

**Hindu American Foundation (HAF)
Written Statement for the Record**

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The Hindu American Foundation (HAF) is a 501(c)(3) advocacy organization for the Hindu American community. Since its inception, HAF has made human rights advocacy one of its main priorities and is the only Hindu American organization to publish an annual human rights report comprehensively detailing human rights violations against Hindu minorities globally. The Foundation regularly hosts Congressional Briefings, actively engages with religious freedom advocates on the International Religious Freedom (IRF) Roundtable, participates in domestic and international forums on human rights, and conducts on the ground fact-finding missions.

The Foundation has also addressed issues in India, ranging from terrorism, to human rights and equality, to homosexuality and sexual violence. HAF, for instance, criticized the Indian Supreme Court's decision to uphold Section 377 of the Indian Penal Code, which criminalizes consensual homosexual conduct, and condemned the Delhi gang-rape in 2012.¹ And in 2011, the Foundation testified before the U.S. Commission on International Religious Freedom (USCIRF) to provide a Hindu perspective on human rights in India.²

The Foundation does not, however, take positions on politics or elections in India, but has opposed highly prejudicial and biased resolutions intended to interfere with India's political process. In particular, HAF and many leading Congressmen recently spoke out against U.S. House Resolution 417 (H. Res. 417), a resolution that undermines U.S. - India relations and contains misleading and inflammatory language.³ Specifically, H. Res. 417 selectively highlights certain incidents of violence in India to portray Hindus as the only perpetrators of religious riots. It further ignores India's unprecedented religious accommodations for minorities, while criticizing Freedom of Religion or "anti-conversion" laws,⁴ which were created to protect poor and vulnerable populations from predatory efforts seeking religious conversion in exchange for educational, medical, and other humanitarian aid. Of particular concern is the resolution's call to empower religious minority courts to conduct trials and hear appeals -- a suggestion which threatens to undermine the secular Indian judicial system, and one which the co-sponsors would never tolerate in our nation's secular democracy.

Similar to H. Res. 417, the stated scope and purpose of this Hearing is equally problematic. The timing of the Hearing is also questionable and appears intended to influence next week's national elections in India.

The following testimony, therefore, seeks to provide a balanced perspective on religious minorities in India and past incidents of violence.

Background

India is home to unparalleled religious, cultural, and linguistic diversity. Although Hindus comprise the majority in India (80 percent), religious minorities encompass nearly 20 percent of population.⁵ In addition,

¹ "Hindu American Foundation Disappointed by Indian Court Verdict on Homosexuality," December 11, 2013, HAF Press Release, http://www.hafsite.org/HAF_Disappointed_by_Indian_Court_Verdict_Homosexuality; Shukla, Suhag A., "From the Huffington Post: International Women's Day - Arise! Awake! My Hindu Sisters," The Huffington Post, reproduced at <http://www.hafsite.org/media/pr/huffington-post-international-womens-day>.

² "USCIRF Hearing - March 10, 2011," <http://www.hafsite.org/media/pr/uscirf-hearing-testimony>.

³ "Hindu American Leaders Applaud Rep. Perry's Withdrawal of Support for Anti-Hindu Resolution," http://www.hafsite.org/Perry_withdraws_from_HRes_417.

⁴ "H.Res.417," 113th Congress, Congress.gov, <http://beta.congress.gov/bill/113th-congress/house-resolution/417/text?q=%7B%22search%22%3A%5B%22hres417%22%5D%7D>; "Stop Further Damage to U.S. - India Relations - Oppose H. Res. 417," HAF Action Alert, <http://www.hafsite.org/media/pr/stop-further-damage-us-india-relations-oppose-h-res-417>.

⁵ "Census of India: Religion," 2001, Government of India, Ministry of Home Affairs, http://censusindia.gov.in/Census_And_You/religion.aspx.

