under anti-conversion laws. Any coercive techniques employed to bring about conversions, such as assault, battery or fraud, could be addressed under the existing provisions of Indian law, including sections 295A and 298 of the Indian Penal Code (IPC).<sup>27</sup> Commenting on a proposed anti-conversion law in Sri Lanka in 2005, the UN Special Rapporteur on freedom of religion or belief stated that “cases of alleged ‘unethical’ conversion should be addressed on a case-by-case basis, examining the context and circumstances in each individual situation and dealt with in accordance with in accordance with the common civil and criminal legislation. The Special Rapporteur is therefore of the opinion that the adoption of laws criminalizing in abstracto certain acts leading to ‘unethical’ conversion should be avoided, in particular where these laws could apply even in the absence of a complaint by the converted person”.<sup>28</sup>
2. The laws appear to have a damaging normative effect on religious minorities: they contribute towards stigmatising religious conversions and, by extension, a wide range of legitimate religious activities. This is contrary to the justification sometimes given for these laws.<sup>29</sup> Religiously-motivated violence against Christians in states both with and without anti-conversion legislation is often justified with accusations that the victims were attempting to convert others, and it is not uncommon that such attacks receive the complicity of police while the perpetrators enjoy impunity. In the 2008 report of her visit to India, the UN Special Rapporteur on freedom of religion or belief found that “such laws or even draft legislation have had adverse consequences for religious minorities and have reportedly fostered mob violence against them” (paragraph 50).

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<sup>26</sup> ‘Interview: Karnataka government to bring anti-conversion law’, *The Organiser*, 22 February 2009 (<http://www.organiser.org/dynamic/modules.php?name=Content&pa=showpage&pid=278&page=9>).

<sup>27</sup> Section 295A of the IPC criminalises “Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs”. IPC section 298 criminalises “Uttering words, etc., with deliberate intent to wound the religious feelings of another person”. This argument is developed further by the Becket Fund for Religious Liberty in its briefing, ‘United Nations Human Rights Council Universal Periodic Review: India: Submission of The Becket Fund for Religious Liberty, 20 November 2007’ (<http://www.becketfund.org/files/cc4a8.pdf>), p. 2.

<sup>28</sup> ‘United Nations General Assembly: Human rights questions: human rights questions including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms’, A/60/399, 30 September 2005, paragraph 68.

<sup>29</sup> The ‘Statement of Objects and Reasons’ in the Rajasthan Freedom of Religion Bill 2006 states that: “In order to curb such illegal activities [as unlawful conversions] and maintain harmony amongst persons of various religions, it has been considered expedient to enact a special law for the purpose”.



3. The laws violate the freedom of an individual “to have or to adopt a religion or belief of his choice”, as enshrined in Article 18 of the ICCPR, which is binding upon India. UN Human Rights Committee General Comment 22 defined the right to “have or to adopt” a religion as necessarily including the right “to replace one’s current religion or belief with another or adopt atheistic views” (clause 5). As the UN Special Rapporteur on freedom of religion or belief noted:

*“there is a clear prohibition under international human rights law of coercion to change or maintain one’s religion ... the term ‘coercion’ in article 18, paragraph 21, is to be broadly interpreted and includes ... prohibition of conversions. Since the choice of religion or belief is part of the forum internum, which allows for no limitations, a general prohibition of conversion by a State necessarily enters into conflict with applicable international standards. A law prohibiting conversion would constitute a State policy aiming at influencing individual’s desire to have or adopt a religion or belief and is therefore not acceptable under human rights law. A State also has the positive obligation of ensuring the freedom of religion or belief of the persons on its territory and under its jurisdiction.”<sup>30</sup>*

The Special Rapporteur reiterated this point in the report on her 2008 mission to India: “according to universally accepted international standards, the right to freedom of religion or belief includes the right to adopt a religion of one’s choice, the right to change religion and the right to maintain a religion ... these aspects of the right to freedom of religion or belief have an absolute character and are not subject to any limitation whatsoever” (paragraph 51). The anti-conversion laws impose restrictions on the freedom to change religion, including:

- the requirement upon those “performing” or taking part in any “ceremony” for conversion to seek prior permission (as in Gujarat) or to send an intimation to the district authorities with details about the conversion;
- a similar requirement upon the person intending to convert to notify the district magistrate of his/her intention to convert, with the magistrate to enquire into the matter in the Himachal Pradesh law or the Rajasthan bill.

As a result of these requirements, combined with social pressures, the political influence of extremist Hindu nationalist groups, the hostility of Hindu nationalist authorities to conversions and the realities of the hierarchical caste system, potential converts often face practically insurmountable obstacles to religious conversions. The significance of these obstacles has been confirmed by testimony which CSW has heard consistently in several states.

4. The laws violate the right to propagate religion, which the UN Human Rights Committee has held to be part of the right to manifest religion. The definitions in the laws are sufficiently vague as to allow a wide range of activities undertaken by religious groups, including charitable services and education, to be portrayed as illegitimate. For example, each of the laws include in the definition of “allurement”/“inducement”, the offer of “any gift or gratification”. The definition of

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<sup>30</sup> ‘United Nations General Assembly: Human rights questions: human rights questions including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms’, A/60/399, 30 September 2005 ([http://www2.ohchr.org/english/issues/religion/docs/A\\_60\\_399.pdf](http://www2.ohchr.org/english/issues/religion/docs/A_60_399.pdf)), paragraphs 51-52.

“force” includes “a threat of divine displeasure”, which could be applied to a doctrinal statement of faith. These vague definitions leave legitimate religious activities in a position of legal vulnerability. Reiterating the view of her predecessor, the UN Special Rapporteur on freedom of religion or belief has stated: “Special Rapporteur Amor considered ‘constitutional provisions prohibiting proselytism to be inconsistent with the 1981 Declaration [on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief]’”.<sup>31</sup> She also stated that “any generalized State limitation (e.g. by law) conceived to protect ‘others’ freedom of religion and belief by limiting the rights of others to conduct missionary activities should be avoided”,<sup>32</sup> and dealing with any insensitive missionary behaviour on a case-by-case basis.<sup>33</sup> She further noted that “article 19 of the ICCPR ... is formulated in a way that also covers missionary activities” and that, “The Human Rights Committee’s constant jurisprudence has deemed the protection afforded by article 19 extremely strong”.<sup>34</sup>

5. Indian case law has created inconsistent and unclear definitions of different religious parties, and the nature of conversion between them. This leaves religious minorities vulnerable to the unequal administration of justice. The principal problem concerns the overly broad legal definition of Hinduism: a 1995 Supreme Court decision said in part, “When we think of the Hindu religion, we find it difficult, if not impossible, to define the Hindu religion or even adequately describe it ... It may broadly be described as a way of life and nothing more”.<sup>35</sup> The distinction which is made in Hindu nationalist discourse between ‘conversion’ away from Hinduism, and *ghar vapsi* (‘homecoming’ or ‘re-conversion’) to Hinduism, is reflected in the laws. The Himachal Pradesh law exempts from its remit any person who “reverts back to his original religion”, in what appears to be a reference to ‘re-conversions’; the Rajasthan law defines a conversion as renouncing the “religion of one’s forefathers” and “adopting another”; and the now-withdrawn 2006 amendment to the Gujarat law defined the Buddhist and Jain religions as ‘denominations’ of Hinduism, thereby exempting them from the conditions imposed by the law, but failing to recognise their distinct religious identities (this attracted widespread criticism from Jain groups before it was rejected as unconstitutional by the state governor). The nature of conversion is also defined in an unclear manner. Cases against the Orissa and Madhya Pradesh laws reached the Supreme Court, where they were combined in ‘*Rev Stainislaus vs. State of Madhya Pradesh and Ors*’, and the resultant judgement on 17 January 1977 ruled that Article 25(1) “does not grant right to convert other person to one’s own religion but to transmit or spread one’s religion by an exposition of its tenets.”<sup>36</sup> This made a distinction between ‘propagation’ and ‘conversion’, which is highly problematic in practical terms.
6. The penal provisions are grossly disproportionate in the more recent laws, exceeding even those given for causing death by negligence. In the Orissa, Madhya Pradesh, Chhattisgarh, Gujarat and Himachal Pradesh laws, the penal provisions are increased substantially for those convicted for converting Scheduled Castes and Scheduled Tribes. This is often adduced as evidence that of the chief aims of anti-conversion legislation is to prevent these socially excluded groups from adopting a new religion.

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<sup>31</sup> Ibid, paragraph 60.

<sup>32</sup> Ibid, paragraph 62.

<sup>33</sup> Ibid, paragraph 68.

<sup>34</sup> Ibid, paragraph 61.

<sup>35</sup> ‘Appeal (Civil) No. 2836 of 1989’.

<sup>36</sup> ‘*Rev. Stainislaus vs. State of Madhya Pradesh and Ors.*’

#### *4.4.3. The need for alternatives*

Although international law is clear that the use of coercion to propagate religion is illegitimate, very few cases have ever been brought under the anti-conversion laws, and allegations of forcible conversions are rarely substantiated. This suggests that the laws are driven by Hindu nationalist discourse, rather than by a clear need to tackle the issue of coercive behaviour in religious propagation.

However, in Sri Lanka and Nepal, where similar legislation has been proposed, some churches have suggested that non-legislative means are found to address the sensitivities that exist around conversion. In Sri Lanka, the three main church umbrella bodies have proposed a forum for inter-faith dialogue, which would provide a mechanism for discussing and tackling grievances or allegations of illegitimate and insensitive behaviour. Two of the bodies have also unilaterally promulgated codes of conduct in order to promote appropriate minimum standards of behaviour from their member churches. In Nepal, it has been suggested that a statutory inter-faith body should be established in the new constitution.

#### **4.5. Communal violence bill**

The present Congress-led UPA Government has made it a priority to introduce a piece of legislation to prevent, control and deal with the aftermath of communal violence. Accordingly, a bill was introduced on 26 November 2005, which underwent a series of revisions before being presented to the Rajya Sabha as the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2009 (or CV Bill).

Although the principle of the CV Bill received broad support from civil society and religious minorities in India, they roundly criticised several aspects of its substance. The UPA took seriously this criticism, and the National Advisory Council (NAC), chaired by Congress President Sonia Gandhi, established a working group to review the bill. On 14 July 2010, the working group established an advisory group<sup>37</sup> and a drafting committee<sup>38</sup> to develop a new draft bill. The outcome of this process was the Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2011 (or CTV Bill),<sup>39</sup> for which the working group sought opinions from civil society by 10 June 2011. The CTV Bill is effectively the result of collaboration between a government body and civil society, and has a long path to travel before it can become legislation.

