

India: **DEMOCRACY IN** DIVERSITY

India is a robust, multi-religious and multicultural, secular democracy. It is home to the vast majority of the world's Hindus and has sizeable Muslim, Christian, Buddhist, Jain Sikh, and Zoroastrian populations.

Birthplace of Dharmic **Traditions**

India is the birthplace of Hinduism, Buddhism, Jainism, and Sikhism. These collectively are often referred to as the 'Dharma' Traditions. The Dharma Traditions share many concepts such as dharma, karma, samsara, and moksha, though each religion understands and interprets them differently.

India's Diversity

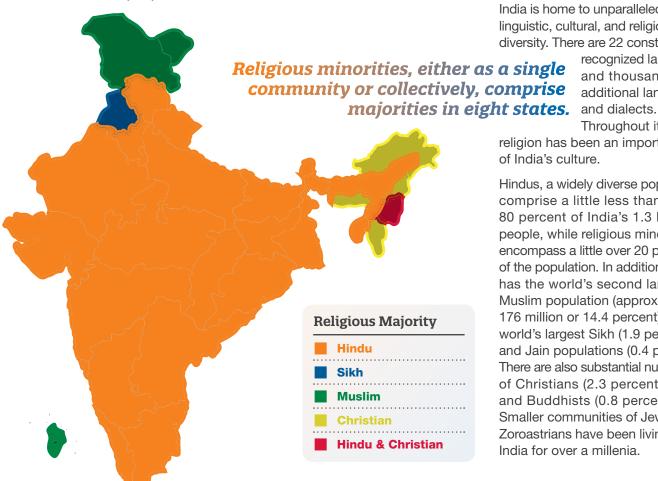
India is home to unparalleled linguistic, cultural, and religious diversity. There are 22 constitutionally

> recognized languages and thousands of additional languages

Throughout its history,

religion has been an important part of India's culture.

Hindus, a widely diverse populace, comprise a little less than 80 percent of India's 1.3 billion people, while religious minorities encompass a little over 20 percent of the population. In addition, India has the world's second largest Muslim population (approximately 176 million or 14.4 percent), and world's largest Sikh (1.9 percent), and Jain populations (0.4 percent). There are also substantial numbers of Christians (2.3 percent) and Buddhists (0.8 percent). Smaller communities of Jews and Zoroastrians have been living in India for over a millenia.



Subsequent to India's independence in 1947, the demographics of religious minorities have either increased or remained stable, and there have been no major religious migrations out of the country. For instance, the Muslim population has grown from 9.8% in 1951 to its current level of 14.4%, while the proportion of Christians, Sikhs, Buddhists, and Jains have stayed relatively the same. The Muslim population is projected to grow further to 18.4% by 2050, according to Pew Research Forum. Moreover, India is now home to the world's largest Baha'i community, estimated at over 2 million people, and the world famous Baha'i Lotus Temple in New Delhi.

India is also home to some of the world's most famous Islamic pilgrimage sites, including prominent Sufi shrines/dargahs (tombs of Muslim saints), such as Ajmer Sharif Dargah in Rajasthan and Haji Ali Dargah in Mumbai, as well as the world renowned Jama Masjid and Makkah Masjid mosques in Delhi and Hyderabad, respectively. Popular sacred Christian sites are also

in Dharamsala, India.

prevalent throughout India, including St. Thomas Cathedral in Mylapore and St. Xavier's shrine in Goa.

Religious demographics in India are complex, especially when examined regionally. Religious minorities, either as a single community or collectively, comprise majorities in eight states. Similarly, in many other states, minorities represent significant and influential segments of the population.

- **Punjab**: Sikh majority
- Jammu & Kashmir, Lakshadweep: Muslim majorities
- Arunachal Pradesh, Meghalaya, Mizoram, and Nagaland: Christian majorities
- Manipur: equally Hindu and Christian, with minorities collectively comprising a majority
- **) Kerala**: Hindu (55%), Muslim (27%), and Christian (18%)

Refuge for Persecuted Religious Groups

Throughout its history, India has served as a refuge for persecuted religious groups or those fleeing violence from around the world.

