

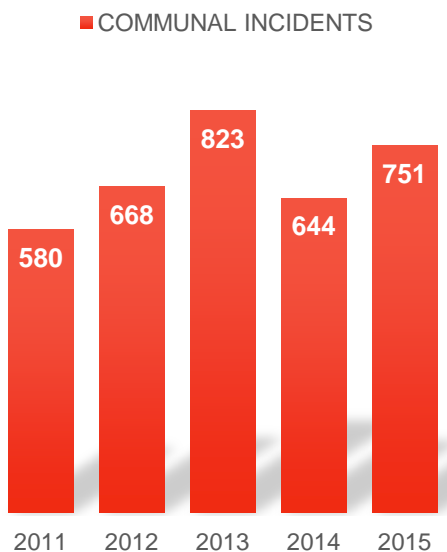
# FREEDOM OF RELIGION OR BELIEF IN INDIA

A Joint Submission by  
CIVIL SOCIETY COALITION FOR FREEDOM OF RELIGION & STRENGTHENING PLURALISM IN INDIA (CSCFRSPI)

## 1. BRIEF ASSESSMENT OF THE IMPLEMENTATION OF THE II<sup>ND</sup> CYCLE UPR RECOMMENDATIONS

In the 2<sup>nd</sup> Cycle Universal Periodic Review (UPR) in 2012, eight countries had recommended concerning the improvement of freedom of religion or belief. The recommendations clearly expressed concerns on various issues like anti-conversion laws, violence against minorities, socio-economic condition of minorities, impunity of security agencies, etc. However not much has been rendered into meaningful transformations at the ground level. For example - the government has made no efforts to maintain the disaggregated data with regard to communal violence, caste violence, and related discriminations though this was recommended in the First Cycle (2008).

## 2. COMMUNAL INCIDENTS IN RECENT YEARS



According to the **MINISTRY OF HOME AFFAIRS**, a total of **3466 incidents** occurred in **INDIA** during **2011-2015**.

The **unusual increase** just before 2014 elections could be explained as arising out of the **sectarian politics of different political parties**.

Post elections in 2015, communal **incidents rose 17% higher** than in 2014.

But according to the **NATIONAL CRIME RECORDS BUREAU (NCRB)** report 2015, **1227 incidents** happened in **2014** and **789 incidents** occurred in **2015**. This document clearly contradicts the **HOME MINISTRY STATISTICS**. Moreover, there are still a substantial number of **communal incidents** that go **unrecorded** formally by any government agency.