##### *4.5.1. Critique of earlier draft*

A full analysis of the 2005 CV Bill is included in the CSW briefing, 'Communalism, anti-Christian violence and the law (May 2010)'. The chief problems with this bill were as follows:

- It failed to define communal violence adequately, and therefore the protections it framed were insufficient. In particular, it rested heavily on the notion of a "communally disturbed area", which was only sufficient for the largest and most widespread cases of communal violence, and would not provide for the bill to address the pattern of frequent, well-targeted, single incidents of communal violence orchestrated by extremist groups, as experienced by religious minorities.
- It did not provide for safeguards against the poor or discriminatory exercise of power by state officials, which is a recurrent problem in communal violence. The

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<sup>37</sup> The composition of the advisory group is found on the following link:  
<http://nac.nic.in/communal/advisorygroup.htm>.

<sup>38</sup> The composition of the drafting committee is found on the following link:  
<http://nac.nic.in/communal/dc.htm>.

<sup>39</sup> The text of the draft can be downloaded from the following link:  
[http://nac.nic.in/communal/com\\_bill.htm](http://nac.nic.in/communal/com_bill.htm).

bill favoured immunity for officials from prosecution, whereas civil society groups strongly argued that the history of communal violence necessitated that the principle of *mens rea*, or command responsibility, whereby superior authorities could be held accountable for the unlawful actions of their subordinates, should be enshrined.

- It failed to provide adequate measures for the protection of witnesses or victims from intimidation, and should have taken into account guidance from the Supreme Court and Law Commission, and best practice as set out in The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.
- It should have set out a uniform scheme of compensation in order to meet the needs of victims of communal violence and to address gross inconsistencies in the past.

The NAC established a number of key principles to guide the process for drafting a new text, including the following:<sup>40</sup>

- A shift in emphasis from empowering the state to seeking the accountability of state officials, including by ensuring their criminal liability for acts of omission or commission, and by incorporating the principle of *mens rea*;
- The need to establish of an independent ‘National Authority’ to oversee the effective implementation of the law;
- Moving away from the premise of “disturbed areas”, and including in the definition of communal violence isolated incidents as well as mass crimes, committed on the basis of the religious, caste, linguistic, regional or other identity of the victim(s);
- The need to increase the range of possible offences which might constitute communal violence;
- The need to remove the prior sanction of the state government for prosecuting hate speech;
- The need to establish a statutory framework for the provisions for victims of communal violence, including for compensation (to be revised every three years) and the rights of witnesses;
- The need for amendments to be made to the Criminal Procedure Code and Indian Evidence Act to tailor them to the particular contingencies of communal violence.

#### 4.5.2. A new draft

The draft CTV Bill produced by the NAC has been welcomed by most civil society groups as a significant improvement, which takes much fuller account of the experiences of victims of previous episodes of communal violence. The draft bill has made a number of fundamental changes both to the definition of communal violence, and to the way it is addressed by the Government. These include the following:

- The definition of “communal and targeted violence” has been broadened somewhat from its overly narrow equivalent in the 2005 CV Bill, and includes any act “knowingly directed against any person by virtue of his membership of any group, which destroys the secular fabric of the nation” (section 3(c)), where this “group” is “a religious or linguistic minority ... or Scheduled Castes and Scheduled Tribes” (section 3(e)). As such, the draft bill is not centrally predicated on a “communally disturbed area”, as the 2005 CV Bill had been, although this concept surfaces in section 20. The draft bill also recognises the creation of a “hostile environment against a group” (section 3(f)) as a contributory factor to communal violence.

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<sup>40</sup> The full set of key guiding principles is found on the following link:  
<http://nac.nic.in/communal/keyelement.htm>.

- The range of possible offences which might constitute communal violence has been expanded significantly, and now includes sexual assault (section 7), hate propaganda (section 8), “organized communal and targeted violence” (section 9), financial support for the commission of an offence (section 10), and a number of offences under the IPC (Schedule II).
- The provisions for holding public officials to account have been extended. Where communal violence occurs of a widespread or systematic nature, public officials charged with the duty of preventing this have failed (section 9(2)), and will be subject to judicial inquiry (section 72). The requirement, under section 197 of the Criminal Procedure Code (CrPC), for government sanction to prosecute public officials guilty of the dereliction of duty has been amended, such that sanction is not required for offences listed in Schedule III. The punishment for dereliction of duty would be a custodial sentence, ranging from two to five years, and a fine (section 120). The principle of *mens rea* is enshrined in a section on “offences of public servants for breach of command responsibility” (14), for which the punishment would range from ten years’ imprisonment and a fine to life imprisonment (121).
- The central Government is required to establish a National Authority for Communal Harmony, Justice and Reparation, dominated numerically by minority, Scheduled Caste or Scheduled Tribe members (chapter IV). The National Authority has a number of powers to prevent and control the spread of communal violence, and monitor the execution of justice and the provision of reparations to the victims. Any District Magistrate or Police Commissioner aware of incidents of communal or targeted violence is duty-bound to inform the National Authority. When the National Authority makes recommendations, the central and state governments are required to take action within 30 days, or dispute the recommendations within seven days. The National Authority is to issue an annual report, including details of compliance or non-compliance by the central and state governments. State governments are required to establish equivalent State Authorities, to act under the direction of the National Authority (chapter V). Each State Authority is empowered to appoint a Human Rights Defender for Justice and Reparations, whose role is to ensure victims have access to the benefits to which they are entitled (section 56).
- The procedure for investigation, prosecution and trial (chapter VI) sets out considerably more detail than the 2005 CV Bill had done. This includes improved provisions for investigating sexual assault (sections 63 and 65(2)), but also a controversial clause authorising the central and state governments to intercept messages (section 67). Victims or informants concerned about delayed or biased investigations are given the right to complain to the National or State Authorities, and State Authorities have the right to order a fresh investigation if an offence has not been investigated properly.
- Limited provision is made for the protection of victims, informants and witnesses in cases being tried under the law, which could include relocation, and provision of travelling and maintenance expenses and “socio-economic rehabilitation” during the investigation and trial, the concealment of their identity during trial, and immediate dealing with any allegations of intimidation or harassment (section 87). This does not extend beyond the end of the trial.
- A considerably expanded section sets out provisions for “relief, reparation, restitution and compensation” (chapter VII). This includes provisions for: minimum standards in relief camps (sections 93-94); the establishment of State Assessment Committees to survey and assess the human and material damage caused by communal violence (sections 95-98); and a framework for rehabilitation, which includes resettlement of victims, restoration of places of worship and community buildings, counselling for victims, and special measures for the rehabilitation of women and children (section 99). It also requires state governments to establish conditions for the voluntary return of victims to their homes (section 100). It sets

out a much more detailed framework for the provision of compensation (section 102-104), and Schedule IV provides a uniform scheme.

- Central and state governments are required to take certain measures to prevent the repetition of communal violence, including by ending continuing violations, searching for victims killed or disappeared, and ensuring access to justice for victims (section 113).

The draft bill has attracted comment from a number of quarters, including civil society groups who continue to feed into the consultation process, and Arun Jaitley, BJP leader in the Rajya Sabha and an eminent lawyer, who published an analysis criticising a number of its premises.

Much of the critique from civil society and minority groups has centred on several core issues:

- Communal and targeted violence is defined as an act “which destroys the secular fabric of the nation”, but without any further clarification, this is a highly subjective definition and could make it difficult to trigger any action under the bill.
- No definition is given for a “minority”, which renders the bill difficult to implement. The Supreme Court has repeatedly stated that a minority can be determined only by reference to the demography of a state, not the nation as a whole.
- No provision is made for the punishment of those who create or sustain a “hostile environment against a group”.
- The provisions for holding public officials to account are deemed insufficiently watertight.
- The range of provisions for victims’ access to justice is seen as inadequate to the need, including the provision for the protection of victims, informants and witnesses.
- There is considerable scepticism that the national and state authorities as currently framed will be effective bodies.
- The parameters of “relief, rehabilitation, restitution and compensation” are not set out with sufficient clarity.

The draft is still at an early stage, and the Government should continue to engage with minority and civil society groups in order to construct an effective bill. This would be consonant with the recommendation of the Special Rapporteur on freedom of religion or belief, that the legislation “should take into account the concerns of religious minorities”.<sup>41</sup>

In the longer term, the provision of detailed training for public servants, including police (section 132(b)), will be a critical component for a future law to be implemented effectively.

## **5. Communal violence against Christians and its aftermath**

The worst outbreaks of mass violence against Christians in post-independence India took place in Orissa in December 2007 and August to October 2008, and in Karnataka in August to October 2008. However, there is an ongoing pattern of incidents of communal violence in several other states. The following lists of incidents are not comprehensive, but include those reported by a range of sources which were independently verified by the All India Christian Council (aicc), and provide an overview of the nature, extent and geographical distribution of religiously-motivated violence against people and property, targeted at the Christian community across India. Typically, unsubstantiated accusations centred on

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<sup>41</sup> ‘Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir: Addendum: Mission to India’, A/HRC/10/8/Add.3, 26 January 2009 (<http://www2.ohchr.org/english/bodies/hrcouncil/10session/reports.htm>), paragraph 67.

conversion are used to justify violence, or minor controversies are given a religious colouring.

Southern Rajasthan and western Madhya Pradesh are emerging as areas with increasing rates of anti-Christian violence, and should be monitored carefully during future months. At present, these attacks are not being reported consistently, but attempts are being made to address this problem.

Although avenues of legal redress are theoretically strong in India, the implementation of the law is generally very weak, and negligent police responses are particularly common in cases of religiously-motivated violence. Absent, ineffective or negligent police responses have served to reinforce a culture of impunity. Even where police take the side of the victims, prosecutorial action is almost never brought against the perpetrators. The UN Special Rapporteur on freedom of religion or belief noted in her 2008 report that “the system of impunity emboldens forces of intolerance” (paragraph 30). As implied by points 13-14 of the prime minister’s Programme for the Welfare of Minorities,<sup>42</sup> the culture of impunity needs to be reversed in order to ensure that inciters and perpetrators of communal violence expect to be brought to justice.

