



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

COUNTRY UPDATE: INDIA

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USCIRF's Mission

*To advance international
freedom of religion or
belief, by independently
assessing and unflinchingly
confronting threats to this
fundamental right.*

Religious Freedom Conditions in India

Overview

In 2022, religious freedom conditions in India remained poor. During the year, the Indian government at the national, state, and local levels continued to promote and enforce policies, including laws targeting religious conversion, interfaith relationships, and cow slaughter, that negatively affect Muslims, Christians, Sikhs, Dalits, and Adivasis (indigenous and scheduled tribal people). The national government also continued to suppress critical voices—particularly religious minorities and those [advocating](#) on their behalf—including through surveillance, harassment, demolition of property, [arbitrary](#) travel bans, and detention under the Unlawful Activities Prevention Act (UAPA) and by targeting nongovernmental organizations (NGOs) under the Financial Contribution (Regulation) Act (FCRA). The pilot implementation of the proposed National Register of Citizens (NRC) in the state of Assam continued to exacerbate fears of losing citizenship among Muslims, who lack protection under the 2019 Citizenship (Amendment) Act (CAA). Taken together, the manner in which government officials have enforced these policies has enabled intolerance of religious minorities and exacerbated communal divides, resulting in [violence](#), [deaths](#), injuries, [sexual assault](#), [destruction of property](#) including [houses of worship](#), [arbitrary detentions](#), [harassment](#) including [online harassment](#), and social boycotting of religious, scheduled caste, and tribal communities.

This country update provides a broad overview of religious freedom conditions in India in 2021 and 2022. It examines how various policies adopted and implemented by the Indian government have cultivated an environment that is increasingly hostile toward religious minority communities. This trajectory, alongside an escalating government crackdown on civil society and dissent, is deeply alarming in a diverse, secular, and democratic country whose constitution is intended to protect religious freedom.

Background

India is the world's most populous democracy with an estimated population exceeding [1.3 billion](#), 79.8 percent of whom are Hindu, 14.2 percent Muslim, 2.3 percent Christian, and 1.7 percent Sikh. Smaller religious groups include Buddhists, Jains, Baha'is, Jews, Zoroastrians (Parsis), and nonreligious persons. India's [constitution](#) establishes the nation as a secular, democratic republic, and Article 25 of the constitution grants all individuals freedom of conscience, including the right to practice, profess, and propagate religion.



The Indian government has been led since 2014 by the Bhartiya Janata Party (BJP). The BJP-led government and leaders at the national, state, and local level have advocated, instituted, and enforced sectarian policies seeking to establish India as an overtly Hindu state, contrary to India's secular foundation and at grave danger to India's religious minorities. Such actions have [eroded the secular principles](#) of the Indian constitution and India's pluralistic democracy by promoting and implementing its Hindutva ideology through government policy. The Rashtriya Swayamsevak Sangh (RSS), an organization closely affiliated with Prime Minister Narendra Modi and the BJP, aggressively advocates for a pure Hindu state. As noted in USCIRF's event on [Democracy and Religious Freedom](#) in December 2021, the RSS is a paramilitary force that [acts in support](#) of the current government's Hindu-nationalist policies. On October 19, marking the 75th anniversary of India's independence, [UN Secretary-General Guterres](#) stated:

As an elected member of the Human Rights Council, India has a responsibility to shape global human rights, and to protect and promote the rights of all individuals, including members of minority communities.... By taking concrete action for inclusion, recognizing the enormous value and contributions of multi-cultural, multi-religious and multi-ethnic societies. By condemning hate speech unequivocally. By protecting the rights and freedoms of journalists, human rights activists, students and academics.

Crackdown on Civil Society and Dissent

Religious Rights Defenders

In 2022, the Indian government continued to repress critics of its policies and ideologies. Officials surveilled, harassed, detained, and prosecuted a number of [journalists](#), [lawyers](#), [rights activists](#), academics, political leaders, religious minorities, and others critical of its policies through the use of various laws, including the UAPA and other statutes.

The [UAPA](#), passed in 1967, uses vague language to broadly prohibit any action (including speech and communication) that "disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India" or "causes or is intended to cause disaffection against India." Individuals charged under the UAPA in 2021 and 2022 include several [Muslim journalists](#) for reporting on [communal violence](#), particularly in [Uttar Pradesh](#), and for reporting on human rights violations in the Muslim-majority state of [Jammu and Kashmir](#).

