

# India: Religious Freedom Issues

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## India: Religious Freedom Issues

India is the world's most populous country, with more than 1.4 billion people, and the world's fifth-largest economy. In recognition of India's global importance and growing ability to influence world affairs—and with a widely held assessment that a stronger and more prosperous and democratic India is good for the United States—the U.S. Congress and four successive U.S. presidential Administrations have acted to both broaden and deepen U.S. engagement with India. Washington and New Delhi launched a “strategic partnership” in 2004, along with a framework for long-term defense cooperation that now includes large-scale joint military exercises and multi-billion-dollar defense trade. In concert with Japan and Australia, the United States and India in 2020 reinvigorated a Quadrilateral Security Dialogue (“Quad”) as a flagship initiative of the U.S. Indo-Pacific Strategy. The mechanism is widely viewed as a counter to China's growing influence. U.S.-India trade and investment have increased, while a relatively wealthy and well-educated Indian-American community is exercising newfound domestic political influence.

An officially secular democracy—its 1950 constitution establishes a “sovereign, socialist, secular democratic state”—India has thousands of ethnic groups, 22 official languages, and a long tradition of religious tolerance, although with periodic and sometimes serious lapses. Religious freedom is explicitly protected under its constitution. India is the birthplace of four major world religions: Hinduism, Buddhism, Sikhism, and Jainism. It is also home to roughly 200 million Muslims—only Indonesia and Pakistan have more. A Christian minority includes about 30 million people. Hindus account for a vast majority (nearly four-fifths) of the country's populace, and Hindu nationalism has become a rising political force, which is viewed by some analysts as eroding India's secular nature and leading to new assaults on the country's religious freedoms and minorities' civil rights.

The 2014 national election victory of the Bharatiya Janata Party (BJP or Indian Peoples' Party) brought acute attention to the issue of religious freedom in India. Tracing its origins to a political party created in 1951 in collaboration with the Hindu nationalist Rashtriya Swayamsevak Sangh (RSS or National Volunteer Organization), the BJP has gone on to win control of 13 of India's 28 state governments (up from 5 in 2014), including in Uttar Pradesh, the country's most populous state. The BJP's leader, Prime Minister Narendra Modi, is a self-avowed Hindu nationalist and lifelong RSS member with a controversial past: In 2002, during his 13-year tenure as chief minister of India's Gujarat state, mass-scale anti-Muslim rioting there reportedly left more than 1,000 people dead, and Modi faced accusations of complicity and/or inaction (he was later formally exculpated). In 2005, Modi was denied a U.S. visa under a rarely used law barring entry for foreign officials found to be complicit in severe violations of religious freedom, and he had no official contacts with the U.S. government until 2014. Some Members of the 113<sup>th</sup> Congress were critical of Modi's role in the 2002 violence.

Some Members of Congress continue to call attention to signs that human rights and religious freedom violations are increasing in India, as documented by the U.S. State Department, the U.S. Commission on International Religious Freedom, and independent human rights groups. With a U.S.-India strategic partnership ostensibly based on shared values, the apparent deterioration of India's human rights conditions has led some observers to urge instead an emphasis on shared national interests, not least with regard to balancing against China. Others counter that maintaining attention to democracy and human rights protections in India is, in fact, in the U.S. national interest, and that human rights protections and national security are not mutually exclusive goals.

This report provides an overview of religious freedom issues in India, beginning with a brief review of U.S.-India relations and India's human rights setting broadly, then discussing the country's religious demographics, religious freedom protections, and conceptions of Hindu nationalism and its key institutional proponents in Indian society. It then moves to specific areas of religiously motivated repression and violence, including state-level anti-conversion laws, cow protection vigilantism, regional communal violence, and reported assaults on freedoms of expression and operations by nongovernmental organizations that are seen as harmful to India's secular traditions and the U.S.-promoted goal of interfaith tolerance. The report concludes with considerations and possible questions for Congress.

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## Context

Officially a secular nation—its 1950 constitution establishes a “sovereign, socialist, secular democratic state”—India has a long tradition of religious tolerance, albeit with periodic and sometimes serious lapses, and religious freedom is protected under its constitution.<sup>1</sup> Although religious discrimination and intolerance of social dissent is hardly new to India, the 2014 election of the Hindu nationalist Bharatiya Janata Party (BJP) to majority status at the federal level appears to have empowered agents of overt Hindu majoritarianism to intensify state and social discrimination against minority groups, particularly Muslims, and pursue policies that infringe on freedoms of religion, speech, and academic research. More than a decade later, Indian Prime Minister (PM) Narendra Modi—BJP leader and self-avowed Hindu nationalist—remains the country’s top official.

PM Modi took national office after serving as chief minister of the western Gujarat state for 13 years (see **Figure 4**, “Map of Indian States”). In 2005, Modi had his U.S. tourist/business visa revoked over concerns about his role in mass-scale anti-Muslim violence in Gujarat in 2002.<sup>2</sup> The visa denial had been lauded by some Members of the 113<sup>th</sup> Congress.<sup>3</sup> The U.S. government subsequently had no official contacts with Modi until 2014, just months before he became a leading PM candidate. For some observers, his 2016 U.S. visit—and address to a Joint Session of Congress—completed the “political rehabilitation” of a foreign leader who was at one time viewed by some in the United States as a pariah.

After a decade of BJP rule at the federal level and expanded BJP power in state governments since 2014, Hindu chauvinism and bigotry are more visible in India, with rates of communal violence on the rise in recent years.<sup>4</sup> According to one wire report, “Modi has achieved staying power by making Hindu nationalism acceptable—desirable, even—to a nation of 1.4 billion that for decades prided itself on pluralism and secularism.”<sup>5</sup> These developments have elicited limited, but sometimes pointed expressions of concern from Biden Administration officials (see “U.S. Policy and Congressional Interest” below). In the 118<sup>th</sup> Congress, some Members have introduced or cosponsored legislation addressing human rights in India, including in country-specific

<sup>1</sup> See the Indian Constitution at <https://legislative.gov.in/constitution-of-india>. The acrimonious partition of British India into two successor states in 1947 was based almost wholly on Hindu and Muslim religious identities, and up to 1 million people died in related communal violence, which itself displaced at least 10 million more. The 1948 assassination of Mohandas Gandhi by a Hindu extremist contributed to continued communal strife. At times, Sikh and Muslim communities also engaged in violent attacks on one another in the divided Punjab state.