India has the world's second largest Muslim population (approximately 176 million or 14.4 percent)⁶ and substantial numbers of Christians (2.3 percent), Sikhs (1.9 percent), Buddhists (0.8 percent), and Jains (0.4 percent). Religious minorities, either as a single community or collectively, comprise majorities in eight states -- Punjab, Jammu & Kashmir, Nagaland, Mizoram, Manipur, Arunachal Pradesh, Lakshadweep, and Meghalaya.⁷ Similarly, in many other states, minorities represent significant and influential segments of the population.⁸

India has a unique brand of secularism which provides unprecedented religious accommodations to its religious minority populace, including pilgrimage subsidies (e.g., India spends nearly \$110 million annually to subsidize the Hajj pilgrimage for Muslims)⁹ and generous affirmative action benefits in many states.¹⁰ Moreover, in 2012, close to \$586 million was earmarked for the Minorities Affairs Ministry to benefit the country's religious minorities, reflecting an increase of 12 percent over the previous year.¹¹

The constitution and legal system protect religious freedom and ensure equality for all citizens, regardless of religious identity.¹² Additionally, minorities enjoy autonomy over their institutions and places of worship free from government intrusion (excluding Hindu institutions), as well as religion-based personal laws, some of which contain discriminatory provisions against women.¹³ Religious minorities have also attained the highest echelons of power in the Indian military, government, judicial system, civil service, bureaucracy, and private sector. These include Supreme Court Justices, Prime Ministers and Presidents, heads of the Indian Armed Forces, and leading industrialists and CEOs.

While there have been sporadic outbursts of religious violence in recent years, the causes have been complex and the culprits varied. According to Sadananad 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."¹⁴ For instance, Hindu-Muslim riots in the state of Jammu and Kashmir in 2013 disproportionately impacted Hindus,¹⁵ while violence between Muslims and the

⁶ Dhume, Sadanand "A Better Deal for India's Muslims," April 21, 2013, The Wall Street Journal, <http://online.wsj.com/news/articles/SB10001424127887324165204579026292455938628>; "World's Muslim Population More Widespread Than You Might Think," June 7, 2013, Pew Research Center, <http://www.pewresearch.org/fact-tank/2013/06/07/worlds-muslim-population-more-widespread-than-you-might-think/>

⁷ *Id.*

⁸ *Id.*

⁹ "Abolish Haj Subsidy in 10 Years: Supreme Court to Government," May 9, 2012, The Times of India, <http://timesofindia.indiatimes.com/india/Abolish-haj-subsidy-in-10-years-Supreme-Court-to-government/articleshow/13059420.cms>

¹⁰ Dhume, Sadanand "A Better Deal for India's Muslims," April 21, 2013, The Wall Street Journal, <http://online.wsj.com/news/articles/SB10001424127887324165204579026292455938628>.

¹¹ Shukla, Madhuri, "Muslims are still Better off in Gujarat," July 20, 2013, Governance Now, <http://www.governancenow.com/news/blogs/muslims-are-still-better-gujarat>.

¹² "The Constitution of India," <http://lawmin.nic.in/olwing/coi/coi-english/coi-indexenglish.htm>.

¹³ *Id.*; "Law of Maintenance in India under Personal Laws: An Analysis," Lawyers Club India, <http://www.lawyersclubindia.com/articles/Law-of-Maintenance-in-India-under-Personal-Laws-An-Analysis--5551.asp#.Uz0o3Pn7dWY>.

¹⁴ Dhume, Sadanand "A Better Deal for India's Muslims," April 21, 2013, The Wall Street Journal, <http://online.wsj.com/news/articles/SB10001424127887324165204579026292455938628>.

