



Home Office

Country Policy and Information Note

India: Religious minorities and Scheduled Castes and Tribes

Version 3.0

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, and to provide a range of views and opinions which are compared and contrasted where possible, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance and welcome feedback on how to improve our products. If you would like to comment on this note, please email the Country Policy and Information Team.

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

Independent Advisory Group on Country Information
Independent Chief Inspector of Borders and Immigration
5th Floor
Globe House
89 Eccleston Square
London, SW1V 1PN
Email: chiefinspector@icibi.gov.uk

Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 23 November 2021

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by state or non-state actors due to the person's religion or, in the case of members of Scheduled Castes or Tribes (Dalits), particular social group.

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1.2 Points to note

- 1.2.1 This Country Policy and Information Note focuses on the situation for Christians, Muslims, and Sikhs. There is also information on the situation for members of Scheduled Castes (SCs) and Scheduled Tribes (STs) also known as Dalits (see [Scheduled Castes and Scheduled Tribes](#)).
- 1.2.2 Where a claim is refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as India is listed as a designated state (see [Certification](#)).

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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2.3 Convention reason(s)

- 2.3.1 Actual or imputed religion.
- 2.3.2 Members of SCs, otherwise known as Dalits, form a particular social group (PSG) in India within the meaning of the Refugee Convention because they share a common characteristic that cannot be changed and have a distinct identity which is perceived as being different by the surrounding society. This is because for centuries they have been called ‘untouchables’, forced to live as second-class citizens and not considered as part of India’s social hierarchy. Some of this stigma remains today.
- 2.3.3 Although Dalits form a PSG, this is not sufficient to be recognised as a refugee. The question is whether the particular person will face a real risk of persecution on account of their membership of such a group.
- 2.3.4 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the person has a well-founded fear of persecution on account of an actual or imputed Refugee Convention reason.
- 2.3.5 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

2.4 Risk

a. State treatment generally

- 2.4.1 India is a majority Hindu country, with almost 80% of the population belonging to the Hindu faith. The 2011 census data estimated religious minorities to account for just over 20% of the population (approximately 200 million). The population of India in 2021 is estimated to be over 1.3 billion, meaning that those belonging to religious minorities could now be as many as 270 million. The largest religious minorities, as recorded in the 2011 census, were:
- Muslims (approximately 14.2% of the population), who reside throughout India, but particularly in the 3 states of Uttar Pradesh, West Bengal and Bihar
 - Christians (approximately 2.3% of the population), who mainly reside in north-eastern states of Nagaland, Mizoram, Meghalaya, and Manipur as well as in the states of Arunachal Pradesh, Kerala, Tamil Nadu, Goa, and Andaman and Nicobar Islands.
 - Sikhs (approximately 1.7% of the population); who mainly reside in the state of Punjab as well as in Haryana, Delhi NCR, Rajasthan, Uttar Pradesh, and Uttarakhand, and;
 - Buddhists (less than 1%); who mainly reside in the state of Maharashtra as well as in Sikkim, Arunachal Pradesh and Mizoram.
- 2.4.2 A further 1.3 per cent (around 18 million) belong to other religion groups including Jainism, Zoroastrianists, Jew and Baha'is, and tribal religions (see [Religious demography](#)).
- 2.4.3 The Ministry of Tribal Affairs officially recognises more than 104 million members of Scheduled Tribes. The 2011 census of India estimated there to be approximately 201 million members of Scheduled Castes. The Constitution of India outlined that a person shall be held to be a member of a Scheduled Caste or Scheduled Tribe if he/she belongs to a caste or a tribe which has been declared as such under the various orders issued by the Government (see [Scheduled Castes and Tribes](#)).
- 2.4.4 Members of Scheduled Tribes and Scheduled Castes are otherwise known as 'Dalits' - indigenous groups historically outside the caste system who often practice indigenous religious beliefs - as Hindus in government statistics, although an estimated 10 million of those listed as Dalits are Christians according to the 2011 census (see [Scheduled Castes and Tribes](#)).
- 2.4.5 India is a secular republic and the Constitution and Penal Code protect religious freedom and prohibit discrimination on the grounds of a person's faith. The law provides for 'minority community' status for Muslims, Sikhs, Christians, Parsis, Jains and Buddhists. Legislation states that the government will protect the existence of these minorities and encourage conditions for the promotion of their individual identities. However, some national and states' laws and policies are restrictive and discriminatory, including the Citizenship Amendment Act (CAA) and enforcement of 'anti-

conversion' laws, which impose penalties for converting out of Hinduism (see [Legal context](#) and [Conversion](#)).

- 2.4.6 In December 2019, the Hindu nationalist Bharatiya Janata Party (BJP)-led government adopted the Citizenship Amendment Act (CAA), which for the first time makes religion a basis for citizenship. The new amended citizenship law fast-tracks asylum claims of irregular immigrants from the neighbouring Muslim-majority countries of Afghanistan, Bangladesh, and Pakistan, but excludes Muslims. It was enacted amid the BJP government's push for a nationwide citizenship verification process, through a National Population Register (NPR) and a National Register of Citizens (NRC), aimed at screening out 'illegal migrants'. The process to create the NRC has been criticised by NGOs, which have argued that it has lacked standardisation, leading to arbitrary and discriminatory decisions by officials, and put undue hardship on poorer residents who do not have access to identity documentation to establish citizenship claims. Assam is the only state to have completed the register which has resulted in nearly 2 million people, mostly ethnic Bengalis, being excluded as illegal entrants from Bangladesh. The NRC process was postponed indefinitely in 2020 in the wake of the Covid-19 pandemic. However, it is reportedly due to resume in tandem with the undertaking on the 2021 census (see [Citizenship Amendment Act \(CAA\)](#)).

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b. State treatment of Christians

- 2.4.7 In general, Christians are able to express and practice their faith freely throughout India, including at established churches, without facing restrictions from the state. Christians also have access to education and employment, although experience a lack of representation in the political sphere (see State treatment of religious minorities – [Christians](#), [Religious minorities' representation in the political sphere](#) and Access to services – [Overview](#) and [Christians](#)).
- 2.4.8 Christians are the religious minority primarily affected by state laws on 'forced' conversion, which use vague definitions of what forced conversion is and provide state agents with wide powers of arrest. Perceived violators of these laws, including missionaries, may be subject to fines of varying amounts dependent on the state in which the conversion occurred as well as other penalties such as prison sentences of up to 4 years. However, the United States Commission on International Religious Freedom (USCIRF) report that there have been 'very few' arrests and prosecutions under these laws. There are also isolated instances of police failing to investigate or pursue those responsible for crimes committed against Christians as a result of suspected 'forced' conversions (see [Conversion and 'forced' conversion](#)).
- 2.4.9 Christians in India, particularly those accused of forcibly converting or attempting to convert a person to Christianity, may face instances of local state discrimination, including police hostility and harassment, as well as the possibility of arrest and detention. However, Christians are, in general, unlikely to be subject to treatment or discrimination by the state that is sufficiently serious, by its nature or repetition, to amount to persecution or

serious harm. Each case must be considered on its own facts and the onus is on the person to demonstrate that they would be at risk of persecution or serious harm on return to India.

- 2.4.10 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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c. State treatment of Muslims

- 2.4.11 Muslims generally have freedoms to practice their faith, including attending mosques, and have access to education and employment. They are represented in the political sphere, both in parliament and at Cabinet level, although under-represented when considering the size of their population. There have also been several Muslim Chief Ministers in various states and, to date, two Muslim Presidents of India (see [Religious minorities' participation in the political sphere](#)).
- 2.4.12 In response to rising tensions between religious groups as a result of protests against the CAA in 2019 and 2020, there were reported incidents of public officials, including politicians, instigating communal violence against religious minorities. During the protests there was an increase in violence committed against Muslims as well as instances of their arrest and imprisonment as a result of the disorder. Available evidence also indicated levels of police complicity in violence directed towards Muslims during these clashes. It is reported that the police failed to protect anti-CAA protesters during the riots, attacked and arrested anti-CAA protesters, and failed to register their complaints. The police have also been criticised by NGOs for their failure to apprehend perpetrators of violence, including Hindu Nationalist groups, who have reportedly committed attacks with impunity against Muslims. Some NGOs have accused police of bias against Muslims in their investigation following the riot. The police have also been criticised by NGOs for their failure to apprehend perpetrators of violence, including Hindu Nationalist groups, who have reportedly committed attacks with impunity against Muslims (see [Citizenship Amendment Act \(CAA\)](#) and State treatment of religious minorities – [Muslims](#)).
- 2.4.13 Anti-cow slaughter legislation, which disproportionately affects some Muslims due to their traditional consumption of beef, is reportedly used by authorities to harass, bribe, arrest and imprison Muslims. 4,000 people had been arrested in Uttar Pradesh under cow slaughter legislation as of August 2020. It is unknown how many of the 4,000 arrested were Muslims. According to World Population Review, the population of Uttar Pradesh as of 2021 stands at approximately 200 million and the Department of Foreign Affairs and Trade (DFAT) noted that 47% of Muslims in India live in Uttar Pradesh, West Bengal and Bihar. Relative to the size of the Muslim population in India, the prevalence of arrests and convictions under anti-cow slaughter legislation in Uttar Pradesh is low.
- 2.4.14 Police have also been criticised by NGOs for their inadequate responses to complaints filed against those who have committed violence against Muslims in cow-slaughter disputes (see [Anti-cow slaughter legislation](#) and State treatment of religious minorities – [Muslims](#)).

- 2.4.15 Muslims in India, particularly those involved in cow-slaughter incidents, may face instances of local state discrimination, including police hostility and harassment. However, relative to the size of the Muslim population in India, Muslims are, in general, unlikely to be subject to treatment or discrimination by the state that is sufficiently serious, by its nature or repetition, to amount to persecution. Each case must be considered on its own facts and the onus is on the person to demonstrate that they would be at risk of persecution or serious harm on return to India.
- 2.4.16 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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d. State treatment of Sikhs

- 2.4.17 Sikhs generally have freedoms to practice their faith, have access to education and employment and are represented in the political sphere. There are very few reported incidents of recent police mistreatment (see State treatment of religious minorities – [Sikhs](#)).
- 2.4.18 Following the introduction of new farming laws in September 2020 widespread protests against the legislation, considered to favour large corporations, erupted throughout India and have been ongoing in 2021. The protests have been largely led and organised by Sikh farmers from the state of Punjab. Whilst the majority of the protests have been peaceful in some isolated instances police reportedly responded to the protests by using tear gas, beating protesters with batons and using water cannons to disperse crowds (see [Sikh farmer protests](#)).
- 2.4.19 Over 500 farmers have reportedly died since the protests began, with the overwhelming cause of deaths either due to health issues or suicide as a result of camping outside for months, with little protection against the weather or Covid-19. The death of one farmer, reportedly caused in a tractor accident during a protest, has been widely contested with the real cause of his death being attributed to the police (see [Sikh farmer protests](#)).
- 2.4.20 In general, Sikhs in India are unlikely to face state treatment which is sufficiently serious by nature and repetition that it would amount to persecution or serious harm. Sikhs in India involved in the farmers protests may face instances of local state discrimination, including police hostility and harassment. However, it is unlikely that this would, in general, be sufficiently serious by nature and repetition that would cause them to face a real risk of persecution or serious harm. Each case must be considered on its own facts and the onus is on the person to demonstrate that they would be at risk of persecution or serious harm on return to India.
- 2.4.21 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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e. State treatment of Scheduled Castes and Tribes (Dalits)

- 2.4.22 Articles 15 and 16 of the Constitution provide reservations (a system of affirmative action) that provides representation in education, employment,

and politics for Dalits. These groups are eligible to receive special benefits and to compete for reserved seats in legislatures, government, and educational institutions. The current Indian president (Ram Nath Kovind) is the second Dalit to hold the post. The constitution allows for a form of positive action for Dalits, though only for Hindus, Sikhs, or Buddhists. Non-Hindu Dalits, especially Christians and Muslims, do not qualify for the officially reserved jobs or school placements available to Hindu Dalits, putting these groups at a significant economic and social disadvantage. The only means through which Christians and Muslim Dalits may qualify for affirmative action benefits is if they are considered members of the 'backward' classes (groups deemed by the government of India to be economically or socially disadvantaged) due to their social and economic status (see [Scheduled Castes](#)).

- 2.4.23 The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act of 1989 provides for 'punishment for atrocities against persons belonging to the SCs' and provides 'relief and rehabilitation of the victims of such offences'. It is unknown how many people have been prosecuted under the Act since its introduction in 1989 (see [Scheduled Castes](#)).
- 2.4.24 Laws have set aside quotas in education and government jobs for historically underprivileged Dalits to improve their position in society. It is unlikely that Dalits, in general, will face state treatment that is sufficiently serious by nature and repetition that would cause them to face a real risk of persecution or serious harm. Each case must be considered on its own facts and the onus is on the person to demonstrate that they would be at risk of persecution or serious harm on return to India.
- 2.4.25 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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f. Societal treatment of Christians

- 2.4.26 In general, Christians are able to express and practice their faith freely throughout India without facing restrictions. However, they face some abuses, including by Hindu nationalists and religious extremists, such as interruption of church services or worship, vandalism, physical violence, and threats and harassment, most typically accusing Christians of forcibly converting Hindus to Christianity (see [Hindu nationalism](#), [Inter-religious violence](#), Societal treatment of religious minorities – [Christians](#) and [Conversion](#)).
- 2.4.27 The Christian NGO Persecution Relief documented 293 instances of attacks or harassment of Christians in the country in the first half of 2020, despite the COVID-19 pandemic lockdown. There were reportedly 208 incidents during the same period in 2019 (see Societal treatment of religious minorities – [Christians](#)).
- 2.4.28 Although there have been occasional attacks against Christians in India in recent years, relative to the size of the Christian population in India, they are, in general, unlikely to be subject to treatment or discrimination by non-state actors that is sufficiently serious by its nature or repetition to amount to persecution. Each case must be considered on its own facts and the onus is

on the person to demonstrate that they would be at risk of persecution or serious harm on return to India.

- 2.4.29 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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g. Societal treatment of Muslims

- 2.4.30 Muslims report harassment and attacks, increasingly by Hindu nationalists, which include violence, assaults, riots, religiously motivated killings, discrimination and mob attacks. Muslims faced an upsurge of stigmatisation and hate speech on social media following the spread of a narrative they were spreading the Covid-19 virus. Muslims are also targeted by 'cow protection groups' as a result of their consumption of beef and due to the fact that many Muslims' livelihoods are related to the cattle trade. Human Rights Watch reported that, between May 2015 and December 2018, 36 Muslims were killed across 12 Indian states as a result of beef consumption (see [Hindu nationalism](#), [Conversion and 'forced' conversion](#), [Anti-cow slaughter legislation](#) and Societal treatment of religious minorities - [Muslims](#)).
- 2.4.31 Muslims faced an outbreak of sectarian violence following the introduction of the Citizenship Amendment Act in 2019, which saw a number of protests erupt throughout India at the end of 2019 and into 2020, with the Act being deemed discriminatory against Muslims. At least 50 Muslims were reportedly killed and hundreds injured during violent clashes with Hindu mobs (see [Citizenship Amendment Act \(CAA\)](#)).
- 2.4.32 Although there have been instances of mob violence and attacks against Muslims in India in recent years, relative to the size of the Muslim population in India, they are, in general, unlikely to face a generalised risk of such violence or be subject to treatment or discrimination by non-state actors that is sufficiently serious by its nature or repetition to amount to persecution. Each case must be considered on its own facts and the onus is on the person to demonstrate that they would be at risk of persecution or serious harm on return to India.
- 2.4.33 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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h. Societal treatment of Sikhs

- 2.4.34 Incidents of communal violence against Sikhs are less frequent than against other religious minorities. Some Sikhs face localised harassment by non-state actors, including Hindu nationalists. However, generally, Sikhs living in and outside Punjab do so safely and integrate socially into their communities (see Societal treatment of religious minorities – [Sikhs](#)).
- 2.4.35 Whilst there are some reported incidents against members of the Sikh community, relative to the size of the Sikh population in India, they are, in general, unlikely to be subject to treatment or discrimination by non-state actors that is sufficiently serious by its nature or repetition to amount to persecution or serious harm. Each case must be considered on its own facts

and the onus is on the person to demonstrate that they would be at risk of persecution or serious harm on return to India.

- 2.4.36 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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i. Societal treatment of Scheduled Castes

- 2.4.37 Despite government initiatives which have had a positive impact and improved the position in society of Dalits members of SCs are still subject to widespread societal discrimination, including social segregation, difficulties accessing services such as health care, education and temple attendance. Incidents of violence against Dalit communities have been reported by other groups and members of SCs continue to be employed in the hereditary occupation of manual scavenging (removal of human excreta from latrines). As consumers of beef, members of SCs are also occasionally targeted in cow-related hate crimes, with Dalits constituting approximately 10% of victims in 120 cow-related hate crimes between 2010 and 2018 (see [Treatment of Scheduled Castes](#)).
- 2.4.38 The Dalit community continue to be subject to abuses, including bonded labour and abuses against women and girls. Dalit women and girls are routinely the victims of rape, and often face victimisation by the police when they try to file a complaint.
- 2.4.39 Whilst there are reported incidents against Dalits and whilst members face discrimination as a result of their position in society, it is unlikely that this treatment by non-state actors is sufficiently serious by its nature or repetition to amount to persecution or serious harm. Each case must be considered on its own facts and the onus is on the person to demonstrate that they would be at risk of persecution or serious harm on return to India.
- 2.4.40 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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j. Inter-faith marriages

- 2.4.41 Inter-faith and inter-caste marriages are legal. The secular Special Marriage Act (SMA) of 1954 enables people to marry outside of their faith. However, many Indian families still prefer marriages arranged within their own religious group and caste. Around 10% of all marriages in India take place between different castes while around 2.1% of marriages are inter-faith.
- 2.4.42 Persons entering into inter-faith marriages may, in some cases, be subject to disapproval from their families, discrimination, societal exclusion or family or communal violence. Hindu nationalist campaigns against interfaith marriage have led to attacks and arrests of non-Hindus, and violence towards inter-faith interactions. Societal disapproval is often because one party has converted to the other's religion, even though this is not required under the SMA (see [Conversion and 'forced' conversion](#) and [Interfaith marriages](#)). It is unlikely that this treatment by non-state actors is sufficiently serious by its nature or repetition to amount to persecution or serious harm. Each case

must be considered on its own facts and the onus is on the person to demonstrate that they would be at risk of persecution or serious harm on return to India.

- 2.4.43 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 Where the person's fear is of the state, they are unlikely to be able to avail themselves of the protection of the authorities.
- 2.5.2 Where the person's fear is of persecution and/or serious harm from non-state actors, decision makers must assess whether the state can provide effective protection.
- 2.5.3 Police effectiveness and conduct varies from state to state, undermined by inadequate training and equipment, limited resources, political influence and corruption. Police investigation can be seriously hampered by some police officers refusing to register victims' complaints, poor quality of investigations, insufficient training and legal knowledge, inadequate and outdated forensic and cyber infrastructure, and a lack of public trust. Their investigations may also be affected by bias in relation to class, caste, ethnicity and religion of the victim or offender or in relation to down-playing crimes in certain areas of the country. There continue to be reports of police intimidating, harassing, and extorting some members of religious minorities and Dalits. Some sources have claimed that there is an absence of police protection for religious minorities while some victims may be reluctant to report violations due to fear of retribution (see [CPIN India: Actors of protection](#), [State treatment of religious minorities](#)).
- 2.5.4 There are isolated examples of state discrimination against religious minorities and Dalits, particularly in the wake of large-scale protesting or in cases of bovine slaughter and religious conversion, including police hostility and harassment. The police are sometimes unwilling to investigate and pursue those responsible for committing acts of violence against religious minorities and Dalits and complainants can be subject to victimisation by the police. Whilst there are reports of police mistreatment of members of religious minorities and Dalits, there is no generalised risk of state mistreatment or inaction facing all members.
- 2.5.5 However, the police have also reportedly responded to violence against religious minorities, initiating investigations and arresting perpetrators of acts against religious minorities. In the state of Madhya Pradesh, fines ranging from 25,000 to 50,000 rupees (£243 - £487) and prison sentences of six months to three years are in place for "cow vigilantism," i.e., committing violence in the name of protecting cows, offering a degree of protection to those who consume beef. There are also avenues of redress where police officers fail to follow due process, such as in-station complaints processes, an escalation of complaints to Magistrates to take forward and through the Indian National Human Rights Commission. There is little evidence that, in general, the police would fail to properly investigate a serious incident of

violence, or another serious crime, on the basis that the person is from a religious minority of Scheduled Caste (see [Avenues of redress](#)).