<sup>2</sup> At the same time, Modi’s application for a diplomatic visa was denied. In 2002, on Modi’s watch, days-long communal rioting reportedly left more than 1,000 people dead, most of them Muslims targeted by Hindu mobs. In 2005, the State Department revoked Modi’s U.S. visa under the 1998 International Religious Freedom Act (P.L. 105-292), which allows for barring entry to foreign government officials found to be complicit in severe violations of religious freedom. Although multiple high-level investigations into Modi’s alleged role resulted in no formal charges, some human rights groups and other analysts still accuse him of enabling the anti-Muslim violence. See the March 21, 2005, State Department release at <https://tinyurl.com/4y3mz6mp>.

<sup>3</sup> In the 113<sup>th</sup> Congress, H.Res. 417, introduced in November 2013 and garnering 51 cosponsors, commended the State Department’s 2005 visa denial.

<sup>4</sup> An independent 2024 assessment found two-thirds of such violence carried out by Hindu mobs targeting Muslim civilians. Some Indian government reporting indicates a slight decline in communal killings since the BJP returned to power in 2014 (“India Votes 2024: A Resurgent Hindu Nationalism Sets the Stage for the Upcoming Elections, Driving Communal Violence,” Armed Conflict Location and Event Data, April 28, 2024; “Have Communal Killings Gone Up or Down? NCRB Data Show 12% Fall in Toll from 2006-13 to 2014-21,” *Print* (Delhi), August 10, 2023; Indian government crime statistics at <https://tinyurl.com/2s46wuje>).

<sup>5</sup> “Once a Fringe Indian Ideology, Hindu Nationalism Is Now Mainstream, Thanks to Modi’s Decade in Power,” Associated Press, April 18, 2024.

resolutions focused on religious freedom. There is ongoing debate in policy circles about the potential effects an Indian shift toward autocracy could have on U.S.-India relations, as well as on India's global role.<sup>6</sup>

The role of Hindu nationalism in Indian foreign policy can be seen in the concept of “*vishwaguru*” or “universal guru”—a Hindu India destined to lead the world to peace. PM Modi arguably has personalized the concept to portray himself as a “world guru.”<sup>7</sup> Remarks by BJP officials seen as offensive by Muslims have at times led to Islamic world condemnation of the New Delhi government.<sup>8</sup> The BJP's so-called “Hindu first” policies also appear to be exacerbating historical divisions among the Indian diaspora, including in the United States.<sup>9</sup>

Although a surprise setback in Spring 2024 national elections reduced the BJP's power in India's parliament—the Lok Sabha—and forced it into a National Democratic Alliance (NDA) coalition government with several smaller parties that may moderate its Hindu-nationalist agenda, Modi was sworn in for a rare third consecutive term (India's first PM, Jawaharlal Nehru, is the only other to achieve this result).<sup>10</sup> Opinion surveys suggest PM Modi remains the world's most popular leader; one shows a 75% approval rating as of early November 2024.<sup>11</sup> The nationally ruling BJP is currently in power in 13 of India's 28 Indian states.<sup>12</sup> The BJP's two most important coalition allies are secular, regional, and largely nonideological, and they gave early indications they would not be party to anti-Muslim campaigns or policies.<sup>13</sup> Since June 2024, the “Modi 3.0” government apparently has backtracked on several pieces of legislation, and he may be facing new challenges from within his own party.<sup>14</sup> Yet, more than five months after the election, other reporting suggests that the Modi government's suppression of dissent “continues unabated.”<sup>15</sup>

Members of Congress may remain watchful of India's course on democracy, human rights, and religious freedom. India's 2024 election results were widely viewed as a win for multiparty democracy there, but some experts warn that the risk of authoritarianism has not vanished, that India's “re-democratization” is far from assured, and that these election results should not be viewed as a defeat of “Hindutva” (see “Hindutva and Hindu Nationalism” below).<sup>16</sup>

<sup>6</sup> On the latter issue, see Saroj Aryal and Simant Bharti, “Impact of Hindu Nationalism in India's Foreign Policy Conduct,” South Asia Democratic Forum (Brussels), July 7, 2022.

<sup>7</sup> Ian Hall, “The Hindu Right and India's Religious Diplomacy,” *Review of Faith & International Affairs*, vol. 33, no. 2 (August 14, 2024); Ramachandra Guha, “Big Brother” (op-ed), *Telegraph* (Kolkata), August 24, 2024.

<sup>8</sup> Debasish Roy Chowdhury, “The Islamic World's Outrage Against India Won't Protect the Country's Muslims,” *Time*, June 9, 2022.

<sup>9</sup> “Modi's Hindu Nationalism Stokes Tension in Indian Diaspora,” *New York Times*, September 30, 2023; “Religious Polarization in India Seeping into US Diaspora,” Associated Press, October 16, 2022.

<sup>10</sup> See CRS In Focus IF12686, *India's 2024 National Election*, by K. Alan Kronstadt.

<sup>11</sup> See, for example, “Global Leader Approval Rating Tracker,” Morning Consult, updated November 5, 2024.

<sup>12</sup> See CRS In Focus IF10298, *India's Domestic Political Setting*, by K. Alan Kronstadt.

<sup>13</sup> “Janata Dal (United) Will Not Allow Anti-Muslim Campaigns While in Power with BJP: KC Tyagi,” *Scroll* (Delhi), June 7, 2024; “TDP Leader Says Muslim Reservation to Continue in Andhra,” *India Today* (Delhi), June 7, 2024.

<sup>14</sup> “India Withdraws Controversial Broadcast Bill After Backlash,” *Financial Times* (London), August 13, 2024; “Policy Missteps” (editorial), *Tribune* (Chandigarh), August 21, 2024; “Narendra Modi Starts Losing Battles,” *Economist* (London), September 17, 2024.

<sup>15</sup> “Four Years in Jail Without Trial: The Price of Dissent in Modi's India,” *New York Times*, October 22, 2024.

