

India



Persecution / Worsened ↓

Religion

Population

Area

1,326,802,000

3,287,263 Km²

- Hindus : **72.5%**
- Muslims : **14.4%**
- Christians : **4.7%**
- Ethnoreligionists : **3.9%**
- Sikhs : **1.8%**
- Agnostics : **1.2%**
- Others : **1.5%**

Legal framework on freedom of religion and actual application

India does not have an official state religion and, according to the law, public institutions treat all religions on the same level. Nevertheless, notwithstanding this legal reality, the relative weight of the different religious communities that make up the population of India is an extremely sensitive political issue.

On 25th August 2015, the publication of data about the religious affiliation of the Indian population after the census carried out in 2010-2011^[1] sparked lively discussions in the country.^[2] Decrease in the proportion of Hindus, increase in the proportion of Muslims and stabilisation on the part of Christians are the main characteristics of India's religious landscape based on the census.^[3] The fact that Hindus have fallen below 80 percent has been the subject of much debate and comment. Right-wing Hindu nationalist movements saw the percentage as justification for their struggle for the Hindu character of the Indian nation. Representatives of religious minorities, for their part, have vigorously denounced the attacks to which they are regularly subjected.

Regardless of these demographic trends, India remains a democracy under its 1949 constitution. The federal constitution guarantees religious freedom. Article 25, paragraph one provides that every citizen has the right to freedom of conscience and the right to freely profess, practise and propagate their religion. In compliance with article 27, no one may be compelled to pay taxes intended for the promotion or financing of a particular religious denomination. Article 28 stipulates that no religious instruction shall be provided in schools wholly financed by the state; and pursuant to article 26, which concerns the rights of groups, each religious denomination or section of a religious denomination has the right to manage its religious affairs, to establish and manage religious and charitable institutions, and to possess, acquire and administer properties of all kinds. Article 29 states that citizens have the right to preserve their individual customs and languages. And, in conformity with article 30, religious and linguistic minorities have the right to set up and administer

educational institutions of their choice.^[4]

Under this federal constitutional framework, the central state does set certain limitations, especially concerning the relations of religious communities with foreigners. Consequently, for many years now, the country has granted almost no missionary visas.^[5] Missionaries already in the country for several years can renew their residency and missionary permits on an annual basis, but it is exceptional for Indian authorities to grant visas to new missionaries. Likewise, the Foreign Contribution Regulation Act aims to control the funding from abroad of non-governmental organisations, and Christian or Muslim organisations regularly bear the consequences of this.^[6]

From a legislative point of view, conversion is a highly controversial issue. The debate over the need for an anti-conversion law at the federal level goes back at least as far as 1978 and has always been linked to the Bharatiya Janata Party (Indian People's Party, BJP) and its predecessor, the Janata Party (People's Party).^[7] The leaders of the BJP advocate the ideology of Hindutva, according to which the Indian nation is in its essence Hindu. Recently, BJP ministers have repeatedly spoken out in favour of measures to "protect the Hindu religion", seemingly threatened by the rise of religious minorities, Muslims and Christians in particular. In December 2014, the Minister of Parliamentary Affairs caused a sensation by calling for anti-conversion legislation at the federal level.^[8] On 23rd March 2015, Rajnath Singh, the Federal Minister of Home Affairs, called for a "national debate" on the issue and insisted on the need for an anti-conversion law at the national level.^[9] However, on 15th April 2015, the Federal Ministry of Law and Justice issued an opinion putting a stop to the federal government's wishes in the matter, on the grounds that a federal law would be unconstitutional.^[10]

Nowadays, out of the 29 states (and seven territories) in the Indian Union, six have passed an anti-conversion law. Before the State of Gujarat, the legislative assemblies of Arunachal Pradesh, Orissa (Odisha), Madhya Pradesh and Chhattisgarh had legislated in that respect. Later, Himachal Pradesh joined them, as did Tamil Nadu (but in the latter state located in the south of the country, where Christians are numerous, the law was quickly repealed). Each time, anti-conversion laws – which penalise conversions obtained by "force" or "fraudulent means" – were based on the notion of defence of "the public order", a domain under the responsibility of the states of the Indian Union.^[11]

For the opponents to a potential federal anti-conversion law, New Delhi's legislative plans are nevertheless worrying. This "clearly shows the mischievous intentions of the central government to cap the freedom of religion and freedom to follow a faith," said Navaid Hamid, secretary of the South Asian Council for Minorities.^[12] According to Father Paul Thelakkat, spokesman for the Syrian-Malabar Catholic Church, there is no need for laws that restrict conversions in India, whether at the federal level or within the states. He says: "there are enough laws in this country to punish those who disturb public order or social harmony,"^[13] He adds: "The BJP supports the idea that the Hindu religion will not survive contact with other religions and that is why they try to build legislative defences to protect their own religion."^[14]