### **5.1. Orissa**

More than three years after the first wave of violence, in December 2007, and approaching the third anniversary of the more serious, second outbreak which began in August 2008, there continue to be serious concerns about the situation in Orissa. Although more recent incidents of communal violence have been isolated and sporadic, law enforcement and the rehabilitation of victims have been inadequate, and not enough has been done to foster a long-term peace which runs deeper than the absence of violence.

This analysis is based on four fact-finding visits to Orissa since the 2008 violence, in addition to ongoing monitoring of the situation.

#### **5.1.1. Background**

In August to October 2008, Orissa witnessed the worst spate of communal violence ever faced by the Christian community in post-independence India, including brutal murders and rapes, widespread destruction of churches and property, and forcible conversions to Hinduism. The attacks, centred in Kandhamal but spreading to thirteen other districts, were catalysed by the assassination on 23 August 2008 of Swami Lakshmananda Saraswati, local figurehead of the VHP, by assailants believed to have been Maoists. On 24 August, when his remains were paraded around the district, mobs began setting up roadblocks, shouting Hindu nationalist and violent anti-Christian slogans, openly blaming Christians for the murder and calling for revenge as they attacked Christian targets. The Orissa chief minister publicly acknowledged the role of extremist Hindu nationalist organisations in the violence in the legislative assembly for the first time in November 2009.

The violence which started in August 2008 continued for over eight weeks. At least 50,000 were displaced and 90 killed; among the victims were Hindus opposing the rioters. Widespread anti-Christian attacks had also taken place in Kandhamal in December 2007, impunity for which laid the foundations for the second more serious wave of violence in 2008. The state Government failed to implement detailed recommendations made by India’s NCM in early 2008.

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<sup>42</sup> ‘Prime Minister’s New 15 Point Programme for the Welfare of Minorities’, amended October 2009 ([http://minorityaffairs.gov.in/newsite/pm15points/amended\\_guidelines.pdf](http://minorityaffairs.gov.in/newsite/pm15points/amended_guidelines.pdf)).

The Government is to be commended for a number of actions taken in the aftermath of the violence, including dispatching a consignment of the central reserve police force and establishing two fast-track courts. However, the extent of progress made to promote justice, rehabilitation and peace has been insufficient.

Although rural poverty and underlying issues of ethnic tensions over entitlements in Kandhamal played a role in the violence, these were not the primary causes but provided a context for the radicalisation of one community and the incitement of communal violence along religious lines. Poverty is endemic in this area of Orissa, and the rural poverty ratio actually increased in this area during the period 1983-2000.<sup>43</sup> Kandhamal district is populated chiefly by two ethnic minority tribal groups, the Kandhs and Panas. Historically, Kandhs have been dominant in the relationship between the two.

Christian missionary efforts from the 1860s onwards brought about a number of conversions, particularly among the Panas. From the 1950s, however, an increasing number of Kandh conversions also took place. Subsequent generations of Christians have traced their religious identity back to their ancestry.

After independence, the Kandhs were enumerated among the Scheduled Tribes, the Panas as Scheduled Castes. Kandhamal was designated as a 'Scheduled Area', and accordingly the benefits available to its population were heavily weighted in favour of the Scheduled Tribes, including rights to land ownership. This reinforced the traditional power relations between the two groups, and Pana attempts at upward social mobility could be interpreted as a threat to Kandh interests.

However, Kandh-Pana tensions were co-opted onto a religious nationalist template, after Lakshmananda Saraswati was deputed to Kandhamal on behalf of the VHP in 1967 to instil in the Kandhs a Hindu sense of identity and to counteract the historical growth of Christianity in the area. The VHP's arrival in the area is deeply lamented by local Christians, who perceive that it heralded the beginning of severe communal divisions.

The VHP used a number of strategies to enhance a Hindu sense of identity among Kandhs, absorbing their traditional, animist religious practices into its version of Hinduism. Lakshmananda Saraswati's activities combined social goods and religious rituals for the Kandhs, with an aggressive campaign of propaganda and occasional violence against Christians, often centred on the typical Sangh Parivar narrative about conversion. As Angana Chatterji, one of the leading experts on Orissa, has written of the Sangh Parivar's methods, "Minorities are the foil for manufacturing a monolithic Hindu identity".<sup>44</sup>

In particular, the VHP was also able to exploit the classification of Kandhs and Panas as Scheduled Tribes and Scheduled Castes, respectively. Panas of Christian ancestry lose their designation as Scheduled Castes by virtue of their religion (see section 4.3 above), and consequently lose the entitlements which would otherwise be due to them. They were therefore heavily invested in the local campaign to have Panas reclassified as Scheduled Tribes, since not only would all Panas in the area be better off, but Christians would also receive such entitlements. In 2002, the generic term, 'Kui', was inserted into a list of Scheduled Tribes in Orissa, but since Kui is a linguistic category, this meant that Kui-speaking Panas had a reasonable claim to be recognised as Scheduled Tribes. The VHP projected this situation as a threat to Kandh entitlements. The Kui Samaj, a political organisation

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<sup>43</sup> Chapter 2, 'Growth, Poverty and Livelihood' in 'Orissa Human Development Report 2004', (<http://www.orissa.gov.in/p&c/index.htm>), Table 2.6, p. 22.

<sup>44</sup> Angana P. Chatterji, *Violent Gods: Hindu Nationalism in India's Present: Narratives from Orissa*, New Delhi: Three Essays Collective, 2009, p. 109.



concerned with Kandh interests, came under the influence of the VHP and began to absorb and reflect its anti-Christian narrative.

When the communal violence erupted in 2007 and 2008, it was conducted along religious lines. Christians of both Kandh and Pana background were attacked,<sup>45</sup> and the demand consistently made of the Christian victims was that they must 're-convert' to Hinduism.

The local prominence of Naxalites, or Maoist insurgents, creates an additional layer of complexity. Naxalites were almost certainly responsible for the assassination of Swami Lakshmananda Saraswati, which precipitated the mass violence against Christians. There are numerous theories about the Naxalites' motivation for the murder, one of which is that it was an act of retribution against his activities, and that it was calculated to gain support from disenfranchised people in the area, including Christians. The palpable absence of state machinery from Kandhamal means that the scene has been set for something of a 'turf war' between Hindu extremists and Naxalites.

The problems in Kandhamal will not be resolved in the long term without the underlying issues being tackled. The current classification of Scheduled Tribes and Scheduled Castes creates a ready context for the stoking of religious or caste violence, and places Pana Christians in a particularly vulnerable position. The use of hate propaganda by the VHP has caused long-term tension in communal relations, and the relative absence of the states means that stability cannot be guaranteed. Aggressive strategies to root out Naxalites risk galvanising local support for the insurgents if they do not go hand-in-hand with effective rural development programmes to address the mass disenfranchisement and poverty of the local population.

#### *5.1.2. Rehabilitation and compensation*

The ongoing rehabilitation of victims has been heavily dependent on private sources of funding for the construction of homes. This has resulted in very haphazard delivery of material assistance. Most official relief camps closed by the end of 2009, but many victims were unable to return to their villages, due to animosity from Hindu villagers. Consequently, between 2,000-3,000 families were still without homes in early 2011, residing instead in tents, makeshift shelters or the remnants of their damaged homes. In several locations, victims who moved into makeshift camps have now built removed their tents and built more permanent structures where they once stood.

Compensation from the Government has been provided to some extent, but victims have consistently reported two failings in the system of delivery.

Firstly, there has been no independent assessment of damages, and the level of compensation awarded has not been commensurate with needs. Consistently, houses with little more than a single wall standing have been classified as 'partially damaged' and their occupants awarded a lower level of compensation, which has fallen substantially short of the actual cost of rebuilding. In many villages or settlements, victims have reported that "all" houses were destroyed, yet only a minority of them were deemed worthy of full compensation.

Secondly, while compensation was intended for the rebuilding of homes, it was not complemented by any livelihood support to meet the immediate needs of victims in a situation where social ostracism has made it very difficult for many to find work. Consequently, many victims have spent the first tranche of compensation on food or other

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<sup>45</sup> Informal polls taken by CSW among the victims of the violence consistently showed Christians of both Kandh and Pana background to be present.

basic material needs, and because they fail to meet the criterion of displaying evidence that they are rebuilding their homes, they do not receive the second instalment of compensation. If the current system is left unchanged, it could greatly accentuate the impoverished, disenfranchised and landless status of victims.

The root problem is the arbitrary nature of the compensation scheme. In the absence of any national standards, a problem which the draft CTV Bill seeks to address, compensation has also not been provided for the loss of assets, and provision has not been made to rebuild at least 250 churches which were destroyed.

However, the need to rebuild churches is important not only from the perspective of meeting a key material need of the victimised Christian community, but also for re-establishing their legitimacy in the area, where burnt or smashed churches and Christian symbols are a constant sign of the long-term campaign of vilification against them.

### *5.1.3. Justice and impunity*

Large-scale impunity remains a chief concern: impunity has repeatedly marred state responses to outbreaks of mass violence against religious minorities in India.

After the 2008 violence, two fast-track courts (FTCs) were established to handle cases associated with the communal violence, and their mandate has been extended to 2013. The conviction rate, while higher than the national average, is still low. Statistics from the aicc and Human Rights Law Network (HRLN) show that as of May 2011, FTC no.1 had dealt with 115 cases, of which 28 resulted in convictions and 87 in acquittal. In FTC no.2, 117 cases had resulted in 45 convictions and 72 acquittals.

However, it is misleading to assess the judicial process solely on the basis of conviction rates, because many cases did not enter the legal system in the first place, when police failed to register them properly.<sup>46</sup> Some FIRs have been stultified by simple inaction, or by the failure of the police to interview material witnesses. In some cases, public prosecutors have been accused by lawyers of lacking impartiality and failing to remedy defects in the investigatory process, such as by not opposing bail for the defendants. Moreover, the conviction rate is much lower for more serious cases, such as murder and rape, than for lesser offences.

While the judicial system in place has been partially successful, it has not addressed adequately the specific needs created by the particular contingencies of the situation, including the poverty, illiteracy and fear that are widespread among the victims, and the politically fraught nature of the cases. Many victims or witnesses are reluctant to testify in court for fear of retribution and lack of confidence in the efficacy of the system, or because they have been intimidated and threatened, sometimes by mobs outside courtrooms. Some judges have refused to order the protection of witnesses, instead merely notifying the police of alleged cases of intimidation. Lawyers working in the area believe that courts need to be more sympathetic to these problems, and that many cases have been thrown out for arbitrary reasons or without taking account the situation of victims.