- Some Jewish communities in India trace their roots back over 2500 years, while others over the subsequent millenia, fleeing persecution from various parts of the Near and Middle East.
- Joroastrians arrived around 700 AD (they're now known as Parsis and Iranis in India), fleeing persecution in their native land of Persia, and integrated seamlessly into Indian society, while practicing their faith fully.
- The Dalai Lama and Tibetan Buddhists fled to India after escaping Chinese oppression and established the Tibetan government in exile in the northern city of Dharamsala.
- Many Rohingya Muslims from Myanmar and Afghan Muslims have found a home in India as well.
- Pakistani, Bangladeshi, and Afghan Hindus have trickled into India for decades to escape religious persecution. They have struggled to obtain refugee status or any type of long term legal status in India, preventing them from accessing basic resources or employment. The current government in India, however, has made it a priority

...its unique brand of secularism provides unprecedented religious accommodations to its religious minority populace.

to grant legal resident status and citizenship to those fleeing religious persecution and seeking refuge in India.

Ahmadiyya Muslims, who are outlawed in Pakistan, are free to worship, construct mosques, and propagate their faith free from government intrusion. The Sunni Waqf Board of India (a private religious body), however, does not consider them Muslim, and therefore does not grant Ahmadiyya membership or benefits of their services.



GOI BUDGET

EARMARKED FOR

MINORITIES AFFAIRS

Secularism in Modern India

India is a secular democracy, but its unique brand of secularism provides unprecedented religious accommodations to its religious minority populace. Until 2018, the Government of India (GoI) provided a subsidy for 108,000 Muslims to complete the Hajj pilgrimage to Mecca annually, covering airfare, domestic travel, meals, medical care, and lodging assistance. From 2012 to 2014, for example, approximately \$300 million was subsidized. The program was phased out by orders of the Supreme Court, and it was ended early in order to ensure subsidies were available for all minorities.

SUBSIDIES AND SPECIAL PROGRAMS

In the 2016-2017 Gol budget, \$600.8 million was earmarked for the Minorities Affairs Ministry to benefit the country's religious minorities, reflecting an increase of over \$14 million from the previous year. The current government has also initiated several new welfare schemes for religious minorities, including Christians, Muslims, Sikhs, Buddhists, and Zoroastrians across the following broad areas:

- (1) educational empowerment,
- (2) economic empowerment,
- (3) infrastructure development,
- (4) special needs, and (5) support for institutions. For instance, the government recently utilized a \$15 million World Bank loan to support skill development and training in madrasas that would benefit 35,000 Muslim students. Money has also been earmarked in the Union Budget for the celebration of Zoroastrian culture to help preserve their history, while the Prime Minister has promoted Buddhism and Sufi Islam through various programs.

PERSONAL LAWS AND TRIPLE TALAO

The Indian constitution and legal system protect religious freedom and ensure equality for all citizens, regardless of religious identity. However, religious minorities are provided separate, religion-based personal laws, which many civil rights advocates have criticized as being contrary to the principle of a secular democracy and for adversely impacting women.

"Triple Talaq" or the process for instant divorce in Islamic society, for example, has been a legal part of the personal law code for Muslims in India, despite it being outlawed in most Muslim majority countries,

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Tibetan refugees eating pani puri (traditional indian snack)

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including Pakistan. "Triple Talag" lacks any requirements for exspouses to pay alimony or child support, impoverishing millions of women and children. In response to this negative social impact on Muslim women and children, Prime Minister Narendra Modi proposed comprehensive legislation prohibiting the practice of "Triple Talaq" in 2016. Upon passing the Lok Sabha (the lower house of parliament) in 2017, the bill was welcomed and lauded by Muslim women's rights groups across the country, but opposition parties used the issue to stoke communal tensions and prevented the bill from passing through the Rajya Sabha (the upper house of parliament).

Unlike Christians and Muslims, Sikhs, Buddhists, and Jains do not have separate personal laws and are considered Hindus under Article 25(2)(b) of the constitution (though this constitutional reference pertains to opening religious institutions to all social classes rather than an explicit statement denying the separate religious identity of Sikhs, Buddhists, and Jains). Notably, Article 25(2)(b) also provides Sikhs the right to carry kirpans (ceremonial knife) as an article of their faith, a religious accommodation they're still advocating for in the US. But in the absence of a Uniform Civil Code (one set of laws for all Indians), which the current government has advocated for, these groups should be granted their own personal law code should they so seek.

