

India

India is the world’s most populous democracy, religiously pluralistic, and for many years proud, in the main, of its secular constitution.

This country is found to be declining. Concerns about freedom of religion or belief and freedom of expression have been rising under the BJP government.

Constitution and government	Education and children’s rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
		<u>The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism</u>	<u>‘Blasphemy’ is outlawed or criticism of religion is restricted and punishable with a prison sentence</u>
<u>Preferential treatment is given to a religion or religion in general</u>			<u>Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted</u>
<u>Anomalous discrimination by local or provincial authorities, or overseas territories</u>			<u>Some concerns about political or media freedoms, not specific to the non-religious</u>
	<u>No formal discrimination in education</u>		

Legend

Constitution and government

India is a secular republic and its constitution and other laws and policies protect freedom of thought, conscience and religion, as well as freedom of expression, assembly and association.

However, some state-level laws and policies restrict this freedom, and there continues to be some violence between religious groups and organized communal attacks against religious minorities.

Since the ascension of prime minister Modi there are many concerns of a rise in Hindu nationalism, both socially, and on the part of officials appearing to elevate and promote a politicised *Hindutva* or Hindu nationalist agenda.

Several state or federal laws introduced under the ascendent BJP government are designed to promote patriotism, or Hindu national identity in particular.

Between 2013 and 2015, three prominent rationalists were assassinated, apparently because of their work combating superstition or Hindu nationalism (see “Highlighted cases” below). The authorities

were quick to promise action, but were also accused of prematurely ruling out extremist Hindu nationalist parties.

Beef bans

One recurring social and legal issue is the slaughter of Indian cows for beef. Millions of Indians do eat beef, especially members of the so-called Dalit “caste”, as well as Muslims and Christians. It is often an important source of protein and, for many, income. But the animals held sacred by Hindus have become a touchstone issue in law as well as a source of violence (see “Cow vigilantism” below).

In May 2017, the government implemented a “ban” on the sale of cattle for slaughter. While sometimes presented as an “animal welfare” measure, the move was widely linked to rising Hindu nationalism and was described as “fascist” by some opponents. Several states in which beef is more widely eaten or economically important strongly criticised and resisted the ban.

<latimes.com/world/la-fg-india-cow-slaughter-20170526-story.html>

<bbc.co.uk/news/world-asia-india-40089689>

In July 2017 the Supreme Court suspended the beef ban law, after Muslim petitioners in Tamil Nadu had argued that the ban infringed their right to choose what they ate. Overturning the ban, the presiding Chief Justice arguing that “the livelihood of people should not be affected by this”.

<bbc.co.uk/news/world-asia-india-40565457>

Education and children’s rights

There are a mixture of state and private schools, and some disparity between different states in this large and varied democracy. There has been debate for decades about whether India’s famous constitutional secularity, in a socially very religious country, should mean the exclusion of religion from the classroom, or its inclusion either with instruction for all, or under a comparative framework, and there were even experiments with a secular moral education.

Today, generally, the religious affiliation of children may be obvious from symbolic religious attire, and this is not discouraged or unlawful, but in this religiously diverse society the placing of undue influence on children through religious instruction is usually avoided in favour of inclusive secular norms, and parents who felt that their children were being wrongfully exposed to unwanted religious instruction would have legal recourse.

In 2002 the Supreme Court ruled that, “Children must be made aware of [the] basics of all the religions of the people of India. They should know the commonalities and learn to respect differences wherever these exist.”

Dating back to the British Raj, some Christian and even some secular schools do offer Christian instruction, as an optional extra.

The more religious nature of some private Islamic schools, and the taboo in some Muslim communities against educating girls, may be largely responsible for Muslims underperforming in literacy statistics.