In practice, many victims and witnesses are heavily dependent on the small number of organisations providing legal aid in Orissa, and cases are much more likely to result in a conviction if the victim or witness is assisted at every step of the process. This includes providing assistance with registering FIRs, preparation for giving testimony, transportation to

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<sup>46</sup> In late 2009, lawyers operating in Kandhamal said that, of 3,223 complaints submitted to the police, only 831 had been registered as FIRs. The registration of an FIR is the necessary prerequisite for a case to be investigated and brought to trial.

and from the police station or court, and remuneration for lost earnings needed to support their families.

The granting of bail to high-profile defendants has done little to boost confidence in the legal system in Orissa. Manoj Pradhan, who represented G Udayagiri constituency as a Member of the Legislative Assembly (MLA) for the BJP in May 2009, was convicted in an FTC on 29 June 2010, and sentenced to seven years' imprisonment for rioting and causing grievous hurt in a case connected with the murder of Bikram Nayak on 27 August 2008. Pradhan secured bail from the Orissa High Court on 9 July 2010. However, Bikram Nayak's widow appealed this to the Supreme Court, represented by Colin Gonsalves of the HRLN. The Supreme Court overturned the granting of bail, but its ruling was strongly critical of the Orissa High Court and the basis for its decision: "The High Court was obviously impressed by the singular fact that [Pradhan] is a sitting MLA", whereas "The law treats all equally".

Overall, the scale of impunity in Orissa has simply compounded the fear of victims, and their lack of confidence in the judiciary and administration.

#### *5.1.4. Community reconciliation*

Fear is widespread among the victims, and has been compounded by the lack of effective action to secure justice and peace. Many victims continue to live in fear of further attacks, and perpetrators of violence remain free to threaten them, demand that they withdraw their police cases and convert to Hinduism, as the conditions for peaceful coexistence. There is still no viable means for community reconciliation, with peace meetings often used as forums for making these demands.

In what appears to be an increasing number of locations, the physical separation of the two main religious communities has accentuated the polarisation and sense of mutual suspicion between them. In a village visited by CSW in early 2011, Christian victims alleged that their Hindu neighbours were receiving military training from Sangh Parivar groups, and stated baldly that "they want to kill us". It was not possible to verify these claims, but they pointed to a deepening sense of alienation. Ostracism (or 'social boycott') and various forms of discrimination are reported by victims across many villages and settlements.

There continues to be among victims an overwhelming lack of confidence in the administration, particularly in locations where houses have not been rebuilt or the perpetrators of violence have not been brought to justice. At best, officials are accused of inaction or failure to deal with the realities of the situation. For example, Christian villagers in a settlement in Phiringada reported that the Block Development Officer (BDO), a local administrative official, had asked them to remove their tents and stay in uncompleted houses because NCM Vice-Chairman H T Sangliana was scheduled to visit them. They removed their tents as instructed, but he did not visit. At worst, victims suspect the authorities of partisanship towards the Sangh Parivar.

The relative absence and ineffectiveness of the state has compounded a sense of fear among victims, and acts as a significant barrier both to justice and to reconciliation.

The status of children within the victimised community also gives special cause for concern. Many lack access to education, with their parents keeping them away from local schools because of the presence of extremists, or fear of discrimination. There have been numerous cases of children from Kandhamal trafficked in other parts of India for domestic servitude or other forms of child labour exploitation.

### 5.1.5. Future needs

The main felt needs among victims are for justice, compensation and housing, livelihood support, reconciliation and freedom from fear.

Several clear needs present themselves for the future:

- Rehabilitation: efforts should be made to address the shortcomings in the present system for the delivery of compensation. In particular, there should be a proper assessment of material damage, and compensation should be apportioned accordingly. The remaining families without proper accommodation should be prioritised in order that they can rebuild houses. Compensation should also be granted to rebuild churches. Efforts should be made to ensure Christian children are able to attend schools without fear of discrimination or violence.
- Justice: although the passage of time makes this more difficult, the state Government should nevertheless instruct local police to register and investigate the FIRs previously not registered properly. The National Human Rights Commission and Orissa State Human Rights Commission should closely monitor cases in two fast-track courts and in the higher courts. There is also a need for cases acquitted on spurious grounds to be appealed.
- Reconciliation: more concerted efforts need to be made to build inter-communal bridges, and to address the heightened sense of polarisation that exists between the two communities. Raphael Cheenath, the now-retired Catholic Archbishop of Bhubaneswar-Cuttack, emphasised to CSW that among the Hindu and broader *adivasi* and Dalit community in Orissa are those who were opposed to the violence, or are sorry for their role in it, and it is important that these groups be engaged in efforts to promote reconciliation. The Archbishop also recognised the role of the church in defusing tense relationships, which he described as “de-poisoning the minds of the people by good, healthy contact with them”. This is a point which he had made previously in a short booklet written after the 2007 violence.

### 5.1.6. Anti-Christian attacks in 2010

- G Udayagiri, Kandhamal district, 18 January: around 100 Christians living in a marketplace were forced to relocate prior to the visit of an EU delegation. They had been forced to move here when the relief camp in which they were accommodated was closed.
- Gadimunda village, Kandhamal district, 2-3 February: five Hindu extremists threatened and physically attacked two Christians, Sumit Pradhan and Samuel Nayak. The Christians fled the scene but their aggressors returned the next day. They forcibly entered the house of a third Christian, Dibyakand Nayak, and physically assaulted him. The perpetrators filed an FIR under sections 34, 341, 323, 324 and 294 of the IPC and police arrested one Christian, Toofan Naik, from the village’s Roman Catholic Church. Ten other Christians were detained but released without charge, and Toofan was released on bail a few days later.
- Mondakia relief camp, Kandhamal district, 8 February: a Hindu extremist attempted to rape a Christian woman, Afasari Nayak, who had fled her home following the 2008 violence. Other Christian refugees succeeded in rescuing her, but the assailant returned with four others that evening, threatening the Christians with consequences if they filed a complaint. The Christians did not attempt to report the incident, fearing that the police would not assist them.
- Bhawanipatna, Kalahandi district, 20 February: Hindu extremists objected to the Rev. Anant Prasad Samantray giving his Christian testimony in public, and forcibly took him to the police station. Although Samantray had previously obtained police

permission for his actions, the extremists filed an FIR against him, and police sent him to Kalahandi district jail.

- Nuapada, 8 June: six Hindu extremists forcibly entered the house of a Christian, Bhakta Bivar. They removed four Bibles from the home, physically assaulted him and forcibly took him to a Hindu temple. There they threatened to kill him if he did not convert to Hinduism, burnt the Bibles, and forced him to eat food that had been sacrificed to Hindu gods. They then dressed Bivar in saffron cloth and allowed him to return home, after threatening to kill his family if they continued as Christians. Bivar filed a police complaint and police arrested five extremists the next day, sending them to Phawani Patna jail.
- Debagarh, 9 June: Hindu extremists, allegedly from Bajrang Dal, accused three Christians, Pastor Lamuel Panaik, Pastor N Philemon and Sudhir Kumar, of forcible conversion. They removed the three from the house where a baptism celebration was happening, and attacked them, before police arrived and took the Christians into custody. They were questioned and subsequently released.
- Paikamara village, Puri district, 14 October: Hindu extremists confined three Christian converts in a house, attacked them and put pressure on them to renounce their faith. The victims, Aswini Sahu, Sanatana Jena and Amulya Swain had fled the village six months prior to the incident, amidst anti-Christian feeling that followed their conversion. They had returned after being told that the tensions had reduced. The police helped to secure their eventual release from the house.
- Jinduguda, Malkangiri district, 27 October: Hindu villagers refused to allow the burial of a Dalit Christian girl. Her parents approached the local police and received assistance, which made it possible to bury the deceased.

## **5.2. Karnataka**

### *5.2.1. Accountability for 2008 violence*

An intensive wave of anti-Christian attacks took place during the same period as the communal violence in Orissa, from August to October 2008, with a particular concentration of attacks on 14 September. Many were carried out in Dakshina Kannada district. The attacks targeted a wide range of Christian denominations, but were justified as retaliation against a pamphlet allegedly produced by New Life Fellowship Trust, which was derogatory towards Hindu deities. However, there are very strong indications that the pamphlet was a hoax, since the name of 'New Life' on the front cover appeared to have been printed separately, and the pamphlet itself was traced to a publisher in Andhra Pradesh. New Life Fellowship Trust denied having printed it.

Police responses to the violence were widely criticised as biased and heavy-handed. In particular, there were numerous reports of police violence against Christians. They also charged several Christians under non-bailable sections of the IPC for protesting against the violence, while Mahendra Kumar, the state convener of the Bajrang Dal, which was heavily implicated in the violence, received bail within several days.

A NCM team visited Karnataka in September 2008. Its report concluded that the violence appeared to have been "well-planned", and it criticised the Government for failing to take preventative measures after communal violence during August 2008, and the police for taking action against Christian protesters which was "certainly not commensurate with the requirement of the situation".<sup>47</sup>

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<sup>47</sup> 'Visit of NCM Team to Karnataka (Mangalore, Udipi & Bangaluru), 16th to 18th September 2008' (<http://ncm.nic.in/doc/NCM%20Karnataka.doc>).

The Government appointed a one-man commission, the Justice B.K. Somasekhara Commission of Inquiry, to investigate the violence. Its terms of reference were to inquire into the circumstances of the violence in Dakshina Kannada and other districts, to identify those responsible, and to determine whether there was any negligence on the part of the district administration in handling the situation.

The commission's report was heavily criticised as something of a whitewash, largely exonerating Hindu nationalist groups and the state Government from any role in the violence. The credibility of the report is particularly questionable for the inconsistency between the conclusions it draws and the evidence it adduces.<sup>48</sup> For example, it finds that "there is no basis to the apprehension of Christian petitioners that politicians, BJP, mainstream Sangh Parivar and State Govt., directly or indirectly, are involved in the attacks", yet it names the Bajrang Dal and other groups whose membership of the Sangh Parivar is well-established, as being responsible for several attacks. It also finds that police and district administration were guilty of considerable excesses in number of cases, but fails to attribute any liability to the state Government. Nobody from the state Government, and only one member of a Sangh Parivar organisation was examined by the commission.