Beyond personal laws, all religious minorities enjoy autonomy over their institutions and places of worship,



free from government intrusion, while many Hindu institutions do not, thus falling victim to governmental corruption, mismanagement, and illegal sale of property.

REPRESENTATION IN CIVIL SOCIETY

India's diverse religious minorities are represented in all levels of Indian society and have attained the highest echelons of power in the Indian military, government, judicial system, civil service, bureaucracy, media, and private sector. These include Supreme Court Justices, Prime Ministers and Presidents, heads of the Indian Armed Forces. and leading industrialists, and CEOs. Moreover, relative to their population size, Christians, Sikhs, Jains, and Parsis are overrepresented in many fields and sectors.

STATE LEVEL

At the state level, several states have reserved quotas for Christians and Muslims for government seats and in the public sector. Additionally, India's Jewish community was recently accorded minority status in the State of Maharashtra, making them eligible for specific benefits, including travel to Jerusalem completely subsidized by the Gol. Similarly, Jains have been provided with minority status in the states of Gujarat and Telangana, making them eligible for government grants, scholarships, and other resources, in spite of being one of India's more affluent communities.

The decision to grant minority status at the state level is made on a state-by-state basis and is not appropriate in all circumstances, according to the Indian Supreme Court. For instance, in states where religious minorities constitute majority populations, such as Sikhs in Punjab, the Supreme

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Court found that given their numerical strength, economic and social status, and representation in government jobs, among other factors, minority status is unnecessary. Jaţ Sikhs (the dominant Sikh caste group in Punjab), however, were granted backward class status by the Punjab government in 2014, making them eligible to receive reserved seats in government jobs.

COW PROTECTION LAWS

At the time of India's independence, the founders of the modern state sought to codify as policy the uniquely Indic ethos of compassion towards animals and the practical reality of the wealth cattle represents for people in a primarily agricultural society. Cow protection laws are thus rooted in and evolved from economic, cultural, and moral precepts, pre-dating the modern Republic of India, and do not stem from any animus towards Muslims and Christians.

Articles 48 (Directive Principles) and 51A(g) (Fundamental Duties) of the Constitution of India state respectively:

The State shall endeavor to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular take steps for preserving and improving the breeds and prohibiting the slaughter of cows and calves and other milch and draught cattle.

It shall be the Fundamental Duty of every citizen of India to protect and improve the natural environment including forests and to have compassion for living creatures.

The directive principles are not enforceable by writ, and similarly the fundamental duties cannot be mandated by a court of law. However, in furtherance of Article 48, most states (with the exception of Kerala and some of the Northeastern states, two states with significant Christian populations) have enacted laws related to the prohibition of slaughter of cows (and in some cases milch buffalo) and its progeny. There is also the Prevention of Cruelty to Animals Act of 1960 with subsequent amendments. According to animal welfare advocates, however, the laws protecting animals, not just cows, are toothless and enforcement dismal. They hold that both the central and state governments need to strengthen the extant legal and institutional framework with necessary amendments, provide adequate funding to carry out mandates, and, most importantly, promote enforcement.

The media reports, from time to time, on vigilante violence committed in the name of cow protection. These incidents are often mired in complicated local political and social dynamics. Regardless, HAF condemns such violence as it runs contrary to Hindu teachings regarding the sanctity of all life and ahimsa, or non-harming, and Hinduism's history of mutual respect and pluralism.

Lastly, the Supreme Court of India has held that cow protection laws do not impinge on the religious rights of others, based on the finding that Muslims are not required to slaughter cows for ritual practice, as some Muslim scholars have suggested.

No reference is made in the petition to any particular Surah of the Holy Quran which, in terms, requires the sacrifice of a cow. All that was placed before us during the argument were Surah XXII, Verses 28 and 33, and Surah CVIII. What the Holy book enjoins is that people should pray unto the Lord and make sacrifice...It is therefore, optional for a Muslim to sacrifice a goat for one person or a cow or a camel for seven persons. It does not appear to be obligatory that a person must sacrifice a cow...

Supreme Court of India, Mohd. Hanif Qureshi and Others v. State of Bihar (1958)

And Muslims are free to legally slaughter goats or other animals during religious festivals and frequently do so. Moreover, the argument that the inability to eat beef deprives certain communities access to critical sources of nutrition is baseless, when access to other types of meat is easily available.