<sup>16</sup> Pratap Bhanu Mehta, “India Steps Back from the Brink,” *Foreign Affairs*, June 14, 2024; Harsh Mander, “The People of India Have Spoken. What Changes Now?” (op-ed), *Scroll* (Delhi), June 6, 2024; Christophe Jaffrelot, “The Roads to India's Redemocratisation, the Challenges” (op-ed), *Hindu* (Chennai), June 6, 2024.

## U.S.-India Relations

India—the world’s most populous country and largest democracy—is South Asia’s dominant actor with about 1.4 billion citizens and the world’s fifth-largest economy. The country is often characterized by U.S. officials as a nascent great power and “indispensable partner” of the United States.<sup>17</sup> Some analysts view India as a potential counterweight to China.<sup>18</sup> Beginning with President Bill Clinton’s landmark 2000 visit to India, five successive U.S. presidential Administrations have viewed India as a key and increasingly capable U.S. partner, and the relationship has bipartisan support in the U.S. Congress. In 2000, U.S. and Indian leaders resolved to create a “qualitatively new” bilateral relationship, emphasizing the shared values of democracy, pluralism, and diversity. In 2004, a “strategic partnership” was launched.<sup>19</sup> Soon after, the United States and India signed a 10-year defense framework agreement to expand bilateral security cooperation; in 2015, the agreement was expanded and renewed for another decade.<sup>20</sup>

The Administration of President Joe Biden has continued to expand and deepen U.S.-India ties. Since 2022, much U.S. foreign policy attention has focused on the U.S.-China rivalry and on the Indian government’s neutral posture toward Russia’s renewed invasion of Ukraine. Despite divergences on the latter issue, U.S. and Indian leaders continue to issue strongly positive remarks on the state of the partnership. This optimism was demonstrated with Modi’s June 2023 state visit to Washington, DC, and the accompanying 58-paragraph Joint Statement; a fifth annual U.S.-India 2+2 Ministerial Dialogue in November 2023; and a September 2024 summit meeting of the Quadrilateral Security Dialogue, or “Quad,” which also includes Japan and Australia.<sup>21</sup> The Biden Administration’s Indo-Pacific Strategy declares support for “a strong India as a partner in this positive regional vision.” A sweeping cooperative initiative on Critical and Emerging Technologies was launched in early 2023, and security relations have expanded in both scope and scale, including major sales of U.S. defense articles to India.<sup>22</sup>

During 2017-2020, the Administration of then-President Donald Trump—now President-elect—identified India as a leading player in the U.S. efforts to secure the vision of a “free and open Indo-Pacific,” and the Quad mechanism was revived.<sup>23</sup> Broad policy continuity is expected going forward, and President-elect Trump is generally seen to have a strong personal relationship with PM Modi.<sup>24</sup> Yet an expected second Trump Administration could again exacerbate trade and

<sup>17</sup> For example, in 2010, then-Secretary of State Hillary Clinton said, “India is an indispensable partner and trusted friend.” During his 2016 visit to Washington, DC, Modi told a Joint Session of Congress that, “In every sector of India’s forward march, I see the U.S. as an indispensable partner” (June 3, 2010, State Department transcript at <https://go.usa.gov/xNvjB>; June 8, 2016, External Affairs Ministry transcript at <https://tinyurl.com/mtx25zyj>).

<sup>18</sup> See, for example, Lisa Curtis, Joshua White, and Tanvi Madan, “US Views of India-China Ties and Their Impact on the US-India Partnership,” Brookings Institution, February 7, 2024.

<sup>19</sup> See the March 21, 2000, “U.S.-India Joint Statement,” at <https://tinyurl.com/2s3n9pcb>, and the September 21, 2004, Joint Statement at <https://tinyurl.com/ydxwm8cy>.

<sup>20</sup> See the June 3, 2015, agreement at <https://dod.defense.gov/Portals/1/Documents/pubs/2015-Defense-Framework.pdf>.

<sup>21</sup> June 22, 2023, Joint Statement at <https://tinyurl.com/kpw636me>; November 10, 2023, 2+2 Joint Statement at <https://tinyurl.com/3784d7ds>; and the Quad’s September 21, 2024, “Wilmington Declaration” at <https://tinyurl.com/4skpx9jd>.

<sup>22</sup> See the February 2022 Indo-Pacific Strategy at <https://tinyurl.com/54v4rf4b>; a June 17, 2024, iCET fact sheet at <https://tinyurl.com/ye3nw745>; and CRS In Focus IF12438, *India-U.S.: Major Arms Transfers and Military Exercises*, by K. Alan Kronstadt.

<sup>23</sup> See the Pentagon’s June 1, 2019, Indo-Pacific Strategy Report at <https://go.usa.gov/xuxXH>; Jeff Smith, “The Future of the Quad Is Bright,” Heritage Foundation, March 11, 2021.

<sup>24</sup> “India Bets on Modi-Trump Warmth to Navigate Choppy Future With US,” *Al Jazeera* (Doha), November 10, 2024.



immigration relations, and issues of human rights protections, including religious freedom, may become less salient.<sup>25</sup>

## Human Rights and Religious Freedom in India

Roughly four out of five Indians identify as Hindu (see **Figure 1**). Article 25 of the Indian Constitution states that “all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion” in a manner that does not adversely affect public order, health, or morality. It bars government discrimination based on religion, including for employment, as well as religiously based restrictions on access to public or private establishments. Section 295 of India’s penal code criminalizes the destruction or damage of houses of worship.<sup>26</sup>

India’s federal law provides “minority community” status for six religious groups: Buddhists, Christians, Jains, Muslims, Parsis (Zoroastrians), and Sikhs. Together, the groups comprise about one-fifth of India’s population. Of these, Sikhs, Buddhists, and Jains—along with Baha’is—are subject to Hindu civil law. The laws state that the government will protect the existence of these minorities and encourage conditions for the promotion of their individual identities. In 2006, a new Ministry of Minority Affairs was carved out of the Ministry of Social Justice and Empowerment “to ensure a more focused approach” toward issues affecting these communities.<sup>27</sup> Within this ministry, a National Commission for Minorities—which by law is to include representatives from the six designated religious minority groups and the National Human Rights Commission of India (NHRCI)—investigates allegations of religious discrimination.<sup>28</sup> Human rights organizations have criticized the NHRCI for alleged ineffectiveness and lack of diversity among commissioners.<sup>29</sup>