Family, community and society

Rise of violence against religious minorities

The presidency of Narendra Modi has been linked to a rise in Hindu nationalism, with reports of

attacks on religious minorities still increasing. Statistics on inter-communal violence show a 30% increase in the first half of 2015 with a total of 330 attacks, of which 51 were fatal, compared with 252 attacks, 33 of which were fatal in the same period of 2014. However these statistics pale in comparison with the anti-Muslim riots in 2002 in Gujarat, with more than 1000 people killed in violent clashes after 60 Hindu pilgrims died in a fire on a train.

<bbc.co.uk/news/magazine-33241100>

2013 saw a rise in violence in the lead up to the election of Modi with 60 people were left dead after violence flared up between Muslims and Hindus in Muzzafarnagar. Since then smaller incidents of violence have been reported. "Just like those riots, now Hindus in the villages are trying to drive Muslims out of the villages - repeated attacks have created an atmosphere of fear," says Mohammad Jamshed, whose brother-in-law, Deen Mohammad, was left paralysed after being shot at a demonstration demanding for police action to halt the violence against Muslims.

A number of BJP politicians have made derogatory remarks about minorities, including Giriraj Singh who is quoted as having said that "those opposing Modi will have to go to Pakistan" and Niranjan Jyoti who implied that non-Hindus were bastards by saying "should the country be led by sons of Ram [a Hindu god] or by sons of bastards?" Sakshi Maharaj also said that "each Hindu woman should mother four children in order to protect the predominance of Hindus".

Despite these remarks Mukhtar Abbas Naqvi, Minister for Minorities says that "you cannot judge the government with isolated incidents of violence or isolated statements by some ministers."

Cow vigilantism

Many Hindus regard the Indian cow as a sacred creature, which is worshiped and decorated during festivals. The slaughter of cows is a highly sensitive issue across much of India. Accusations of keeping and slaughtering cows for beef has resulted in many riots. The beginning of the most recent wave of mob violence may be associated with the well-publicised case of the brutal killing of Mohammed Akhlaq in Dadrri on 28 September 2015, following a rumour that his family was in possession of cow meat. There were further incidents in the next few years and in 2017, an increasing number of attacks by self-declared *gau rakshaks* (cow vigilantes) spurred nationwide protests under a campaign called "Not in My Name". Attacks have included mob lynching and gang attacks on individuals and families. In July 2017 a mob lynched a man who was accused of carrying beef in his car in Jharkhand, and a Local BJP leader was among the two people that were arrested in this case.

Freedom of expression, advocacy of humanist values

Freedom of expression is protected by the constitution and there is a vigorous and diverse range of media outlets. Independent television and print sectors have grown substantially over the past decade. However, radio remains dominated by the state and private radio stations are not allowed to air news content.

Despite the vibrant media landscape, journalists continue to face a number of constraints. The government has used security laws, criminal defamation legislation, hate-speech laws, and contempt-of-court charges to curb critical voices.

In September 2017, journalist Gauri Lankesh was shot dead by three assailants outside her home in Bangalore. She had been an ardent critic of Hindu nationalism and extremism. She had been in the process of appealing a conviction for defamation in 2016 after publishing an article accusing members of the Bharatiya Janata party of theft. State police say it is too early to speculate on the

motive of her killers but it is widely suspected that the murder is linked to her work.

<theguardian.com/world/2017/sep/05/indian-journalist-gauri-lankesh-critical-of-hindu-extremists-shot-dead-in-bangalore>

Internet access is largely unrestricted, although some states have passed legislation that requires internet cafés to register with the state government and maintain user registries. Under Indian internet crime law, the burden is on website operators to demonstrate their innocence. Potentially inflammatory books, films, and internet sites are occasionally banned or censored.

Murder of Indian rationalists

Between 2013 and 2015 well known rationalists Govind Pansare, M. M. Kalburgi and Narendra Dabholkar were each murdered in eerily similar circumstances across three different cities in India (see Highlighted Cases below).