- 2.5.6 The National Commission for Minorities, the National Human Rights Commission, and the Ministry of Minority Affairs are organisations present in India who investigate allegations of religious discrimination. Whilst the commissions have no powers of enforcement, they are able to submit their findings of racial discrimination to law enforcement agencies for action (see [National Commission for Minorities \(NCM\)](#) and [Avenues of redress](#)).
- 2.5.7 In general, the state appears willing and able to offer effective protection and the person will have access to, and be able to avail themselves of, the protection of the authorities. A person's reluctance to seek protection does not mean that effective protection is not available. It should be noted that protection does not need to eliminate the risk of discrimination and violence. The standard to be applied is a practical standard which takes proper account of the duty which the state owes to all its nationals. There must be a reasonable willingness by the law enforcement agencies to detect, prosecute and punish offenders. Each case must be considered on its facts.
- 2.5.8 For general information and analysis on actors of protection, see the Country Policy and Information Note (CPIN) on [India: Background information, including actors of protection, and internal relocation](#) and, in the case of women, the CPIN on [India: women fearing gender based harm/violence](#).
- 2.5.9 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 India is a vast country, about 14 times bigger than the UK, with a population of around 1.3 billion, where freedom of movement is generally unrestricted (see the Country Policy and Information Note [India: Internal relocation](#)).
- 2.6.2 Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to relocate to escape that risk.
- 2.6.3 While the onus is on the person to establish a well-founded fear of persecution or real risk of serious harm, decision makers must demonstrate that internal relocation is reasonable (or not unduly harsh) having regard to the individual circumstances of the person.
- 2.6.4 Religious minority communities can be found across the country, including the major cities, and in some states form the majority religion (see [Religious demography](#)).
- 2.6.5 However, internal relocation will not be an option if it depends on the person concealing their religious beliefs in the proposed new location for fear of persecution. This will not be the case if the person does so simply in response to social pressures, or for cultural or religious reasons of their own choosing.
- 2.6.6 For general information on internal relocation in respect of India, see the Country Policy and Information Note [India: Internal relocation](#) and in the case of women [India: Women fearing gender based harm/violence](#).

- 2.6.7 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 Where a claim falls to be refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as India is listed a designated state.
- 2.7.2 A claim based on membership of a religious minority or Scheduled Caste is likely to be certifiable as 'clearly unfounded'.
- 2.7.3 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 23 November 2021

3. Religious demography

3.1 Demographical breakdown

- 3.1.1 India has a population of approximately 1.3 billion¹. The United States Department of State 2021 report on International Religious Freedom covering events in 2020 in India (USSD IRF report 2020) noted that: 'According to the 2011 national census, the most recent year for which disaggregated figures are available, Hindus constitute 79.8 percent of the population, Muslims 14.2 percent, Christians 2.3 percent, and Sikhs 1.7 percent. Groups that together constitute fewer than two percent of the population include Buddhists, Jains, Zoroastrians (Parsis), Jews, and Baha'is...'²
- 3.1.2 The Australian Department of Foreign Affairs and Trade (DFAT) in their Country Information Report on India, based on a variety of sources, published 10 December 2020 (DFAT country report 2020) noted that: 'Religion plays a significant role in daily life in India. According to 2011 census data, almost 80 per cent (more than 1 billion people) in India are Hindus. Another 14.2 per cent are Muslims (just under 200 million), 2.3 per cent are Christians (around 32 million), 1.7 per cent are Sikhs (just over 23 million) and less than 1 per cent are Buddhists (just under 10 million). A further 1.3 per cent (around 18 million) follow other religions including Jain, Zoroastrian, Jewish and Baha'i faiths, and tribal religions.'³
- 3.1.3 The same report outlined, with specific regard to Muslims in India, 'Muslims in India are not a homogenous group; they differ in language (mainly Urdu, but also regional languages), ethnicity, culture and economic position. The vast majority are Sunni Muslims; the remainder are Shia and diverse sects...'⁴
- 3.1.4 The India Online Pages, an online webpage offering information on aspects such as demography, culture and tradition, noted that: 'After Indonesia and Pakistan, India is home to third largest Muslim population in the world. Muslims or people following Islam are significantly present in large numbers all over India. Almost half of Indian Muslims (47%) lives in 3 states of Uttar Pradesh, West Bengal and Bihar.'⁵
- 3.1.5 With specific reference to Christians, the DFAT country report 2020 outlined that: '...The largest Christian denominations today are Roman Catholics, Syro-Malabar Catholics, Malankara Orthodox Syrians and various Protestant denominations. Christianity is the dominant religion in the northeastern states of Nagaland, Mizoram, Meghalaya and Manipur while they make up

¹ World Population Review, [India Population 2021](#), nd

² USSD, [2020 Report on International Religious Freedom: India](#), page 3, 12 May 2021

³ DFAT, [Country Information Report India](#), para 3.19, 10 December 2020

⁴ DFAT, [Country Information Report India](#), para 3.41, 10 December 2020

⁵ India Online Pages, [Muslim Population in India](#), nd

substantial populations in the states of Arunachal Pradesh, Kerala, Tamil Nadu, Goa, and Andaman and Nicobar Islands.’⁶

3.1.6 The same report also referenced the demographics of Sikhs in India:

‘India has a Sikh population of 20.8 million people (2011 census). The growth rate of Sikhism declined since the 2001 census. Sikhism is the dominant religion in the state of Punjab (approximately 16 million people) with significant populations in Haryana (1.2 million), Delhi NCR (570,581), Rajasthan (872,930), Uttar Pradesh (643,500) and Uttarakhand (295,530).

‘India’s Sikh population has suffered from issues surrounding recognition. The constitution groups Sikhs, Buddhists and Jains with Hinduism; therefore they are not legally recognised as distinct religions.’⁷

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3.2 Geographical breakdown of religious minorities

3.2.1 With regards to the geographic spread of religious minorities in India, the USSD IRF report 2020 stated that:

‘According to government estimates, there are large Muslim populations in the states of Uttar Pradesh, Bihar, Maharashtra, West Bengal, Telangana, Karnataka, and Kerala. Muslims constitute 68.3 percent of the population in the Union Territory of Jammu and Kashmir [J&K], the only state or territory in which Muslims are a majority. Slightly more than 85 percent of Muslims in the country are Sunni, with the remainder mostly Shia. Christian populations are distributed throughout the country but in greater concentrations in the northeast as well as in the states of Kerala, Tamil Nadu, and Goa. Three northeastern states have majority Christian populations: Nagaland (90 percent), Mizoram (87 percent), and Meghalaya (70 percent). Sikhs constitute 54 percent of the population of Punjab. The Dalai Lama’s office estimates that there are significant resettled Tibetan Buddhist communities in Himachal Pradesh, Karnataka, Uttarakhand, and Delhi. According to the Office of the United Nations High Commissioner for Refugees and media reports, there are approximately 100,000 Tibetan Buddhists in the country. According to media reports, approximately 40,000 Muslim Rohingya refugees from Burma live in the country.’⁸

3.2.2 The DFAT country report 2020 noted that:

‘Although the population is majority Hindu, in some states the majority of the population identifies with a single religion other than Hinduism. Muslims are a majority in the union territory of Lakshadweep (a tiny island chain off the southwest coast of India) and the far northern border union territory of J&K (particularly in the Kashmir valley). Christians are a majority in the three northeastern states of Nagaland, Mizoram and Meghalaya. Sikhs are a majority in Punjab.’⁹

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⁶ DFAT, [Country Information Report India](#), para 3.54, 10 December 2020

⁷ DFAT, [Country Information Report India](#), para 3.62-3.63, 10 December 2020

⁸ USSD, [2020 Report on International Religious Freedom: India](#), page 3-4, 12 May 2021

⁹ DFAT, [Country Information Report India](#), para 2.11, 10 December 2020

4. Legal context

4.1 Constitution

4.1.1 India is a secular state and the [Constitution of India](#) provides for the freedom to profess, practice and propagate religion¹⁰.

4.1.2 The constitution outlines the following Articles concerning religious freedom:

- ‘Article 26. Freedom to manage religious affairs.—Subject to public order, morality and health, every religious denomination or any section thereof shall have the right— (a) to establish and maintain institutions for religious and charitable purposes; (b) to manage its own affairs in matters of religion; (c) to own and acquire movable and immovable property; and (d) to administer such property in accordance with law.
- ‘Article 27. Freedom as to payment of taxes for promotion of any particular religion.—No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.
- ‘Article 28. Freedom as to attendance at religious instruction or religious worship in certain educational institutions.—(1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.’
- ‘Article 28(3). No person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.’¹¹

4.1.3 The USSD IRF report 2020 stated that:

‘The constitution mandates a secular state and provides for freedom of conscience and the right of all individuals to profess, practice, and propagate religion freely, subject to considerations of public order, morality, and health. It prohibits government discrimination based on religion, including for employment, as well as religiously based restrictions on access to public or private establishments. The constitution states that religious groups have the right to establish and maintain institutions for religious and charitable purposes, manage their own affairs in religious matters, and own, acquire, and administer property. It prohibits the use of public funds to support any religion. National and state laws make freedom of religion “subject to public order, morality, and health.” The constitution stipulates that the state shall endeavor to create a uniform civil code applicable to members of all religions across the country.’¹²

¹⁰ GoI-MoLJ, [Constitution of India As on 9th December 2020](#), Article 25, page 29

¹¹ GoI-MoLJ, [Constitution of India As on 9th December 2020](#), Articles 26 – 28, page 30

¹² USSD, [2020 Report on International Religious Freedom: India](#), 12 May 2021, page 4

4.1.4 The same report noted that:

‘Federal law provides official minority-community status to six religious groups: Muslims, Sikhs, Christians, Parsis, Jains, and Buddhists. State governments may grant minority status under state law to religious groups that are minorities in a particular region. Members of recognized minority groups are eligible for government assistance programs. The constitution states that the government is responsible for protecting religious minorities and enabling them to preserve their culture and religious interests.’¹³

4.1.1 The United States Commission on International Religious Freedom (USCIRF), ‘Annual Report 2021: India’, published 21 April 2021 and covering events in 2020 (the USCIRF Annual Report 2021) stated that:

‘...India’s constitution establishes the nation as secular, and Article 25 grants all individuals freedom of conscience, including the right to practice, profess, and propagate religion. Yet, in recent years, the BJP-led government has challenged the secular principles of the constitution by implementing laws and policies at the national and state levels promoting Hindu nationalism, thereby posing severe challenges to freedom of religion or belief and related rights. Throughout 2020, the national and state governments’ perpetration and toleration of these systematic, ongoing, and egregious violations led to increasing repression of religious freedom and a growing climate of hostility and violence toward religious minorities, human rights advocates, and others speaking out against such violations.’¹⁴

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4.2 Personal status laws

4.2.1 The USSD IRF report 2020 noted that:

‘Personal status laws establish civil codes for members of certain religious communities in matters of marriage, divorce, adoption, and inheritance based on religion, faith, and culture. Hindu, Christian, Parsi, Jewish, and Islamic personal status laws are legally recognized and judicially enforceable. Personal status issues that are not defined for a community in a separate law are covered under Hindu personal status laws. These laws, however, do not supersede national and state legislation or constitutional provisions. The government grants autonomy to the All India Muslim Personal Law Board and the Parsi community to define their customary practices. If law boards or community leaders are not able to resolve disputes, cases are referred to the civil courts.’¹⁵

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4.3 Citizenship Amendment Act (CAA)

4.3.1 The [Citizenship Amendment Act \(CAA\)](#) was passed on 11 December 2019¹⁶.

¹³ USSD, [2020 Report on International Religious Freedom: India](#), 12 May 2021, page 6

¹⁴ USCIRF, [Annual Report 2021: India](#), 21 April 2021

¹⁵ USSD, [2020 Report on International Religious Freedom: India](#), 12 May 2021, page 6

¹⁶ The Gazette of India, [‘The Citizenship \(Amendment\) Act, 2019’](#), 12 December 2019

4.3.2 The DFAT country report 2020 noted that, ‘The Lok Sabha [The Peoples’, or lower, house of parliament]¹⁷ passed the Citizenship (Amendment) Act (CAA) on 11 December 2019. It came into force on 10 January 2020 and makes religion a criterion for citizenship for the first time. International observers have expressed concern about the CAA. The UN High Commissioner for Human Rights said the law was “fundamentally discriminatory”.¹⁸

4.3.3 Human Rights Watch (HRW), reporting in April 2020 about the Citizenship Amendment Act (CAA), claimed:

‘The Hindu nationalist Bharatiya Janata Party (BJP)-led government in December 2019 adopted the Citizenship Amendment Act, which for the first time makes religion a basis for citizenship. The act, together with a planned nationwide verification process to identify “illegal migrants,” can threaten the citizenship rights of millions of Indian Muslims...

‘The new amended citizenship law fast-tracks asylum claims of irregular immigrants from the neighboring Muslim-majority countries of Afghanistan, Bangladesh, and Pakistan, but excludes Muslims. It was enacted amid the BJP government’s push for a nationwide citizenship verification process, through a National Population Register (NPR) and a National Register of Citizens (NRC), aimed at screening out “illegal migrants.” ...statements from the home minister and other BJP leaders have raised fears that millions of Indian Muslims, including many whose families have lived in the country for generations, could be stripped of their citizenship rights and disenfranchised...

‘The United Nations and a number of governments have publicly criticized the citizenship law as discriminatory on the basis of religion. But BJP officials have mocked and threatened protesters, while some of their supporters have engaged in mob attacks on critics and anti-government protesters. Some BJP leaders called for the protesters, whom they described as “traitors,” to be shot.

‘In February 2020 in Delhi, communal clashes and Hindu mob attacks on Muslims resulted in more than 50 deaths. Witness accounts and video evidence show police complicity in the violence. In one incident, police officers beat a group of five Muslim men injured in the mob attacks, taunting them, and ordered them to sing the national anthem as a form of humiliation. One of these men later died.

‘At least 30 people, mostly Muslims, were killed during protests in BJP-governed states, particularly in Uttar Pradesh. During other protests, including by students, the police failed to intervene when government supporters attacked protesters. “The police were present in the campus when the violence broke out,” said a student at a university in Delhi who was injured when a pro-BJP group attacked protesting students. “We sought help from them and then we ran to flee the attackers, but the police never came to our aid.”

¹⁷ DFAT, [Country Information Report India](#), page 7, 10 December 2020

¹⁸ DFAT, [Country Information Report India](#), para 3.25, 10 December 2020

'The National Register of Citizens has already left nearly two million people at risk of arbitrary detention and statelessness in India's northeast state of Assam. In August 2019, Assam became the first state to complete the register. Human Rights Watch found that the process in Assam lacked standardization, leading to arbitrary and discriminatory decisions by officials, and put undue hardship on poorer residents who do not have access to identity documentation – dating back for decades – to establish citizenship claims. Women, who are more likely than men to lack access to documentation, were disproportionately affected. The process in Assam has heightened fears over a nationwide citizenship registry.'¹⁹

4.3.4 In a further report by HRW, dated 9 April 2020, it was stated:

'Muslims, in particular, have raised concerns about the National Register of Citizens because of the problems that have already occurred in the northeastern state of Assam, which is the only state to have completed such a verification process. It excluded nearly two million people, most of them ethnic Bengalis, whom the authorities accuse of entering India illegally from neighboring Bangladesh. After a surge in migration to Assam during British colonial rule and around the 1947 partition and creation of Pakistan, the 1951 National Register of Citizens was used to document these settlers.'²⁰

4.3.5 On 2 January 2020, Al Jazeera reported on rumoured detention centres being built as a result of the NRC and CAA:

'...Ali's brother-in-law failed to make it to the National Register of Citizens (NRC), a list published in Assam this year which declared 1.9 million people as "illegal" migrants, who now face either detention in a camp like the one coming up at Goalpara, or deportation.

'Spread around nearly 300,000 square feet (28,000 square metres or 2.8 hectares) of land, the detention centre in Goalpara's Matia village, 126km (78 miles) from state capital Dispur, can house 3,000 people...

'According to officials at the construction site, the centre was sanctioned by India's federal home ministry in June last year and was supposed to be completed by December. However, the deadline has now been pushed to April this year.

"It is a central government project. We have to finish the entire construction by April," said Das.'²¹

4.3.6 The DFAT country report 2020 noted that, in considering the widespread protests against the Act:

'...The protests reflected two views: one opposing the permanent settlement of migrants of any kind in India's northeast, and the other opposing perceived discrimination against Muslims. In the northeast, protesters fear that further permanent settlement of migrants there will alter the states' strong local identity. Recognising this sensitivity, the government has specifically excluded tribal areas of Tripura, Mizoram, Assam and Meghalaya, and parts of Arunachal Pradesh, Mizoram and Nagaland from

¹⁹ HRW, '[India: Protests, Attacks Over New Citizenship Law](#)', 9 April 2020

²⁰ HRW, '[Shoot the Traitors](#)', 9 April 2020

²¹ Al Jazeera, '[How is it human?: India's largest detention centre almost ready](#)', 2 January 2020

the CAA. This has implications for the implementation of the National Register of Citizens (NRC). The NRC excludes 1.9 million residents of Assam, including up to 1.2 million non-Muslims, many of whom now have the right to apply for citizenship under the CAA. To local Assamese, this represents an abrogation of a 1985 commitment to preserve the state's identity and way of life. The Assam Accord, agreed between the central government and Assamese protesters in 1985, promised to exclude and take practical steps to expel all foreigners who had entered Assam on or after 25 March 1971 (while providing amnesty for those who had entered earlier).

'In the rest of India, protestors have opposed the exclusion of Muslims from the CAA, which they perceive as a violation of principles of non-discrimination and secularism in the constitution. The CAA will still apply to the majority of Assam, where protests that started on 11 December 2019 were most widespread. DFAT is not aware of official data on nationwide deaths and arrests stemming from the protests. Media reports suggest over 80 deaths across India (in Uttar Pradesh, Assam, Karnataka and Delhi), and several thousand arrests and preventive detentions. Parts of Assam and neighbouring states were placed under curfew in December 2019; additional army and central security forces were deployed; and internet services were suspended.'²²

- 4.3.7 In a December 2020 news article by The Wire, a non-profit news source based in India, when focusing on the protests in Assam against the CAA, it was noted, '... Mentioning that the CAA was against the identity, language and cultural heritage of the indigenous people of the state, the protestors were demanding that the act be rolled back [in 2019]'²³:



- 4.3.8 The USSD IRF report 2020 also outlined what the CAA means for India, as well as responses to the Act:

'...Domestic and international media, NGOs, religious groups, intellectuals, and some political parties criticized the exclusion of Muslims from the legislation, sparking widespread protests. Activists, NGOs, and political

²² DFAT, [Country Information Report India](#), para 2.77-2.78, 10 December 2020

²³ The Wire, ['Anti-CAA Protests Begin Again in Assam'](#) 12 December 2020

parties filed petitions against the CAA on the grounds that it added a religious qualification to the country's historically secular citizenship laws. None of the more than 100 legal challenges had been heard by the Supreme Court as of the year's end. Commentators, members of some political parties, and activists said the CAA was part of an effort to marginalize Muslim communities throughout the country. They also questioned delays in hearing legal challenges to the legislation. The government stated the legislation facilitated naturalization for refugees from religious minorities who had fled neighboring countries due to religious persecution and that Muslims could also apply for citizenship through other mechanisms.²⁴

4.3.9 The same report continued:

'In February [2020], continued protests and counter-protests related to the CAA devolved into rioting between members of Hindu and Muslim communities in East Delhi, during which 53 people were killed and nearly 400 injured. Two security officials were also killed. The police arrested 1,829 persons in connection with the riots... In one example reported by The Guardian, Mufti Mohammad Tahir was forcibly removed by police from a mosque near Mustafabad and handed over to a crowd, which beat him unconscious and set fire to the mosque.'²⁵

4.3.10 Human Rights Watch, in its report covering 2020, (HRW report 2020) stated that while a police officer and some Hindus were also killed in the rioting, the majority of victims as a result of the protests and associated violence were Muslim²⁶. The HRW report also stated that, 'Witness accounts and video evidence showed police complicity in the violence.'²⁷

4.3.11 The Observers, a current affairs news platform affiliated with France 24, reported in February 2020 on the protests stemming from the adoption of the Citizenship Amendment Act:

'Deadly clashes between supporters of India's new citizenship law and its opponents have been taking place in the Indian capital Delhi since February 23 [2020]. More than 40 people have been killed and more than 200 wounded in the ongoing violence. Videos and photos of the unrest show apparent sympathizers of the Rashtriya Swayamsevak Sangh (RSS), a Hindu nationalist paramilitary group often accused of stirring up religious hatred, carrying out acts of violence...