Public opinion surveys generally show high levels of interfaith tolerance in India. A 2019-2020 survey of 30,000 Indians found an overwhelming majority (91%) saying they feel “very free” to practice their religions, with six in seven agreeing that respecting all religions is “very important to being truly Indian.” However, nearly two-thirds of Hindus expressed a conviction that “being Hindu is very important to being truly Indian.” And the survey found large majorities favoring religious segregation and opposing interfaith marriage. Substantial minorities also said they would not accept followers of other religions as neighbors.<sup>30</sup> A more recent survey of 10,000 people across India found 79% agreeing that “India belongs to citizens of all religions equally, not

<sup>25</sup> C. Raja Mohan, “In DC-Delhi Warmth, Cold Light” (op-ed) *Indian Express* (Delhi), November 8, 2024; Sumit Ganguly, “Donald Trump Won’t Bother About India’s Human Rights Record” (op-ed), *Deccan Herald* (Bengaluru), October 18, 2024.

<sup>26</sup> Constitution at <http://www.constitution.org/cons/india/p03025.html>; State Department 2023 *Report on International Religious Freedom* India narrative at <https://tinyurl.com/mwu4dwb5>; Penal Code at <https://tinyurl.com/73fdae52>.

<sup>27</sup> Ministry of Minority Affairs, *Annual Report 2021-22*, at <https://tinyurl.com/bddajmm7>.

<sup>28</sup> State Department, 2023 *Report on International Religious Freedom: India*, at <https://tinyurl.com/mwu4dwb5>.

<sup>29</sup> In 2023, the Global Alliance of National Human Rights Institutions (GANHRI) expressed “deep concerns” about the NHRCI’s “lack of independence, pluralism, diversity, and accountability.” In 2024, GANHRI withheld NHRCI’s accreditation, saying the Indian commission “does not demonstrate adequate efforts to address human rights violations at a systemic level, nor has the institution spoken out in a manner that promotes and protects all human rights,” adding, “the relationship between the NHRCI and civil society is not effective or constructive” (see HRW’s March 9, 2023, release at <https://tinyurl.com/4nyn69j6>, and GANHRI’s June 7, 2024, report at <https://tinyurl.com/mt7xuz7d>).

<sup>30</sup> “Religion in India: Tolerance and Segregation,” Pew Research Center, June 29, 2021.



just Hindus,” and just under half (47%) believing “Muslims are unnecessarily appeased/pampered.”<sup>31</sup>

In a 2022 national report to the UN Human Rights Council (UNHRC), India’s delegation stated

India is firmly committed to the promotion and protection of human rights. The Constitution of India guarantees civil and political rights, and provides for progressive realization of economic, social and cultural rights. The sanctity, vibrancy and resilience of the ideals envisaged by the Constitution, including justice, liberty, equality, fraternity and individual dignity within a secular democracy, have stood the test of time.<sup>32</sup>

In the same UN forum, the U.S. delegation stated, “Despite legal protections, discrimination and violence based on gender and religious affiliation persist” in India.<sup>33</sup> UNHRC findings included

While appreciating the measures adopted by [India] to address discrimination, the Committee was concerned about discrimination and violence against minority groups, including religious minorities such as Muslims, Christians, and Sikhs, “scheduled castes” and “scheduled tribes,” and LGBTI people.<sup>34</sup>

India continues to be the site of numerous reported human rights violations, some of them seen to be undertaken or facilitated by government officials. According to the State Department’s *Country Reports on Human Rights Practices 2023* (also known as Human Rights Reports or HRRs, released in April 2024), the Indian government “took minimal credible steps or action to identify and punish officials who may have committed human rights abuses,” and many of India’s citizens suffer such abuses, including, inter alia, “credible reports of”

- serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and enforcement of or threat to enforce criminal libel laws to limit expression;
- serious restrictions on internet freedom;
- substantial interference with the freedom of peaceful assembly and freedom of association;
- serious government restrictions on or harassment of domestic and international human rights organizations; and
- crimes involving violence or threats of violence targeting members of ethnic and caste minorities.<sup>35</sup>

In the context of U.S.-India relations and human rights, the status of religious freedom in India is among the leading concerns for the U.S. government and some Members of Congress. The State Department’s *2023 Report on International Religious Freedom* (IRF report, released in June 2024) asserts that some Indian government and political officials made comments and took actions in support of religious tolerance in 2023. It also reports, however, that

<sup>31</sup> See the Program for Comparative Democracy’s (Delhi) “2024 Post Poll Report” at <https://tinyurl.com/7pc82c88>; “CSDS-Lokniti 2024 Pre-Poll Survey: Remarkable Support for Religious Pluralism,” *Hindu* (Chennai), April 12, 2024.

<sup>32</sup> See the UNHRC’s August 17, 2022, report at <https://tinyurl.com/2ab5ys53>.

<sup>33</sup> See the November 10, 2022, U.S. statement at <https://tinyurl.com/p56vmd3w>.

<sup>34</sup> See the UNHRC’s July 25, 2024, findings at <https://tinyurl.com/476z6u24>.

<sup>35</sup> *2023 Country Reports on Human Rights Practices*, “India,” at <https://tinyurl.com/22d9duht>. For background on these reports, see CRS In Focus IF10795, *Global Human Rights: The Department of State’s Country Reports on Human Rights Practices*, by Michael A. Weber.