¹⁵ "Jammu and Kashmir Assessment – Year 2014," SATP, <http://www.satp.org/satporqtp/countries/india/states/jandk/index.html>; Nelson, Dean, "Kashmir: Violence Escalates Between Hindus and Muslims," August 11, 2013, The Telegraph, <http://www.telegraph.co.uk/news/worldnews/asia/india/10236064/Kashmir-Violence-escalates-between-Hindus-and-Muslims.html>; "The Kishwar Cauldron," August 16, 2013, India Today, <http://indiatoday.intoday.in/story/kishtwar-violence-jammu-and-kashmir-omar-abdullah-national-conference/1/299803.html>.

tribal Bodo population in Assam affected both communities.¹⁶

And in the run-up to the national elections, scheduled to commence on April 7, 2014, there have been no major reported incidents of religious violence or instances of inflammatory anti-minority rhetoric from the major political parties. This is in stark contrast to the systematic targeting of Hindus and other religious minorities in neighboring Bangladesh during recently conducted elections.¹⁷

The Indian government has also responded to previous bouts of religious violence by instituting investigations, fast-track courts, trials, and relief programs for the victims.

1984 Anti-Sikh Riots

In 1984, more than 3,000 Sikhs were killed in anti-Sikh riots in Delhi following the assassination of Prime Minister Indira Gandhi by her two Sikh bodyguards. Prime Minister Gandhi's murder came in the aftermath of Operation Bluestar, an Indian army operation aimed at flushing out Sikh militants, who had occupied the Golden Temple (Sikhism's holiest shrine) in the midst of a violent terrorist campaign to create a separate Sikh state of Khalistan.¹⁸

The Khalistan movement in the northern state of Punjab, where Sikhs comprise a majority, 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.¹⁹

Between 1984 and 2005, ten commissions and committees were created to investigate the anti-Sikh riots, including the role of government officials from the ruling Congress Party, as well as the police.²⁰ Collectively, 442 people were convicted by Delhi courts for their involvement in the riots, and the Nanavati Commission indicted several Congress Party leaders in 2005.²¹ Indeed, many high-level Congress Party officials have not yet been brought to justice, and the Congress Party has been accused of attempting to suppress evidence and of protecting accused party members.²² In a positive development, in January 2014, the newly elected

¹⁶ "The Indian State of Assam: Causes and Origins of Conflict," HAF Policy Brief,

http://www.hafsite.org/sites/default/files/Assam_Cause_Origin_Conflict_Brief.pdf.

¹⁷ Allchin, Joseph, "The Hindus of Bangladesh Fear for their Future," (January 14, 2014), Time World,

<http://world.time.com/2014/01/14/the-hindus-of-bangladesh-are-fearing-for-their-future/>.

¹⁸ "Backgrounder - Punjab," South Asia Terrorism Portal,

<http://www.satp.org/satporgtp/countries/india/states/punjab/backgrounder/index.html>

¹⁹ *Id.*

²⁰ "DNA Edit: Cases Relating to 1984 Riots are not Proceeding in Delhi's Trial Courts," February 1, 2014, DNA India,

<http://www.dnaindia.com/analysis/editorial-dna-edit-cases-relating-to-1984-anti-sikh-riots-are-not-proceeding-in-delhi-s-trial-courts-1958613>.

²¹ "Several Cong Leaders Indicted for Anti-Sikh Riots," August 8, 2005, Express India,

<http://www.expressindia.com/news/fullstory.php?newsid=52345>; "DNA Edit: Cases Relating to 1984 Riots are not Proceeding in Delhi's Trial Courts," February 1, 2014, DNA India,

<http://www.dnaindia.com/analysis/editorial-dna-edit-cases-relating-to-1984-anti-sikh-riots-are-not-proceeding-in-delhi-s-trial-courts-1958613>

²² "DNA Edit: Cases Relating to 1984 Riots are not Proceeding in Delhi's Trial Courts," February 1, 2014, DNA India,

<http://www.dnaindia.com/analysis/editorial-dna-edit-cases-relating-to-1984-anti-sikh-riots-are-not-proceeding-in-delhi-s-trial-courts-1958613>.

Aam Aadmi Party government in New Delhi ordered a Special Investigative Team (SIT) to re-open and examine several cases in connection with the riots.²³

HAF believes that a complete and thorough investigation of the riots is necessary and that those responsible for the violence, including all political leaders, should be held accountable for their alleged crimes. The failure to provide justice to the Sikh riot victims, however, should not be viewed as religiously motivated, but rather as a political attempt to protect Congress Party leaders. In fact, the Congress Party Prime Minister is a Sikh, the President a Muslim, and the head of the Party a Catholic, with several high-level officials from minority communities.