'Since December 4, 2019, thousands of Indians have poured into the streets to protest against the CAA [Citizen Amendment Act]. Police have cracked down on protesters, with a particularly violent example taking place at Jamia Millia Islamia University on December 15, where scores of student protesters sustained injuries.

'On February 23, clashes between supporters and opponents of the CAA broke out in majority Muslim neighbourhoods in the northeast of Delhi. Videos on social media show violence being carried out by young men who claim to be Hindu and according to our Observers show signs of affiliation

²⁴ USSD, [2020 International Religious Freedom report: India](#), page 8, 12 May 2021

²⁵ USSD, [2020 International Religious Freedom report: India](#), page 8, 12 May 2021

²⁶ HRW, [World Report 2021: India Events of 2020](#), 13 January 2021

²⁷ HRW, [World Report 2021: India Events of 2020](#), 13 January 2021

with the RSS, a Hindu nationalist paramilitary group that was founded 94 years ago. In the videos, these apparent RSS sympathizers are seen committing arson, tormenting people and carrying out other acts of violence. In some cases, the crimes were even livestreamed.²⁸

- 4.3.12 A Tweet by Raghu Karnad, an Indian journalist and writer, also showed the extent of the February 2020 violence as protesters clashed in response to the Act²⁹:



- 4.3.13 The USCIRF Annual Report 2021 reported on the violence in February 2020: 'More than 50 people died and 200 others were injured, mostly Muslims. Mobs sympathetic to Hindu nationalism operated with impunity, using brutal force to single out Muslims, attack mosques, and destroy homes and businesses in majority-Muslim neighborhoods. The Delhi Minorities Commission investigated and found that the violence and allegations of police brutality and complicity were "seemingly planned and directed to teach a lesson to a certain community which dared to protest against a discriminatory law." Citing COVID-19 concerns, in March police cleared the Shaheen Bagh protest in Delhi—a peaceful sit-in that had lasted more than 100 days and was led by Muslim and non-Muslim women protesting the CAA.'³⁰

- 4.3.14 On 1 March 2020, The Guardian reported:

²⁸ The Observers, '[Who are India's RSS, the Hindu nationalists accused of inciting ...](#)', 2 March 2020

²⁹ Raghu Karnad, (@rkarnad on Twitter.com) '[Tweet dated 5:47pm UK time, 25 February 2020](#)'

³⁰ USCIRF, '[Annual Report 2021: India](#)', 21 April 2021

'... [T]hese riots were not simply neighbours turning against neighbours. Last Sunday, false rumours of a Muslim uprising spread across rightwing Hindu social media, alleging dozens of mosques in Delhi had announced over loudspeakers that they would throw all Hindus out of Delhi and that the police had arrested 32 imams. It prompted many outside Delhi to comment that they would come out to "teach our Muslim brothers a lesson".

'Soon after, residents in Mustafabad, an area right on the edge of Delhi badly affected by the riots, reported seeing Hindu youths armed with machetes, metal rods and wooden sticks coming in trucks from the neighbouring states of Uttar Pradesh and Haryana. "We all saw truckloads of these mobs coming over the border from Uttar Pradesh, it was outsiders who came in and incited the violence," said Shoaib Alam, 32. "And that then stirred up local people."

'Uttar Pradesh, whose BJP chief minister is the firebrand Hindu nationalist and openly Islamophobic Yogi Adityanath, is a notorious hotbed of criminal activity and lawlessness. Uttar Pradesh has also been the state accused of carrying out some of the worst state-sponsored attacks, detention and torture of Muslims in a crackdown against the anti-CAA protests.'³¹

- 4.3.15 An Immigration and Refugee Board of Canada (IRB) COI query response dated 18 June 2020, based on a range of sources, stated:

'...on 23 February 2020, in north-east Delhi, Kapil Mishra, a BJP politician, called for police to clear a protest by [mostly Muslim] opponents to a new citizenship law perceived as "anti-Muslim". Following this declaration, Mishra followers or people inspired by his speech began to clash with protesters on 23 February or on 24 February 2020... Sources indicate that Muslims' properties were targeted... men were stopped by Hindu rioters asking them to see their ID cards and, if they refused, they were forced to "show whether or not they were circumcised, as is common among Muslim men". In another article, the Guardian reports that a group of eight Hindu men beat and left for dead a Muslim rickshaw driver. Similarly, according to the Washington Post, a mob vandalized a 58-year-old Muslim's house, before shooting him and throwing him into a fire. The Diplomat, a current affairs magazine for the Asia-Pacific region, reports that "[a]t least two mosques in Mustafabad were vandalized and attacked with stones". Four mosques were also attacked by rioters with gas cylinder explosives in Shiv Vihar, according to the Guardian. According to sources, there were between 40 and 51 deaths, most of them Muslims. Other sources indicate that at least 200 people were injured during the events'.³²

- 4.3.16 The same response outlined:

'On 16 May 2020, two members of the People's Union for Democratic Rights (PUDR), a Delhi-based civil rights organization, published an opinion piece in the Hindu, accusing the police of "communal bias" referring to "illegal detentions of Muslims and refusal to lodge 'missing person' complaints by Muslims". The same source further adds that most Muslim anti-CAA protest organizers are targeted by the police for allegedly conspiring to provoke the

³¹ The Guardian, '[Inside Delhi: beaten, lynched and burnt alive](#)', 1 March 2020

³² IRB, '[Responses to Information Requests, India...](#)', 18 June 2020

Delhi riots. According to the Guardian, the Delhi police has arrested two Muslim student activists under false charges, using the Unlawful Activities Prevention Act (UAPA), for their alleged role in the Delhi riots. The same source adds that "[t]he riots are widely acknowledged to have been sparked by incendiary comments made by Kapil Mishra"; however, the police has focused its investigation "on the Muslim and student activist community, particularly those who had been previously known to the police for involvement in mass student protests against the Citizenship Amendment Act (CAA) in December"³³

4.3.17 The 2021 Freedom House report stated: 'The national government and some state governments used assembly bans, internet blackouts, and live ammunition between December 2019 and March 2020 to quell widespread protests against the CAA and proposals to roll out a citizens' registration process across the country. Protesters, including students and academics, were detained, denied access to legal representation, and subjected to harsh treatment.'³⁴

4.3.18 Reporting in August 2020, the BBC noted:

'Indian police "committed serious human rights violations" during deadly religious riots in Delhi earlier this year, Amnesty International alleges. It said police beat protesters, tortured detainees and at times took part in riots with Hindu mobs. More than 40 people died when clashes broke out between Hindus and Muslims over a controversial citizenship law. Muslims bore the brunt, Amnesty said. The investigation corroborates the BBC's reporting on incidents of police brutality and complicity during the riots in February, the deadliest in the city for decades. The police denied any wrongdoing.'³⁵

4.3.19 In considering the state response to violence sparked by the Act, the USSD IRF report 2020 also noted:

'On April 9, the Delhi Minorities Commission (DMC) demanded the police take action in response to attacks against Muslims in New Delhi during the CAA protests. The DMC requested a report from the commissioner and unspecified "proper action" from the police over "random arrests" of Muslims in connection with the CAA riots in February. The DMC also asked police to file formal charges against perpetrators for an alleged attack on a mosque in Delhi on April 8. A July report by the DMC said the violence in Delhi was "planned and targeted," and it found that police were filing cases against Muslims for acts of violence but were not acting against Hindu leaders accused of inciting violence, including municipal level BJP politicians.'

'Muslim academics, human rights activists, former police officers, and journalists alleged anti-Muslim bias in the investigation into the riots by Delhi police.'³⁶

4.3.20 Minority Rights Group International (MRGI) noted that, in reference to the attempted implementation of the CAA, 'the Modi government has met with considerable resistance, with large-scale demonstrations across the country

³³ IRB, '[Responses to Information Requests, India...](#)', 18 June 2020

³⁴ FH, '[Freedom in the World 2021 – India](#)' (E1), 31 March 2021

³⁵ BBC, '[Delhi 2020 religious riots: Amnesty International accuses police of rights ...](#)', 28 August 2020

³⁶ USSD, '[2020 Report on International Religious Freedom: India](#)', page 9, 12 May 2021

and over 60 constitutional challenges, including by the states of Kerala and Punjab. Eleven out of India's 28 chief ministers have stated that they will not implement the new legislation.³⁷

- 4.3.21 In August 2020, Amnesty International India (AI India) published an investigative briefing covering human rights violations committed by the Delhi police during the February 2020 riots (in September 2020, AI India announced that it would halt its activities in the country after the authorities froze its bank accounts³⁸). The investigative briefing reported that:

'...videos were recorded during the riots and show the Delhi police committing various human rights violations. After the riots, Amnesty International India visited the locations where the videos were shot and interviewed people on the ground. It found that the behaviour of the police officers in many incidents during the violence in Delhi is a cause for concern as police officers a) did not intervene despite being present b) intervened only to arrest or attack the anti-CAA protesters and c) refused to register complaints of the victims...'

'... Besides the violations that were recorded and streamed on social media platforms, Amnesty International India interviewed other families who were affected during the riots. It documented a clear pattern of arbitrary arrests, unlawful detention and retaliatory violence against the arrested persons in custody, some of which amounted to torture. The families of arrested/detained persons were not informed of their arrest/ detention...'³⁹

- 4.3.22 A year after the riots, HRW reported on bias against Muslims in the investigation that followed the Delhi riots:

'An independent investigation by the Delhi Minorities Commission found that the violence was "planned and targeted" and that some policemen actively participated in the attacks on Muslims. In a February 24 video, several policemen are seen beating five grievously injured Muslim men lying on the street, forcing them to sing the Indian national anthem to prove their patriotism. The police then detained them. One of the men, Faizan, 23, died from his injuries two days later. A year later, the police say they are still trying to identify the policemen in the video. The authorities have yet to investigate other allegations of police complicity in the violence.

'In contrast, the Delhi police have filed politically motivated charges, including terrorism and sedition, against 18 activists, students, opposition politicians, and residents – 16 of them Muslim. The police case relies extensively on disclosure statements that are suspiciously similar and WhatsApp chats and social media messages about organizing and announcing peaceful protests as evidence of complicity in a larger conspiracy to defame the Indian government, hatched by those who organized the protests against the Citizenship (Amendment) Act.

'The authorities have filed charges under the draconian Unlawful Activities (Prevention) Act, related to unlawful activity, terrorist funding, and planning and committing acts of terrorism. They have also accused protest organizers

³⁷ MRGI, '[Muslims: information page](#)', nd

³⁸ DFAT, '[Country Information Report India](#)', para 3.95, 10 December 2020

³⁹ Amnesty International India, '[Investigative Briefing](#)', p.8 & p.16, 28 August 2020

and activists of sedition, murder, attempted murder, promotion of religious enmity, and damage to public property, among other alleged offenses. All those charged have been critical of the BJP government and the citizenship law...

‘...The courts have granted bail to only two people charged in this case. While granting bail to one of them, the Delhi High Court observed that the police had failed to produce any evidence to show that the accused had committed a terrorism-related offense.

‘...Police in Delhi have denied allegations of bias in investigations, saying that the numbers of people charged are nearly identical from both communities. In addition to the case against activists, of the 1,153 people against whom rioting charges have been filed in court, 571 are Hindu and 582 Muslim. However, activists say that the police have focused more on investigating allegations against Muslims and arresting them. Muslim victims of abuses and witnesses said that the police initially turned them away, refusing to file their complaints, and that even when police filed the cases based on their accounts, they omitted names of BJP leaders or police officials allegedly complicit in the attacks. The police have also implicated Muslim victims in these cases.

‘In several cases in which Muslims were arrested, Human Rights Watch found that the police did not follow criminal code requirements, such as producing an arrest warrant, informing the person’s family of the arrest, and providing them a copy of the First Information Report (FIR), the official police case, or ensuring that those arrested have access to legal counsel, including during interrogation. In some cases, Muslim families who had succeeded in identifying BJP leaders and police officials when they filed complaints said they faced increasing pressure to withdraw the complaints...’⁴⁰

4.3.23 In February 2021, a year after the riots, the Deccan Herald reported that of the 1,753 persons arrested in connection with the riots, 557 had been released on bail. The police did not provide these figures disaggregated by religion.⁴¹

4.3.24 On 16 March 2020, The Indian Express, an English-language Indian newspaper, reported that:

‘The Telangana government Monday passed a resolution urging the Centre to amend the Citizenship (Amendment) Act to remove all references to any religion or country. It also expressed concern over the proposed implementation of the National Population Register (NPR) and National Register of Citizens (NRC) which “may result in exclusion of a large number of people”.

The government said there were serious questions and valid concerns regarding the legality and constitutionality of the three exercises. It highlighted the confusion and genuine apprehension among the public.

⁴⁰ HRW, ‘[Year After Delhi Violence, Bias Against Muslims Taints Investigation](#)’, 19 February 2021

⁴¹ Deccan Herald, ‘[A year later, 557 out of 1,753 people arrested over Delhi riots out on bail](#)’, 22 February 2021

With this, Telangana joins a host of other states to oppose CAA, including Madhya Pradesh, Kerala, Punjab, West Bengal, Delhi, Rajasthan, Puducherry, Chhattisgarh, Andhra Pradesh and Bihar.

Maharashtra, along with Tamil Nadu, has put on hold the NPR exercise as it could “impact people of all religions”.⁴²

- 4.3.25 On 1 October 2021, Asian News International (ANI), a South-Asian multimedia news agency reported on Kerala’s Chief Minister’s views on the CAA:

‘... Kerala Chief Minister Pinarayi Vijayan, while maintaining his stance on the issue, on Thursday said that the Citizenship Amendment Act will not be implemented in the state.

‘Addressing the public after a virtual inauguration ceremony, the CM said, “CAA will not be implemented in Kerala.”

“This is the left government’s stand which we have made clear from the beginning,” he added.

‘Vijayan further said that in our country, citizenship was never decided based on religion. “Belonging to one religion is not a criterion for citizenship here; people have a right to believe in any religion or live without believing in any religion,” he said.’⁴³

- 4.3.26 On 28 October 2021, The National Herald, an Indian newspaper, owned by Young India Limited (a company belonging to Indian National Congress) reported that the NRC process has resumed following a hiatus due to the Covid-19 pandemic:

‘The updation [update] of the National Population Register (NPR) is back on the agenda of the Census 2021 enumeration. According to a news report in The Hindu (dated October 27), the form for updation has been issued as part of the handbook for Census officers that has been given to all the states and was generated through an online system on August 18.

‘According to The Hindu report, the document issued to the district Census officers by the Registrar General of India contains the form which will collect details on fourteen parameters of all family members for updating the data base of the NPR which was first collected in 2010 and updated in 2015. The first phase of the Census which consists of house listing and housing Census was also to be used for the updation of the NPR.

‘Earlier, it had been decided to hold them simultaneously from April to September 2020. But this was postponed indefinitely due to the Covid pandemic.

‘What this means is that the Modi government will hold the NPR survey along with the first phase of the Census in the forthcoming days. The period of the house to house survey is yet to be announced.

‘What is the objection to the NPR updation? It is necessary to refresh one’s memory regarding the widespread opposition that developed to the

⁴² The Indian Express, ‘[Telangana becomes latest state... against CAA...](#)’ 16 March 2021

⁴³ ANI news, ‘[Citizenship Amendment Act will not be implemented in Kerala...](#)’, 1 October 2021

Citizenship Amendment Act (CAA), which was passed by parliament in December 2019 and its connection to the National Population Register and the National Register of Citizens (NRC). The CAA and the NRC are interconnected and twin measures; the NPR is the first stage for the preparation of the NRC.’⁴⁴

4.3.27 The article continued:

‘The NPR questionnaire which has been included in the handbook is the same which was finalised last year with fourteen parameters, which include place and date of birth of parents, mother tongue, identity proof like Aadhaar card, passport, voter ID card and so on. The Rules provide that while compiling the local population register, a taluk level official can decide to mark someone as a “doubtful” citizen, in which case, that person will be compelled to provide proof that he/she is an Indian citizen.

‘The movement against the CAA had extended to the NRC too because they are twin measures to deny or exclude people from citizenship based on the Hindutva ideology. When the Union cabinet decided in December 2019 to update the NPR and sanctioned Rs 8,500 crore for the purpose, the CPI(M) had come out clearly opposing the move. It called upon all the chief ministers, who had declared that the NRC will not be implemented in their states, to also take steps to see that the NPR survey process was halted in their states

‘By the end of December, thirteen chief ministers had announced that they would not have the NRC compiled in their states. Of them, the chief ministers of Kerala and West Bengal had announced that the NPR updating process would not be undertaken in their states. In fact, the LDF government in Kerala took the lead in notifying that the NPR process will be suspended in Kerala and only the Census enumeration will be done.

‘The matter had dropped out of the public eye since the whole Census-NPR process was postponed indefinitely due to the pandemic. Now when the first phase of the Census enumeration is to take place, it is clear that the NPR updation will also be held.’⁴⁵

4.3.28 At the time of writing, it is not known what Chief Ministers of the previously-opposed states plan to do with regards to the upcoming NPR process.

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4.4 Anti-cow slaughter legislation

4.4.1 The DFAT country report 2020 noted that:

‘The cow is considered sacred within Hinduism. Cow slaughter is forbidden in much of India, although beef is consumed by certain minority groups. India has witnessed attacks by cow protection groups on people believed to be involved in slaughtering cows, selling beef or illegally transporting cows. A 2019 Human Rights Watch (HRW) report claims members of the BJP have

⁴⁴ National Herald, [‘...state govts...against CAA to ensure that NPR updation...’](#), 28 October 2021

⁴⁵ National Herald, [‘...state govts...against CAA to ensure that NPR updation...’](#), 28 October 2021

used rhetoric that has spurred violence against beef consumption and those deemed linked to it...⁴⁶

- 4.4.2 Article 48 of the [Constitution of India](#) prohibits cow slaughter⁴⁷. The USSD IRF report 2020 stated that:

‘Twenty-four of the 28 states apply partial to full restrictions on bovine slaughter. Penalties vary among states and may vary based on whether the animal is a cow, calf, bull, or ox. The ban mostly affects Muslims and members of Scheduled Castes and Scheduled Tribes that traditionally consume beef. In the majority of the states where bovine slaughter is banned, punishments include imprisonment for six months to two years and a fine of 1,000 to 10,000 rupees... [£9 - £98]. Rajasthan, Punjab, Haryana, Himachal Pradesh, and Jammu and Kashmir penalize cow slaughter with imprisonment of two to 10 years. Gujarat state law mandates a minimum 10-year sentence (the punishment for some counts of manslaughter) and a maximum sentence of life imprisonment (the punishment for premeditated murder of humans) for killing cows, selling beef, and illegally transporting cows or beef.