In many cases, the report simply attributes the attacks as Hindu retaliation against alleged conversions or the denigration of Hindu gods carried out by Christians. It ignores the question of why these attacks took place on such a significant scale at a particular time, instead reinforcing the Hindu nationalist discourse. An analysis of the report by two who testified on behalf of the Christian community suggests that these justifications were a red herring, noting that it is "a well established practice of Hindutva groups to justify illegal actions carried out by them based upon the logic of an earlier harm which has supposedly been inflicted on the Hindu community".<sup>49</sup> However, the report recommends that action be taken against a number of Christian leaders, and thereby legitimises the allegations by which violence was justified.

The report reserves extremely strong criticism for Melvil Pinto, member of the People's Union for Civil Liberties (PUCL), a civil rights group, who filed a petition related to the violence. It makes the extraordinary recommendation to "the Govt./District Administration/Police to take some serious action against the Petitioner Mr. Melvil Pinto for his blasphemous expressions against them", and also that legislation be passed "to curb such activities of persons like Mr. Melvil Pinto".<sup>50</sup> Meanwhile, despite naming Mahendra Kumar in connection with four attacks, the report does not recommend any punitive measures against him. However, the more serious concern is that the report interprets criticism of the BJP state Government in terms of blasphemy.

Justice Michael Saldanha conducted an independent People's Tribunal Enquiry, and his report constitutes one of the most substantial rebuttals of the Somasekhara report.<sup>51</sup> It alleges that the attacks were pre-planned, and both supported and covered up by the state. It notes that parallel attacks took place against the Muslim community, and attributes these events to the anti-minority agenda of the state Government. It strongly criticises police brutality and their complicity in attacks on churches and Christians. It attributes the violence to Sangh Parivar organisations, and suggests that the absence of any substantial action being taken against their leaders in the state implies a strong nexus between the state Government and these groups, and it argues that this carried into the judiciary as well.

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<sup>48</sup> This argument is set out in full in Jagadeesha B N & Arvind Narrain, 'Somasekhara Commission Report: Inconsistencies and Contradictions', *Economic & Political Weekly* 46:9 (February 2011), pp. 13-17.

<sup>49</sup> *Ibid*, p. 15.

<sup>50</sup> Justice B.K. Somasekhara Commission of Inquiry Final Report: Churchwise Findings', p. 18.

<sup>51</sup> Justice Michael F. Saldanha People's Tribunal Enquiry Report'.

Against this background, Karnataka has continued to see the highest rate of incidents of communal violence against Christians of any state in India.

#### *5.2.2. Anti-Christian attacks in 2010*

- Mundolli village, Uttara Kannada district, 22 January: Hindu extremists, allegedly from Sri Rama Sene, desecrated a cross next to St Lourdes Catholic Church.
- Bidarikere, Davangere district, 24 January: Hindu extremists forcibly entered a church rented by the Indian Evangelical Mission, during a worship meeting. They burnt Christian literature, attacked Christian worker, H Raju, and accused him of forcible conversions. An FIR was filed at Jagalur police station on 27 January, and police arrested three extremists under Sections 504, 505, 143, 147, 323 of the IPC on 28 January.
- Dudda village, Hassan district, 24 January: Hindu extremists filed a complaint against two Christians, Sekhar Chandra and his wife, Kala Chandra, who had held worship services in their house, for Calvary Gospel Church. The police responded by stopping the services and the landlord later threw the couple out of their house, with assistance from Hindu extremists.
- Chitradurga, 28 January: suspected Hindu extremists burnt down the Jesus Loves Holy Temple Church. The Christians filed a complaint at Manakalmuru police station under section 436 of the IPC.
- Mangalore, Dakshina Kannada district, 30-31 January: a glass painting of the Virgin Mary was damaged during the night, along with the windows of the church-run Canara Organisation for Development and Peace. The Rev. Anil D'Souza filed a police complaint at Kadari police station.
- Puttur town, Dakshina Kannada district, 7 February: a Bajrang Dal leader, Sekhar, falsely accused a Christian, Harish, from the New India Church of God, of forcible conversion. Police from Kadaba police station arrested him under sections 149, 295 and 295(a) of the IPC and sent him to Mangalore prison.
- Katigere village, Udupi district, 14 February: unknown attackers damaged the Infant Jesus Church. Fr Boniface D'Souza filed a report at Kundupur police station. Police tightened security around the church premises.
- Neral village, H D Kote taluk, Mysore district, 14 February: villagers interrupted an inauguration service at the Native Village Vision Church. They filed false complaints of forcible conversion against the Christians at Beechanahalli police station, and police prevented the service from continuing. Pastor N S Suresh had followed the correct procedures in obtaining the land and registering it as church premises.
- Gokula, Mysore district, 17 February: over 300 Hindu extremists, led by Bajrang Dal, forcibly entered 22 Christian homes. They physically attacked the Christians present and tried to force them to agree in writing that they had been forcibly converted to Christianity. A number of the victims required hospitalisation, although some were denied proper treatment, and the police removed others to the police station by force. Police officials, including Mr Suresh and inspector Nameraj, issued threats against the Christians if they continued to hold to their religion, insisting that they respond to the extremists' demands. A case was registered against the attackers under sections 34 and 325 of the IPC.
- Karwar, Uttara Kannada district, 28 February: Hindu extremists, allegedly led by the municipal councillor, Raja Gowda, forcibly entered the New Life Fellowship Church. They falsely accused two Christians, David Lambani and Satish Ambedkar, of forcible conversions, and seriously physically attacked them. Both required hospitalisation, and police registered an FIR against the attackers, but no arrests were made.

- Karwar, Uttara Kannada, 28 February: alleged Hindu extremists physically attacked Pastor John Quodros and two other church members. They ordered them to stop building their church and to leave the area.
- Piriapatna, Mysore district, 8 March: around fifteen Hindu extremists forcibly entered a Gospel in Action Fellowship prayer meeting and physically attacked Pastor Ravi Chandran. The pastor required hospitalisation, and an FIR was registered at Somvarpet police station.
- Chelur, Tumkur district, 10 March: the local VHP leader filed an FIR against Pastor Hanume Nayak and his wife, of Good Shepherd Community Church, accusing them of forcible conversions. Police arrested the Christians and detained them overnight. The intervention of local Christian leaders secured their release.
- Karwar, Uttara Kannada district, 15 March: police entered the cathedral and warned Christians against distributing Christian literature or pictures because “it offends Hindus”.
- Arsikere, Hassan district, 17 March: around 150 Hindu extremists exhumed the body of a Christian, Isaac, while his burial service at St Thomas’ cemetery was occurring. They transported the body in a tractor for three kilometres before abandoning it, and told mourners at his funeral that a Christian body should be exported to Rome or America as it might contaminate the soil. The Christians reported the matter to police, but were told to stay quiet and bury the body elsewhere. The Christians managed to recover the body and buried it in a nearby Church of South India cemetery during the night.
- Virajpet, Kodagu district, 5 April: RSS extremists pressured police into forcibly entering a prayer meeting, where they arrested fourteen pastors. Police took the Christians to Balele police station and then onto Ponnampet police station. They released the pastors after seven days in custody.
- Virajpet, Kodagu district, 5 April: Hindu extremists filed a police complaint of forcible conversion. The extremists, accompanied by three police officers, forcibly entered the home of a Christian, Vijay, where a prayer meeting was occurring. Police then arrested thirteen pastors and one other Christian under sections 298, 295(a), 143(a), 504 and 506 of the IPC, and sent them to Virajpet prison. Local Christian leaders secured their release on 12 April.
- Harohalli, Bengaluru Rural district, 11 April: around 50 Hindu extremists, allegedly from the RSS, attacked a church during a worship service led by Pastor K A Samuel. They accused the pastor of forcible conversion and police officers took him to the police station. He was released without charge.
- Belur, Hassan district, 19 April: Hindu extremists forcibly entered a prayer meeting conducted by Guru Gowriah and Puttuswamy Bhadraiah. The extremists accused the Christians of forcible conversion and filed a police complaint against them. Police then arrived at the scene and took the two Christian leaders to the police station. They questioned them for four hours but released them after taking a written statement.
- Hunsur, Mysore district, 1 May: around 30 Hindu extremists from Sangh Parivar physically assaulted a Christian youth group. They forced them to go to a police station, where police officials filed a case against the Christians under section 295(a) of the IPC. Four of the Christians were sent to prison: Fr. Robin Paul Das, Aaron and Dennis Vincent went to K R Nagar Jail, and Mrs Soundary went to Mysore jail. On 3 May, local Christian leaders intervened and secured the release on bail of all four Christians.
- K R Nagar, Mysore district, 2 May: around 20 Bajrang Dal extremists forcibly entered a worship service, where they physically attacked Pastor Elisha and other Christians. They then took the pastor to K R Nagar Police Station and filed a police



complaint, but the police refused to accept it. The police warned Pastor Elisha against holding further Christian meetings and released him.