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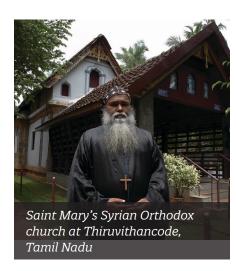
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These laws have not been consistently enforced resulting in few arrests and no convictions.

LAWS ON RELIGIOUS FREEDOM

From the colonial period to the present, Christian humanitarian efforts in India have been part of a systematic campaign to "harvest souls" through mass conversion and church planting initiatives, disrupting indigenous communities and inflaming religious tensions along the way. The Central India Christian Mission, a small US based group, alone has built over 1600 churches since 1982.

Converts are often asked to repudiate their community and family, reject traditions and customs that have been passed down for generations, and instructed to avoid attending religious ceremonies and celebrations that are the very basis of daily life. In some instances, converts are paid visits from church volunteers to ensure that the convert, who may have received a seat for their child in a church-run school, or much needed medical treatment at a faith-



based clinic for their sick spouse, isn't reverting to the practice of their original faith.

The Freedom of Religion Acts were primarily formulated as a reaction to this type of religious imperialism, and were intended to prevent vulnerable populations from being preyed upon and falling victim to predatory efforts seeking religious conversion in exchange for or with the allurement of medical and humanitarian aid, education, or employment. The *Freedom* of Religion Acts are focused on protecting these vulnerable populations from conversions by "forcible" or "fraudulent" means, or by "allurement" or "inducement." They are currently only in effect in the following six states: Arunachal Pradesh, Odisha, Madhya Pradesh, Chhattisgarh, Gujarat, and Himachal Pradesh. These laws have not been consistently enforced, resulting in few arrests and no convictions. Moreover, there is a lack of data showing that the laws have led to the inequitable treatment of religious minorities.

Ghar Wapsi (the process by which converted Hindu populations return to their original faith), on the other hand, pales in scope and magnitude to the conversion activities and predatory proselytization of missionary groups.

Inter-Religious Conflict in India

A tumultuous history of violence against and subjugation of the religious majority and other indigenous religionists, as well as forced or state-abetted conversions of the same has not been erased from the collective conscience of many Indians, and thus continues to color interreligious relations. While the initial flow of Muslims to the subcontinent was a result of trade and was on the whole peaceful, India first faced Islamist violence, dating as far back as the 8th century to the time of the Mughal invasions and rule through the mid-19th century. Later, colonization by European nations heavily promoted Christian proselytization and conversion, much of which was conducted by demonizing Hinduism and other Dharmic traditions. In modern times, identity politics, domestic and cross-border terrorism, radicalization, and aggressive and active foreign missionary campaigns of conversion within India's borders contribute to fomenting inter-religious misunderstanding and tensions.

Though there have not been major riots or attacks targeting religious minorities in India in recent years, there have been reports of individual incidents involving attacks by Hindus on Christians and Muslims.

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HAF unequivocally condemns these attacks and believes that any such violence is unacceptable and contravenes Hindu teachings and India's pluralistic ethos.

Religious violence in India has also taken the form of conflicts or riots between minority religious groups or between different sects within a religion. Muslims and Sikhs, for example, clashed in the southern city of Hyderabad in 2014 where the violence left at least three dead and 19 injured. Similarly, there has been a long history of Sunni-Shia (the two primary sects in Islam) violence in the city of Lucknow, especially during the Shia holy month of Muharram, and between Sikhs and the Nirankari, Ravidassia, and Dera Sacha Sauda sects in Punjab. Moreover, tensions and violence have also erupted between Muslims and Dalit communities in various parts of the country.

The causes of inter and intracommunity religious violence in India have been complex and the culprits varied. According to Sadanand Dhume, a resident fellow at the American Enterprise Institute, "...[in] places like
Assam, West Bengal and Uttar
Pradesh, rapidly growing Muslim
populations are no longer always
a beleaguered minority. The reality
of contemporary conflict is often
messier, and much less one-sided,
than in the past."

For instance, after a Hindu activist allegedly made derogatory remarks about the Prophet Mohammed, Muslims in the Muslim-majority

Facebook post about Islam. The riots lasted for several days and led to the vandalism and destruction of several dozen Hindu owned shops and homes, as well as the destruction of police vehicles and government property. Several Hindus were also injured and a 65-year old man, Kartik Ghosh, was stabbed to death by the rampaging mob.