Attacks on members of religious minority groups, including killings, assaults, and intimidation, occurred in various states throughout the year.... There were also attacks on religious leaders, disruption of Christian and Muslim worship services, vandalism of religious minorities' houses of worship, and violence between religious groups. Islamic groups in Jammu and Kashmir also reportedly attacked non-Muslims during the year.<sup>36</sup>

During the 2024 report rollout, Secretary of State Antony Blinken remarked

In India we see a concerning increase in anti-conversion laws, hate speech, demolitions of homes and places of worship for members of minority faith communities.... Our report also documents cases where violence is occurring at the societal level, sometimes with impunity, and it also contributes to the repression of religious communities.... Christian communities reported that local police aided mobs that disrupted worship services over accusations of conversion activities or stood by while mobs attacked them and then arrested the victims on conversion charges.<sup>37</sup>

In response to questions about the findings of annual State Department reports on human rights, religious freedom, and human trafficking concerns in India, Indian officials offer that their government “does not take cognizance of internal reports of a foreign country.” Asked in April 2024 about State’s most recent HRR, an External Affairs Ministry spokesman declared, “[It] is deeply biased and reflects a very poor understanding of India.... We attach no value to it.”<sup>38</sup>

In its *2024 Annual Report*, the U.S. Commission on International Religious Freedom (USCIRF), consistent with prior years, found particularly severe violations of religious freedom in India:

In 2023, religious freedom conditions in India continued to deteriorate. The government, led by the Bharatiya Janata Party (BJP), reinforced discriminatory nationalist policies, perpetuated hateful rhetoric, and failed to address communal violence disproportionately affecting Muslims, Christians, Sikhs, Dalits, Jews, and Adivasis (indigenous peoples).<sup>39</sup>

An October 2024 USCIRF country update states, “Religious freedom conditions in India have continued to worsen throughout 2024, particularly in the months prior to and immediately following the country’s [April-June] national elections.”<sup>40</sup> The New Delhi government regularly “rejects” USCIRF findings, contending in 2024 that the Commission “is known as a biased organization with a political agenda” that publishes “propaganda on India.”<sup>41</sup>

USCIRF has since 2020 recommended annually that the State Department designate India as a “Country of Particular Concern” (CPC) under the International Religious Freedom Act of 1998 (IRFA, P.L. 105-292) “for engaging in and tolerating systematic, ongoing, and egregious religious freedom violations.” The presidential Administrations of Donald Trump and Joe Biden declined to make such a designation, leading the Commission to hold a September 2023 hearing on “Advancing Religious Freedom within the U.S.-India Bilateral Relationship” and later express “extreme disappointment” with the Biden Administration, saying it had “no justification” for its

<sup>36</sup> State Department, *2023 Report on International Religious Freedom: India*, at <https://tinyurl.com/mwu4dwb5>.

<sup>37</sup> See the State Department’s June 26, 2024, transcript at <https://tinyurl.com/3p9v78t2>.

<sup>38</sup> See Ministry of External Affairs, Parliament Q&A, “Question No. 1304,” May 5, 2016, at <https://tinyurl.com/459turde>, and the Ministry’s April 25, 2024, transcript at <https://tinyurl.com/2ckwx6ba>.

<sup>39</sup> USCIRF, *2024 Annual Report*, “India,” at <https://tinyurl.com/3bccra6t>. USCIRF is an independent, bipartisan, U.S. federal government commission created by the 1998 International Religious Freedom Act (P.L. 105-292), which mandated the State Department’s annual IRF report, required CPC designations, and established other elements of U.S. international religious freedom policy. See CRS In Focus IF10803, *Global Human Rights: International Religious Freedom Policy*, by Michael A. Weber.

<sup>40</sup> Sema Hasan, “Increasing Abuses Against Religious Minorities in India,” USCIRF, October 2024.

<sup>41</sup> See the External Affairs Ministry spokesperson’s May 2, 2024, remarks at <https://tinyurl.com/47pxx44r>.

most recent decision to not designate India.<sup>42</sup> Some in Congress have shown support for designating India (along with several other countries) as a CPC.<sup>43</sup>

For more than two decades, USCIRF researchers have sought without success to visit India to assess religious freedom conditions on the ground. However, India's government has twice refused to grant visas for USCIRF delegations despite requests being supported by the U.S. State Department and the U.S. Embassy in New Delhi.<sup>44</sup>

## U.S. Policy and Congressional Interest

In public pronouncements, the Biden Administration largely has refrained from criticizing India's religious freedom record, save for a few limited instances, typically upon the release of State Department IRF reports.<sup>45</sup> The Department's most recent IRF report conveys that, during 2023, Secretary

Blinken and his Under Secretary for Civilian Security, Democracy, and Human Rights separately addressed issues of religious freedom on visits to India, and that U.S. Ambassador to India Eric Garcetti engaged with members of India's major religious communities throughout the year "to discuss the importance of religious freedom and pluralism; the value of interfaith dialogue, and the operating environment for faith-based organizations."<sup>46</sup>

"The leaders re-emphasized that the shared values of freedom, democracy, human rights, inclusion, pluralism, and equal opportunities for all citizens are critical to the success our countries enjoy and that these values strengthen our relationship."

- U.S.-India Joint Statement, September 2023

Biden Administration officials state that they raise human rights and religious freedom concerns with their Indian counterparts consistently, but mostly in private.<sup>47</sup> Some analysts are doubtful that private U.S. government admonitions can induce change in New Delhi's policies.<sup>48</sup> Moreover, some reporting suggests there has been frustration inside the State Department with the "kid-glove treatment" India receives on human rights, even in internal U.S. government documents.<sup>49</sup>

Some in Congress have gone on record with concerns about human rights and/or religious freedom in India. Some Members of the 118<sup>th</sup> Congress introduced or cosponsored legislation addressing these issues, including in country-specific resolutions focused on religious freedom. Over the past decade, Congress has held five India-specific hearings: three by the Senate Foreign Relations Committee (SFRC) and two by the House Foreign Affairs Committee. Each of these included Members expressing concerns about human rights in India (see the **Appendix**). Since

<sup>42</sup> See USCIRF's September 20, 2023, hearing page at <https://tinyurl.com/wpj7z7as>, and January 4, 2024, release at <https://tinyurl.com/mr2xps7b>.

<sup>43</sup> For example, in 2020, 14 Senators signed a bipartisan letter asking the Administration to consider designating India (among other countries) as a CPC as recommended by USCIRF (September 2020 letter at <https://go.usa.gov/xHDQW>).

<sup>44</sup> USCIRF, *2017 Annual Report*, "India," at <https://tinyurl.com/52rpzbud>.