- Honavar, Uttara Kannada district, 11 May: Hindu extremists seriously damaged the Holy Cross Church. Local Christian leaders approached the police and demanded action.
- Hubli, Dharwad district, 18 May: Hindu extremists from Bajrang Dal forcibly entered a home where four Christians from Mayer Memorial Church were praying for a sick woman, at her invitation. The extremists accused the Christians of forcible conversion and physically attacked two of them, Edward Bellary and Elisha Mulur. The extremists then forcibly took Bellary to a police station and pressured officers to arrest him. Police held Bellary for about eight hours, but later released him without charge.
- Netkal village, Mandya district, 19 May: around 30 Hindu extremists from Bajrang Dal forcibly entered a Christian vocational school and took Pastor Shanth Kumar, Pastor Nagesh Kumar, and two teenage students to the Belakawadi police station, falsely accusing them of forcible conversion. Police filed an FIR, no. CR-67-2010, and arrested the pastors under section 295(a) of the IPC. They released the students but sent the pastors to Mandya jail temporarily. Police surveillance of the pastors continued after their release.
- Bovi Colony, Chikmagalur district, 6 June: Hindu extremists, allegedly from the RSS, forced their way into a Sunday worship service. They accused Pastor Kadur Devika and her daughter, Laitamma, of creating communal disharmony and disrupting the peace. Police arrived and arrested the two women under section 295(a) of the IPC, before sending them to Hassan prison.
- Aldur, Chikmagalur district, 30 July: RSS extremists accused Pastor Anand Kumar of forcible conversion and filed a police complaint against him. The extremists warned him not to preach about Christianity, and the police ordered him to remove the cross and nameplate from his church.
- Chitradurga, 8 August: Hindu extremists, allegedly from Bajrang Dal, forced their way into a Gypsy Mission Hostel. They accused two pastors, Hema Naik and Shibu Isaac, of forcible conversion and physically attacked them and some of the students. Police arrived and arrested the two pastors, fourteen students and four extremists. Thanks to intervention by local Christian leaders, police later released the pastors and students.
- Kanakgiri, Koppal district, 8 August: around 60 Hindu extremists disrupted a prayer meeting led by Pastor John Harris. The extremists drove the Christians outside and proceeded to accuse them of forcible conversions and verbally abuse them in front of journalists. They took the Christians to the police station and pressurised the police to arrest them. Police released the Christians, but ordered them to stop all Christian activities in the area or face arrest in future.
- Birur, Chikmagalur district, August 13: Hindu extremists and police forcibly disrupted a prayer group led by Pastor Philip. They took the Christians to Kadur police station and questioned them for four hours, but then released them without charges.
- K R Nagar, Mandhya district, 15 August: 30 Hindu extremists, led by local leader Hanumant Raj, forced their way into a Christian meeting conducted by Pastor Satish and Evangelist Ravi Pas. The extremists accused the Christians of forcible conversions and lodged a complaint against them. Police questioned Pastor Satish, Ravi Pas and ten other Christians, and filed charges against Pastor Satish and Ravi Pas under sections 295 and 298 of the IPC and FIR no. 199/10.
- Mahalingpur, Bagalkot district, 19 August: around 200 RSS extremists forcibly disrupted the screening of a Christian film by Pastor Hanok Mahadev Inachi of the New Apostolic Church, and two Christian students, Sarah and Gauri. The extremists confiscated electronic equipment from the Christians, some of which police later made them return, and took Pastor Inachi to Mahalingpur police station.

Police released the pastor the next morning but made him sign a statement pledging that he would not enter the village again.

- Bendwada, Belgaum district, 20 August: around 40 extremists disrupted a meeting held by Pastor David Kalagade, of Jeevan Jala Prayer Mandiram, in the home of a local Christian, Mahadevappa. The extremists physically attacked Pastor David, destroyed Christian literature and filed a police complaint of forcible conversion against Pastor David. Police summoned the pastor and five church members for questioning then made the pastor to confess in writing to forcible conversions and to promise not to continue his Christian activities.
- K R Nagar, Mysore district, 29 August: around 20 Hindu extremists from Bajrang Dal forcibly entered a meeting of Ebenezer Assemblies of God Church. They confiscated Bibles and other items. Pastor George submitted a police complaint.
- Mysore, Mysore district, 1 September: the Mysore Pastors Association organised a two-week pastoral training program with about 50 local church leaders and other Christians in attendance. Police stopped the conference and ordered the Christians to vacate the premises, accusing them of forcible conversion.
- Byappanahalli, Bengaluru Rural district, 12 September: Hindu extremists attacked a church building that was still under construction. Police arrived in time to prevent its complete destruction, but the culprits filed a report accusing Pastor John Babu and other Christians of forcible conversion. Under pressure, the police issued a notice halting construction and arrest warrants for the pastor and seven other Christians. The Christians filed applications for anticipatory bail and petitioned the court to stop further attacks of this kind. Building work on the church stopped.
- Santhemarnalli, Chamarajanagar district, 19 September: Hindu extremists filed a complaint against Pastor Mhades of Good Shepherd Community Church. Police, led by Inspector Madhava Swamy, then forcibly entered the church and warned the pastor to expect harm if he did not stop his activities. Local Christians insisted the pastor was only conducting regular Christian services.
- Yellapura, Uttara Kannada, 26 September: Hindu extremists from the BJP and Bajrang Dal, accompanied by police, entered a service at Gnanodya Church. They damaged the church and accused Pastor Shiva Ram of forcible conversion. The pastor was then arrested.
- Mundgod, Uttara Kannada district, 26 September: five Hindu extremists forced their way into a church, where they confiscated Bibles from the Christians present and physically attacked Pastor Shivanda Siddi. The aggressors then called police from Yellapura, who watched in silence while they continued to threaten the Christians, before taking the pastor, seven women and two children to the police station. Local Christian leaders secured the release of the women and children, but Pastor Siddi was charged under section 295 of the IPC and sent to Sirsi jail. He was released after three days and the case was withdrawn.
- Bendigere Sevanagara, Davangere district, 6 October: around 20 Hindu extremists physically attacked a Christian, Ramesh Naik. Later that evening, the group returned with greater numbers, around 70, and physically attacked Ramesh's sister, Lalitha Bai, and his brother, Suresh Naik, while three other members of the family managed to flee. The assailants destroyed the family's house and both Lalitha and Suresh had to be admitted to C G Government Hospital by doctors. Police from Haluvagalu arrested fifteen people in connection with the incident.
- Boothanahalli Kaval, Chikmagalur district, 15 October: around 25 Hindu extremists entered a worship service of the Calvary Assemblies of God Church. They ejected the Christians from the building and physically attacked Pastor Surendra. The group also stole from his property and accused him of forcible conversion, reporting him to the police. The police arrested the pastor but later released him without charge.
- Belaghatta, Chitradurga district, 20 October: six Hindu extremists accused Pastor Mallappa Hanumanthappa Andrew of forcible conversion, and physically assaulted

him and his brother. They then burnt down the pastor's house because it was used for worship services. Police from Baramasagara arrested four of the assailants, Manjunath, Parashuram, Ramanna and Devaraj.

- Ankola, Uttara Kannada district, 28 October: Hindu extremists from Hindu Jagrana Vedik forcibly entered the New Life Fellowship Church. They drove Christians out of the church and physically attacked Pastor Manohar. They locked up the church. Police refused to register a complaint by the Christians.
- Jyothinagar, Bengaluru, 5 December: around 40 extremists surrounded the Pentecostal Church of Jyothinagar (Bangalore) during a church service. They threw stones at the building and shouted anti-Christian slogans.
- Basavanagudi, Shimoga district, 5 December: around 25 Hindu extremists disrupted a prayer meeting, verbally attacking the Christians present and forcibly taking them to Vinobanagara police station. Police arrested four Christians, the Immanuel Church elder Kamamma and her three children, Choudamma, Parvathi and Chandru, under sections 153(a) and 198 of the IPC, and sent them to Shimoga district jail the same day. They were later released.
- Gonikoppa, Kodagu district, 8 December: ten Hindu extremists forcibly entered the homes of eight Christian workers on the Combeda Uttappa Coffee Estate and dragged them into the street. They physically assaulted the Christians, before trying to pressure the police into arresting them. Police refused, but warned the Christians that they would not protect them and that they should therefore desist from any Christian activity, even in their own homes. All of the victims required hospitalisation.

### **5.3. Other states**

- Hyderabad, Andhra Pradesh, 10 January: around 50 Hindu extremists forcibly entered Haven's Glory Church. They physically attacked those worshipping there, including Pastor Benhur, and forced them to go to the police station, where they filed an FIR against the Christians. The Christians did not hold church services for the following two weeks, due to their fear of reprisals.
- Tidi, Udaipur district, Rajasthan, 16 January: around 11pm, Hindu extremists, allegedly from RSS, forcibly entered a prayer meeting held in a private house. They then physically attacked the Christians present, including women, children and Pastor Surajjith Bhagari. Seven Christians required hospitalisation, which the Faith Calvary Ministry arranged at Mewar private hospital, after the government hospital refused to provide the necessary treatment to the Christians. Initially, the police refused to file an FIR, but one was eventually lodged at Govardhan Villa police station on 19 January. Six assailants were arrested under Sections 147, 148, 149, 452, and 323 of the IPC.
- Hyderabad, Andhra Pradesh, 22 January: suspected Hindu extremists burnt down the Memorial Gypsy Church. Pastor Kumara Nayak required hospitalisation for burns suffered during his attempts to extinguish the blaze. The Christians filed an FIR at Pahari Sharif police station.
- Shahdol town, Shahdol district, Madhya Pradesh, 23 January: Hindu extremists interrupted a prayer meeting and forced around 35 Christians to Shahdol police station. There, they physically attacked the Christians until they agreed to sign false statements claiming that Pastor S K Ashawan had bribed them into becoming Christians and forced them to eat beef. The police summoned Pastor Ashakan at midnight and threatened to arrest him and cause him physical harm if he did not give them 100,000 rupees. The pastor called local Christians for help and they took the case to higher authorities, from whom they obtained police protection for the pastor and the church on Sundays. The extremists formally accused the pastor, but police did not file a case.

- Jeedimetla village, Secunderabad, Andhra Pradesh, 29 January: Hindu extremists, allegedly from Hindu Vahini, interrupted the birthday party of a young Christian, to accuse the pastor of forcible conversions. They then forced Pastor Satyam of the Good Shepherd Community Church to eat food sacrificed to Hindu deities. Police at Petbasherabad police station detained the pastor for some time and refused to let him file an FIR against the extremists. The aicc took the complaint to higher-level police authorities, where a compromise was reached between parties.
- Suraram Colony, Rangareddi district, Andhra Pradesh, 31 January: a number of assailants, including two named as Venkatesh and Satyanarayana, interrupted a service at Almighty God Church. They damaged the church and physically assaulted Pastor Pusuloori Yohan. Local Christians filed an FIR with the police.
- Nandigama, Krishna district, Andhra Pradesh, 1 February: suspected Hindu extremists vandalised a cross that had been erected on 23 January, with the permission of local authorities. Munusur police registered FIR no. 15/2010 against the attackers.
- Alappuzha, Kerala, 12 February: around midnight, two unidentified people on a motorbike threw stones at a grotto of Pius X Church. They damaged the statue and the glass panes surrounding it. A case was registered with Alappuzha South police.
- Kawardha, Chhattisgarh, 15 February: Hindu extremists warned Pastor Sanatan Masih of the Christian Church that they would physically attack him if he conducted any Christian activities in the school that he runs.
- Timmajipet, Mahabubhagar district, Andhra Pradesh, 15 February: four Hindu extremists, identified as G Venkaiah, Veer Nagaiah, Kondapati Venkataiah and Raju Nagaiah, evicted an elderly Christian couple, Mullugula Buddaiah and his wife Pullamma from their home. A local Christian leader, Pastor Devaraju, tried to file a complaint at the police station, but police refused to help.
- Champa, Janjgir district, Chhattisgarh, 20 February: police arrested a Christian worker, Adhwan, on false charges of forcible conversion. Adhwan applied for bail but was initially refused. He was finally released on bail a week later, following the intervention of local Christian leaders.
- Gurdaspur district, Punjab, 20 February: protests about a controversial poster of Jesus in Jalandhar became violent in Batala town. Christian youths demanded the closure of Hindu shops in the marketplace, but Hindu extremists reacted badly, and violence escalated. BJP, VHP and Shiv Sena extremists moved through the town, physically attacking Christians and Christian property. They burnt down two churches, the Church of North India and the Salvation Army Church, and various vehicles. They also seriously injured Pastor Gurnam Singh, threatened to burn alive Deacon Victor Gill and his wife, Parveen, and tried to burn alive another Christian family. Police watched impassively, then arrested a number of Christians under pressure from BJP members. They forced Christians to clean up the damaged areas before a formal government inquiry could occur. They imposed a 24-hour curfew on the area, which BJP leaders were allowed to break. Police drafted in ten companies of the Indian Reserve Battalion to help maintain peace in the town. In Dhariwal town, Christians youths threatened violence if Hindu shops opened.
- Majitha, Amritsar district, Punjab, 20 February: a mob burned 25 motorcycles belonging to Christians as part of the protest violence that had arisen over the derogatory poster of Jesus that appeared on billboards. Police were deployed in the town as the situation remained tense for some time.
- Kawardha, Chhattisgarh, 28 February: around 50 Hindu extremists, allegedly from the Bajrang Dal and Shiv Sena, forced their way into a meeting organized by Pastor Jose Thomas in Holy Kingdom School. They accused the Christians of forcible conversions, and police arrested six Christians, including Pastor Thomas, under sections 295(a) of the IPC and sections 3 and 4 of the Chhattisgarh Freedom of