Moreover, there is no evidentiary link between the riots and the purported social and economic marginalization of the Sikh community, as claimed by some groups. Sikhs enjoy independent control of their religious institutions, are overrepresented in the ranks of the military and civil service, and are economically, politically, and socially dominant in the state of Punjab.²⁴ While some Sikh farmers are currently facing economic hardship in Punjab, it is unrelated to their religious identity. Indeed, many Hindu farmers across the country have faced similar challenges in recent years, particularly in Maharashtra.²⁵ Moreover, ceding to Sikh demands, Jatt Sikhs (farmers and landowners) in Punjab were recently classified as a backward class by the Government of India, making them eligible for reservations in government jobs.²⁶

Human rights groups have further accused security forces in the state of committing abuses against Sikhs, suspected of being part of the Khalistan separatist movement. Although law enforcement has been guilty of committing excesses over the years, they have been done under the auspices of a Sikh controlled state government and a Sikh dominated police force. Additionally, any security response to an insurgency will necessarily result in some excesses/abuses by security forces, such as has occurred in other parts of India, where many of those involved have been Hindu (e.g., the Maoist insurgency in central India). Thus, to claim that any crackdowns have been the result of inherent religious bias against Sikhs is both inaccurate and misleading.

Finally, there is no evidence of religiously motivated attacks on Sikhs in recent years. In contrast, Sikh religious institutions and political parties have been involved in instigating violence and suppressing speech by minority sects in the state. For instance, a sect known as Dera Sacha Sauda, comprised of both Sikhs and Hindus, was accused of heresy by Sikh religious bodies. The Akal Takht, "the highest temporal seat of the Sikhs," called for a "social boycott" of Dera Sacha Sauda members and of their leader, and called for a "closure of all 'deras' of the Sacha Sauda in the Punjab."²⁷ The Punjab state government further arrested the leader of the sect for "hurting Sikh sentiments" by dressing in the garb of a 17th century Sikh guru. Sikhs

²³ Nelson, Dean, "Delhi to Reopen Inquiry in to Massacre of Sikhs in 1984 Riots," January 30, 2014, The Telegraph, <http://www.telegraph.co.uk/news/worldnews/asia/india/10607451/Delhi-to-reopen-inquiry-in-to-massacre-of-Sikhs-in-1984-riots.html>.

²⁴ "Seeking Answers: Some Facts About the Sikh Religion and its History, Role Today in India," August 11, 2012, published by the Associated Press and reproduced in the Desert News, <http://www.deseretnews.com/article/765596170/Seeking-answers-Some-facts-about-the-Sikh-religion-and-its-history-role-today-in-India.html?pg=all> Shiromani Gurdwara Parbandhak Committee, <http://new.sgpc.net/about-sgpc/>.

²⁵ Anand, Geeta and Sharma, Amol, "Punjab, Star of India's Rise, Faces Steep Fall," May 15, 2011, The Wall Street Journal, <http://online.wsj.com/news/articles/SB10001424052748703730804576322330472250792>; Ghosh, Deepshikha, "In Maharashtra, 22 Farmer Suicides in Three Weeks: Report," March 18, 2014, NDTV, <http://www.ndtv.com/article/india/in-maharashtra-22-farmer-suicides-in-three-weeks-report-497018>.

²⁶ "Punjab Gives BC Status to Jat Sikhs," March 5, 2014, The Hindu, <http://www.thehindu.com/news/national/other-states/punjab-gives-bc-status-to-jat-sikhs/article5754237.ece>.