<sup>45</sup> In 2022 remarks, for example, Secretary Blinken noted "[We've] seen rising attacks on people and places of worship" in India. At the same rollout, the U.S. Ambassador at Large for IRF added that "some [Indian] officials are ignoring or even supporting" such attacks." New Delhi's response noted what it called "ill-informed comments by senior U.S. officials" (see the State Department's June 2, 2022, transcript at <https://tinyurl.com/58m9yw9v>, and the External Affairs Ministry's June 3, 2022, release at <https://tinyurl.com/4av2hwnr>).

<sup>46</sup> See the *2023 Report on International Religious Freedom* India narrative at <https://tinyurl.com/mwu4dwb5>.

<sup>47</sup> CRS interviews with U.S. officials in New Delhi, September 2023, and Washington, DC, August 2024.

<sup>48</sup> CRS interviews in New Delhi, India, September 2023, and Washington, DC, August 2024.

<sup>49</sup> Nahal Toosi et al., "On India, Say Nothing," *Politico*, March 2, 2023.

2013, at least eight resolutions specifically addressing human rights issues in India were introduced in Congress. All but one were introduced in the House; none emerged out of committee (see the **Appendix**).

In the lead-up to Modi's June 2023 state visit, a letter signed by 75 Members—18 Senators among them—requested that the U.S. President “raise directly” with the Indian leader concerns of

troubling signs in India toward the shrinking of political space, the rise of religious intolerance, the targeting of civil society organizations and journalists, and growing restrictions on press freedoms and internet access ... [and] the worrisome increase of religious intolerance toward minorities and religiously motivated violence by both private and state actors.<sup>50</sup>

When asked about the letter, a State Department spokesman replied, “[We] regularly engage at the senior levels on our human rights concerns, including freedom of religion and freedom of belief.”<sup>51</sup> During a brief June 2023 joint press conference alongside PM Modi, President Biden was asked if he had any message to those—including some members of his own party—who believe that his Administration “is overlooking the targeting of religious minorities and a crackdown on dissent in India.” He replied, “Well, look, the Prime Minister and I had a good discussion about democratic values.... We’re straightforward with each other, and we respect each other.... And I believe that we believe in the dignity of every citizen.”<sup>52</sup>

## Background on Religious Freedom Issues in India

Reported violations of religious freedom in India attract international attention, in particular when the Modi government and its allies push what some observers describe as emotive, Hindu nationalist initiatives as promised in BJP manifestos and favored by Hindu groups. Perceived rights violations have produced doubts about the sturdiness of the U.S.-India partnership among some observers, including some within the U.S. Congress. Domestically, the BJP's three consecutive national victories (in 2014, 2019, and 2024) appear to have empowered extremist groups in ways that can undercut both India's and the Modi government's international standing and credibility on democracy and human rights.

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<sup>50</sup> See the June 20, 2023, letter at <https://tinyurl.com/ys63dv5d>.

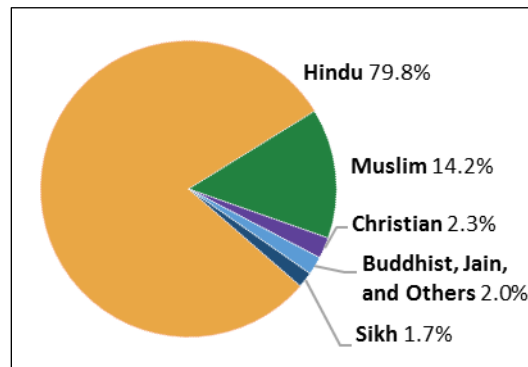
<sup>51</sup> See the June 21, 2023, transcript at <https://tinyurl.com/52tnyyrr>.

<sup>52</sup> See the White House's June 22, 2023, transcript at <https://tinyurl.com/4syk2f8w>.

## Muslim and Christian Demographics

India's population of approximately 1.4 billion includes a Hindu majority of about 80%, as well as a large Muslim minority of some 200 million (above 14%; India's Muslim community is the world's third-largest, after Indonesia and Pakistan). Christians account for more than 2% of the population (roughly 30 million), with Sikhs accounting for 1.7% (about 22 million). Buddhists, Jains, and others account for the remaining 2% (see **Figure 1**).<sup>53</sup> About 85% of India's Muslims are Sunni, with the remainder mostly Shia. Recent demographics reflect a long-term and ongoing shift: in a 1951 census, India's Hindu majority accounted for above 84% of the population, and the Muslim minority below 10%. Muslims appear to be the fastest-growing religious community in India, with a fertility rate reportedly 20% higher than that of Hindus.<sup>54</sup> Such trends may be used to justify anti-Muslim rhetoric about Hindu replacement or "population jihad."

**Figure 1. Religious Demographics in India**



Source: Census of India, 2011.

India has periodically experienced incidents of large-scale communal violence, including the targeting of

- Hindus in Hyderabad in 1948 (up to 40,000 killed) and Mumbai in 1993 (257 deaths);
- Sikhs in Delhi and elsewhere in 1984 (3,000 or more killed);
- Muslims, primarily in Mumbai in 1993 (up to 900 deaths) and Gujarat in 2002 (more than 1,000 killed); and
- Christians, especially in the eastern state of Odisha in 2008 (up to 100 deaths).<sup>55</sup>

In recent decades, India's Muslim and Christian minority communities have borne the brunt of religious-based persecution.<sup>56</sup>

<sup>53</sup> India's 2021 census has been postponed 10 times since 2020. Current reporting indicates that the process will begin in 2025. The data herein are derived from the most recent (2011) census ("Delayed for Years, Census Process to Start in 2025," *Hindustan Times* (Delhi), October 29, 2024).

<sup>54</sup> See the 1951 census at <https://tinyurl.com/49eebtr4>; "Religious Composition of India," Pew Research Center, September 21, 2021.

<sup>55</sup> "Hyderabad 1948: India's Hidden Massacre," BBC News, September 24, 2013; "How the 1993 Bombs Changed Mumbai Forever," BBC News, July 30, 2015; "India: No Justice for 1984 Anti-Sikh Bloodshed," Human Rights Watch, October 29, 2014; "Why Does Mumbai Bleed Again and Again?" BBC News, July 13, 2011; "Naroda Gam Massacre: India Court Acquits All Accused in 2002 Gujarat Riots Case," BBC News, April 21, 2023; "Indian Supreme Court: State Response to Anti-Christian Mob Violence 'Inadequate,'" *Christianity Today*, August 15, 2016.