In June 2022, Delhi police arrested [Mohammed Zubair](#), co-founder of Indian fact-checking website Alt News, for a 2018 tweet perceived to insult Hindu religious beliefs. Zubair, however, had [flagged derogatory remarks](#) made by then BJP spokesperson Nupur Sharma about the Prophet Muhammad, which led to widespread protests across the country. He was released in July 2022. Journalist [Siddique Kappan](#) remains in jail despite the Supreme Court [granting](#) him bail in September 2022. He was arrested in Uttar Pradesh in October 2020 while on his way to cover a rape case of a [Dalit girl](#) that sparked

nationwide protests. In June 2022, an antiterrorism squad arrested [Teesta Setalvad](#), a human rights activist, for [allegedly](#) fabricating evidence implicating Prime Minister Narendra Modi in the 2002 Gujarat riots. Setalvad was [released](#) on bail in September 2022.

USCIRF has noted a pattern of Indian prisons delaying and at times denying access to medical treatment to religious minority rights defenders, particularly those with pre-existing health conditions. These include [Father Stan Swamy](#), an 84 year-old Jesuit priest who died in pre-trial detention in Mumbai in July 2021; [Vernon Gonsalves](#), a Dalit rights activist arrested in the same case as Father Stan Swamy; [Atikur Rahman](#), a Muslim student activist; and Adivasi-Dalit rights activist [GN Saibaba](#). In 2021, the [Pegasus Project investigations](#) revealed that the Indian government used Pegasus [surveillance software](#) to spy on a list of journalists, activists, and political opponents, including Father Swamy.

In early 2022, Indian [authorities](#) in several states [destroyed people's homes](#), alleging that the demolished buildings lacked proper permits and were [illegal](#) structures. However, the demolitions primarily targeted [Muslims](#), some of whom were accused of participating in [riots](#), including the [Ram Navami procession](#) incident in Khargone, Madhya Pradesh, and the [Hanuman Jayanti](#) procession in Delhi. In response, India's Supreme Court said that demolitions "[cannot be retaliatory](#)" though the practice has continued. In June, [Muslims](#) who protested against [derogatory remarks](#) made by then BJP spokesperson Nupur Sharma about the Prophet Muhammad also faced retaliatory [demolition](#) of their property. Also in June, police in Uttar Pradesh arrested [Javed Mohammed](#), a Muslim community leader, after accusing him of organizing protests. The following day, authorities demolished his home.

While the government has faced criticism for jailing activists and voices of dissent, it has pardoned Hindu nationalists who have actively sought to harm religious minorities. In March 2022, the [creators](#) of the [Sulli Deals and Bulli Bai](#) app were granted bail. The apps, created to harass Muslim women, including journalists, social workers, and students, listed hundreds of Muslim women for "auction" accompanied by derogatory and sexual content. On India's independence day on August 15, 2022, 11 convicts serving life sentences for the gang rape of Muslim woman Bilkis Bano and the murder of 14 members of her family including her infant daughter during the 2002 Gujarat riots were [pardoned](#) by the [Gujarat state government with the approval of the](#)

[federal government](#). [Protests](#) were held throughout India condemning the decision to pardon Bano's rapists. India's Supreme Court [challenged](#) the state's decision and is awaiting response.

Faith-Based Organizations

Numerous organizations that document religious freedom violations in India or aid marginalized religious communities have been forced to shut down their operations in the country under the FCRA, [legislation](#) that regulates access to foreign funds and prohibits their receipt for any activities purportedly "detrimental to the national interest." The FCRA 2010, as amended, requires that NGOs, many of which are faith-based, adhere to extensive reporting mechanisms, including submitting financial records that detail the amount of each contribution, its purpose, and how the funds are used. Recent amendments further [suppress civil society](#) by expanding the reporting requirements that NGOs must follow to maintain their registration status. This includes requiring that NGOs disclose the source of all foreign funds on their websites and that all foreign-funded NGOs sign an affidavit stating they have not been prosecuted or convicted for participating in conversion activities through force or inducement either directly or indirectly.

Over the past two years the Indian government reportedly [suspended](#) the funding of several Christian and Islamic organizations under the FCRA due to [alleged conversion activity](#). In June 2021, the operations of the [Commonwealth Human Rights Initiative](#), an NGO in New Delhi [reporting](#) on the arbitrary use of laws and security force on ethnic and religious minorities in northeast Indian states, such as Assam and Tripura, was suspended under the FCRA, and in April 2022 the government [canceled](#) the organization's license.