²⁷ United News of India, March 22, 2009, reproduced on UNHCR website.

groups also attacked followers of the Dera Sacha Sauda, leading to violent clashes between the groups in Punjab and neighboring Haryana.²⁸

2002 Gujarat Riots

On February 27, 2002, a compartment of the Sabarmati Express, a train that runs from the Hindu pilgrimage city of Ayodhya, Uttar Pradesh to Ahmedabad, Gujarat, was attacked and burned by a throng of over a thousand Muslims in the city of Godhra in Gujarat, according to official reports. Fifty-eight Hindus, most of them pilgrims, were killed in the burning, including 25 women and 15 children.²⁹ In reaction to the burning, riots broke out in a number of major cities in Gujarat, including Ahmedabad, Godhra, and Surat. The violence lasted for approximately three days, by the end of which approximately 1000 people, 790 Muslims (75%) and 254 Hindus (25%), were dead.

In response to allegations of state indifference and collusion against Muslim victims during the violence, India's Supreme Court in 2008 formed a Special Investigation Team (SIT). After a four year investigation, the SIT issued a detailed 541 page closure report in May 2012 that found that Mr. Modi took all possible steps to control the violence.³⁰ A Gujarat magistrate upheld the SIT report as accurate, on December 26, 2013.³¹ Specifically, the report noted that Mr. Modi repeatedly called law and order meetings to control the situation, called in the army to prevent rioting, and established relief camps for the riot victims. Further, the court noted the arrest and conviction of a number of state officials in connection with the riots, and found that there was no evidence to connect Modi to their actions.³² At least, 249 people have been convicted for their role in the riots, including senior politicians.³³

The report further determined that several activists and witnesses exaggerated accounts and evidence presented in court, including Police Inspector Sanjiv Bhatt, who accused Mr. Modi of allowing the violence. Mr. Bhatt's testimony was not accepted by an Ahmedabad Magistrate.³⁴ In addition, the SIT has accused social activist Teesta Setalvad, founder of an India-based NGO, Citizens for Justice and Peace (CJP), and frequent witness on the U.S. Capitol Hill, of falsifying evidence in court complaints and manipulating witnesses into giving hundreds of falsified statements in the 2002 riot cases.³⁵ A former aide of Ms. Setalvad, Rais Khan, also accused her and her associates of intentionally presenting a one-sided narrative of the riots, refusing to mention attacks on Hindu homes and businesses or the thousands of Hindus that

²⁸ "India's Sikhs: Heresy and History," July 5, 2007, The Economist, <http://www.economist.com/node/9444533>

²⁹ "Death for 11, Life Sentence for 20 in Godhra Train Burning Case," March 1, 2011, The Times of India, <http://timesofindia.indiatimes.com/india/Death-for-11-life-sentence-for-20-in-Godhra-train-burning-case/articleshow/7600059.cms?referral=PM>.

³⁰ "How SIT Report on Gujarat Riots Exonerates Modi: The Highlights," May 11, 2012, IBN Live, <http://ibnlive.in.com/news/how-sit-report-on-gujarat-riots-exonerates-modi-the-highlights/256848-3.html>.

³¹ "Court Rejects Zakia's Petition Against Clean Chit to Modi," December 27, 2013, India West, http://www.indiawest.com/news/15885-court-rejects-zakia-s-petition-against-clean-chit-to-modi.html?utm_source=Newsletter+-+2013+-+December+27&utm_campaign=DNL+-+December+27%2C+2013&utm_medium=email.

³² "How SIT Report on Gujarat Riots Exonerates Modi: The Highlights," May 11, 2012, IBN Live, <http://ibnlive.in.com/news/how-sit-report-on-gujarat-riots-exonerates-modi-the-highlights/256848-3.html>.

³³ "Gujarat Govt to Seek Death for Maya Kodnani," The Hindu, <http://www.thehindu.com/news/national/other-states/gujarat-govt-to-seek-death-for-maya-kodnani/article4626829.ece>.

³⁴ *Id.*; "With Narendra Modi Verdict, Former Cop Sanjiv Bhatt's Testimony Rejected," December 26, 2013, NDTV, <http://www.ndtv.com/article/india/with-narendra-modi-verdict-former-cop-sanjiv-bhatt-s-testimony-rejected-463441>.