### 3. EMERGING PATTERNS IN VIOLENCE & DISCRIMINATION

STRUCTURAL VIOLENCE	SYMBOLIC VIOLENCE
<ul style="list-style-type: none"><li>Justice Rajinder Sachar highlighted the <b>vicious cycle</b> the <b>Muslims</b> are caught in, which renders them as <b>victims</b> of prolonged <b>structural violence</b>. For example – <b>They have poor access to credit facilities</b>.</li><li>In April 2013, the Catholic Association of Goa expressed its anguish that <b>students were forced to take part</b> in events that involved <b>mass yoga display</b> or '<b>surya namaskar</b>'.</li><li>The Dalit Muslims &amp; Dalit Christians do not get affirmative action or legal protection from the state. For instance - <b>In Siruthondamadevi village in Tamil Nadu</b>, the Dalit Christians suffer from <b>no protection</b> against the atrocities that continues to be inflicted on them. <b>[CASE STUDY 3.1; pg 33]</b></li><li>In Assam, 2.3 Lakh (0.23 million) names are referred as <b>D voters</b>. D stands for <b>doubtful (or) dubious</b> voters. Strangely most <b>D-voters are Muslims</b> and are barred from the rights and benefits of citizenship.</li><li>People who <b>convert from one religion to another</b> are mandated to <b>seek permission from government agencies</b> in Gujarat, Rajasthan, Odisha, Chhattisgarh and Madhya Pradesh which is against the right to freedom of religion.</li><li>The Kandhamal violence victims have <b>not got justice</b> even after 9 years. <b>3232 criminal cases</b> were filed, out of which only <b>257 cases were disposed</b> off, acquitting 182 &amp; convicting 75 only. <b>[CASE STUDY 3.2; pg 36]</b></li><li>Women are always the worst victims of communal riots. In <b>Muzaffarnagar riots</b>, 2013, <b>seven women were raped</b> in the morning of 8<sup>th</sup> September <b>[CASE STUDY 3.3; pg 40]</b></li></ul>	<ul style="list-style-type: none"><li>The <b>biggest symbolic violence</b> against both Christians &amp; Muslims is that they are portrayed as <b>cultural outsiders</b> and so they have been <b>subjected to increased violence</b>.</li><li>There has been a <b>rise in hate speeches</b> inciting violence against minorities. For instance - on 1 December 2014, <b>Niranjan Jyoti, Minister of State for Food Processing Industries, had stated at a public rally, "It is you whom must decide whether the government in Delhi will be run by the sons of Rama or by bastards"</b>.</li><li>Recently, some <b>Hindu extremists took the law</b> in their hands in the name of <b>Anti-Cow Slaughter Campaign</b> and <b>incited violence</b> against Muslims, Christians &amp; cattle traders. <b>[CASE STUDY 4.3; page 66]</b></li><li>In the name of 'development projects', churches were demolished by local authorities while the temples in the same locality were left untouched. For instance – In early 2015 in <b>Gollavanitippa village</b>, Andhra Pradesh the local authorities have <b>demolished three churches</b>. <b>[CASE STUDY 4.2; page 61]</b></li><li>Christians are frequently harassed. Their religious services are disrupted, churches are vandalized and religious symbols are desecrated. For example – <b>On 17<sup>th</sup> April 2015 St. Mary's church's property &amp; images were damaged in Agra</b>.</li><li><b>Christmas Day</b>, since 2014, has been declared as '<b>Good Governance Day</b>', seeking to supplant Christmas by Good Governance Day, thereby hurting the religious sentiments of Christians.</li><li>More than <b>40 writers &amp; 12 filmmakers</b> (Punjabi writer Dalip Kaur Tiwana, scientist PM Bhargava etc) have returned their Sahitya Akademi (<b>national</b>) <b>Awards</b> protesting against the rising intolerance in the country.</li></ul>

### 4. RECOMMENDATIONS

<ol style="list-style-type: none"><li>1. Repeal all the anti-conversion laws (promulgated as the 'Freedom of Religion Acts).</li><li>2. The Presidential Scheduled Caste Order, 1950 should completely delink the Scheduled Castes status from religion. Dalit Christians &amp; Dalit Muslims should be able to avail the "SC/ST Prevention of Atrocities Act".</li><li>3. Enact legislation on the '<i>prevention of communal violence</i>', so that state machinery may effectively work &amp; initiate transparent actions on the perpetrators.</li><li>4. Enact a special '<i>witness protection</i>' law to protect the lives of witnesses involved in cases of communal incidents.</li><li>5. Amend the '<i>Whistle Blowers Protection Act, 2011</i>' to include human rights defenders &amp; Right to Information (RTI) activists.</li></ol>	<ol style="list-style-type: none"><li>6. Ratify 'UN Convention against Torture (CAT)' &amp; enact domestic legislations.</li><li>7. Put in place an '<i>equal opportunities</i>' commission to eliminate discrimination of vulnerable sections &amp; minorities.</li><li>8. Provide more autonomy, power and resources to the human right bodies such as National Human Rights Commission (NHRC), National Commission for Minorities (NCM) etc.</li><li>9. Strengthen human rights training in all educational institutions focusing on religious harmony &amp; pluralism.</li><li>10. Maintain disaggregated data on caste and religion related discriminations and ensure its access to citizens.</li><li>11. Invite 'UN Special Rapporteur on Freedom of Religion or Belief' to provide constructive suggestions.</li></ol>
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