<sup>56</sup> See, for example, Lindsay Maizland, "India's Muslims: An Increasingly Marginalized Population," Council on Foreign Relations, updated March 18, 2024; "Fear, Depression in Indian Muslims Is Palpable Even Among Those Who Are 'Privileged,'" *Wire* (Delhi), August 4, 2023; Ashutosh Varshney and Connor Staggs, "Hindu Nationalism and the New Jim Crow," *Journal of Democracy* 35, 1, January 2024. Regarding Christians, Open Doors, a global network seeking to support persecuted Christians, ranks India 11<sup>th</sup> on its list of "the 50 countries where Christians face the most extreme persecution," claiming that "The rights of all categories of Christian communities are violated in India since (continued...)"

All Indians who profess a religion other than Hinduism are considered by the government to be minorities. Hindus are the majority community in 28 of India's 36 states and union territories, including the three most populous (Uttar Pradesh, Maharashtra, and Bihar). Christians are a majority in three small, underdeveloped, and sparsely populated northeastern states (Meghalaya, Mizoram, and Nagaland). Punjab is India's only Sikh-majority state, and, until its 2019 redesignation as a Union Territory, Jammu and Kashmir was the only Muslim-majority state. India defines a "Minority Concentration District" as one with at least 25% minority population. Half of India's 121 such districts are in four states: Uttar Pradesh (21), Kerala (14), Assam (13), and West Bengal (12) (see **Figure 4**).<sup>57</sup>

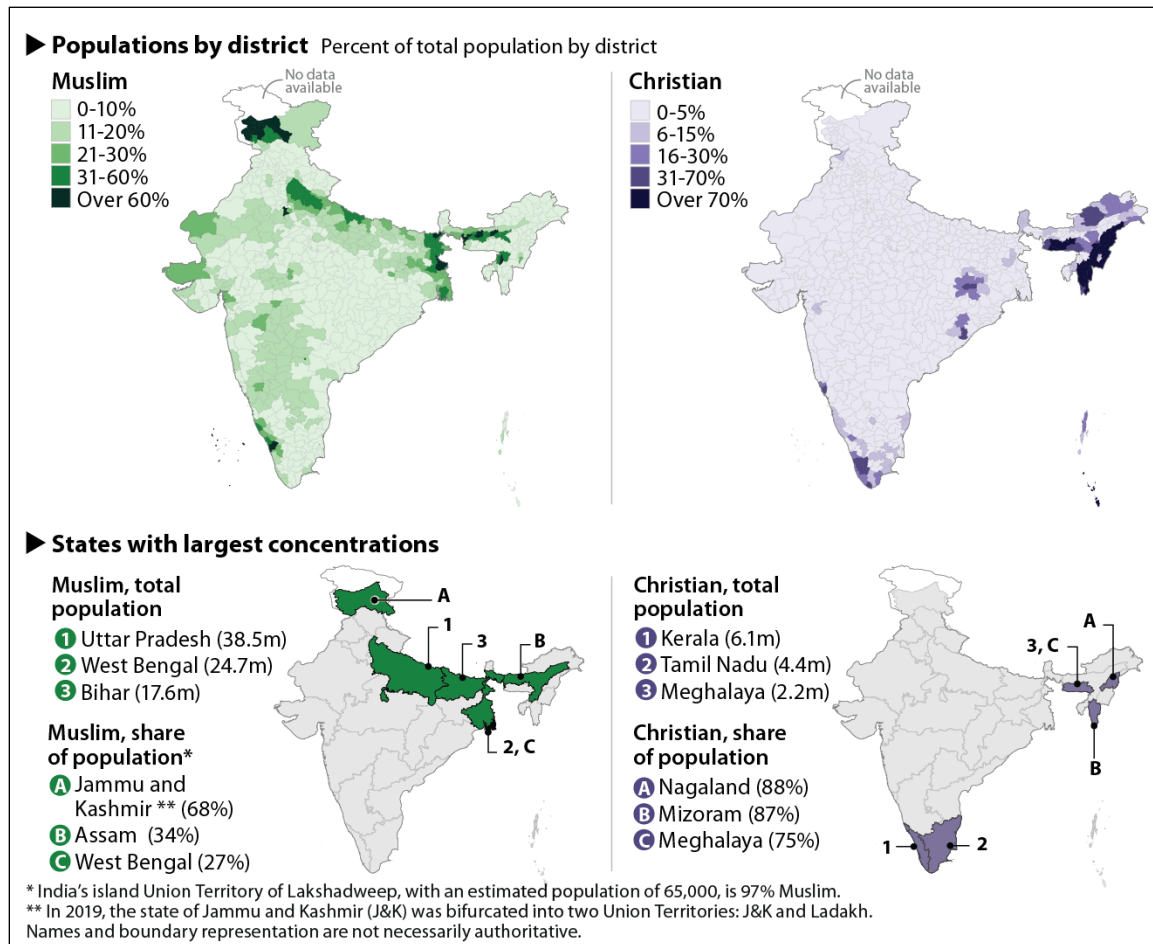
**Figure 2** shows the distribution of India's Muslim and Christian minorities in India's 640 administrative districts, respectively (at the time of New Delhi government's 2011 national census). Muslims comprise a majority population in 32 districts, according to the data. Christians represent a majority of residents in 35 districts. **Figure 2** also shows Muslim and Christian concentrations by state, both nominally and as a percentage of state population.

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Hindu radicals view all Christians as alien to the nation" (see the Open Doors India page at <https://tinyurl.com/4xs2su8p>; quote from "India: Full Country Dossier," February 2024, at <https://tinyurl.com/y27pjy2p>; see also Tusha Mittal, "Church and State," *Caravan* (Delhi), April 30, 2024).

<sup>57</sup> See the Ministry of Minority Affairs' 2007 *Report of the National Commission for Religious and Linguistic Minorities* at <https://tinyurl.com/2e7rhf4b>, and the district list at <https://tinyurl.com/38n8ab29>.