³⁵ Mahapatra, Dhananjay, "NGOs, Teesta Spiced up Gujarat Riot Incidents: SIT," April 14, 2009, The Times of India, <http://timesofindia.indiatimes.com/india/Teesta-doctored-evidence-Ex-aide-to-SC/articleshow/10936983.cms?referral=PM>.

were rendered homeless.³⁶ Ms. Setalvad and her husband, Javed Anand, are currently being investigated for illegally misappropriating funds intended for the benefit of Muslim victims.³⁷

Subsequently, there have been no religious riots in the state nor has there been violence during the current election campaign. Moreover, surveys on the status of Muslims in Gujarat conducted in the post-riots period have consistently demonstrated that Muslims in Gujarat have fared far better than in any other state on several socio-economic indicators in both rural and urban areas. The Sachar Committee report, for example, which was commissioned by the ruling Congress Party to examine the status of Muslims in India in 2006, found that the monthly per capita income of Muslims in rural Gujarat (668 Rupees) was higher than that of Hindus (644 Rupees). And in urban Gujarat, the per capita income of Muslims was 875 Rupees per month compared to 804 Rupees per month for Muslims in urban India as a whole. The report also noted that Muslims in Gujarat enjoy a higher literacy rate (73.5 percent) than the national average (64.8 percent).³⁸

2008 Odisha Violence

In December 2007, a Hindu religious leader, Swami Lakshmananda, along with four of his followers, was assassinated in the eastern state of Odisha. The incident sparked retaliatory riots against Christians in 2008 in the state's Kandhamal district, which left an estimated 38 people dead and approximately 4,000 homes destroyed.³⁹ Although the murder of Swami Lakshmananda appeared to be the immediate cause of the riots, there were several other longstanding factors that reportedly led to the conflagration.

Resentment and anger against aggressive proselytizing activities by Christian missionary groups has been cited as one such factor leading to the violence.⁴⁰ Prior to the riots in 2008, for instance, the "Christian growth rate in the district [was] 66 percent as against 18.6 percent for the overall population growth in the district."⁴¹ Moreover, pre-existing tensions between the Kandha and Pannas tribes over resources in this tribal dominated district fueled the violence.⁴²

Following the violence, there have been several investigations, the creation of a state judicial commission, the

³⁶ Kishwar, Madhu Purnima, "Modi, Muslims, and Media," p. 42

³⁷ "Teesta Setalvad Minting Money in Riot Victims' Name," March 1, 2013, Zee News, http://zeenews.india.com/news/gujarat/teesta-setalvad-minting-money-in-riot-victims-name_832249.html; "Cops Seek Gulbarg-NGO Letters," June 1, 2013, The Times of India, <http://timesofindia.indiatimes.com/city/ahmedabad/Cops-seek-Gulbarg-NGO-letters/articleshow/20373966.cms?referral=PM>; "Teesta Setalvad Cheated Godhra Riots Victims: Gujarat Police Tells HC," March 11, 2014, The Times of India, <http://timesofindia.indiatimes.com/india/Teesta-Setalvad-cheated-Godhra-riots-victims-Gujarat-police-tells-HC/articleshow/31848873.cms>; "Teesta Setalvad Misused Funds Meant for Museum at Gulberg Society: Ahmedabad Police," March 19, 2014, DNA India, <http://www.dnaindia.com/india/report-teesta-setalvad-misused-funds-meant-for-museum-at-gulberg-society-ahmedabad-police-1970336>.

³⁸ Shukla, Madhuri, "Muslims are still Better off in Gujarat," July 20, 2013, Governance Now, <http://www.governancenow.com/news/blogs/muslims-are-still-better-gujarat>.

³⁹ "Kandhamal Riots Probe Commission Issues Notice," October 21, 2012, The New Indian Express, <http://www.newindianexpress.com/states/odisha/article1309345.ece#.UzxR-7uPKW8>.