In 2018, the Nagaland Baptist Church Council demanded Christians in the state "choose between the trishul [trident - a common Hindu symbol] and the cross."

Additionally, violence between Muslims and the tribal Bodo population (both Christians and Hindus) in Assam in 2013 affected all communities and involved several factors, including an influx of illegal migrants from Bangladesh into the state, while Hindu-Muslim riots in the state of Jammu & Kashmir disproportionately impacted Hindus.

...300,000 Hindu Kashmiri Pandits (the indigenous population of Kashmir) were ethnically cleansed...

district of Malda in West Bengal went on a violent rampage in January 2016, where they ransacked a police station, torched two dozen vehicles, and burned the shops and homes of Hindus.

Similarly, in July 2017, Muslim mobs attacked the Hindu community in Basirhat, Baduria and other neighboring areas in West Bengal, after news circulated that a Hindu high school student posted an allegedly blasphemous

Moreover, starting in 1989, over 300,000 Hindu Kashmiri Pandits (the indigenous population of Kashmir) were ethnically cleansed from their ancestral homeland in the state of Jammu & Kashmir by a radical insurgency orchestrated and funded by Pakistan's Inter-Services Intelligence Agency. These Hindus have not yet been able to return to the Kashmir Valley, and other Hindus living in the state are economically, politically, and

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socially marginalized. The Muslim majority state has also been granted special status under Article 370 of the Indian Constitution, which prevents non-resident Kashmiris from owning property in the state, including many displaced Kashmiri Hindus. Hindu pilgrims visiting ancient religious sites in Jammu and Kashmir have further been frequent targets for terrorists, including the recent terror attack on a bus of Hindu pilgrims visiting the Amarnath shrine in July 2017 that killed seven people and left 20 injured. Additionally, Pakistan and China continue to illegally occupy significant parts of the state of Jammu & Kashmir, known as Pakistan Occupied Kashmir and Aksai Chin respectively.

Finally, Sikh extremists in the northern state of Punjab, where Sikhs comprise a majority, spearheaded a bloody terrorist campaign to carve out an independent Sikh theocratic state from the rest of India. The terrorist campaign, known as the Khalistan (land of the pure) movement peaked in the 1980s and 1990s, and involved bombings, political assassinations, kidnappings, selective killings, and massacres of civilians. According to the South Asia Terrorism Portal (SATP), there were approximately 21,631 fatalities from terrorism related violence since the insurgency began in 1981, of which 11,783 were civilians. While the majority of the civilians killed were Sikhs, there was a targeted attempt to cleanse the state of its Hindu minority. The Khalistan movement has received financial and logistical support from Sikh extremists living in the U.S., Canada, and the U.K. And in 1985, an Air India

...inter-religious violence takes numerous forms and has diverse culprits and countless victims...

flight enroute from Toronto to New Delhi was bombed by Sikh extremists based in Canada, killing all 329 people on board.

POST-CONFLICT JUSTICE

While the Indian law enforcement infrastructure's capacity for investigating and prosecuting crime, not just religiously-motivated crime, is not without significant limitations, there have been comprehensive investigations and arrests by law enforcement, as well as prosecution and convictions by the courts of those who have allegedly abetted or committed religiously-motivated crimes.

Examples include prosecution and convictions arising from conflicts in Odisha in 1999 and 2007-2008. in which Christians were the primary victims; Gujarat in 2002 where approximately 790 Muslims and 254 Hindus were killed; and the anti-Sikh riots of 1984, in which over 3,000 Sikhs were killed. Indeed, many perpetrators from some of these conflicts have not yet been brought to justice, however, investigations and cases are ongoing, special fast-track courts being set up, and a robust community of human rights activists continue to push for justice. The central government has also earmarked monetary grants to the victims and/or their families in many of these cases, including recently paying Rs. 500,000 each to a number of the families of Sikhs killed in 1984.

There have been other smaller riots and sporadic incidents of violence,

including the lynching of a Muslim man in Dadri in 2015 and riots in Muzaffarnagar in the state of Uttar Pradesh in September 2013. The Muzaffarnagar riots left 60 people dead and thousands displaced, including both Muslims and Hindus. Following the incident in Dadri, arrests were made within 72 hours. while the violence in Muzaffarnagar led to a Special Investigative Team (SIT) judicial probe to examine more than 400 registered cases that has already indicted several Muslim and Hindu leaders for their role in instigating the violence.