‘One state, Madhya Pradesh, sets fines of 25,000 to 50,000 rupees... [£243 - £487] and prison sentences of six months to three years for “cow vigilantism,” i.e., committing violence in the name of protecting cows. This is the first law of its kind in the country.’⁴⁸

- 4.4.3 The same report also noted that, with reference to the prevalence of those charged under cow slaughter legislation:

‘On October 19 [2020], the Allahabad High Court in Uttar Pradesh ruled that the state’s Prevention of Cow Slaughter Act “was being misused against innocent persons” and granted bail to a Muslim arrested under the act. Uttar Pradesh police had filed charges in 1,716 cases of cow slaughter and made more than 4,000 arrests under the Prevention of Cow Slaughter Act as of August. According to Uttar Pradesh State government data, the National Security Act (NSA) was also used in some cow slaughter cases; observers said this was to make the charges more serious. Persons detained under the NSA may be held up to 12 months without formal charges.’⁴⁹

- 4.4.4 The DFAT country report 2020 outlined that, ‘In July 2018, with the rise of cow-related attacks, the Indian Supreme Court reportedly demanded that the legislature formulate laws against the practice. DFAT understands this has not yet occurred. Media reports few perpetrators of cow-related violence are punished, creating a culture of impunity. In some instances, attacks have been filmed and posted on social media channels associated with militant Hindu groups...’⁵⁰

- 4.4.5 See [Scheduled Castes](#), [Inter-religious violence](#), Societal treatment of religious minorities – [Muslims](#) and [Hindu nationalism](#) for further information

⁴⁶ DFAT, [Country Information Report India](#) para 3.45, 10 December 2020

⁴⁷ GoI-MoLJ, [Constitution of India As on 9th December 2020](#), Article 48, page 35

⁴⁸ USSD, [2020 International Religious Freedom report: India](#), page 7, 12 May 2021

⁴⁹ USSD, [2020 International Religious Freedom report: India](#), page 16, 12 May 2021

⁵⁰ DFAT, [Country Information Report India](#) para 3.47, 10 December 2020

on how restrictions and bans on the slaughter of cows affects religious minorities.

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4.5 Penal Code

4.5.1 The [Indian Penal Code of 1860](#) [IPC] outlined the following articles regarding offences related to religion:

- **‘Article 295.** Injuring or defiling place of worship, with intent to insult the religion of any class.—Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
- **‘Article 295A.** Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.—Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of 2 [citizens of India], 3 [by words, either spoken or written, or by signs or by visible representations or otherwise], insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to 4 [three years], or with fine, or with both.
- **‘Article 296.** Disturbing religious assembly.—Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
- **‘Article 297.** Trespassing on burial places, etc.—Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
- **‘Article 298.** Uttering words, etc., with deliberate intent to wound religious feelings.—Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that persons or places any object in the sight of that person, shall be

punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.⁵¹

4.5.2 The IPC also outlined, with regard to religion and public tranquillity:

- **‘Article 153A.** Promoting enmity between different groups on ground[s] of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony... shall be punished with imprisonment which may extend to five years and shall also be liable to fine.⁵²
- **‘Article 153B.** Imputations, assertions prejudicial to national integration. Whoever... asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied, or deprived of their rights... makes or publishes [an] assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine, or with both.⁵³

4.5.3 The IPC also outlined that should any of the acts listed in Article 153 be committed in a place of worship or during the performance of religious worship, offenders will be punished with imprisonment of up to five years and may be liable to a fine⁵⁴.

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4.6 Other legal requirements

4.6.1 In terms of registration of religious groups, the USSD IRF report 2020 stated that: ‘There are no requirements for registration of religious groups unless they receive foreign funding, in which case they must register under the FCRA [Foreign Contribution Regulation Act]. Federal law requires religious organizations registered under the FCRA to maintain audit reports on their accounts and a schedule of their activities and to provide these to state government officials upon request.’⁵⁵

4.6.2 In considering marriage rights, the same report noted that:

‘Interfaith couples and all couples marrying in a civil ceremony are generally required to provide public notice 30 days in advance – including addresses, photographs, and religious affiliation – for public comment, although this requirement varies across states. Hindus, Muslims, Buddhists, Sikhs, or Jains who marry outside their religions face the possibility of losing their property inheritance rights under those communities’ personal status laws.

⁵¹ [Indian Penal Code](#), page 69

⁵² [Indian Penal Code](#), page 42

⁵³ [Indian Penal Code](#), page 42

⁵⁴ [Indian Penal Code](#), page 42

⁵⁵ USSD, [2020 Report on International Religious Freedom: India](#), 12 May 2021, page 5

'The law recognizes the registration of Sikh marriages but does not include divorce provisions for Sikhs. Other Sikh personal status matters fall under Hindu codes. Under the law, any person, irrespective of religion, may seek a divorce in civil court.'⁵⁶

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4.7 Conversion and 'forced' conversion

4.7.1 The DFAT country report 2020 outlined that:

'State anti-conversion laws (ACLs) were first adopted in 1967 in Odisha, followed by Madhya Pradesh, Gujarat and Himachal Pradesh. Chhattisgarh inherited Madhya Pradesh's law when the state was partitioned in 2000. ACLs have also been passed in Jharkhand (September 2017) and Uttarakhand (April 2018). While Arunachal Pradesh has ACL laws dating back to 1978, they have not implemented rules for enforcement. Tamil Nadu adopted ACLs in 2002, but repealed them in 2004. Rajasthan's 2006 ACL laws, remain unsigned by the State's Governor. Assam, Manipur and Maharashtra are also reportedly considering adopting ACLs.

'ACLs do not directly ban conversion; instead, they ban conversions by means of "force, allurement, inducement or fraud". These terms have no precise definition and in practice provide the administration and its agents wide powers of arrest. For example, Jharkhand's penalties are three years imprisonment and a 50,000 rupee fine [approx.. £486]...or, if the convert is a minor, woman, or member of a SC or ST, four years' imprisonment and a 100,000 rupee... [approx.. £973.00]. The laws of Gujarat, Madhya Pradesh and Himachal Pradesh make it incumbent upon neighbours or villagers to inform the administration and the police of any activities of pastors, nuns and clergymen, which could give rise to a suspicion of proselytising motives. Christian advocacy group Open Doors claims ACLs are used to make false accusations of coercion against "those who have genuinely become Christians from a Hindu background" and those who have introduced them to Christianity. While conversion from Hinduism to other minority religions is closely scrutinised and can trigger criminal charges, conversion (including forced conversions) of non-Hindus to Hinduism occurs, with no legislation addressing "reconversion".'⁵⁷

4.7.2 The Library of Congress (LoC) [report](#) 'State Anti-conversion Laws in India', June 2017, provides details of legislation on individual states (pages 4-16)⁵⁸.

4.7.3 In November 2020, Al Jazeera reported on the Indian state Uttar Pradesh, criminalising religious conversions by marriage. The article stated:

'India's governing Hindu nationalist party has approved legislation in the country's most populous state that lays out a prison term of up to 10 years for anyone found guilty of using marriage to force someone to change religion. The decree for the state of Uttar Pradesh was passed on Tuesday [24 November 2020] and follows a campaign by Prime Minister Narendra Modi's Bharatiya Janata Party (BJP) against interfaith marriages.

⁵⁶ USSD, [2020 Report on International Religious Freedom: India](#), 12 May 2021, page 6-7

⁵⁷ DFAT, [Country Information Report India](#) para 3.28-3.29, 10 December 2020

⁵⁸ LoC, ['State Anti-conversion Laws in India'](#) page 4-16, October 2018

'The party describes such marriages as "love jihad", an unproven conspiracy theory used by its leaders and Hindu far-right groups to accuse Muslim men of converting Hindu women by marriage. Under the decree – which will become a law after its approval by the state's governor, a formality – a couple belonging to two different religions will have to give two months' notice to a district magistrate before getting married. The couple will be allowed to marry only if the official finds no objections. Uttar Pradesh government minister Siddharth Nath Singh said prison terms of up to 10 years would stop unlawful conversions and provide justice to women.'⁵⁹

4.7.4 The USSD IRF report 2020 noted that:

'Ten of the 28 states in the country have laws restricting religious conversion: Arunachal Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Odisha, Rajasthan, Uttar Pradesh and Uttarakhand. Chhattisgarh, Madhya Pradesh, Uttarakhand, and Uttar Pradesh prohibit religious conversion by "force," "allurement," or "fraudulent means" and require district authorities to be informed of any intended conversions one month in advance. Himachal Pradesh and Odisha maintain similar prohibitions against conversion through "force," "inducement," or "fraud," and bar individuals from abetting such conversions. Odisha requires individuals wishing to convert to another religion and clergy intending to officiate at a conversion ceremony to submit formal notification to the government.'⁶⁰

4.7.5 In terms of punishment of those involved in suspected forced conversion of others, the same report continued:

'Violators, including missionaries, are subject to fines and other penalties, such as prison sentences of up to three years in Chhattisgarh and up to four years in Madhya Pradesh if converts are minors, women, or members of Scheduled Castes or Scheduled Tribes. Gujarat mandates prior permission from the district magistrate for any form of conversion and punishes "forced" conversions with up to three years of imprisonment and a fine up to 50,000 rupees... [approx. £486]. In Himachal Pradesh, penalties include up to two years' imprisonment, fines of 25,000 rupees... [approx.. £243.00] or both. Punishments for conversions involving minors, Scheduled Caste or Scheduled Tribe members, or in the case of Odisha, women, may include prison sentences.'⁶¹

4.7.6 On 23 December 2020, India Today; an Indian English-language news magazine, reported that:

'According to the United States Commission on International Religious Freedom (USCIRF) reports of 2016 and 2018, observers have noted that there are very few arrests or prosecutions under these laws but they "create a hostile, and on occasion violent, environment for religious minority communities because they do not require any evidence to support accusations of wrongdoing".

⁵⁹ Al Jazeera, '[Indian state criminalises religious conversions by marriage](#)', 25 November 2020

⁶⁰ USSD, [2020 Report on International Religious Freedom: India](#), page 4-5, 12 May 2021

⁶¹ USSD, [2020 Report on International Religious Freedom: India](#), page 5, 12 May 2021

'More recent reports by USCIRF have highlighted certain incidents of arrests, including an incident in 2017, where religious minority leaders and adherents faced intimidation and arrest as a result of these laws.'⁶²

4.7.7 The USCIRF Annual Report 2021 stated:

'Despite India's constitutional protections for religious freedom, approximately one-third of India's 28 states limit or prohibit religious conversion to protect the dominant religion from perceived threats from religious minorities. While the new legislation in Uttar Pradesh and Madhya Pradesh targets interfaith marriage in particular, several other states prohibit conversion based on vague criteria, including force, inducement, allurement, coercion, fraud, or misrepresentation. These anti-conversion laws are too often the basis for false accusations, harassment, and violence against non-Hindus that occur with impunity.

'In 2020, for example, mobs—fueled by false accusations of forced conversions—attacked Christians, destroyed churches, and disrupted religious worship services. In many cases, authorities did not prevent these abuses and ignored or chose not to investigate pleas to hold perpetrators accountable. This contributed to increased mob attacks and a fear of reprisal against those coming forward. Religious minorities remain concerned about the potential for a national anti-conversion law and additional state-level statutes.'⁶³

4.7.8 An article published by The Diplomat, dated 15 March 2021, stated:

'Religious minorities, particularly Christians, in the central Indian state of Madhya Pradesh fear that the already high incidence of attacks on them could further rise after the state's government has brought in force a new and more stringent version of the "anti-conversion" law. The new legislation, the Madhya Pradesh Freedom of Religion Bill, 2021, was brought in despite there being no conviction under the previous version of the law, which had been in place for more than five decades.

'The filing of complaints by Hindu nationalist groups under the previous "anti-conversion" law as well as physical attacks following accusations of wrongful conversions, however, were routine. At least 25 incidents of attacks on Christians were recorded in the state last year, according to the Religious Liberty Commission of the Evangelical Fellowship of India. This has led the state's Christian community to suspect that persecution could now further rise. In January, a 25-year-old pregnant Christian woman lost her eight-month-old unborn baby after an attack...'⁶⁴

4.7.9 On 8 March 2021, The New Indian Express reported:

'The Madhya Pradesh Assembly on Monday passed the "anti-Love Jihad" Freedom of Religion Bill, 2021. The Bill had been approved earlier in December 2020 by the state Cabinet in a special meeting chaired by Chief Minister Shivraj Singh Chouhan. After BJP-ruled Uttar Pradesh and Uttarakhand, Madhya Pradesh becomes the third state to pass the law.

⁶² India Today, '[Anti-conversion laws...How states deal with religious conversion](#)' 23 December 2020

⁶³ USCIRF, '[Annual Report 2021: India](#)', 21 April 2021

⁶⁴ The Diplomat, '[Violence Follows New 'Anti-Conversion' Law in India's Madhya ...](#)', 15 March 2021

The passed legislation has the provision of up to 10 years in jail and a fine of up to Rs 1 lakh as punishment for religious conversion through coercion, force, allurement and fraudulent means and misrepresentation, including marriages solemnized through fraudulent means. The state's home minister Narottam Mishra, while replying to the debate before passing of the Bill by voice vote informed that a total of 23 cases were lodged under the law which was first cleared as an Ordinance in January 2021.⁶⁵

4.7.10 The article further stated:

‘Opposing the Bill, former parliamentary affairs minister and senior Congress MLA Dr Govind Singh said there was no need for any such Bill, as existing laws, including the Indian Penal Code and the Criminal Procedure Code have sufficient provisions against forced and fraudulent religious conversions. "This Bill was passed in MP after the passage of bills on similar lines by UP and Uttarakhand, to ensure that our home minister can win plaudits from union home minister Amit Shah".

‘The Congress veteran further alleged that the Bill also violates the spirit of Articles 21 and 25 of the Indian Constitution which guarantee individuals personal freedom and also freedom of choosing the religion at one's own will.’⁶⁶

4.7.11 On 2 April 2021, The Indian Express reported:

‘According to official figures for the year 2020, the biggest gainer – in terms of new converts – was Hinduism. People who embraced Hinduism constituted 47 per cent of religious conversions in Kerala during the one-year period under reference. Of the total 506 people who registered their change of religion with the government, 241 were those who converted from Christianity or Islam to Hinduism. A total of 144 persons adopted Islam whereas Christianity received 119 new believers in the year, shows the data.’⁶⁷

4.7.12 The DFAT country report 2020 also highlighted instances of ‘re-conversion’ in India:

‘Reconversion (“ghar wapsi” programs) are carried out by a number of Hindu organisations. In January 2019, media reported 96 Christians were converted in a ghar wapsi ceremony in Tripura. According to media reporting in 2014, the Hindu nationalist organisation Dharm Jagram Samiti (DJS) claimed to have re-inducted over 600,000 people into Hinduism since 1966, with DJS’s head in Uttar Pradesh stating their target was to make India a Hindu state by 2021. Some commentators view the government’s silence on the issue of ghar wapsi as tacit approval of the practice.’⁶⁸

4.7.13 The DFAT country report 2020 also noted instances of conversion violence in India in 2020:

‘Local sources report instances of violence linked to religious conversion. According to Indian non-profit organisation Persecution Relief, in February

⁶⁵ The New Indian Express, [‘Madhya Pradesh Freedom of Religion Bill, 2021 ...’](#), 8 March 2021

⁶⁶ The New Indian Express, [‘Madhya Pradesh Freedom of Religion Bill, 2021 ...’](#), 8 March 2021

⁶⁷ The Indian Express, [‘At 47%, Hinduism biggest gainer in religious conversion in ...’](#), 2 April 2021

⁶⁸ DFAT, [Country Information Report India](#) para 3.30, 10 December 2020

2019, 40-year old Anant Ram Gand, a Christian convert, was beheaded in Raigarh Tehsil, Odisha. Villagers who had opposed his conversion nine months earlier allegedly armed local Naxals to carry out the murder, claiming the man would reveal Naxal secrets to the police. A week before the attack, seven villagers had reportedly given Gand an ultimatum to renounce Christianity or face death. In February and May 2019 respectively, two men were killed in Chhattisgarh following opposition to their conversion to Christianity. On 24 October 2019, a Christian, Pastor Saanvi, was beheaded in Odisha after warnings to stop his ministry work.⁶⁹

- 4.7.14 In a September 2021 article by The Alabama Baptist, it was also reported that three Christians were arrested, imprisoned and denied bail in August 2021 after being accused of attempting to forcibly convert a Hindu man whilst they comforted him following the death of his family members:

‘Three Christians were jailed in India on Aug. 3 after two of them were attacked for comforting a bereaved Hindu man.

‘Two pastors, Neel Durai and Vijay Kumar Patel, along with Patel’s wife, Kiran Devi, had gone to the home of Lalji Vishwakarma, a Hindu, to pray for him and his granddaughters — his wife, son and daughter-in-law had recently died of COVID-19.

‘A nearby shopkeeper heard the prayer and brought a mob to Vishwakarma’s home. About 20 Hindu extremists entered and others surrounded the house. The extremists beat the two pastors and Vishwakarma and threatened to kill them.

‘Under pressure from villagers, Phoolpur police arrested the Christians on charges of forced conversions and other crimes. The next day people gathered at the police station to protest against the Christians. On Aug. 5, a judge rejected bail for the three.’⁷⁰

(See also [Treatment of Scheduled Castes](#) for information on the treatment of Dalits who have converted from Hinduism).

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4.8 Religious minorities’ representation in the political sphere

- 4.8.1 The DFAT country report 2020 stated, in regard to the representation of Muslims in the political sphere, ‘Although Muslims are not entitled to reserved constituencies in the central or state government assemblies, Muslim parliamentary representation is common, including at the Cabinet level. However, Muslims are under-represented as a proportion of their population. There have been several Muslim Chief Ministers in various states and, to date, two Muslim Presidents of India.’⁷¹

- 4.8.2 In regard to the representation of Dalits, the DFAT country report 2020 noted that: ‘Some Dalits have achieved high office, helped in some cases by quotas for educational, public service and political representation. Dalit NGOs, community groups and chambers of commerce exist. India’s

⁶⁹ DFAT, [Country Information Report India](#) para 3.31, 10 December 2020

⁷⁰ The Alabama Baptist, ‘[India police arrest Christians for comforting...](#)’, 20 September 2021

⁷¹ DFAT, [Country Information Report India](#) para 3.41, 10 December 2020

President, Ram Nath Kovind, is a Dalit from the ruling BJP and is the second Dalit to hold that position. Nonetheless, human rights observers note the problem of social ostracism remains for Dalits.⁷²

- 4.8.3 Minority Rights Group International (MRGI) noted that ‘Relatively few Sikhs are represented within the higher echelons of the government and the civil service.’⁷³ However, as reported by the Britannica Group, a multimedia education brand, ‘Shiromani Akali Dal (SAD)... principal advocacy organization of the large Sikh community in the state and is centred on the philosophy of promoting the well-being of the country’s Sikh population by providing them with a political as well as a religious platform. The party also has a presence on the national political scene in New Delhi.’⁷⁴
- 4.8.4 A 2019 article by The Print reported that: ‘Prime Minister Narendra Modi failed to find a place for any Christian members in his council of 58 ministers that was sworn-in in May. But then again, the Bharatiya Janata Party doesn’t have any member from the community in its top decision-making bodies, the parliamentary board and the election committee, either.’
- ‘In Modi’s council of ministers, there are 54 ministers from the majority Hindu community, two Sikhs, one Buddhist and one Muslim.’⁷⁵
- 4.8.5 An AsiaNews article published in 2017 stated that ‘[t]here is no active participation [of Christians] in politics.’⁷⁶

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Section 5 updated: 23 November 2021

5. Interfaith marriages

5.1 Legislation

5.1.1 The DFAT country report 2020 outlined that:

‘India is officially a secular and multi-ethnic country, and inter-faith and inter-caste marriages are legal. However, many Indian families still prefer marriages arranged within their own religion and caste. According to researchers, around 10 per cent of all marriages in India take place between different castes while around 2.1 per cent of marriages are inter-faith.