The killings were carried out in similar style: Two motorbike borne assailants were involved, with the rear passenger firing at the victim. The bullet casings found on site were all 7.65 mm in size, fired from Indian made pistols. These similarities have led the Bombay High Court to reach the conclusion that these 'well planned' attacks show a 'clear nexus' between the killings that proves that there must be some organisational involvement.

<thehindu.com/news/national/gauri-lankesh-murder-similar-murders-different-investigations/article19631544.ece>

While the Karnataka police investigating the Kalburgi case have yet to make any arrests, officials investigating the other two murders have and are filing charges. The accused of both cases are potentially linked to a Goa based rightwing Hindu radical group Sanatan Sanstha whose members in the past have been linked to a deadly 2009 bombing in Goa and is suspected of receiving backing from Maharashtra Gomantak Party politicians Sudin and Deepak Dhavalikar and even the BJP.

<thewire.in/177260/political-patronage-kept-sanatan-sanstha-a-float-go>

All three men were supporters of ending the practice of superstitious beliefs in Indian society, and spoke out frequently against the current wave of Hindutva nationalism.

Narendra Dabholkar had campaigned for years against the 'godmen' who defraud superstitious villages by performing illusions presented as divine miracles, and in particular he campaigned for a bill to expressly outlaw such practices. Following his assassination, anti-superstition laws have been passed in Maharashtra and Karnataka, pushed through by those state legislatures following pressure from both the media and supporters of the murdered rationalists, including Maharashtra Andhashradhha Nirmulan Samiti, the organisation Dabholkar helped to found.

<timesofindia.indiatimes.com/city/pune/fast-probe-cry-gets-louder-in-dabholkar-murder-case/articleshow/60149478.cms>

<fairoserver.com/region/central_south_asia/india-right-wing-politics-hinduism-narendra-modi-news-12819/>

“Insult” and “blasphemy”

Section 295 of the Indian Penal Code criminalises “insulting religious beliefs”; it allows up to three years imprisonment and fines for “whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of a class.”

In 2011 the Indian Ministry of Communications and Information Technology issued new rules requiring operators of social media networks to screen and remove blasphemous content within 36 hours of receiving a complaint.

However, after receiving several petitions from NGOs, civil rights groups and individuals citing the misuse of the Act by authorities to make illegitimate arrests, in March 2015 the Supreme Court struck down Section 66A of the Information Technology Act declaring it unconstitutional.

<timesofindia.indiatimes.com/india/Supreme-Court-strikes-down-Section-66A-of-IT-Act-which-allowed-arrests-for-objectionable-content-online/articleshow/46672244.cms>

“Political parties have often spoken in different voices about Section 66A. The Supreme Court’s historic decision is a crucial victory for free speech and expression, and a reminder to the government *about the importance of respecting this right...*”

- *Shameer Babu, Programmes Director at Amnesty International India.*

<amnesty.org/en/latest/news/2015/03/india-supreme-court-upholds-online-freedom-of-expression/>

In January 2015, the well-received and record-breakingly high-grossing Bollywood film titled “PK”, satirised problems with religion through the eyes of an alien in human form. It was criticised by Hindu nationalists who disliked its satire on “godmen” and called for a ban on the film and the arrest of its star Aamir Khan and the filmmakers.

<theguardian.com/film/2015/jan/02/bollywood-film-pk-hindu-nationalist-protests-india-aamir-khan>

Director and writer Rajkumar Hirani responded by explaining, “In fact, with *PK*, I am saying that we are humans first and not Hindus or Muslims. Everyone should have the freedom to live and get settled with whoever they want to”.

<financialexpress.com/article/lifestyle/showbiz/aamir-khans-pk-is-saying-we-are-not-hindus-or-muslims-first-director-rajkumar-hirani/30791/>

Freedom of assembly and association

There are some restrictions on freedoms of assembly and association. Section 144 of the criminal procedure code empowers the authorities to restrict free assembly and impose curfews whenever “immediate prevention or speedy remedy” is required. State laws based on this standard are often abused to limit the holding of meetings and assemblies. Nevertheless, protest events take place regularly in practice.