Incidents

Quite often, sectarian or religious incidents occur at election time. For example in Uttar Pradesh, a state in the north of the country where the BJP won power in 2017, there were 96 attacks against Christians, compared to 39 incidents in 2016 when the ruling Samajwadi Socialist Party was in power.^[15] In Madhya Pradesh, a state run for 15 years by the BJP, 2017 saw a 54 percent increase in the number of incidents (52) compared to 2016.^[16] In Tamil Nadu, where there were 48 incidents, the increase was 60 percent.^[17]

In May 2018, in Karnataka – a coastal state in southern India with a population of 64 million – the BJP made gains with the Congress Party remaining in power only after forming an alliance with a regional party. During the election campaign, a letter, allegedly from the Archbishop of Bangalore – actually a fake document – began circulating among people. It claimed that the Catholic Church was conspiring to split the Lingayats – an influential Hindu community that represents 17 percent of the state's population – in order to carry out conversions in that community.^[18]

At the national level, according to Persecution Relief, an ecumenical forum that focuses on anti-Christian persecution,

736 attacks were recorded in 2017 against 348 in 2016.^[19] Such incidents have been reported in 24 of India's 29 states. Gathering in February 2018 for their biannual meeting, the 200 or so bishops of the three rites of the Catholic Church in India (Latin, Syro-Malabar and Syro-Malankar rites) did not hide the fact that in the current election season (parliamentary elections in eight states in 2018 and national elections in April or May 2019) Christians are facing "immense challenges".^[20] Since the BJP controls the governments of 19 of the 29 states of the Indian Union and is in power at the federal level, "groups and organisations wishing to promote cultural and religious nationalism are becoming bolder"^[21] said Bishop Theodore Mascarenhas, Secretary General of the Catholic Bishops' Conference of India. But the bishops warned that nationalism based on culture or religion "would lead India on a path of self-destruction."^[22]

This tendency is not denounced by the Catholic Church alone. On 25th April 2018, the United States Commission on International Religious Freedom (USCIRF) estimated that religious freedom in India was on a downward trend.^[23] In addition to violence against Christians, the USCIRF also pointed to incidents, sometimes deadly, related to the slaughter of cattle. Measures to protect cows are increasing: in Rajasthan a "Cow Ministry" has been established and laws against the slaughter of cattle have been tightened; and, in Prime Minister Narendra Modi's home state of Gujarat, the sentence for illegal slaughter of cows increased from seven years to life imprisonment. The gaushala – shelters for sacred cows – take on the appearance of temples for Hindu extremists. The consumption of beef has become the recurrent motive of violence between Hindu extremists and members of minorities. For Muslims and Christians as well as Tribal people and Dalits, beef is a cheap source of protein, but this puts them at risk of raids by the pro-Hindu militias who attack breeders, shippers and sellers of cattle. Between May 2015 and May 2017, violent attacks have killed twelve people.^[24] Asserting the sacredness of the cow in Hinduism heralds the advent of a Hindu culture over the whole country.

Prospects for Freedom of Religion

Figures released by the Indian government and presented to Parliament on 6th February 2018 highlight the current upward trends in inter-religious violence: with respect to incidents of sectarian violence, 86 people were killed and 2,321 injured in 703 incidents in 2016, while 111 people were killed and 2,384 injured in 822 incidents in 2017.^[25]

Monsignor Thomas Menampampil, former Catholic Archbishop of Guwahati in Assam, said that Narendra Modi and the BJP are well aware that the Hindu majority of the population is not united. However, the former archbishop added that the one way to unite the Hindu population is to present to them the Muslim and Christian minorities as threats to the identity of India; hence the polarisation of public opinion around the sacralisation of the cow and the repeated controversies over "forced conversions" blamed on Christians. Moreover, Narendra Modi's important economic reforms lead to an "exclusive economy," Archbishop Menampampil is cited as saying in Crux.^[26] "His big projects are for the benefit of the privileged few, of the elite that marginalises the weaker sections of society, fragile castes and tribes, whose lands are being given away to multinational corporations, mineral wealth from whose territories are being sold out to big money-bags with no benefit to indigenous communities," the prelate said. While this "economy of exclusion" fits well with some aspects of Hindu nationalist ideology, an ideology based on caste affiliation and "communities that exclude each other," political leaders are aware that in the long run, the lack of solidarity among Hindus is harmful to the interests of the ruling elite. According to the Archbishop, because the poorest members of Hindu society will never be convinced or impressed by the government's achievements in economic matters, the government is trying to mobilise them by stressing the protection of the cow or even the prohibition of conversion in religious matters. In this context, Christians must be careful not to appear as a "contentious group" but should instead, as a minority, ensure the unity of society as a whole.

Sources / Endnotes

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