‘The Special Marriage Act 1954 (SMA) is the secular marriage law in India, which enables inter-faith and inter-caste marriages, and is an alternative to each of the personal laws. The SMA is available to all citizens who choose to marry outside their faith, and the religion of the parties to an intended marriage is immaterial under the Act. However, few people use the SMA, favouring traditional personal laws that provide solemnisation of marriage under religious rites. As an example, in 2019, according to official data, of the 19,250 marriages registered in Delhi, 3 per cent were inter-faith marriages (and registered under the SMA).

⁷² DFAT, [Country Information Report India](#) para 3.150, 10 December 2020

⁷³ MRGI, [‘Sikhs: information page’](#), nd

⁷⁴ Encyclopedia Britannica, [‘Shiromani Akali Dal information page’](#), nd

⁷⁵ The Print, [Why there are no Christians among Modi’s ministers...](#), 19 September 2019

⁷⁶ AsiaNews, [Indian Christians, a small minority...make large scale social contributions](#), 7 March 2017

'The Hindu Marriage Act allows members of the Hindu, Buddhist, Jain or Sikh religions to intermarry without declaring detachment from their religion. Under Muslim personal status laws, only Muslim men are permitted to marry kitabia (members of the Christian or Jewish religions); Muslim women are prohibited from marrying non-Muslims. If a partner is a Christian, it may be possible to marry under Christian rites through the Indian Christian Marriage Act, 1872.'⁷⁷

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5.2 Treatment of inter-faith and inter-caste married couples

5.2.1 The DFAT country report 2020 also outlined the obstacles that face some inter-faith and inter-caste married couples:

'... there is a continued and growing intolerance in Indian society to inter-caste and inter-faith marriages. Many families cut off social relations with sons or daughters who undertake such unions, while other families commit or instigate acts of violence against the person who undergoes the marriage. Communal tensions and violence can also result. In August 2019, in Haryana, when a shopkeeper's daughter reportedly left her family to marry a tailor of a different religious community, people blocked a highway and forced shopkeepers to keep shutters down, demanding the bride be "returned" to her parents. The couple sought protection from the state High Court. In May 2019, a newlywed couple was reportedly set on fire in a village in Maharashtra because the woman's family was opposed to their inter-caste love marriage.

'In some parts of the country, informal social systems like the male-only Khap Panchayats (or Khaps) pass decisions and judgements on marriage, based on traditions. (DFAT understands Khap Panchayats are mainly found in Haryana and parts of Rajasthan, Uttar Pradesh, Punjab and Madhya Pradesh.) Such punishments in marriage cases include fines, social ostracism, public humiliation and expulsion from the village. Despite the Supreme Court ruling against the practice, intrusions by Khaps to stop a legal marriage between consenting adults continue. Analysts have claimed there is a lack of political will to act against Khap Panchayats given their influence over large numbers of voters.

'One reason for social disapproval of mixed marriages in India is that inter-faith marriage generally takes place after one of the parties converts to the other's religion, despite this being unnecessary under the SMA. While the constitution guarantees freedom of conscience and free profession to all (Articles 25- 28), for some sections of the majority community, conversion has been and remains a sensitive issue.'⁷⁸

(See also [Conversion](#)).

5.2.2 The same report continued:

'Practical matters such as renting property, obtaining a passport or boarding flights can be difficult for such mixed unions. Some report the need to remain vigilant against being found, as their extended family is "still on the lookout

⁷⁷ DFAT, [Country Information Report India](#) para 3.134-3.136, 10 December 2020

⁷⁸ DFAT, [Country Information Report India](#) para 3.137-3.139, 10 December 2020

for them”. To support such couples there are limited initiatives such as Love Commandoes, Pratibimb Mishra Vivah Mandal, Dhanak of Humanity, Adhalinal Kaadhal Seiveer and Chayan which provide a mix of legal advice, counsel and shelter. In 2019, Dhanak of Humanity self-reported it had handled 2,000 cases since 2005. An analysis of roughly half their cases showed 58 per cent were inter-caste and 42 per cent were inter-faith couples.

‘Couples from rural areas who marry inter-caste or inter-faith may attempt to move to the anonymity of urban areas. However, factors that can affect couples moving to a larger city include their financial capacity, the degree to which their families have the power to find them, their educational background and employability, availability of a personal support network, and whether they appear “visibly different”.’⁷⁹

5.2.3 The USCIRF Annual Report 2021 noted that:

‘Hindu nationalist groups [...] launched inflammatory campaigns decrying interfaith relationships or engagements, including calling for boycotts and censorship of media depictions of interfaith relationships. These efforts targeting and delegitimizing interfaith relationships have led to attacks and arrests of non-Hindus and to innuendo, suspicion, and violence toward any interfaith interaction.’⁸⁰

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Section 6 updated: 23 November 2021

6. State treatment of religious minorities

(See also [Societal treatment of religious minorities](#) for further information regarding state responses to instances of societal violence against religious minorities).

6.1 Christians

6.1.1 Published in 2018 by Common Cause and the Centre for the Study of Developing Societies (CSDS), a report on policing in India, (CSDS India policing report 2018) Christian perceptions of the police in India were measured, through a survey involving 15,562 interviews across 22 Indian states in June and July 2017. The report showed that 68% of Christians “somewhat” or “highly” trusted the police, with 31% either “somewhat” or “highly” distrustful of the police. Further, 52% of respondents stated that they were “somewhat” or “highly” fearful of the police, in contrast to 39% who stated they were “not at all” or “not much” fearful of the police⁸¹.

6.1.2 In considering the treatment of Christians by state authorities, the DFAT country report 2020 notes that:

‘...Christians have increasingly faced poorly founded [...] police reports, difficulties for churches and NGOs dealing with local government authorities, [and] public statements by officials denigrating Christians....’⁸²

⁷⁹ DFAT, [Country Information Report India](#) para 3.142-3.143, 10 December 2020

⁸⁰ USCIRF, ‘[Annual Report 2021: India](#)’, 21 April 2021

⁸¹ CC and CSDS, ‘[Status of Policing in India Report 2018, A Study of Performance...](#)’, 2018

⁸² DFAT, [Country Information Report India](#), para 3.55, 10 December 2020

- 6.1.3 In considering recent incidents between the state and Christians in India, the USSD IRF report 2020 noted that:

‘According to AsiaNews, two Christians died in June after being beaten while in police custody for violating COVID-19 pandemic curfews in Thoothukudi District, Tamil Nadu. The victims were a man and his son, who were detained for keeping their shop open beyond restricted hours on June 19. Cardinal Oswald Gracias, president of the Indian Catholic Bishops’ Conference, said to the media, “Such violence from those who should defend citizens is unacceptable. Justice must run its course and punish the guilty.” The All India Catholic Union also called for intervention by the authorities. The NGO International Christian Concern (ICC) reported that four police officers were suspended after the state government opened an investigation. HRW stated that the CBI [Central Bureau of Investigation], which was asked to investigate the deaths following nationwide outrage, charged nine police officers with murder and destruction of evidence in the case.’⁸³

- 6.1.4 In considering how Christians are treated by the state in cases of religious conversions, the same report stated that:

‘The NGOs ICC and ADF India (a human rights organisation advocating for religious freedom) stated that authorities pursued charges against Christians in several states, most frequently Uttar Pradesh, under religious conversion laws or laws prohibiting “insults” to religion or religious belief, including Section 259A of the national penal code. In September, the ICC reported that eight persons were arrested and several house churches closed in Lakhimpur Kheri District. Those arrested were charged under Section 259A and were subsequently released on bail.’⁸⁴

(See also [Conversion / ‘forced’ conversion](#) for more information on legislation on religious conversion in India and how it impacts upon Christians).

- 6.1.5 The USSD IRF report 2020 also outlined that, after assailants in Jharkhand State’s Simdega District reportedly beat seven tribal Christians, the police arrested four of the nine assailants⁸⁵. CPIT could not find information pertaining to whether or not the assailants were charged or convicted in the sources consulted (see [Bibliography](#)).

- 6.1.6 In terms of state involvement with Christian places of worship, the DFAT country report 2020 noted that:

‘A March 2019 Newsweek report claimed that, in 2018, more than 100 churches were shut across Madhya Pradesh, Rajasthan, Tamil Nadu, Uttarakhand and Uttar Pradesh, citing building codes and/or panchayat building rules. Newsweek claims the actual number of churches affected is likely higher as figures do not include remote parts of India where records are more difficult to collect.

⁸³ USSD, [2020 Report on International Religious Freedom: India](#), page 10, 12 May 2021

⁸⁴ USSD, [2020 Report on International Religious Freedom: India](#), page 12, 12 May 2021

⁸⁵ USSD, [2020 Report on International Religious Freedom: India](#), page 21, 12 May 2021

'In 2017, one of India's largest Christian charities, the US-based Compassion International, was forced to close its operations in India after 48 years, after the government did not grant approval for it to transfer funds into the country amid allegations the organisation was funding religious conversions. The closure was reportedly part of moves to curtail foreign funding of activities deemed by the government "detrimental to the national interest"... Until its closure it had repeatedly ranked as India's largest single foreign donor, transferring around USD45 million a year. In 2020, Indian authorities suspended the Foreign Contribution Regulation Act (FCRA) licenses of four Christian NGOs working in Jharkhand, Manipur and Mumbai, for unspecified reasons.'⁸⁶

6.1.7 The USCIRF Annual Report 2021 also noted that:

'In recent years, government officials have revoked or suspended the FCRA licenses of thousands of NGOs, including numerous Christian and other religious [...] organizations.'⁸⁷

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6.2 Muslims

6.2.1 The CSDS India policing report 2018 showed that 67% of Muslims either "somewhat" or "highly" trusted the police, compared to 32% of Muslims who were either "somewhat" or "highly" distrustful of the police. Further, 64% of respondents stated that they were "somewhat" or "highly" fearful of the police, compared to 43% who stated they were "not at all" or "not much" fearful of the police⁸⁸.

6.2.2 MRGI noted that, '...[societal] violence [against Muslims] is frequently met with impunity and in certain instances direct complicity from state actors, ranging from inciting violence through hate speech to refusing to properly investigate communal incidents after they have occurred. This includes a significant number of state officials affiliated with the ruling BJP.'⁸⁹

6.2.3 In considering recent incidents between the state and Muslims in India, the USSD IRF report 2020 noted that:

'In September, the Jharkhand Health Ministry ordered administrative action against two doctors who had allegedly declined to provide adequate medical care to Tabrez Ansari, a Muslim who was assaulted by a mob in Jharkhand in 2019 and subsequently died. In August, Ansari's wife met with Chief Minister of Jharkhand Hemant Soren and requested an expedited trial and enhanced compensation. Some NGOs and media outlets continued to report that lawmakers sometimes denied or ignored incidents of mob violence, lynching, and communal violence. HRW reported that since May 2015, 50 persons had been killed and more than 250 injured in mob attacks, including instances when Muslims were beaten and forced to chant Hindu slogans.

⁸⁶ DFAT, [Country Information Report India](#), para 3.58 – 3.59, 10 December 2020

⁸⁷ USCIRF, '[Annual Report 2021: India](#)', 21 April 2021

⁸⁸ CC and CSDS, '[Status of Policing in India Report 2018. A Study of Performance...](#)', 2018

⁸⁹ MRGI, '[Muslims: information page](#)', nd

HRW reported that in some cases, police failed to investigate these attacks, instead filing criminal cases against witnesses to intimidate them.⁹⁰

6.2.4 The same report also noted:

‘On June 6 [2020], more than 200 Muslim residents of Taprana village in Shamli town, Muzzafarnagar District, Uttar Pradesh, said they were leaving their homes because of intimidation by state police officials. Villagers told media that a police raid on May 26 prompted them to move. They said police ransacked and looted homes during the raid and arrested a Muslim resident who had returned to the village before his six-month ban for cow slaughter had ended. One witness said this was the fourth such raid in two months.’⁹¹

6.2.5 In considering police treatment of Muslims who violated Covid-19 lockdown rules, the USSD IRF report 2020 noted:

‘On June 17, the Telangana State High Court questioned Hyderabad police on why cases were registered against “a disproportionate number of Muslims” on the charge of violating COVID-19 lockdown restrictions. The court asked the state police chief to submit evidence of action taken against police officials who used excess force on the alleged violators of the lockdown. Police denied that they were targeting Muslims and said their internal investigation showed that all had suffered their injuries “accidentally.”’⁹²

6.2.6 In considering the decision to criminalise a Muslim practice of triple talaq, the USSD IRF report 2020 outlined that:

‘In July, Minister for Minority Affairs Mukhtar Abbas Naqvi stated that cases of triple talaq (the practice by which a Muslim man may immediately divorce his wife by saying the Arabic word talaq three times) had declined by 82 percent since the government passed a bill in 2019 criminalizing the practice. He said the law had nothing to do with religion and had been passed to ensure gender equality by ending an “inhuman, cruel, and unconstitutional practice.”’⁹³

6.2.7 The HRW report 2020 noted that, in reference to anti-cow slaughter legislation and state treatment of Muslims: ‘In Uttar Pradesh, authorities continued to use allegations of cow slaughter to target Muslims. By August, the Uttar Pradesh government had arrested 4,000 people over allegations of cow slaughter under the law preventing it, and also used the draconian National Security Act against 76 people accused of cow slaughter. The NSA allows for detention for up to a year without filing charges.’⁹⁴

6.2.8 The same report outlined that during 2020, ‘Attacks continued against minorities, especially Muslims, even as authorities failed to take action against BJP leaders who vilified Muslims and BJP supporters who engaged in violence.’⁹⁵

⁹⁰ USSD, [2020 Report on International Religious Freedom: India](#), page 10, 12 May 2021

⁹¹ USSD, [2020 Report on International Religious Freedom: India](#), page 12, 12 May 2021

⁹² USSD, [2020 Report on International Religious Freedom: India](#), page 14, 12 May 2021

⁹³ USSD, [2020 Report on International Religious Freedom: India](#), page 16, 12 May 2021

⁹⁴ HRW, [World Report 2021: India Events in 2020](#), 13 January 2021

⁹⁵ HRW, [World Report 2021: India Events in 2020](#), 13 January 2021

6.2.9 Police treatment of Muslims involved in anti-cow slaughter clashes was also outlined in an IRB COI query response dated 18 June 2020, based on a range of sources, which stated:

‘The HRW report on cow-related violence indicates that in "most" of the cases analyzed by the organization, police authorities "delayed filing First Information Reports (FIRs) ... or failed to follow other procedures". The same source reports the words of a former police commissioner from the Maharashtra state:

“The general atmosphere in the country is that it is our holy duty to save the cow. And some police officers, with their hidden bias, understand the feelings of these vigilantes and may find ways out for them not to be convicted in the courts. We are only hearing cases of murders. But there may be rampant extortion, bullying, and corruption in the name of the cow by both police and vigilantes.”

‘The Washington Post details in a 2018 article the story of a Muslim cattle trader in Uttar Pradesh who, on his drive to a meat-processing plant, has to pay bribes to the police in order to proceed with his travel and who "alleged that officers attempting to negotiate a bribe recently beat him with a baton and forced him to squat like a chicken, with arms woven through his legs and gripping his ears"’.⁹⁶

6.2.10 The USCIRF Annual Report 2021 noted in general, a ‘culture of impunity’, relating to violations against religious minorities: ‘Government action—including the acquittal of all individuals accused of demolishing the Babri Masjid mosque—as well as government inaction to address religious violence contributed to a culture of impunity for those promulgating hate and violence toward religious minorities...’⁹⁷

6.2.11 In contrast, the USSD IRF report 2020 also highlighted recent state willingness to condemn prejudiced material against Muslims, outlining that: ‘On September 15, in response to a petition filed by Jamia Milia Islamia, the Supreme Court suspended broadcasts of a news serial program, Bindas Bol, on the grounds that it was prejudiced against the notion of Muslims joining the Indian civil services and that it “vilified” the Muslim community. The court upheld the suspension in subsequent hearings.’⁹⁸

6.2.12 Similarly, the same report outlined police willingness to pursue individuals suspected of posting Islamophobic material online, ‘On August 12, according to media reports, police in Bangalore fatally shot three persons during violent protests by Muslims regarding a Facebook post they said denigrated the Prophet Mohammed. Sixty police were also injured. Bangalore police arrested the nephew of a Karnataka State legislator from the Congress Party for posting the item on Facebook’⁹⁹

6.2.13 The USSD IRF report 2020 also highlighted police responsiveness to mob violence against Muslims in January 2020, whereby one Muslim man was

⁹⁶ IRB, ‘[Responses to Information Requests, India...](#)’, 18 June 2020

⁹⁷ USCIRF, ‘[Annual Report 2021: India](#)’, 21 April 2021

⁹⁸ USSD, [2020 Report on International Religious Freedom: India](#), page 17, 12 May 2021

⁹⁹ USSD, [2020 Report on International Religious Freedom: India](#), page 20-21, 12 May 2021

killed and others injured, after which police filed murder cases against 6 of the attackers¹⁰⁰.

(See [Citizenship Amendment Act \(CAA\)](#) for further information on recent state treatment of Muslims, [Anti-cow slaughter legislation](#) for how the legislation impacts upon Muslims and [Hindu nationalism](#) for more information on attacks against Muslims and the state response).

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6.3 Sikhs

6.3.1 The CSDS India policing report 2018 showed that Sikhs have less trust in the police than any other caste group or minority, with 45% feeling "somewhat" or "high" distrust, and 51% are "highly fearful" or "somewhat fearful" of the police. The same source also noted that, at 49%, Sikhs are most likely to hold a negative perception of the police, compared to 33% of Hindus or 22% of Christians¹⁰¹.

6.3.2 In relation to treatment of Sikhs in India historically, the DFAT country report 2020 noted that:

‘One of the points of difference between Sikh groups is the extent to which they support the creation of an independent Sikh state known as “Khalistan”. The 1966 creation of the Punjabi-speaking Sikh majority state of Punjab went some way to addressing these demands. During the internal struggle within the Sikh community in 1982, separatist leader Jarnail Singh Bhindranwale and his followers moved into the Golden Temple complex in Amritsar. In June 1984, the Indian government ordered the army to eject Bhindranwale and his followers from the complex in an offensive known as “Operation Blue Star”. The army bombarded the Golden Temple complex, inflicting serious damage. Bhindranwale and many of his supporters were killed during the operation.

‘In retaliation for Operation Blue Star, two of then-Prime Minister Indira Gandhi’s Sikh bodyguards assassinated her at her home in New Delhi in October 1984. In the days following, mobs seeking revenge for the assassination attacked Sikh homes and businesses, including in New Delhi. Approximately 3,000 people, mostly Sikhs, were killed in the violence. Security forces carried out further operations to suppress Sikh separatism during the late 1980s, during which allegations emerged of torture, extrajudicial killings and deaths in custody carried out by security forces.’¹⁰²

6.3.3 The same country report also stated:

‘NGOs report communal violence disproportionately affects India’s religious minorities, in particular Muslims, but also Christians and Sikhs, who face varying degrees of socio-economic, cultural and legal discrimination. Reports of minor cases of violence against Sikhs occur. Media sources have reported isolated incidents involving Sikhs and the police in recent years:

¹⁰⁰ USSD, [2020 Report on International Religious Freedom: India](#), page 18, 12 May 2021

¹⁰¹ CC and CSDS, [‘Status of Policing in India Report 2018, A Study of Performance...’](#), 2018

¹⁰² DFAT, [‘Country Information Report India’](#), para 3.64 – 3.65, 10 December 2020

- After a road accident in Mukherjee Nagar Delhi, in July 2019, an argument broke out between a Sikh “tempo” driver and police, during which police beat the driver. After an inquiry, the police involved were dismissed from duty for “unprovoked, indiscreet and highly unprofessional” behaviour.