⁴⁰ Samantaray, Maitreya Buddha, "Ethnic Violence and Communal Polarisation in Orissa's Kandhamal District," Institute of Peace and Conflict Studies, January 8, 2008, <http://www.ipcs.org/article/india/ethnic-violence-and-communal-polarisation-in-orissas-kandhamal-district-2462.html>

⁴¹ "Over 42,000 Converted to Christianity in Kandhamal, Only Two Followed Law (Lead)," October 25, 2008. Thaindian News, http://www.thaindian.com/newsportal/uncategorized/over-42000-converted-to-christianity-in-kandhamal-only-two-followed-law-lead_100111671.html.

⁴² Samantaray, Maitreya Buddha, "Ethnic Violence and Communal Polarisation in Orissa's Kandhamal District," Institute of Peace and Conflict Studies, January 8, 2008, <http://www.ipcs.org/article/india/ethnic-violence-and-communal-polarisation-in-orissas-kandhamal-district-2462.html>.

Justice A.S. Naidu Commission, and fast track courts.⁴³ Collectively, there have been nearly 3,000 individuals tried for their role in the violence with 361 convictions.⁴⁴ Victims of the 2008 violence have also received relief aid from the government in order to compensate them for their personal and property losses.⁴⁵ In addition, eight people were convicted for the murder of Swami Lakshmananda in October 2013, more than five years after the killing. Those convicted were reportedly Christians and had ties to Maoist extremist groups operating in central India.⁴⁶

There have been no reported major incidents of communal violence in Odisha since 2008.

Freedom of Religion Laws

“Freedom of Religion Laws” or “Anti-Fraudulent Conversion Laws,” are currently in use in only five out of 29 states in India, including Madhya Pradesh, Chhattisgarh, Odisha, Gujarat and Himachal Pradesh. The laws were primarily formulated to prevent vulnerable populations, such as children and those that are poor, uneducated, and illiterate from being preyed upon and converted through unethical means, involving fraud, force, or coercion.⁴⁷

Many in India have fallen victim to predatory efforts seeking religious conversion in exchange for or with the allurements of medical and humanitarian aid, education, or employment. Foreign missionaries often fraudulently misuse visitor visas to conduct missionary activities in India, according to Indian government sources,⁴⁸ and in some cases are encouraged to do so by missionary organizations.⁴⁹ Former USCIRF Commissioner, Felice Gaer, also noted in 2012 that there were “reports that some proselytizing groups use tactics that Hindus perceive as coercive or offensive.”⁵⁰

Furthermore, these laws do not supersede protections for religious freedom guaranteed by the Indian Constitution, including the right to freely profess, practice, and propagate religion.⁵¹ Additionally, they have seldom been enforced, have resulted in few arrests and no convictions, and do not prevent individuals from converting out of their own free will.⁵²

⁴³ “Kandhamal Riots Probe Commission Issues Notice,” October 21, 2012, The New Indian Express, <http://www.newindianexpress.com/states/odisha/article1309345.ece#.UzxR-7uPKW8>.

⁴⁴ “2008 Odisha Riots Probe Hits Dead End,” September 9, 2013, Hindustan Times, <http://www.hindustantimes.com/india-news/2008-odisha-riots-probe-hits-dead-end/article1-1119364.aspx>.

⁴⁵ “Govt Disburses Rs 1.05 Crore to Kandhamal Riot Victims,” July 7, 2009, Hindustan Times, <http://www.hindustantimes.com/news-feed/orissa/govt-disburses-rs-1-05-cr-to-kandhamal-riot-victims/article1-429758.aspx>.

⁴⁶ “Swami Lakshmananda Saraswati Murder Case: All Convicts get Rigorous Life Imprisonment,” October 3, 2013, IBN Live, <http://ibnlive.in.com/news/swami-lakshmananda-saraswati-murder-case-all-convicts-get-rigorous-life-imprisonment/426100-3-234.html>.