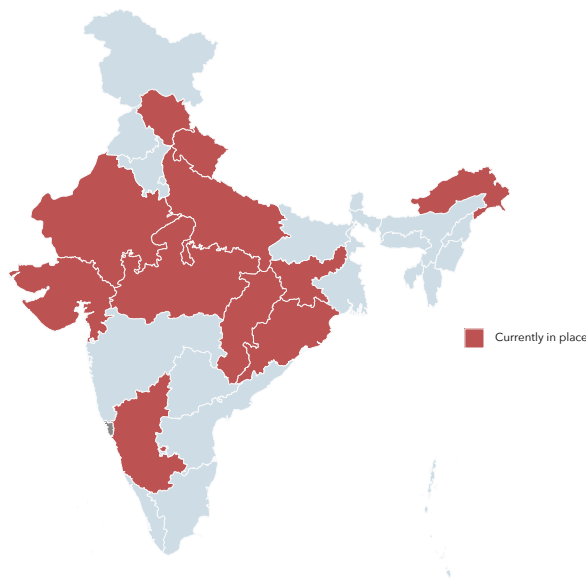
State and Local Laws and Policies Impacting Religious Minorities

Anti-Conversion Laws

State policies such as anti-conversion laws disproportionately [impact](#) religious minorities. These laws enable and encourage Hindu nationalists to target and discriminate against religious minorities under the guise of protecting the Hindu faith and upholding state laws. The application and advocacy of these policies by government officials has created a culture of impunity for nationwide campaigns of harassment and

violence particularly towards Muslims and Christians, exacerbating [communal divides](#) in various Indian states such as [Gujarat](#), [Madhya Pradesh \(MP\)](#), and [Uttar Pradesh \(UP\)](#), resulting in [violence](#), arrests, deaths, and social boycotting of religious, scheduled caste, and tribal communities.

[Eleven Indian states](#) (Odisha, MP, Arunachal Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Uttarakhand, UP, Rajasthan, and Karnataka) have legislation prohibiting religious conversion based on force, allurement, inducement, or fraud; however, some state laws contain such broad definitions that they can be interpreted as prohibiting any kind of conversion, whether consensual or not. BJP officials have recently urged the passage of anti-conversion legislation in other Indian states as well, including [Haryana](#) state.



Anti-Conversion Laws in Indian States

Anti-conversion laws are increasingly targeting interfaith marriages or interfaith couples. Under the [Special Marriage Act](#), interfaith marriages require a 30-day notice period essentially allowing the opportunity for individuals to object to the solemnization of the marriage. In some states, such as [UP](#) and [MP](#), there is a 60-day notice requirement. In practice, anti-conversion laws targeting interfaith marriage restrain an individual's constitutional right to convert and curtail the right to choose one's partner.

These laws carry penalties of hefty fines and imprisonment. For example, individuals in the state of UP convicted under the [Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance](#), passed in November 2020, can face up to 10 years in prison. In April 2021, the Gujarat assembly [passed](#) the [Freedom of Religion \(Amendment\) Bill, 2021](#), which amends the state's 2003 anti-conversion law to prohibit forced or fraudulent conversion by marriage. This law was supported by BJP officials in Gujarat including Pradipsinh Jadeja, Gujarat's Home Minister, who [stated](#), "the amendment was required to stop people from luring Hindu girls into marriage with the intention of religious conversion." In September 2022, the Karnataka Legislative Assembly [passed](#) the Karnataka Protection of Right to Freedom of Religion Bill, 2022, in an effort to stop conversion from the Hindu faith. Anti-conversion laws across India are predominately used to target and [arrest Christians](#) and Muslims, while also enabling Hindu nationalist groups to harass and threaten religious minorities.

Anti-Cow Slaughter Laws

In Hinduism, the cow is considered sacred. Article 48 of India's constitution directs the state to "take steps . . . prohibiting the slaughter of cows and calves." Twenty of the country's 28 states criminalize cow slaughter in various forms through meat policies banning the import/export and sale of cattle. These laws are often applied against religious minorities, including Christian, [Muslim](#), [Dalit](#), and other indigenous communities whose religious beliefs do not prohibit the eating of beef.

In 2021 and 2022, examples of violence resulting in deaths and injuries around suspicions of cow smuggling or slaughter were reported in [Jammu and Kashmir](#), [Tripura](#), [Rajasthan](#), [Bihar](#), [Uttar Pradesh](#), and [Delhi](#). In August 2022, [Gyan Dev Ahuja](#), BJP member and past state legislator from Rajasthan state, was [recorded publicly](#) urging people "to kill anyone involved in cow slaughter," adding that "we have so far killed five people," alluding to lynchings and murders of Muslim men on allegations of cow slaughter in the area.

Karnataka Hijab Ban

In January 2022, officials at a government school in the state of Karnataka barred entry to Muslim female students [wearing](#) hijabs for violating the school dress code. The action led to [protests](#) in the state both for and against the hijab. In February, sectarian [violence](#) erupted between those supporting the right to wear the hijab

and Hindu students wearing saffron turbans and shawls to counter them. Female Muslim students [challenged](#) the ban in court, seeking the right to wear the hijab on school grounds. However, the Karnataka High Court [upheld](#) the ban on wearing hijabs in class in the state, saying the Muslim headscarf is not an essential religious practice of Islam. The ruling is likely to further [deepen religious tensions](#) in the country.