- A 2018 article by Punjab-based Sikh Siyasat News (SSN) reported a mob attack in Karnataka injured a Sikh man and led to six arrests. The police report indicated the man was mistaken by the mob to be a “child lifter” and the villagers, “unaware of [its] significance,” mistook his kirpan (small sword used as an article of faith in Sikhism) as a weapon.

- Another 2018 SSN article indicates a family reportedly attacked in Haryana detailed police inaction on their case, and the police threatened to charge the family instead.¹⁰³

- 6.3.4 The DFAT country report 2020 noted that in instances whereby Sikhs face societal, localised discrimination, ‘such issues are adequately addressed by local courts or police,’¹⁰⁴ although [they] ‘may face discriminatory treatment from law enforcement and government officials for wearing the kirpan.’¹⁰⁵

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6.4 Sikh farmer protests

- 6.4.1 A report by the [National Institution for Transforming India entitled ‘New Farm Acts, Understanding the implications’](#) published November 2020 outlined the three farming laws introduced in 2020 in India.

- 6.4.2 In an article by the BBC on 16 February 2021, the reaction to the new laws were explained:

‘...Farmers are mainly concerned that this will eventually lead to the end of wholesale markets and assured prices, leaving them with no back-up option. That is, if they are not satisfied with the price offered by a private buyer, they cannot return to the mandi [agricultural market] or use it as a bargaining chip during negotiations.

“First, farmers will feel attracted towards these private players, who will offer a better price for the produce. The government mandis will pack up meanwhile and after a few years, these players will start exploiting the farmers. That's what we fear,” Multan Singh Rana, a farmer in the northern state of Punjab, said.

‘The government has said the mandi system will continue, and they will not withdraw the Minimum Support Price (MSP) they currently offer. But farmers are suspicious.

“This is a death warrant for small and marginalised farmers. This is aimed at destroying them by handing over agriculture and market to the big corporates. They want to snatch away our land. But we will not let them do this,” Sukhdev Singh Kokri, a farmer, told BBC Punjabi.¹⁰⁶

¹⁰³ DFAT, ‘[Country Information Report India](#)’, para 3.66, 10 December 2020

¹⁰⁴ DFAT, ‘[Country Information Report India](#)’, para 3.67, 10 December 2020

¹⁰⁵ DFAT, ‘[Country Information Report India](#)’, para 3.67, 10 December 2020

¹⁰⁶ BBC, ‘[Bharat bandh: India farmers strike to press for repeal of laws](#)’, 27 September 2021

- 6.4.3 Religion News Service (RNS), a non-profit news organisation reporting on religious affairs, further outlined the response to the farming laws, particularly the involvement of Sikh farmers:

‘...tens of thousands of farmers have made their way to India’s capital to protest new agricultural measures that favor large corporations and disadvantage everyday farmers. In response, the Indian government has deployed thousands of police officers and paramilitary troops. Tensions remain high.

‘The protests have been largely led and organized by Sikh farmers from the Indian state of Punjab, the country’s breadbasket. Tensions between Punjabi Sikhs and the Indian government have been high for decades, including decades-long violence that ravaged the state and left tens of thousands of civilians dead.

‘That violence, too, emerged from national resistance and demands for equal opportunities that Punjabi Sikhs led in the 1970s and 1980s. And in both movements, then and now, it is clear that their Sikh faith fuels and orients these efforts.’¹⁰⁷

- 6.4.4 In an article of 13 December 2020, Reuters reported ‘tens of thousands of Indian farmers’ protesting against the new laws in New Delhi¹⁰⁸:



- 6.4.5 In an article by the International Observatory of Human Rights, a UK-based NGO reporting on human rights violations, it was reported that, at one protest, ‘... As protesters moved towards Delhi, they were met with heavy police deployment and barricades at the border. Tens of thousands of police and parliamentary troops were sent to stop the march, clashing with protesters.’¹⁰⁹

¹⁰⁷ RNS, ‘[Farmers’ protests against India’s new agriculture laws...](#)’, 30 November 2020

¹⁰⁸ Reuters, ‘[India farmers intensify protests as deadlock over new laws continue](#)’, 13 December 2020

¹⁰⁹ IOHR, ‘[India: millions continue to protest whilst police use tear gas...](#)’, 8 December 2020

- 6.4.6 An article by the BBC on 2 December 2020 also outlined police responses to the widespread protests, 'In several places, police fired tear gas shells and used water cannons to try to beat them back.'¹¹⁰ The use of such measures, including baton attacks, was also reported by Al Jazeera on 26 January 2021¹¹¹.
- 6.4.7 On 05 March 2021, Al Jazeera reported that as a result of farmers camping for months outside with little protection against adverse weather and Covid-19, 'at least 248 farmers have died at the borders outside New Delhi, according to the data collected by Samyukta Kisan Morcha (SKM), or United Farmers' Front. Some died of health issues, others by suicide, said the SKM...'¹¹² According to Down to Earth, an India-based news source focused on politics of the environment, 'According to the Samyukt Kisan Morcha that is leading the protests, more than 537 participants have died as of July 10, 2021.'¹¹³
- 6.4.8 On 1 February 2021, The Wire, a non-profit, Indian-based news source, reported on the death of one farmer, whose family claim was the fault of the police:
- 'The Delhi police were quick to release video footage in which a tractor can be seen crashing into a police barricade and overturning. However, farmers at the scene claimed Navreet had been shot at before he lost control of the vehicle.
- 'The post mortem report, prepared by a medical officer at the District Hospital, Rampur, after a 2 am autopsy on January 27, concluded that the "cause of death is shock and haemorrhage as a result of ante-mortem head injury", which Delhi Police officials have cited as consistent with their explanation. The family, however, contests this report.'¹¹⁴
- 6.4.9 The Times of Islamabad, a Pakistan-based news source, reported on 23 September 2021 that 'On the complaint by Sikhs For Justice [a US-based secessionist group that supports the secession of Punjab from India as Khalistan] a New York court issued summons against Indian Prime Minister Narendra Modi for killing Sikhs amid farmer's protests in the South Asian country.'¹¹⁵

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Section 7 updated: 23 November 2021

7. Societal treatment of religious minorities

7.1 Overview

7.1.1 The DFAT country report 2020 outlined that:

'The level of communal violence (between different religious communities) has ebbed and flowed since independence, but remains an issue in India. Official data shows more than 822 incidents of communal violence in 2017,

¹¹⁰ BBC, '[India farmers: The viral image that defines a protest](#)', 2 December 2020

¹¹¹ Al Jazeera, '[Chaos as Indian farmers enter Delhi's Red Fort, clash with police](#)', 26 January 2021

¹¹² Al Jazeera, '[100 days and 248 deaths later, Indian farmers remain determined](#)', 5 March 2021

¹¹³ Down to Earth, '[Delhi protests on for 9 months: What do farmers across India...](#)', 26 August 2021

¹¹⁴ The Wire, '[... Bullet or accident: How Did Farm Law Protester...Die?](#)', 01 February 2021

¹¹⁵ Times of Islamabad, '[US court issues summons against Indian PM Modi...](#)' 23 September 2021

with around 7,484 communal incidents reported over the 2008-17 period, or two incidents a day, killing more than 1,110 people. The actual figures are likely higher as many incidents go unreported. Religious minorities are especially vulnerable to the threat of communal violence.¹¹⁶

7.1.2 The USSD IRF report 2020 noted that, ‘Unlike previous years, the government did not present statistics on religious violence to parliament during the year [2020].’¹¹⁷

7.1.3 The USSD IRF report 2020 noted that:

‘According to the NGO Centre for Study of Society and Secularism (CSSS), national media reported 23 incidents of mob lynching during the year, compared with 107 incidents in 2019. The CSSS said the decline was attributed to the COVID-19 lockdowns around the country. Twenty-two individuals were killed in the attacks, including Muslims, Christians, and Hindus, according to the CSSS. Seven of the incidents were directly linked to cow vigilantism. For example, on January 31, a mob in the Bhiwandi District of Maharashtra State attacked Muslims Nafees Qureshi, Aamir Khan, and Aakib Aalam, who were loading a buffalo into their vehicle. Police arrived to break up the attack, but Qureshi died in the hospital from injuries inflicted by the mob. Police later filed a murder case against six of the attackers.’¹¹⁸

7.1.4 In the USCIRF Annual Report 2021, it was noted that: ‘At the beginning of the COVID-19 pandemic, disinformation and hateful rhetoric—including from government officials—often targeted religious minorities, continuing familiar patterns. Disinformation and intolerant content have emboldened intimidation, harassment, and mob violence in recent years, including numerous instances of violence mainly against Dalits, Muslims, Christians, Adivasis, and other religious communities.’¹¹⁹

7.1.5 The same report noted:

‘Government officials and nonstate actors continued to use social media and other forms of communication to harass and spread hatred and disinformation against minority communities, including Muslims, Christians, and Dalits. Experts suggest that in 2020, pervasive disinformation about the CAA protests and the COVID-19 pandemic specifically targeted religious minorities and marginalized communities, disproportionately affecting women. Dalits, who have long faced religious-based discrimination in all aspects of life, experienced heightened harassment and discrimination during the COVID-19 pandemic.’¹²⁰

(See also [Inter-religious violence](#) for further information on societal attacks on religious minority groups).

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¹¹⁶ DFAT, ‘[Country Information Report India](#)’, para 3.20, 10 December 2020

¹¹⁷ USSD, [2020 Report on International Religious Freedom: India](#), page 20, 12 May 2021

¹¹⁸ USSD, [2020 Report on International Religious Freedom: India](#), page 18, 12 May 2021

¹¹⁹ USCIRF, ‘[Annual Report 2021: India](#)’, 21 April 2021

¹²⁰ USCIRF, ‘[Annual Report 2021: India](#)’, 21 April 2021

7.2 Christians

- 7.2.1 In considering recent instances of attacks committed against Christians in India, the USSD IRF report 2020 noted that:

‘Tehmina Arora, the director of ADF India, said attacks against Christians happened “nearly every day.” In its annual report, the ADF documented 279 instances of violence against Christians in 2020, with Uttar Pradesh reporting 70 incidents and Chhattisgarh 66. On November 16, a group of individuals described as religious extremists disrupted a wedding ceremony at a church in Gorakhpur, Uttar Pradesh, and threatened the pastor. The protesters also prevented the pastor from holding prayer services, according to the ADF.’¹²¹

- 7.2.2 The same report continued: ‘The Christian NGO Persecution Relief reported 293 cases of attacks on or harassment of Christians in the country in the first half of the year, despite the widespread pandemic lockdown. The incidents included six rapes and eight killings, according to the NGO. During the same period in 2019, Persecution Relief recorded 208 incidents...’¹²²

- 7.2.3 The USSD IRF report 2020 also detailed that:

‘In July, the Evangelical Fellowship of India (EFI) stated there had been 135 attacks against Christian churches, homes, or individuals across the country in the first six months of the year. EFI general secretary Vijayesh Lal said attacks increased during the pandemic lockdown. In September, however, EFI reported 32 incidents of religiously motivated violence against Christians in Uttar Pradesh in the first six months of 2020, compared with 86 recorded incidents in the state in all of 2019. According to the NGO International Christian Concern, the COVID-19 lockdowns likely reduced persecution in Uttar Pradesh, but reported attacks against Christians increased once pandemic restrictions eased.’¹²³

- 7.2.4 The same report also stated that, in considering attacks against Christian places of worship and property:

‘There were numerous acts of vandalism and arson targeting Christian sites and symbols during the year. The NGO Persecution Relief documented 49 cases of churches being vandalized, destroyed, or burned over six months, including in Belgaum District, Karnataka, where a church under construction was set on fire on December 17. The NGO said the pastor filed a complaint with police, but arsonists returned on December 22 and set the church on fire again. Police provided protection to the pastor and church members after the second incident.

‘On June 13, unidentified individuals burned down the Church of True Peace Pentecostal Church in Tamil Nadu’s Chengalpattu District. The pastor said he suspected arson and filed a report with local police. According to Persecution Relief, attacks on Christians in Tamil Nadu increased steadily in recent years, with 57 reported in 2017, 67 in 2018, and 75 in 2019.

¹²¹ USSD, [2020 Report on International Religious Freedom: India](#), page 19, 12 May 2021

¹²² USSD, [2020 Report on International Religious Freedom: India](#), page 19, 12 May 2021

¹²³ USSD, [2020 Report on International Religious Freedom: India](#), page 19-20, 12 May 2021

'In January, unknown individuals vandalized the St. Francis Assisi Catholic Church in a suburb of Bengaluru and ransacked the altar, according to media accounts. Police opened an investigation'¹²⁴

- 7.2.5 The DFAT country report 2020 noted that: 'NGOs report Christians' often intersecting identities – as Adivasis or as Dalit Christians – can exacerbate the socio-economic, political, and cultural discrimination they face...'¹²⁵

(See also [Conversion and 'forced' conversion](#) for further information on how religious conversion legislation impacts upon societal violence against Christians).

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7.3 Muslims

- 7.3.1 The DFAT country report 2020 noted that, 'Muslims, while less than 15 per cent of the population, have typically made up the majority of victims [of religious communal violence]'.¹²⁶

- 7.3.2 MRGI noted that, 'Sectarian violence, common in India, impacts Muslims disproportionately. While often instrumentalized for political gains, communal violence and other forms of communal targeting draws on and exacerbates a climate of entrenched discrimination against India's religious minorities, with far-reaching social, economic, cultural and political dimensions.'¹²⁷

- 7.3.3 The USSD IRF report 2020 noted that:

'International media reported that Hindus led violent attacks against Muslims during February riots in East Delhi. In one case reported by The Guardian, Muhammed Zubar said he was beaten with clubs by a group chanting Hindu slogans. The Guardian also reported the case of Imran Khan, who said a mob surrounded him on the street, identified him as Muslim, and beat him unconscious with iron rods, crowbars, and metal pipes before dragging him into a gutter with a rope tied around his neck.'¹²⁸

- 7.3.4 The DFAT country report 2020 notes an upsurge in stigma and hate speech directed towards Muslims in the context of Covid-19:

'...In March 2020, Indian authorities linked cases of COVID-19 to a Muslim missionary movement, Tablighi Jamaat, that had held a religious gathering in Delhi, allegedly in violation of social distancing rules. Subsequently, tweets with the hashtag #CoronaJihad trended on Twitter in India, with Time Magazine reporting its use nearly 300,000 times between 28 March and 3 April 2020. Digital human rights group, Equality Labs, claimed many of the social media posts had not been removed, despite violating Twitter's rules on hate speech and coronavirus.'¹²⁹

- 7.3.5 In reference to societal attacks against Muslims as a result of anti-cow slaughter sentiment, the DFAT country report 2020 noted that:

¹²⁴ USSD, [2020 Report on International Religious Freedom: India](#), page 22-23, 12 May 2021

¹²⁵ DFAT, '[Country Information Report India](#)', para 3.56, 10 December 2020

¹²⁶ DFAT, '[Country Information Report India](#)', para 3.20, 10 December 2020

¹²⁷ MRGI, '[Muslims: information page](#)', nd

¹²⁸ USSD, [2020 Report on International Religious Freedom: India](#), page 18, 12 May 2021

¹²⁹ DFAT, '[Country Information Report India](#)', para 3.44, 10 December 2020

‘... a 2017 mob attack on Muslim dairy farmer Pehlu Khan and his two sons in Rajasthan was posted on a YouTube channel linked to BD [the Vishva Hindu Parishad (VHP) religious organisation youth wing]. Of the nine accused in this case, six were acquitted in August 2019. At the same time, charges were brought posthumously against Pehlu Khan under section 6 of the Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995. Human rights observers report counter-complaints against witnesses and family members can make them afraid to pursue justice and, in some cases, alleged perpetrators enjoy open political patronage.’¹³⁰

- 7.3.6 Anti-cow slaughter sentiment towards Muslims was also outlined in an IRB COI query response dated 18 June 2020, based on a range of sources, which stated:

‘According to sources, Muslims are targeted by "cow protection groups [gau rakshaks]" or "cow protection mobs"... Sources indicate that opponents to beef meat consumption have been bolstered by the discourse of the Bharatiya Janata Party (BJP) government elected at the national level in May 2014 and by cow protection measures adopted by states. Human Rights Watch (HRW) reports that between May 2015 and December 2018, at least 44 people, including 36 Muslims, were killed in 12 Indian states in relation to beef consumption, while 280 people were injured across 20 states for the same motive. Sources also indicate that the cow protection movement is adversely impacting Muslims whose livelihood is related to the cattle trade. Sources report the case of a dairy farmer returning from an animal fair with cattle bought there who died after he was attacked and beaten on 1 April 2017 in Rajasthan by cow vigilantes alleging he was smuggling cows. On 19 January 2019, a cattle trader gone to sell buffalos was attacked by a vigilante group, tied to a pole, stripped, and beaten in Rohtak (Haryana state)’¹³¹

- 7.3.7 The same response noted that:

‘In a report on the cow protection movement, HRW writes that "the alleged assailants [in cases of violence regarding cows documented by the organization] were members of local cattle protection committees affiliated with Hindu extremist groups, often with links to the ruling party". The same source adds that BJP officials have "largely failed to condemn attacks on Muslims ... Their policies and statements appear to have encouraged abuses by cow protection groups, who believe they are politically protected from being held accountable".’¹³²

(See also [Anti-cow slaughter legislation](#) for further information on laws surrounding the issue and [Citizenship Amendment Act \(CAA\)](#) for further information on how the Act has impacted upon societal treatment of Muslims).

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¹³⁰ DFAT, ‘[Country Information Report India](#)’, para 3.47, 10 December 2020

¹³¹ IRB, ‘[Responses to Information Requests, India...](#)’, 18 June 2020

¹³² IRB, ‘[Responses to Information Requests, India...](#)’, 18 June 2020

7.4 Sikhs

- 7.4.1 The DFAT country report 2020 highlighted that 'According to information cited by the Immigration and Refugee Board of Canada (IRB), since the late 1980s, Sikhs living outside Punjab mostly do so safely and integrate economically and socially into their communities. IRB notes... there can be localised discrimination, for example blocking entry to public areas or requiring the removal of articles of faith (turbans or kirpans) before sitting examination in educational programs...' ¹³³

(See also State treatment of religious minorities – [Sikhs](#) for more information on incidents involving Sikhs).

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Section 8 updated: 23 November 2021

8. Hindu nationalism

8.1 What is Hindu nationalism?

- 8.1.1 The School of Oriental and African Studies (SOAS), noted in its working paper – 'The Muslim "Threat" In Right Wing Narratives: A Critical Discourse Analysis', 2021:

'The Hindu nationalist movement sees India as a 'Hindu Rashtra', where various distinctive religious and cultural traditions have existed in the subcontinent since ancient times. These are based on a sense of belonging, fostered by a common language Sanskrit and shared philosophical and moral traditions. The movement propagates cultural nationalism with the end goal of restoring the Hindu Rashtra -- India to its glorious past, uninterrupted by invasions of Muslim and Christian rulers. Muslims are the primary targets of the Hindu nationalist organisations, wherein an idea of a dangerous outsider is constructed to represent everything wrong with the country and is the root of all problems.' ¹³⁴

- 8.1.2 In May 2019, National Public Radio (NPR), reported:

'The RSS, founded nearly 100 years ago, has profoundly shaped Indian society and politics — and Modi himself. ... Led since 2009 by longtime stalwart Mohan Bhagwat, the RSS is India's most prominent proponent of Hindutva — Hindu-ness and the idea that India should be a "Hindu nation." About 80 percent of India's 1.4 billion people are Hindus, but there are also millions of Muslims, Christians, Sikhs, Buddhists and Jains. The constitution defines India as a secular country....