⁴⁷ “Dissenting Statement of Commissioner Felice D. Gaer,” US Annual Report 2012, p. 307-308, USCIRF, [http://www.uscirtf.gov/sites/default/files/resources/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirtf.gov/sites/default/files/resources/Annual%20Report%20of%20USCIRF%202012(2).pdf).

⁴⁸ Kanth, Vijay, “Kerala to Monitor Tourist Visa Misuse,” October 11, 2011, The Times of India, <http://timesofindia.indiatimes.com/city/kochi/Kerala-to-monitor-tourist-visa-misuse/articleshow/10435464.cms>.

⁴⁹ “Guide to Short-Term Trips to India and Haiti,” Love and Hope Ministries http://www.loveandhopeministries.org/wp-content/uploads/mission_trip_info_packet.pdf.

⁵⁰ “Dissenting Statement of Commissioner Felice D. Gaer,” USCIRF Annual Report 2012, p. 307-308, USCIRF, [http://www.uscirtf.gov/sites/default/files/resources/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirtf.gov/sites/default/files/resources/Annual%20Report%20of%20USCIRF%202012(2).pdf).

⁵¹ “The Constitution of India,” <http://lawmin.nic.in/olwing/coi/coi-english/coi-indexenglish.htm>; “Relations Between the Union and the States,” The Constitution of India, [http://lawmin.nic.in/olwing/coi/coi-english/Const.Pock%20Pg.Rom8Fsss\(16\).pdf](http://lawmin.nic.in/olwing/coi/coi-english/Const.Pock%20Pg.Rom8Fsss(16).pdf).

⁵² “Dissenting Statement of Commissioner Felice D. Gaer,” USCIRF Annual Report 2012, p. 307-308, USCIRF, [http://www.uscirtf.gov/sites/default/files/resources/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirtf.gov/sites/default/files/resources/Annual%20Report%20of%20USCIRF%202012(2).pdf).

In reality, the laws have been ineffective in protecting vulnerable populations from being forcibly or fraudulently converted, as thousands of missionaries continue to enter and work in India. The Houston-based Central India Christian Mission, for instance, claims that it has planted 1,100 churches in India and proselytized to 265,000 people.⁵³ Similarly, in October 2010 alone, Joyce Meyer Ministries reportedly converted 1,300 Indians to Christianity during a one week medical outreach mission in the eastern city of Kolkata.⁵⁴

Conclusion

India is the world's largest secular democracy and is home to unparalleled religious diversity. Minorities are represented in all levels of government, the military, judicial system, and civil service. Furthermore, the country's constitutional framework and legal system afford special rights and privileges to religious minorities, while socially and economically uplifting them through government programs and institutions.

Religious freedom is enshrined in the constitution and supersedes state-level freedom of religion laws, which have rarely been utilized or enforced. These laws have had a negligible impact on the activities of missionaries, who continue to operate freely within India.

Although there have been bouts of religious violence in recent years, the federal and state governments and the judiciary have launched robust investigations, created special commissions, set up fast-track courts, and appointed Special Investigative Teams to inquire into the causes of the violence. These investigations have led to numerous arrests and convictions, including of high profile political leaders. In some cases, such as the 1984 anti-Sikh riots, further investigations are still necessary to provide justice to the victims. This failure is not based on an inherent religious bias against Sikhs, but is instead rooted in political expediency.

The stated scope and purpose of the Hearing before this Commission, however, ignores these ground realities in portraying specific past incidents of communal violence. It also makes unsubstantiated and misleading claims regarding the impact of prior riots on the current socio-economic status of religious minorities in the country. Such assertions immediately prior to Indian national elections appear to be a blatant attempt to influence the outcome of India's democratic processes and to undermine U.S. - India relations. The decision to choose India's next leader should be left to the Indian people without interference from U.S. Congressmen.

⁵³ Central India Christian Mission, <http://indiamission.org/where-we-work/>.

⁵⁴ Joyce Meyer Ministries, <http://www.joycemeyer.org/OurMinistries/HandofHope/Outreaches/medical.htm>.