- Religion Act, in FIR No. 59/2010. The Christians were sent to the Bemetara sub-jail and were released on bail on 8 March. The case remained in court.
- Kawardha, Chhattisgarh, 3 March: Hindu extremists forcibly entered the Christian Church and damaged the building contents. Christians tried to file a police complaint but police refused to accept it.
  - Timmajipet, Mahabubhagar district, Andhra Pradesh, 5-7 March: on 5 March, Pastor Devaraju and members of Good Shepherd Community Church objected to Hindu extremists burying a body with Hindu rituals in a Christian graveyard. Two days later, Hindu extremists retaliated physically attacking Pastor Devaraju. They also forced him to remain in his house, and locked up the church building. Local Christian leaders filed a police complaint, and police involvement led to a compromise being reached by both parties.
  - Kawardha, Chhattisgarh, 6 March: police arrested Pastor Josh of the Assemblies of God Church under sections 235 & 295 of the IPC. They filed FIR No. 59/2010 against the pastor, who also runs an English-medium school in the town, before arresting a further five Christians. Police released the five on bail on 8 March and Pastor Josh was released on bail after fifteen days.
  - Barwani, Madhya Pradesh, 12 March: Hindu extremists halted a three-day Christian conference organised by Satsang Ministry. The Christians sought police assistance, but although they had been given permission for the conference, police told them it could not go ahead.
  - Nandini, Durg district, Chhattisgarh, 21 March: around 35 Hindu extremists from Dharma Sena forcibly entered the Pentecostal church and physically attacked the Christians who were present.
  - Dinapur, Raipur district, Chhattisgarh, 21 March: around 25 Hindu extremists forcibly entered a service at the Believers Church of India. They verbally assaulted the Christians present and confiscated Christian literature, threatening physical violence if the Christians did not leave the area. One of the Christians was a government worker and they warned that they would get her dismissed from her job unless she gave up her Christian faith. Police detained the Christians for about three hours and reiterated the threats made by the extremists.
  - Kasdol, Raipur district, Chhattisgarh, 21 March: around 40 Hindu extremists forcibly entered a prayer meeting of the Ebenezer Church. They accused Christians present of forcible conversions, damaged Christian literature and closed the church. Police detained Pastor Ravi Bagha and other Christians for about seven hours.
  - Anakapalle, Vishakhapatnam district, Andhra Pradesh, 22 March: Golagam village president, Ramu Naidu, led a crowd to physically attack Pastor Nireekshana Rao and his wife, Mani, because they objected to the Christians talking about their faith in the area. Police refused to file a case against the villagers, but mediated a compromise under which the village head promised the Christians a piece of land far away from the village on which to build a church.
  - Kadim village, Adilabad district, Andhra Pradesh, 25 March: Hindu extremists forcibly entered a prayer meeting led by Pastor John of the Indian Evangelical Team. They physically assaulted the Christians present, including Pastor John and Pastor Prabhudas. The Christians tried to seek help from the village *sarpanch*, or head of the village council, but the attack continued. They also tried to file a police complaint, but were told to return again later.
  - Ekta Vihar, Ghaziabad district, Uttar Pradesh, 25 March: around 9pm, approximately 25 RSS extremists physically assaulted Pastor Gladwin Masih and his companion while they were returning home to New Delhi after a prayer meeting. Pastor Masih called the police, who sent an officer, but the extremists had already fled. The Christians were taken to a police station at Tulsi Niketan, Ghaziabad, where they made a verbal complaint which was not recorded. The following afternoon, a formal

complaint was lodged at Shahibabad police station, Ghaziabad, under FIR No. 438. No action was taken against the named attackers.

- Thodupuzha, Idukki district, Kerala, 26 March: Muslim groups forced a shutdown of shops in response to an allegedly “misleading and inflammatory” exam question at the Christian-run Newman College. The groups physically attacked shopkeepers who did not comply with the shutdown, and caused the suspension and arrest of the teacher who had set the paper. Police later released the teacher on bail.
- Parsapani, Bilaspur district, Chhattisgarh, 27 March: around ten Hindu extremists, allegedly from the Bajrang Dal, forcibly entered a meeting in an Assemblies of God Church. They accused the Christians present of forcible conversions, stopped the meeting and warned of severe consequences if the Christians continued to worship. Both parties submitted police complaints, but the police refused to register an FIR and told the victims to discontinue any Christian activities.
- Madakara, Ambalavaya, Wayanad district, Kerala, 29 March: around 100 Hindu extremists physically attacked two Christians, Pastor Varghese and Baiju P George, who were showing a Christian film. Villagers had given permission for the film and supported the Christians, but police confiscated the film equipment and arrested the Christians and their families, after falsely accusing them of denigrating Hindu gods. They later released the pastors.
- Parsapani, Bilaspur district, Chhattisgarh, 4 April: Hindu extremists, allegedly from the Bajrang Dal and the VHP, forcibly entered an Easter Sunday service at the Church of North India. They accused Pastor Bhaktu Lakda and other Christians of forcible conversions, stopped the service, destroyed Christian literature and attacked the Christians. Police launched an inquiry, but did not register an FIR. No arrests were made.
- Perambra, Kozhikode district, Kerala, 12 April: RSS extremists tried to stop the showing of a documentary film by Pastor Ponnachen, from the Assemblies of God Church. The pastor stopped the film and told those present about the threat, but they persuaded him to finish the screening and escorted him home afterwards. Later, the extremists attacked the pastor’s house in retaliation.
- Bhilai, Durg district, Chhattisgarh, 15 April: Hindu extremists, allegedly from the Bajrang Dal and Dharam Sena, physically attacked four Christians from Bhilai Brethen Church. The extremists filed charges of forcible conversion and police arrested four Christians, Amit Kapse, Alexander M S, K Ravi and a local Christian policeman, G Samuel, under sections 2 and 3 of the Chhattisgarh Freedom of Religion Act. Police sent the Christians to Durg jail, before releasing them on bail a week later.
- Mohan area, Unnao, Uttar Pradesh, 15 April: police arrested two Christians, Budhi Ram and Vijay Phule, from the Church of God. They took the Christians to Hassan Ganch police station and then arrested them, but released them on bail the next day.
- Betul, Madhya Pradesh, 17 April: around ten Hindu extremists forcibly entered an evening prayer meeting organised by the Evangelical Lutheran Church. They physically assaulted the Christians present and damaged property. The Christians fled, but realised later that Pastor Amit Gilbert was missing. They organised a search party, who found the pastor’s body in the village well. Local Christians believe that the extremists had already killed the pastor before they threw him into the well as there was a large wound on the back of his head and no water in his lungs or stomach. The case was taken to court.
- Kottur, Mahbubnagar district, Andhra Pradesh, 29 April: RSS extremists interrupted a Christian meeting and physically assaulted those present, including Pastor Daniel, who had organised the meeting. They also damaged Christian property. Police came to the scene, but did nothing to help. The following day, the extremists attacked Pastor Daniel again. Local Christian leaders facilitated a compromise between both parties.

- Barkot, Uttarkashi district, Uttarakhand, 30 April: Hindu extremists accused Pastor Vinay Tanganiya of forcible conversion and physically assaulted him. The pastor fled to Barkot police station, but the police refused to accept his complaint and threatened to attack him again.
- Curchorem, Goa, 3 May: suspected Hindu extremists damaged statues at the Guardian Angel Church, in the early hours of the morning. A police investigation was carried out.
- Kanpur, Uttar Pradesh, 6 May: around 50 Hindu extremists, allegedly from the Bajrang Dal, forcibly entered a church. They physically assaulted Pastor Dalayu Sonam and his wife Shanti, threatened to kill their one-year-old son, and accusing the Christians of forcible conversion and Shanti of using the church to run a brothel. The Christians tried to file an FIR at Kalyanpur police station but were persuaded against it.
- Venkatagiri, Nellore district, Andhra Pradesh, 9 May: Hindu extremists, allegedly from the RSS, damaged a church and physically attacked Pastor Davasahayam of Yehova Nissi Prardana Mandiram, accusing him of forcible conversions. One of the assailants died of a heart attack later that afternoon and, in supposed retaliation, the extremists then tried to burn down the church and burn the pastor alive. The pastor approached local police for protection, but they refused to help or file an FIR. Pastor Davasahayam went into hiding.
- Tadipatri, Anantapur district, Andhra Pradesh, 23 May: Hindu extremists, allegedly from the VHP, forcibly entered the Christu Parisuddama Prarthana Mandiram. They vandalised the church and installed Hindu religious symbols. Pastor Venugopal Reddy and other church members asked for police intervention, but police refused to help until local Christian leaders intervened.
- Narayanpet village, Mahbubnagar district, Andhra Pradesh, 24 May: Hindu extremists stopped Pastor T Paul on his return from leading a service at M B Church in Judcharla. They physically assaulted the pastor, who required hospitalisation. Local Christian leaders took the case to the police, who did respond, but the extremists apologised and a compromise was reached.
- Muvatupuzha, Ernakulam district, Kerala, 4 June: eight Islamic extremists stopped a car containing a Christian, Professor T J Joseph, and his family, on their return from church. They threatened his mother and sister, before amputating Professor Joseph's hand, as retaliation for a question paper he had prepared in which there was a reference to the Prophet Mohammed to which they objected. This paper was already under investigation by the authorities. The police officers investigating this attack on Professor Joseph also received death threats, but six suspects were arrested.
- Bandlaguda, Rangareddi district, Andhra Pradesh, 12 June: suspected Hindu extremists forcibly entered Don Bosco Church. They destroyed statues within the church and damaged the building. Local Christians protested, demanding police protection for the church and action against the perpetrators. Police visited the church and began an investigation.
- Barwah, West Nimar district, Madhya Pradesh, 18 July: Hindu extremists disrupted a worship service led by Pastor Subash Chouhan of the Indian Evangelical Team. The extremists threatened and photographed the congregation, accused the pastor of forcible conversions, and ordered him to close his tailoring school. Christians reported the matter to police, but they did not take any further action.
- Shivpora, Srinagar district, Jammu and Kashmir, 20 July: the Foreigners Registration Officer for Jammu and Kashmir issued a notice to Father Jim Borst, who runs the Good Shepherd Community School. Father Borst had a valid visa until 2014 and had lived in the area since 1963, but local Muslims accused him of forcible conversions.