'The RSS and many of its members want to change that. The group's mission statement describes it as "firmly rooted in genuine nationalism" and decries an "erosion of the nation's integrity in the name of secularism" and "endless appeasement of the Muslim population".' ¹³⁵

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¹³³ DFAT, '[Country Information Report India](#)', para 3.67, 10 December 2020

¹³⁴ SOAS, '[The Muslim "Threat" In Right Wing Narratives: A Critical Discourse Analysis](#)', 2021

¹³⁵ NPR, '[Faith And Power: How Hindu Nationalism Is Changing India](#)', 3 May 2019

8.2 Attacks perpetrated by Hindu Nationalists

- 8.2.1 The DFAT country report 2020 noted that, 'There has been an increase in targeted attacks against religious minorities in recent years. Some observers claim members of the current government have created a permissive environment for Hindu nationalist groups in India to target minorities and engage in hate-speech.'¹³⁶ The report continued:

'In 2018, Hindu nationalist groups called for a ban on public prayer by Muslims in parks in Gurgaon, which led to mob attacks in the name of enforcement. In June 2019, in Jharkhand, 24-year-old Muslim Tabrez Ansari was tied up, beaten and forced to chant messages in support of Hindu gods. Footage of the attack was shown on national television. Ansari later died from his injuries. Jharkhand police dropped the murder charges of the 13 accused when an autopsy stated Ansari had died of cardiac arrest, but they were later reinstated. Although there was no evidence of the perpetrators' link to any Hindu right-wing organisation, VHP activists protested their arrests.'¹³⁷

- 8.2.2 With specific reference to Hindu Nationalist violence towards Muslims, the DFAT country report 2020 outlined that 'Reported instances of communal tension involving Muslims in recent years, include violence, assaults, riots, religiously motivated killings and discrimination,'¹³⁸ and that 'Hindu nationalist groups, such as the Shiv Sena or the RSS, have been responsible for some incidents, in what some observers claim is a permissive environment.'¹³⁹ On 2 September 2021, the BBC reported on a number of Hindu mob attacks on Muslims in India, including:

'Unprovoked attacks on Muslims by Hindu mobs have become routine in India, but they seem to evoke little condemnation from the government.

'Last month, a video that went viral on social media showed a terrified little girl clinging to her Muslim father as a Hindu mob assaulted him.

'The distressing footage showed the 45-year-old rickshaw driver being paraded through the streets of Kanpur, a city in the northern state of Uttar Pradesh, as his crying daughter begged the mob to stop hitting him.

'His attackers asked him to chant "Hindustan Zindabad" or "Long Live India" and "Jai Shri Ram" or "Victory to Lord Ram" - a popular greeting that's been turned into a murder cry by Hindu lynch mobs in recent years.'

'He complied, but the mob still kept hitting him.'¹⁴⁰

- 8.2.3 The same article continued to note that the victims of this attack were rescued by the police and three men subsequently arrested, who were later released on bail¹⁴¹.

- 8.2.4 With specific regard to Hindu Nationalist violence towards Christians, the DFAT country report 2020 noted that, 'A rise in Hindu nationalism has

¹³⁶ DFAT, '[Country Information Report India](#)', para 3.33, 10 December 2020

¹³⁷ DFAT, '[Country Information Report India](#)', para 3.37, 10 December 2020

¹³⁸ DFAT, '[Country Information Report India](#)', para 3.43, 10 December 2020

¹³⁹ DFAT, '[Country Information Report India](#)', para 3.43, 10 December 2020

¹⁴⁰ BBC, '[Beaten and humiliated by Hindu mobs for being Muslim](#)', 2 September 2021

¹⁴¹ BBC, '[Beaten and humiliated by Hindu mobs for being Muslim](#)', 2 September 2021

coincided with increasing incidents of violence and discrimination against Christians¹⁴². An article by the New Arab, a pan-Arab UK-based media outlet also reported on 23 July 2020 that, 'The increase in vigilante attacks on minorities, including Christians, in India has been widely blamed on the political rise and 'invincibility' of the right-wing Hindu nationalist BJP, led by Narendra Modi. In 2014, the year the BJP secured a landslide victory in elections, the UCF reported 147 cases of targeted violence against Christians. In 2019, reported attacks had more than doubled.'¹⁴³

- 8.2.5 The USSD IRF report 2020 noted that, 'In its World Watch List 2020 report, the NGO Open Doors stated that Hindu extremists, who believed the country should "be rid of Christianity and Islam," used extensive violence, particularly targeting Christians from a Hindu background. According to the NGO, Christians were often accused of following a "foreign faith" and physically attacked in their villages.'¹⁴⁴
- 8.2.6 The DFAT country report 2020 also outlined that: 'Observers have linked the rise in cow-related attacks to growing Hindu nationalism. Most reported attacks in the nine years from 2010 to 2018 occurred in Uttar Pradesh, Haryana, Karnataka, Jharkhand and Gujarat states. According to HRW, many of the attacks have been led by "cow protection groups" reportedly affiliated to militant Hindu groups...'¹⁴⁵ (See also [Anti-cow slaughter legislation](#) for further information on the associated laws.)
- 8.2.7 The same report noted that: 'In June, the ICC stated that local Hindu groups in charge of food aid distribution during the pandemic lockdown denied aid to Christian groups unless they renounced their faith. In at least one instance, according to the ICC, Hindus and police attacked a pastor and his congregation, saying the aid was not meant for Christians.'¹⁴⁶ The report continued, in a similar incident, 'According to Persecution Relief, a Dalit Christian family was prevented from obtaining water from a local well by Hindu groups in a village in Karnataka State. Local police were called to resolve the matter, and the family was permitted to retrieve water.'¹⁴⁷

(See also [Citizenship Amendment Act \(CAA\)](#) for further information on inter-religious violence affecting Muslims).

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Section 9 updated: 23 November 2021

9. Scheduled Castes and Tribes

9.1 India's caste system

- 9.1.1 In a June 2019 article by the BBC on India's caste system, it was explained that, 'The system which divides Hindus into rigid hierarchical groups based on their karma (work) and dharma (the Hindi word for religion, but here it means duty) is generally accepted to be more than 3,000 years old.'¹⁴⁸ The

¹⁴² DFAT, '[Country Information Report India](#)', para 3.55, 10 December 2020

¹⁴³ The New Arab, '[In Modi's Hindu nationalist India, anti-Christian violence...](#)', 23 July 2020

¹⁴⁴ USSD, '[2020 Report on International Religious Freedom: India](#)', page 20, 12 May 2021

¹⁴⁵ DFAT, '[Country Information Report India](#)', para 3.46, 10 December 2020

¹⁴⁶ USSD, '[2020 Report on International Religious Freedom: India](#)', page 22, 12 May 2021

¹⁴⁷ USSD, '[2020 Report on International Religious Freedom: India](#)', page 22, 12 May 2021

¹⁴⁸ BBC, '[What is India's caste system?](#)', 19 June 2019

BBC article also highlighted that the caste system divides Hindus into four categories; Brahmins, Kshatriyas, Vaishyas and the Shudras, and that it is a common belief that the groups originated from Brahma, the Hindu God of creation¹⁴⁹.

9.1.2 The same article outlined, in considering the structure of the caste system:

‘At the top of the hierarchy were the Brahmins who were mainly teachers and intellectuals and are believed to have come from Brahma's head. Then came the Kshatriyas, or the warriors and rulers, supposedly from his arms. The third slot went to the Vaishyas, or the traders, who were created from his thighs. At the bottom of the heap were the Shudras, who came from Brahma's feet and did all the menial jobs.

‘The main castes were further divided into about 3,000 castes and 25,000 sub-castes, each based on their specific occupation.

‘Outside of this Hindu caste system were the achhoots - the Dalits or the untouchables.’¹⁵⁰

9.1.3 In considering how the caste system works in practice, the same BBC article outlined:

‘For centuries, caste has dictated almost every aspect of Hindu religious and social life, with each group occupying a specific place in this complex hierarchy. Rural communities have long been arranged on the basis of castes - the upper and lower castes almost always lived in segregated colonies, the water wells were not shared, Brahmins would not accept food or drink from the Shudras, and one could marry only within one's caste. The system bestowed many privileges on the upper castes while sanctioning repression of the lower castes by privileged groups.

‘Often criticised for being unjust and regressive, it remained virtually unchanged for centuries, trapping people into fixed social orders from which it was impossible to escape.’¹⁵¹

9.1.4 With reference to the development of the caste system in modern India, the BBC article outlined:

‘In 1989, quotas were extended to include a grouping called the OBCs (Other Backward Classes) which fall between the traditional upper castes and the lowest. In recent decades, with the spread of secular education and growing urbanisation, the influence of caste has somewhat declined, especially in cities where different castes live side-by-side and inter-caste marriages are becoming more common. In certain southern states and in the northern state of Bihar, many people began using just one name after social reform movements. Despite the changes though, caste identities remain strong, and last names are almost always indications of what caste a person belongs to.’¹⁵²

9.1.5 The USSD IRF report 2020 noted that, in reference to population sizes of Scheduled Tribes; a separate group to Scheduled Castes in India, ‘The

¹⁴⁹ BBC, [‘What is India's caste system?’](#), 19 June 2019

¹⁵⁰ BBC, [‘What is India's caste system?’](#), 19 June 2019

¹⁵¹ BBC, [‘What is India's caste system?’](#), 19 June 2019

¹⁵² BBC, [‘What is India's caste system?’](#), 19 June 2019

Ministry of Tribal Affairs officially recognizes more than 104 million members of Scheduled Tribes – indigenous groups historically outside the caste system who often practice indigenous religious beliefs – as Hindus in government statistics, although an estimated 10 million of those listed as Scheduled Tribe members are Christians, according to the 2011 census.¹⁵³

- 9.1.6 According to the 2011 Indian census, there was estimated to be approximately 201 million members of Scheduled Castes¹⁵⁴.
- 9.1.7 Articles differentiating between Scheduled Castes and Scheduled Tribes were outlined in [The Constitution of India](#), which outlined that a person shall be held to be a member of a Scheduled Caste or Scheduled Tribe if he/she belongs to a caste or a tribe which has been declared as such under the various orders issued by the Government¹⁵⁵. Article 341 of the Constitution of India defines as to who belongs to Scheduled Castes with respect to any State or Union Territory, whereas Article 342 of Constitution of India defines as to who would be Scheduled Tribes with respect to any State or Union Territory¹⁵⁶. According to the 2011 Indian census, Scheduled Castes constitute approximately 16.6% of India's total population¹⁵⁷, whereas Scheduled Tribes were estimated to constitute approximately 8.6% of India's total population¹⁵⁸.
- 9.1.8 Minority Rights Group International (MRGI), an international human rights organisation noted that:
- 'The term Dalit means "oppressed", "broken" or "crushed" to the extent of losing original identity. However, this name has been adopted by the people otherwise referred to as Harijans, or "Untouchables", and has come to symbolize for them a movement for change and for the eradication of the centuries-old oppression under the caste system. In legal and constitutional terms, Dalits are known in India as scheduled castes. There are currently some 166.6 million Dalits in India.'¹⁵⁹

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9.2 Legislation

- 9.2.1 In an article of June 2019, the BBC noted that: 'Independent India's constitution banned discrimination on the basis of caste, and, in an attempt to correct historical injustices and provide a level playing field to the traditionally disadvantaged, the authorities announced quotas in government jobs and educational institutions for scheduled castes and tribes, the lowest in the caste hierarchy, in 1950.'¹⁶⁰
- 9.2.2 The USSD IRF report 2020 also noted that the constitution allows for further governmental assistance to those deemed disadvantaged. It noted:

¹⁵³ USSD, [2020 Report on International Religious Freedom: India](#), page 3, 12 May 2021

¹⁵⁴ India Census, '[Scheduled Castes Population](#)' 2011

¹⁵⁵ GoI-MoLJ, [Constitution of India As on 9th December 2020](#), page 144

¹⁵⁶ GoI-MoLJ, [Constitution of India As on 9th December 2020](#), Article 341, 342, page 144-145

¹⁵⁷ India Census, '[Scheduled Castes Population](#)' 2011

¹⁵⁸ India Census, '[Scheduled Tribes Population](#)' 2011

¹⁵⁹ MRGI, [India Dalits web page](#), nd

¹⁶⁰ BBC, '[What is India's caste system?](#)', 19 June 2019

‘The constitution establishes the legal basis for preferential public benefit programs for Scheduled Caste or Scheduled Tribe communities and members of the “Other Backward Classes,” a category for groups deemed to be socially and educationally disadvantaged. The constitution specifies only Hindus, Sikhs, or Buddhists are eligible to be deemed members of a Scheduled Caste. As a result, Christians and Muslims qualify for benefits if deemed to be members of “backward” classes due to their social and economic status.’¹⁶¹

9.2.3 In January 1989, India introduced the [The Scheduled Castes and the Scheduled Tribes \(Prevention of Atrocities\) Act](#) to provide more stringent punishment for atrocities against persons belonging to the SCs and Tribes, notably ‘An Act to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for [Special Courts and the Exclusive Special Courts] for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.’¹⁶²

9.2.4 The DFAT country report 2020 noted that:

‘Articles 15 and 16 of the constitution provide reservations – a system of affirmative action that provides representation in education, employment and politics – for STs and other historically and currently disadvantaged groups in Indian society (SCs known as Dalits and subject to the practice of untouchability; and ‘other backward classes’ OBCs (see Caste System).) These groups are eligible to receive special benefits and to compete for reserved seats in legislatures, government and educational institutions.’¹⁶³

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9.3 Treatment of members of Scheduled Castes and Tribes

9.3.1 The MRGI organisation noted that:

‘The constitutionally guaranteed affirmative action policies have had some positive impact in increasing the representation of Dalits in educational institutions, governmental jobs and elected positions. Notwithstanding this improvement, Dalits continue to remain the most underprivileged class of Indian society: the stigma they face remains evident to this day. Dalits in general continue to survive under inhumane, degrading conditions.

‘Around 80 per cent of Dalits live in rural areas. Economic exploitation remains their most acute problem. They are almost all marginal farmers or landless labourers. Many are in debt and are obliged to work off their debts as bonded labourers, despite the fact that this practice was abolished by law in 1976. In these cases, a labourer takes a loan from a landlord or moneylender and in return agrees to work for that person until the debt has been repaid. In practice such debts are difficult to repay as interest rates are high and poverty forces the labourer into deeper debt. The debt can then be passed on to the next generation, and it is almost impossible to escape the cycle of bondage. In some areas many high-caste landlords pay their Dalit

¹⁶¹ USSD, [2020 Report on International Religious Freedom: India](#), 12 May 2021, page 8

¹⁶² India Code, ‘[The Scheduled Castes and the Scheduled Tribes \(Prevention of Atrocities\) Act, 1989](#)’

¹⁶³ DFAT, ‘[Country Information Report India](#)’, para 3.11, 10 December 2020

labourers minimum wages in cash or food, or nothing at all; resistance is frequently met by violence, sometimes resulting in the death or injury of the victim. Mob violence against Dalit communities is frequently reported, sometimes led by landlords, and has been especially noticeable in situations where Dalit workers have joined labour unions or made progress in gaining education and economic mobility.¹⁶⁴

9.3.2 With specific reference to Dalit women, MRGI noted that:

‘Dalit women have been particularly badly affected in recent times. They are discriminated against not only because of their sex but also because of religious, social and cultural structures which have given them the lowest position in the social hierarchy. The stigma of “untouchability” exposes them to an even higher risk of abuse and exploitation. For instance, while sexual violence is a problem faced by women across India, encouraged in part by the frequent failure of the judicial system to secure justice for its victims, the situation is especially challenging for Dalit girls and women due to the added discrimination they face: the International Dalit Solidarity Network (IDSN) reports that less than 2 per cent of rape cases against Dalit women result in convictions, compared to around 25 per cent against women in India generally.’¹⁶⁵

9.3.3 The DFAT country report 2020 outlined that Dalits are also affected by anti-cow slaughter legislation and attacks, reporting that out of 120 cow-related hate crimes between 2010 and 2018, Dalits constituted at least 10% of the victims¹⁶⁶.

9.3.4 The same report continued:

‘The International Dalit Solidarity Network (IDSN) claims, while legal mechanisms are in place to protect Dalits, their implementation is weak and inconsistent. IDSN reports instances of bonded labour, abuse of Dalit women and girls and the hereditary occupation of ‘manual scavenging’ (removing human excreta from dry latrines). Official crime statistics show violence towards Dalits continues, with the rate of crime against SCs by non-SCs/STs around 21 per cent in 2018.

‘Examples of alleged caste-related crime, based on media reports, include:

- In September 2018 in Madhya Pradesh, a Dalit man was scalped after he had tried to speak to his son’s upper-caste employers.
- In October 2018 in Tamil Nadu, a 14-year old Dalit girl was beheaded by an upper-caste man whose wife said he hated the girl because of her caste.
- In May 2018 in Gujarat, a Dalit scavenger was tied up and fatally whipped outside a factory. The incident was captured on video and broadcast across India.
- In May 2019 in Uttarakhand, a Dalit man died after he was beaten up at a wedding reception for eating in front of upper-caste men.

¹⁶⁴ MRGI, [India Dalits web page](#), nd

¹⁶⁵ MRGI, [India Dalits web page](#), nd

¹⁶⁶ DFAT, [Country Information Report India](#), para 3.45, 10 December 2020

- In September 2019 in Rajasthan, a Dalit man was beaten to death for allegedly stealing a water pump.

‘According to National Family Health survey data, health indicators for India’s more than 80 million Dalit women lag behind those of higher-caste women. One in four Dalit women is reportedly undernourished, and 70 per cent report facing discrimination accessing health care.

‘IDSN reports the conviction rate for rape against Dalit women is under 2 per cent compared to a conviction rate of 25 per cent across Indian society. According to NCRB data, four Dalit women are raped everyday. They also reportedly face regular incidents of verbal abuse, physical assault, sexual harassment and assault, and domestic violence. IDSN has reported Dalit women are almost always punished by police officers when they try to file a complaint, and may be threatened with physical assault or rape, or denied medical treatment for their injuries.’¹⁶⁷

9.3.5 The DFAT country report 2020 also outlined, in contrast, that: ‘Some Dalits have achieved high office, helped in some cases by quotas for educational, public service and political representation. Dalit NGOs, community groups and chambers of commerce exist. India’s President, Ram Nath Kovind, is a Dalit from the ruling BJP and is the second Dalit to hold that position. Nonetheless, human rights observers note the problem of social ostracism remains for Dalits.’¹⁶⁸

9.3.6 The HRW report 2020 outlined that:

‘According to 2019 government data, crimes against Dalits increased by 7 percent. This, Dalit rights activists said, was in part as backlash by members of dominant castes against any efforts toward upward mobility or what they might perceive as a challenge to caste hierarchy. In August, 40 Dalit families in Odisha were socially boycotted when a 15-year-old girl plucked flowers from the backyard of a dominant caste family. In July, a Dalit man was stripped and beaten along with his family members in Karnataka for allegedly touching the motorcycle of a dominant caste man. In February, a Dalit man was beaten to death by members of dominant caste in Tamil Nadu for defecating in their field. In September, a Dalit lawyer was killed over his social media posts critical of Brahminism.’¹⁶⁹

9.3.7 In an article by The Print, an online Indian newspaper, following the collapse of a wall separating Dalits from higher castes which killed 17 people, it was reported that nearly 3,000 Dalits pledged to convert to Islam in order to lose their “Dalit tag” and gain recognition in society¹⁷⁰.

9.3.8 On 12 February 2020, India Today; an English-language online news magazine reported that: ‘Illavenil, the state secretary of the Tamil Puligal Katchi, told India Today that legally 430 people have converted to Islam and many more are in the process of the conversion’¹⁷¹ following the wall collapse in Tamil Nadu.