Moreover, individual incidents of violence on minorities have been swiftly dealt with by law enforcement. This includes the recent murder of a Muslim man in December 2017, caught on video at the perpetrator's request in order to broadcast the incident as a threat to India's Muslim community. The perpetrator was immediately apprehended by police, tried, and is awaiting sentencing.

Despite its limitations, the Indian judicial system in its entirety, from law enforcement to prosecution and conviction, does deliver justice consistently to victims of religiously-motivated crimes and does punish perpetrators of religiously-motivated crimes.

Furthermore, in some instances, reports of targeted attacks on minorities have been misreported in the media, including a spate of attacks on churches in early 2015. Although the incidents were portrayed as religiously

motivated and a sign of rising religious intolerance under the current government, subsequent police investigations revealed that they were primarily crimes of opportunity, rather than incidents stemming from religious animus.

In addition, while Christian leaders have suggested that attacks on churches have increased under Prime Minister Modi's administration and have been religiously motivated, police statistics indicate that this has been the result of a general surge in crime, including the targeting of all places of worship. For instance, in the first month of 2015, at least 14 Hindu temples, five Sikh gurdwaras, and two mosques were robbed in Delhi. And in 2014, there were 206 Hindu temples vandalized and robbed compared to three churches.

Events throughout India's history have shown that inter-religious violence takes numerous forms and has diverse culprits and countless victims. There has never been a single theme to the events, and thus no one religious group is subject to blanket culpability. Nor has any single religious group been the sole target of attack or victimization.

India and Her Neighbors

India is considered the dominant economic, political, cultural, and military power in South Asia. It shares extensive civilizational and cultural ties with its neighbors, including Pakistan, Bangladesh, Afghanistan, Sri Lanka, Nepal, Bhutan, and the Maldives. In fact, these countries constitute the South Asian Association for Regional Cooperation, a regional forum to strengthen cooperation amongst themselves. India's other prominent neighbor, China, has increasingly attempted to exert its economic and military influence in South Asia in recent years, at times leading to territorial disputes with India.

India's immediate neighborhood has also been highly volatile with the prevalence of both overt military conflict and asymmetric warfare destabilizing the region. Since 1947, for instance, Pakistan has initiated three full-fledged wars with India and a smaller incursion into Indian territory in Kargil in 1999. In addition, Pakistan has consistently utilized cross-border terrorism in India as an official instrument of state policy, including the 26/11 Mumbai attacks that killed 166 people and the 2016 attack on an Indian air force base in Kashmir that left 17 Indian Army personnel dead, to name a few, Pakistan's military and ISI spy agency also continues to support the Taliban, the Haggani group, Lashkar-e-Taiba, and other affiliated militant groups in Afghanistan to undermine U.S. military operations and maintain its strategic influence there. International security analysts and intelligence reports from several countries, including the U.S., have confirmed the role of Pakistan's military and ISI in these activities in India and Afghanistan.

An escalation in religious violence against minorities and the growing power of radical Islamists in Pakistan and Bangladesh has also contributed to large-scale migrations of Hindus into India. The civil war in Sri Lanka between the Sinhala-Buddhist dominated government and the ethnic Tamil minority, and continuing state sponsored repression, has further led large numbers of Tamils (mostly Hindus) to seek refuge in India's southern Tamil Nadu state. Similarly, discriminatory policies by Bhutan's Buddhist majority government forced more than 100,000 minority Hindus to flee to neighboring Nepal and India, many of whom have now been resettled in the U.S.

India has been a stabilizing force in the region, has never supported terrorism or the proliferation of nuclear weapons, and has invested billions of dollars in neighboring economies and the rebuilding of Afghanistan.

Recommendations

It is critical that the U.S. continues to strengthen relations with India, the only consistent democracy in South Asia, in order to bring greater stability to the region and prevent the growth of radical Islamist and Communist/ Maoist terrorism that is impacting the lives of innocent civilians, causing domestic unrest, and forcing large scale migrations of Hindu refugees (and other religious minorities) from Pakistan and Bangladesh into India. Dialogue and bilateral relations with India should focus on trade ties, regional security issues, and

global strategic

partnerships.

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