Disinformation and Hate Speech

Government officials and nonstate actors continue to use [social media](#) platforms and other forms of [communication](#) to intimidate and [spread hatred](#) and [disinformation](#) against minority communities. The quick spread of [misinformation online](#) has at times led to [violent attacks](#).

In October 2020, USCIRF held a [hearing](#) on combating online hate speech and disinformation targeting religious communities. The hearing discussed how the Indian government uses, and empowers others to use, social media platforms to sow disinformation and hate speech that targets religious communities and incites violence against them.

In February 2022, a verified handle of the Gujarat BJP tweeted a caricature of a group of Muslim men hung by a noose. Although Twitter [removed](#) the tweet, it [symbolized](#) the rising tide of religious polarization in the world's most populous democracy. The BJP has also been [accused](#) of using 'Tek Fog,' a highly sophisticated app utilized by online operatives to hijack major social media and encrypted messaging platforms to amplify hate speech and exacerbate sectarian divides.

The CAA and NRC

The [CAA](#), which provides a pathway to citizenship for non-Muslims from Afghanistan, Bangladesh, and Pakistan, in conjunction with the government's proposed NRC requiring residents to provide proof of citizenship, could subject Indian Muslims and others not covered to statelessness, deportation, and prolonged detention. Although justified by its proponents as intended to help persecuted religious minorities, the law does not include other vulnerable religious communities such as Rohingya Muslims, Ahmadiyya Muslims, Hazara Shi'a Muslims, or Baha'is in neighboring countries.

The NRC was piloted in the state of Assam. According to a [report](#) issued by the University of California, Berkley, Muslims in India are at significant risk of being stripped of their citizenship. In May 2021, the State government of Assam asked for [re-verification](#) of the Assam NRC list of

citizens in districts that share a border with Bangladesh, threatening to exclude more Muslims. The NRC process in Assam has aggravated [communal tensions](#) between ethnic Assamese Hindus and Bengali-descent Muslims. In September 2021, government security forces violently evicted thousands of [Muslim villagers resulting in the death of at least two individuals and escalating tensions in the region](#). In May 2022, the Chief Minister of Assam, Himanta Biswa Sarma, [stated](#) that madrassas or Islamic seminaries should cease to exist. Since Sarma's statement at least four [madrassas](#) have been demolished in the state of Assam for various reasons including state allegations of links to al-Qaeda. In August, the [Manipur Assembly](#) unanimously [adopted](#) a resolution to [implement](#) the NRC, becoming the second northeastern Indian state to do so.

Attacks on Religious Communities

Religious minorities continue to face targeted [violence](#) and discrimination for being perceived as a threat to Hinduism. Authorities, including police, at times assist Hindu nationalist [vigilante](#) groups. USCIRF has received credible reports that adherents of these hardline groups threaten and use violence, including [sexual assault](#), to punish or subdue religious communities, including [Dalit Christians](#) and Muslims, who are often discriminated against both for converting and being "lower-caste."

These groups have called for the [boycotting](#) of certain religious communities and have carried out numerous attacks on their neighborhoods, businesses, homes, and houses of worship. The NGO International Christian Concern documented at least 50 incidents from June to October 2021 targeting the Christian community in the state of UP alone, with the majority of incidents perpetrated by Hindu-nationalists aided by the police. Other organizations, including the Association of Protection of Civil Rights, United Christian Forum, and United against Hate, collaboratively reported over [300 instances](#) of violence against Christians by Hindu-nationalist groups in the first nine months of 2021.

In January 2022, a [Hindu nationalist group](#) allegedly beat a Muslim man for travelling with a Hindu woman in Madhya Pradesh. In March, a Hindu nationalist group attacked a [Christian](#) youth leader in Karnataka for propagating Christianity outside a college. In early April, communal [violence](#) erupted in various states across India during processions on the occasion of the Hindu festival of Ram Navami resulting in several deaths and [injuries](#).



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Conclusion

Religious freedom and related human rights in India are under ongoing threat for a variety of reasons, including various government policies that do not protect religious minorities. USCIRF recommended in its [2022 Annual Report](#) that the U.S. Department of State designate India as a “country of particular concern,” or CPC, for engaging in or tolerating systematic, ongoing, and egregious religious freedom violations, as set forth by the International Religious Freedom Act. Such a designation would reinforce the United States’ concern regarding the conditions discussed in this country update and would encourage the Indian government to diverge from policies that violate religious freedom and promote communal divides.

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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.