¹⁶⁷ DFAT, ‘[Country Information Report India](#)’, para 3.151 – 3.153, 10 December 2020

¹⁶⁸ DFAT, ‘[Country Information Report India](#)’, para 3.150, 10 December 2020

¹⁶⁹ HRW, [World Report 2021, India: Events in 2020](#), 13 January 2021

¹⁷⁰ The Print, ‘[3,000 Dalits in Tamil Nadu to convert to Islam...](#)’, 26 December 2019

¹⁷¹ India Today, ‘[Over 430 Dalits convert to Islam in Coimbatore citing injustice...](#)’, 12 February 2020

- 9.3.9 In a MRGI 2017 report on religious minorities in India, it was noted that:
 ‘Dalits ... have on occasions used conversion as a means to protest injustice or seek greater inclusion in another religion. Reports emerged in July 2016, for instance, that hundreds of Dalit villagers in Tamil Nadu were planning to convert to Islam after being denied access to the local temples by caste Hindus. Some right-wing activists accused local Muslims of actively stirring this division. In early 2015, similarly, a Valmiki community member converted to Islam following his exclusion from the local temple, prompting police to reportedly arrest him for “disturbing peace and communal harmony”. Allegations of forced conversions have frequently been leveled against Christians and often accompany targeted attacks against them, which have been on the rise in recent years. In April 2017, for example, police in Uttar Pradesh halted a prayer meeting at a church upon receiving reports of alleged forced conversions from the right-wing Hindu Yuva Vahini.’¹⁷²
- 9.3.10 However, according to the National Dalit Movement for Justice and International Dalit Solidarity Network 2019 report, ‘The claim – regarding a better economic and social situation on conversion – has been consistently proven to be false by several government commissions, such as the Mandal Commission in 1980, the Sachar Commission in 2006, and most recently by the National Commission for Minorities in 2008.’¹⁷³
- 9.3.11 In an article by Al Jazeera on 4 August 2021, it was reported that:
 ‘A nine-year-old girl belonging to India’s marginalised Dalit community has been gang-raped, murdered and forcibly cremated in capital New Delhi, her family alleges. The gruesome incident sparked a fourth day of protests in the city on Wednesday, in the latest case of sexual violence targeting the former “untouchable” community, which falls at the bottom of India’s complex caste hierarchy. The girl’s family alleges a Hindu priest working at a local crematorium and his associates raped her and then cremated her body without their approval on Sunday.’¹⁷⁴
- 9.3.12 The article continued:
 ‘As soon as word of the incident spread, the girl’s father and their neighbours rushed to the crematorium. They caught the priest and the three others, who, according to local media reports, confessed to raping the young girl. The police arrived a little later and took the accused into custody. Cases of gang rape, murder and sexual offences against a child have been registered against the suspects, while the crematorium has been sealed.
 ‘Since Sunday, hundreds of demonstrators have taken to the streets in New Delhi, demanding the death penalty for the four men accused of the crime.’¹⁷⁵
- 9.3.13 The same article noted:

¹⁷² MRGI, ‘[A Narrowing Space: Violence and discrimination against India’s religious...](#)’ June 2017

¹⁷³ NDMJ and IDSN, ‘[Joint submission to the United Nations...](#)’, page 12, July 2019

¹⁷⁴ Al Jazeera, ‘[Dalit girl allegedly raped, killed and forcibly cremated in India](#)’, 4 August 2021

¹⁷⁵ Al Jazeera, ‘[Dalit girl allegedly raped, killed and forcibly cremated in India](#)’, 4 August 2021

‘The protests are likely to snowball across the country, with some Dalit groups announcing demonstrations against the atrocities faced by the community, particularly Dalit women.

“‘This is not an isolated incident. It’s just that it came to light. Sexual violence against women, particularly those from backward classes, is common in this country and they have to struggle hard to get justice,” New Delhi-based women’s rights activist Suman Dixit, who has joined the family in protest, told Al Jazeera.’¹⁷⁶

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Section 10 updated: 23 November 2021

10. Access to services

10.1 Overview

10.1.1 With regard to education, the USSD IRF report 2020 noted that: ‘The constitution prohibits religious instruction in government schools; the law permits private religious schools. The law permits some Muslim, Christian, Sindhi (Hindu refugees), Parsi, and Sikh educational institutions that receive government support to set quotas for students belonging to the religious minority in question. For example, Aligarh Muslim University must admit at least 50 percent Muslims. St. Stephen’s College in Delhi and St. Xavier’s in Mumbai must admit at least 50 percent Christians.’¹⁷⁷

10.1.2 The same report also noted:

‘On July 28, according to media reports, the BJP-controlled Karnataka State government removed some lessons on Christianity and Islam from middle school social science textbooks, stating that the move was intended to shorten the curriculum while school sessions were limited due to pandemic restrictions. After strong reaction from the state’s opposition parties, the state government agreed to review the decision. As of the end of the year, the review was pending.’¹⁷⁸

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10.2 Christians

10.2.1 In a report by the Labour and Employment Division for the Government of India in New Delhi, based on longitudinal data from National Sample Survey Office (NSSO) on employment amongst religious minorities (LED employment report 2014), it was noted that: ‘The literacy rate among the working age population (15-59 years) was the highest for Christians, for both sexes in both rural and urban areas’¹⁷⁹ and that, ‘The proportion of persons aged 15 years and above with educational level secondary and above, was the highest for Christians.’¹⁸⁰ The report also stated that, ‘Among regular

¹⁷⁶ Al Jazeera, ‘[Dalit girl allegedly raped, killed and forcibly cremated in India](#)’, 4 August 2021

¹⁷⁷ USSD, [2020 Report on International Religious Freedom: India](#), page 7, 12 May 2021

¹⁷⁸ USSD, [2020 Report on International Religious Freedom: India](#), page 15, 12 May 2021

¹⁷⁹ LED, ‘[Employment trends among religious communities in India](#)’, 26 April 2014

¹⁸⁰ LED, ‘[Employment trends among religious communities in India](#)’, 26 April 2014

employees Christians accounted for a higher proportion as compared to other religious communities in both rural and urban areas.’¹⁸¹

- 10.2.2 CPIT could not find any relevant information in the sources consulted as to Christians’ general access to housing and healthcare in India (see [Bibliography](#)).

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10.3 Muslims

- 10.3.1 In considering Muslim’s access to employment, the DFAT country report 2020 noted that: ‘Indian Muslims are not granted the same constitutional safeguards as SCs or STs, and are not entitled to reservations in employment or education....Despite their large numbers, Muslims in practice are under-represented in some areas of employment and administration – although there have been improvements in representation in the civil service in recent years. Muslims are often employed or self-employed in small businesses, artisanship, fishing and unskilled work. Media reports the rate of Muslim migration to large cities is decreasing because Muslims are “shut out of the labour market”’.¹⁸²
- 10.3.2 With specific consideration to Muslims’ access to housing, News18, an English language news channel partnership between TV18, CNN and an Indian television network, highlighted the difficulties young Muslim men and women face in accessing and securing housing in metropolitan cities, such as Bangalore, Delhi and Mumbai¹⁸³.
- 10.3.3 The UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, reported in 2017 that:
- ‘Discrimination against Muslims in housing manifests itself in different ways in different parts of the country. For example, studies on access to private rental accommodation in the capital show that discrimination against Muslims (as well as Dalits) can at times be a barrier to access to housing. Private landlords, real estate brokers and property dealers will often refuse to rent to someone who is Muslim, or impose unfair conditions on them. The Special Rapporteur was informed that in some parts of the country, Muslims have felt compelled to leave their neighbourhoods and move to places where other Muslims are living, often in informal settlements. The Special Rapporteur visited one such settlement where the conditions were extreme owing to overcrowding, the absence of sanitation facilities and electricity and the lack of garbage collection.’¹⁸⁴
- 10.3.4 On 31 August 2019, The Indian Express, an English-language Indian daily newspaper, reported that a residential society in Gujarat state suggested its members refrained from selling properties to the Muslim communities, though: ‘I K Patel, Narmada District Collector, said, “When we sought a reply from the colony, they told us that it was just a draft of their agenda to be

¹⁸¹ LED, ‘[Employment trends among religious communities in India](#)’, 26 April 2014

¹⁸² DFAT, ‘[Country Information Report India](#)’, para 3.41-3.42, 10 December 2020

¹⁸³ News18, ‘[I know I am Muslim as Others Don’t Let Me Forget...](#)’, 13 November 2018

¹⁸⁴ UNHRC, ‘[Report of the Special Rapporteur on adequate housing...](#)’. Page 17, 10 January 2017

discussed at a meeting and they were not passing any such rule. It was a list prepared based on the suggestions received from their resident members. We have accepted this reply but will keep a watch on the issue and initiate probe if discrimination happens.”¹⁸⁵

- 10.3.5 As outlined in an IRB COI query response dated 18 June 2020, based on a range of sources:

‘...approximately 44 percent of Muslims in those neighborhoods lived in "pucca (permanent) houses," while 43.1 percent lived in "kaccha (temporary) houses made of tin/asbestos sheets" and 12.6 percent lived in "semi-pucca". In comparison, 58.4 percent of Hindu lived in "pucca houses," 15.2 percent in "semi-pucca" houses and 26.4 percent in "kaccha" houses. Access to water was similar between Muslims and Hindus, and access to closed drainage sanatory was "slightly better for Muslims than Hindus”¹⁸⁶

- 10.3.6 In reference to Muslims’ access to healthcare, Associated Press, in an article focusing primarily on the Covid-19 pandemic in India, noted ‘The stigma faced by India’s Muslims, [who are] poorer and with less access to health care than other groups...’¹⁸⁷.

- 10.3.7 In an IRB COI query response dated 18 June 2020, based on a range of sources, it was noted that, ‘A study on participation in higher education for 2016-2017 by the Ministry of Human Resource Development of India notes that 4.9 percent of higher education students are Muslims’¹⁸⁸. Furthermore, according to ThePrint, an Indian news website, 2.37 crore (23.7 million) Muslims students have received a scholarship during the first term of Prime Minister Modi's government¹⁸⁹.

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10.4 Sikhs

- 10.4.1 The LED employment report 2014 noted that, in regards to Sikhs in education, that the proportion of persons aged 15 years and above with educational level secondary and above, was the second highest for Sikhs¹⁹⁰.
- 10.4.2 CPIT could not find any relevant information in the sources consulted as to Sikhs’ general access to housing and healthcare in India (see [Bibliography](#)).

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10.5 Scheduled Castes

- 10.5.1 In considering members of SCs’ access to public services, jobs and more, MRGI noted that:

‘In areas such as health, education, housing, employment and wages, application of legal rights, decision-making and political participation, and rural development, Dalit women have been almost entirely excluded from development policies and programmes. The national population policy,

¹⁸⁵ The Indian Express, ‘[Gujarat: Residential society in Vadia village asks...](#)’, 31 August 2019

¹⁸⁶ IRB, ‘[Responses to Information Requests, India...](#)’, 18 June 2020

¹⁸⁷ AP, ‘[Indian Muslims face stigma, blame for surge in infections](#)’, 25 April 2020

¹⁸⁸ IRB, ‘[Responses to Information Requests, India...](#)’, 18 June 2020

¹⁸⁹ ThePrint, ‘[More Muslims got govt scholarships under Modi govt...](#)’, 21 October 2019

¹⁹⁰ LED, ‘[Employment trends among religious communities in India](#)’, 26 April 2014

which is geared to population control and in the process targets Dalit and other women for family planning programmes, does so on the grounds that they are the cause of the population “explosion” and of poverty. No change has been made in the attitudes of society towards these women and they continue to be oppressed, marginalized, violated and all but forgotten.

‘Large numbers migrate to cities or to labour-scarce rural areas in different parts of India. Many Dalit families have left rural areas to live in slums and on the pavements of the rapidly growing cities. Here they also tend to do the worst jobs for the lowest wages. However, in some cities traditional occupations such as sweepers have been organized in municipal unions and have the advantage of regular work and wages. Many Dalits work as casual day labourers in small factories, quarries, brick kilns or on construction sites, as cycle rickshaw drivers or in petty trade.

‘There are, however, growing numbers employed in relatively secure jobs in areas such as public service, banking and the railways, and sometimes in private industry. Those resident in the cities have some access to secondary and higher education, and a growing middle class has evolved within the Dalit community. As opportunities for education increase and aspirations rise, Dalits could become a strong and positive force for change in India in the coming decades, especially if they are able to organize themselves across barriers of language and religion.’¹⁹¹

10.5.2 Further considering members of SCs’ access to housing, the Navsarjan Trust Dalit Organisation, a grassroots organisation based in India and focused on treatment of Dalits, noted that, ‘[Dalits] are supposed to reside outside the village so that their physical presence does not pollute the “real” village. Not only are they restricted in terms of space, but their houses are also supposed to be inferior in quality and devoid of any facilities like water and electricity.’¹⁹²

10.5.3 The UN Special Rapporteur's 2017 report on adequate housing also added that: ‘According to the 2011 census, scheduled castes and scheduled tribes have, on average, lower quality housing, made with inadequate materials, with only 22 per cent of households of scheduled tribes made with brick or concrete walls. Figures concerning the lack of access to latrines were more alarming than for the general population, with 66 per cent of members of scheduled castes lacking access to latrines, and 77 per cent of scheduled tribes.’¹⁹³

10.5.4 The USSD IRF 2020 report outlined that in 2020, ‘Organizations representing members of Dalit communities continued to challenge at the Supreme Court the practice of denying members of lower castes eligibility for educational and job placement programs for those who convert from Hinduism to another religion.’¹⁹⁴

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¹⁹¹ MRGI, [India Dalits web page](#), nd

¹⁹² The Navsarjan Trust, ‘[What is Untouchability?](#)’, nd

¹⁹³ UNHRC, ‘[Report of the Special Rapporteur on adequate housing...](#)’. Page 16, 10 January 2017

¹⁹⁴ USSD, [2020 Report on International Religious Freedom: India](#), page 18, 12 May 2021

11. Avenues of redress

11.1 General complaints procedures

11.1.1 Under the Constitution, each state and union territory (UT) has primary responsibility for crime prevention and investigation and maintaining law and order¹⁹⁵. Each state and union territory has its own police force (for further details, see the country policy and information note on [India: Background, including actors of protection and internal relocation](#)).

11.1.2 DFAT reported that another avenue of complaint is India's National Human Rights Commission (NHRC), who received 86,000 complaints in 2018; most of which related to police conduct¹⁹⁶. DFAT expanded upon the role of the NHRC:

'India's National Human Rights Commission (NHRC) was established in 1993 and has a broad mandate to inquire into and make recommendations about violations of human rights by the central and state governments, including through intervention in court proceedings. The NHRC can initiate inquiries on any of the issues under its remit. Governments are required to respond to the NHRC's reports within a period of one month for general complaints, and three months for complaints relating to the armed forces; however, government responses are often delayed. The NHRC consults with civil society representatives, some of whom sit on NHRC committees. The NHRC is accredited by the UN-affiliated Global Alliance of National Human Rights Institutions as "fully compliant" with the Paris Principles for national human rights bodies.'¹⁹⁷

11.1.3 Whilst the NHRC appears to be a viable avenue of redress, critics claimed that the NHRC does not investigate all complaints, lacked investigative capacity and relied upon information provided by India's states, which is withheld in some cases¹⁹⁸.

11.1.4 The United States Department of State (USSD) human rights report on India, published in 2021 and covering events in 2020, noted that:

'The NHRC has neither the authority to enforce the implementation of its recommendations nor the power to address allegations against military and paramilitary personnel. Human rights groups claimed these limitations hampered the work of the NHRC. Some human rights NGOs criticized the NHRC's budgetary dependence on the government and its policy of not investigating abuses more than one year. Some claimed the NHRC did not register all complaints, dismissed cases arbitrarily, did not investigate cases thoroughly, rerouted complaints back to the alleged violator, and did not adequately protect complainants.'¹⁹⁹

11.1.5 It is noted that seventeen states (of 28 states in total²⁰⁰) have now established the Police Complaints Authorities (PCAs) through State Police

¹⁹⁵ USSD, [India Human Rights Report 2019](#) page 56, 11 March 2020

¹⁹⁶ DFAT, [Country Information Report: India](#) paragraph 2.62, page 19, 10 December 2020

¹⁹⁷ DFAT, [Country Information Report: India](#) paragraph 2.61, page 19, 10 December 2020

¹⁹⁸ DFAT, [Country Information Report: India](#) paragraph 2.62, page 19, 10 December 2020

¹⁹⁹ USSD, [India Human Rights Report 2020](#), page 45, 30 March 2021

²⁰⁰ USSD, [2020 Report on International Religious Freedom: India](#), page 7, 12 May 2021

Acts and ten states have done this through executive orders²⁰¹. However, as reported by Mumbai Mirror, an Indian news source, in September 2020, the lack of proper establishment of PCAs and the associated negative impact on police reform has been heavily criticised²⁰².

(See also [Country policy and information note: India: Actors of protection – January 2019](#) for general information on the police in India).

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11.2 National Commission for Minorities (NCM)

11.2.1 The DFAT country report 2020 stated:

'In 1992, the Government of India set up the National Commission for Minorities (NCM), under the National Commission for Minorities Act. The Act extends to the whole of India and has the powers of a civil court. Five religious communities were included under the Commission's remit: Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis). Since 2014, the Jain community has also been included. State Minorities Commissions exist in Andhra Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Jharkhand, Karnataka, Maharashtra, Madhya Pradesh, Manipur, Rajasthan, Tamil Nadu, Uttarakhand, Uttar Pradesh and West Bengal. The functions of these Commissions, like the NCM, are to safeguard and protect the interests of minorities provided in the constitution and laws enacted by Parliament and the State Legislatures. Aggrieved persons belonging to minority communities may approach the relevant State Minorities Commission for redressal of their grievances. They may also approach the NCM, after exhausting all other remedies available to them.

'In 2018-19, the NCM received 1,871 complaints and heard 44 cases. In 2013-14 (the period encompassing the May 2014 national election), 2,638 complaints were received, the highest number over a ten-year period (2009-19). The top three complaints consistently relate to matters of law and order, service and education. The top three minority complainant communities are Muslim, Sikh and Christian.

'In 2006, the Ministry of Minority Affairs (MMA) was established. Its mandate is to formulate overall policy and planning, coordination, evaluation and review of the regulatory framework and development of programs for the benefit of minority communities. Like the NCM, minority communities under its remit are Muslim, Christian, Buddhist, Sikh, Parsis and Jain. The MMA implements various national schemes across educational and economic empowerment, infrastructure development, special needs and financial support to institutions.'²⁰³

11.2.2 The USSD IRF 2020 report noted that: Eighteen of the country's 28 states and the National Capital Territory of Delhi have state minorities commissions, which also investigate allegations of religious discrimination.'²⁰⁴

²⁰¹ Frontline, '[Police reforms still largely on paper](#)' 09 August 2019

²⁰² Mumbai Mirror, '[Need for robust police complaints authorities](#)', 24 September 2020

²⁰³ DFAT, [Country Information Report India](#) para 5.31, 10 December 2020

²⁰⁴ USSD, [2020 Report on International Religious Freedom: India](#), page 7, 12 May 2021

12. Internal relocation

12.1 Freedom of movement

- 12.1.1 See Country Policy and Information Note [India: Internal relocation](#) for information on movement within the country generally.
- 12.1.2 The USSD human rights report on India, published in 2021 and covering events in 2020 noted that: 'The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights.'²⁰⁵
- 12.1.3 In considering the limits to internal relocation, the DFAT country report 2020 noted that:
- 'According to the World Bank, factors that may limit interstate relocation include non-portability of entitlements, preferential norms in educational institutions, and domicile requirements for state government jobs. Other factors, some historical, that limit mobility/interstate migration include: the prevalence of the caste system; traditional values; the diversity of language and culture; exploitation and political exclusion; lack of education; limited access to financial services and resources; and predominance of agriculture and semi-feudal land relations in India.'²⁰⁶

²⁰⁵ USSD, [India Human Rights Report 2020](#) page 34, 30 March 2021

²⁰⁶ DFAT, [Country Information Report India](#) para 3.22-3.24, 10 December 2020

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
 - Constitution
 - Anti cow slaughter legislation
 - Penal Code
 - Conversion laws
- Religious demography and geographical breakdown, including coverage of the caste system
- State treatment of religious minorities
- Citizenship Amendment Act (CAA)
- Media coverage
- Societal treatment of religious minorities
- Religious minorities' access to services
- Sikh farmer protests
- Inter-religious relations
 - Interfaith marriages
 - Hindu nationalism

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Version control

Clearance

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- valid from **23 November 2021**

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