Highlighted cases

In March 2017, the Times of India reported that an atheist and ex-Muslim, **H Farook** (age 31), had been killed by four assailants in Tamil Nadu state. He was apparently targeted over an atheistic WhatsApp group and his Facebook page, where he posted “rationalist” messages including views critical of religion. A realtor named as “Ansath” of Muslim background reportedly surrendered before the judicial magistrate court in connection with the murder. A police spokesperson said: “Farook’s anti-Muslim sentiments had angered people, which could be the possible motive for murder.” Two men have appeared in court in relation to the murder as of October 2017.

<iheu.org/rationalists-murdered-liberties-threatened-state-intolerance-rises-india/>

On 16th February 2015, **Govind Pansare** and his wife Uma were shot at by two men on motorcycles outside their house having returned from a morning walk, he later died of his injuries. He was a senior left-wing politician of the Communist Party of India (CPI), a writer and rationalist, having often spoken out against right-wing groups. Pansare was a member of the Kolhapur Anti-Toll

Committee having taken a lead in the campaign. Comparisons have been drawn between this attack and the earlier murder of anti-superstition activist Narendra Dabholkar (below). Raghunath Kamble, general secretary of CPI's Kolhapur unit has said that a few months before Pansare had received anonymous letters, saying "Tumcha Dabholkar Karu [you would also be killed like Dabholkar]". Kamble said that Pansare had received threats several times in the past but that he would "ignore such threats and continued with his work." Hamid Dabholkar (Narendra Dabholkar's son) criticised those dismissing similarities in the two cases, pointing out that both Dabholkar and Pansare were rationalists and opponents of right-wing extremism, and had been threatened several times.

<indianexpress.com/article/india/politics/kolhapur-senior-cpi-leader-govind-pansare-wife-injured-in-firing/>

In August 2015, **M.M. Kalburgi**, a 77 year old rationalist scholar and university professor, was shot dead in his home in the southern state of Karnataka. As in the case of Govind Pansare, two unidentified male assailants on a motorbike were responsible. Kalburgi had received death threats following his criticism of idol worship during a seminar in 2014. In a statement to the Hindustan Times newspaper his daughter Roopadarshi said that "There was a threat to my father from groups that couldn't digest his views on caste and communalism. The role of these groups should be probed..."

<time.com/4016747/mm-kalburgi-india-murder-rationalist-idol-worship-hindu-nationalism/>

On August 20, 2013, leading anti-superstition campaigner **Narendra Dabholkar** was shot and killed by two men on a motorbike. The murder came just days after the state government pledged to re-introduce an anti-superstition bill, aimed at making it an offence to exploit or defraud people with 'magical' rituals, charms and cures. This bill was closely associated with Dabholkar's work, and was opposed by many rightwing and Hindu nationalist groups who labelled it "anti-Hindu". Dabholkar was a long-time activist in India's rationalist movement, founder-president of Maharashtra Andhashraddha Nirmoolan Samiti (MANS), an anti-superstition organization, and a leader of the Federation of Indian Rationalist Association, a member organization of the International Humanist and Ethical Union. The anti-superstition bill was passed into law soon after Dabholkar's assassination. In 2017 the state of Karnataka passed the 'Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Bill,' an anti-superstition bill, under pressure from civil society groups following the murders of Dr Dabholkar and Dr Kalburgi. A similar law has already been passed in Maharashtra.

<iheu.org/story/leading-indian-rationalist-assassinated-gunmen>

In April 2012, the Catholic Church filed a complaint under Section 295 of the country's penal code against **Sanal Edamaruku**, president of the Indian Rationalist Association. Edamaruku had reportedly exposed a supposed "miracle" by revealing that a weeping Jesus on the cross was actually the result of a leaky drain. The local police requested Edamaruku turn himself in and face the charges. He now lives in exile in Finland.