- Lucknow, Uttar Pradesh, 24 July: Police physically attacked and detained four students from Compassion for India Ministry. They accused the students of forcible conversions and called their pastor to the police station, interrogating him in detail about the students' activities. The police then took a bribe from the pastor, before releasing the students.
- Orlem, Mumbai, Maharashtra, 1 August: around eight Hindu extremists forcibly entered a church and assaulted two female church members. Police detained the extremists, but released them on bail with a warning.
- Mailani, Lakhimpur-Kheri, Uttar Pradesh, 8 August: over 25 Hindu extremists disrupted a service at the Life Prayer Centre and accused Pastor Robert W Samson of forcible conversions. Police accompanied the extremists and took the pastor to the police station, before releasing him later that afternoon. Police also stopped the service, banned the Christians from holding another the following week, and refused to register a complaint.
- Haridwar, Uttarakhand, 9-20 August: a large mob of Hindu extremists, estimated at 1,500 in number and accompanied by police and a bulldozer, partially destroyed the 150-year-old Reformed Presbyterian Church on 9 August, despite Christian protests that the building was legally erected. They ignored the evidence of the Rev. Wilson Masih and physically attacked his son, Nikhil Masih. They returned on 20 August to destroy the remainder, but on this occasion the Christians prevented any further damage. Police refused to file an FIR for either incident.
- Thanjavur, Thanjavur district, Tamil Nadu, 15 August: Hindu extremists and police officials jointly disrupted a prayer meeting led by Pastor S Martin Rajasekaran. The extremists confiscated Christian property and forced the Christians to leave. The police arrested the pastor but later released him on bail.
- Hameerpura Patar village, Arnod, Chittaurgarh district, Rajasthan, 17 August: a Christian, Narayan Lal, was killed. He had been a volunteer teacher at a Vacation Bible School, organised by Light of the World Service Society in May. His family believed that he was murdered because villagers disliked his Christian activities. The police insist that Lal died from natural causes, but refused to allow access to the autopsy report for his family.
- Salumbar, Udaipur district, Rajasthan, 26 August: Hindu extremists physically attacked two Christians, named as Charlie John and V M George. They also damaged their vehicle and confiscated Christian literature. When the police arrived they took the Christians to the police station, where they invited them to file a report, but the Christians declined.
- Patagunta village, Chittoor district, Andhra Pradesh, 5 September: Hindu extremists, led by Ram Reddy, Muni Reddy and Chandra Reddy, destroyed a shed used for Christian worship services. They returned the following day, and filed a case with police, accusing two pastors and three other Christians of damage to Hindu idols. Police arrested the five Christians. Three of them were imprisoned in Tavanampalli police station, but the police refused to disclose where they were holding the pastors. All five were released on bail, but police continued to pursue the case.
- Haridwar, Uttarakhand, 5 September: a group of around 20 Hindu extremists and police officials interrupted a prayer meeting in the house of a local Christian, Vikram Singh. They confiscated Christian literature and used force to take four Christians, Stephen King, Vikram Singh, N L Shashtri and Johnny Lal to Jwalapuri police station. Police released the Christians later in the day without pressing charges.
- Nagal, Saharanpur district, Uttar Pradesh, 5-12 September: on 5 September, around 35 members of the Hindu sect, Arya Samaj, forcibly entered a church service. They accused Pastor Rockwell Louis, of Masih Satsang Mandali, of forcible conversions and threatened to return the following Sunday, 12 September. This they did, and again accused and threatened the pastor. However, Pastor Louis had previously alerted the police, who had provided protection.



- Raigarh, Chhattisgarh, 12 September: Hindu extremists physically attacked a Christian, Robinson Roat. They threatened to destroy his house and assault him again if he continued his Christian activities. The police also echoed the request for the Christians to minimise their activities.
- Maler Kotla, Sangrur district, Punjab, 12 September: an enraged mob set alight a Church of North India building in this predominantly Muslim area, damaging property and furniture. Under the leadership of the Christian United Forum, local Christians then held a demonstration, protesting against the arson and calling upon the authorities to arrest those responsible by the following day. The authorities failed to do so, although a few people were taken in for questioning, and a curfew was imposed. Police later filed an FIR against 150 people, many of whom were later arrested. Further investigation continued. Several policemen were injured during the violence.
- Vizianagaram, Andhra Pradesh, 12-13 September: on 12 September, a crowd of people was playing loud music by a statue of Ganesh. Pastor Y Caleb Raj, of Good Shepherd Community Church, asked them to lower the volume so as not to disturb the Sunday service in the nearby church. Hindu extremists in the group responded by assaulting the pastor, and they told him to close the church and leave the area. The following day, they came to his house and physically attacked his wife. Pastor Raj filed a police complaint but no arrests were made. The police summoned both parties and oversaw a compromise.
- Tangmarg, Baramullah district, Jammu and Kashmir, 13 September: angry crowds burnt down a Christian missionary school belonging to the Tyndale Biscoe and Mallinson Educational Society. This was believed to be a reaction to a report carried by an Iranian television news service, Press TV, that a copy of the Qur'an had been burnt in the USA. The crowds prevented the fire brigade from reaching the school. Further riots took place in various districts of Srinagar.
- Jabalpur, Madhya Pradesh, 16 September: Hindu extremists from the RSS destroyed the Believers Church, which was still under construction. The Rev. Samkutty Issac and other church leaders asked government officials to take action on the matter, and they were given permission to rebuild.
- Kurnool, Andhra Pradesh, 17 September: a Christian convert from Islam, Sheik Magbool, organised a Christian conference at which he distributed some tracts, allegedly comparing the teachings of Christ with those of Mohammed. Muslim extremists filed a complaint against him, accusing him of uttering remarks derogatory against the Prophet Mohammed. They also issued him with death threats. Local Christians denied that the tracts were derogatory, and claimed that they could have been falsified in order to implicate him. Police arrested Magbool and the court rejected his petition for bail on 21 September.
- Kamareddygudem, Nalgonda district, Andhra Pradesh, 7 November: As Pastor Anand Paul, his family and a few other Christians returned from a prayer meeting, Hindu extremists stopped the auto-rickshaw in which they were travelling. The extremists physically attacked the Christians and left Pastor Paul with serious head injuries. They threatened further violence if the Christians did not withdraw a case against them, and which related to an incident from two years earlier.
- Moti Nagar, Ludhiana district, Punjab, 7-18 November: on 7 November, a Hindu, identified as 'Munna', verbally and physically attacked a Christian, Bindeshwar. Munna returned on 14 November, accompanied by around 50 Hindu extremists, and assaulted the pastor severely. Local Christian leaders reported the matter to Focal Point police station. The police detained three suspected assailants, but released them without registering an FIR, under pressure from local BJP leaders. On 18 November, police facilitated a compromise between the Hindus and the Christians, promising not to allow further attacks on Christians.

- Suraram, Hyderabad, Andhra Pradesh, 26 November: volunteers from Pentecostal Mission Church displayed posters promoting a meeting scheduled for December. They allegedly accidentally posted one over a RSS poster at NTR Garden, causing Hindu extremists from the RSS and Bajrang Dal to assault them and steal their posters. The attackers then stuck the posters on a Hindu temple, before going to the police station and filing a case against the Christians. They accused the Christians of putting up the posters on the temple to deliberately insult them. Police arrested three Christians and sent them to Cherlapalli prison. They were released on bail and later a compromise was reached between the two parties.
- Ernakulam, Kerala, 2 December: unknown men attacked and attempted to rape Sister Ann Matthews, at Ernakulam South railway station, on her return home from college in Bengaluru. Sister Matthews required hospitalisation as a result of the assault. She registered a complaint with the police and believes she was attacked because she was dressed as a nun.
- Ashoknagar, Chennai, Tamil Nadu, 8 December: a Hindu neighbour repeatedly harassed a Dalit Christian family, including by damaging their water pipes and disconnecting their TV cable, as well as intimidating them. Rajendra Kumar's wife tried to file a case at K K Nagar police station, but police refused to take any action.
- Guntakal, Anantapur district, Andhra Pradesh, 12 December: unknown individuals removed the heads from statues of St John and Mary Magdalene, at the Arogya Matha Shrine. Father Rachumala Prakash Reddy, the parish priest, discovered the damage when he arrived to take the Sunday service.
- Worli Koliwada, Mumbai, Maharashtra, 18 December: suspected Hindu extremists physically assaulted three Christians who were singing carols. They then took the Christians to the police station by force, but the police refused to register a complaint.
- Hyderabad, Andhra Pradesh, 20 December: Hindu extremists vandalised the Catholic-run Little Flower Junior College. The extremists accused the college of refusing them permission to wear appropriate religious clothes, but the Montfort brothers who run the college insisted that was not the case, believing instead that the attack was retaliation for the college's refusal to allow some students to sit exams due to their poor attendance.