**Figure 2. Distribution of India's Muslim and Christian Communities**

**Source:** CRS using data from The Energy and Resources Institute (New Delhi) and Census India, 2011.

In 2005, then-Congress Party PM Manmohan Singh appointed a government commission led by Rajinder Sachar, a former chief justice of the Delhi high court, to examine the social, economic, and educational status of India's Muslim community. The resulting "Sachar Report" concluded that the community "exhibits deficits and deprivation in practically all dimensions of development.... Poor roads and lack of proper transport, sanitation, water, electricity and public health facilities pervade Muslim concentration localities." The report was criticized by Hindu nationalist groups for focusing on Muslims while ignoring India's other minority communities. In 2013, Narendra Modi's final year as Gujarat chief minister, the state petitioned the Indian supreme court to find the Commission unconstitutional; the effort failed.<sup>58</sup>

## Hindutva and Hindu Nationalism

### Hinduism and Hindutva

For roughly 500 years before British rule became direct in 1857, the Asian subcontinent had been dominated by Muslims politically. Many Hindu nationalists, along with some historians, assert

<sup>58</sup> India Ministry of Minority Affairs, *Sachar Committee Report*, at <https://tinyurl.com/mfepzuex>; "Gujarat to Supreme Court: Sachar Panel Illegal, Only to Help Muslims," *Indian Express* (Mumbai), November 28, 2013.



that Hindu traditions and institutions were suppressed during this period. As the Indian independence movement grew in the early 20<sup>th</sup> century, some among it were intent on “correcting” this historic trend. However, the secularism propounded by independence leaders such as Jawaharlal Nehru, Mohandas Gandhi, and B.R. Ambedkar became a more-or-less enshrined value for the independent Indian state and its 1950 Constitution, although its definition and practice can vary widely.

The notion of “Hinduism” as a single world religion is misleading—“a nineteenth century construction largely dependent upon the Christian presuppositions of the early Western Orientalists,” as per one scholar.<sup>59</sup> The term describes an array of millennia-old philosophies and traditions rather than a unified system of beliefs and practices.<sup>60</sup> In a 1966 ruling, India’s supreme court found it “difficult, if not impossible, to define Hindu religion or even adequately describe it.... It may broadly be described as a way of life and nothing more.”<sup>61</sup> PM Modi himself has emphasized a view that “Hinduism is a way of life and not a religion.”<sup>62</sup> Defining a “Hindu culture” is further made difficult by the diversity of Indian regions, languages, and castes.<sup>63</sup>

The term “Hindutva” was coined in 1922 by pro-independence Indian politician V.D. Savarkar, an atheist who envisaged a Hindu Rashtra (nation) and sought a term other than “Hindu-ness.”<sup>64</sup> Because Hinduism does not have a specific sacred text to which conformity can be demanded, it is inaccurate to describe a Hindutva proponent as a “Hindu fundamentalist.”<sup>65</sup> The concept is as much cultural and racial as it is religious; an ethno-nationalist ideology that conflates Indian civilization and Hinduism.<sup>66</sup> A poly-monotheistic tradition, Hinduism has millions of deities, but for some observers the modern Hindutva project includes a “fixation” on a single, militant male deity: Rama or Ram.<sup>67</sup>

India’s millennia-old caste system has played a major and arguably under-addressed role in Hindutva’s development, with the Hindutva project in part seeking to attract support from lower castes.<sup>68</sup> Advocates contend that Hindutva is inclusive and unifying; they emphasize Hinduism’s broad acceptance of all people regardless of race *and* religion.<sup>69</sup> In stark contrast, opponents say Hindutva’s “ideology of non-inclusiveness conflicts with the secular, liberal, and democratic

<sup>59</sup> Richard King, “Orientalism and the Modern Myth of ‘Hinduism,’” *Numen*, vol. 46, no. 2, 1999.

<sup>60</sup> *Concise Oxford Dictionary of World Religions* (online), 2023.

<sup>61</sup> Supreme Court of India, document SCR (3) 242, at <https://main.sci.gov.in/jonew/judis/2757.pdf>.

<sup>62</sup> See, for example, the May 8, 2014, interview transcript at <https://tinyurl.com/aw2pp264>.

<sup>63</sup> Arun Swamy, “Hindu Nationalism in India a Century in the Making,” *East Asia Forum*, May 15, 2018.

<sup>64</sup> For Savarkar, “Hindutva is not a word but a history. Not only the spiritual or religious history of our people as at times it is mistaken to be ... but a history in full. Hinduism is only a derivative, a fraction, a part of Hindutva.... Hindutva embraces all the departments of thought and activity of the whole Being of our Hindu race” (V.D. Savarkar, *Essentials of Hindutva*, 1922, at <https://tinyurl.com/5h2jytfj>).

<sup>65</sup> In 1996, India’s supreme court stated, “Ordinarily, Hindutva is understood as a way of life or a state of mind and it is not to be equated with or understood as religious Hindu fundamentalism” (see <https://indiankanoon.org/doc/925631>).

<sup>66</sup> “What Is Hindutva, the Ideology of India’s Ruling Party?” *Economist* (London), March 7, 2024.

<sup>67</sup> CRS interviews in New Delhi, India, September 2023.

<sup>68</sup> Joel Lee, “Caste and Hindutva,” in Surinder Jodhka and Jules Naudet, eds., *The Oxford Handbook of Caste* (Oxford University Press, 2023).

<sup>69</sup> “Hindutva Takes Everyone Along: RSS Chief Mohan Bhagwat,” *Press Trust India*, September 29, 2021; Suhag Shukla, “What Does Hindutva Really Mean?” *Hindu American Foundation*, October 5, 2021. The DC-based Hindu American Foundation offers a response to alleged “misinformation” about Hindutva at <https://tinyurl.com/5ekmc3a5>.

spirit of Hinduism.” As portrayed by USCIRF, Hindutva “forms the basis of an exclusionary national narrative focused exclusively on the rights of Hindus.”<sup>70</sup>

For political parties such as the BJP and its antecedents, Hinduism as a concept is synonymous with nationalism, the core belief being that India is an inherently Hindu nation, even if establishment of a strictly Hindu state is not a goal. In this regard, “non-Indic” religions such as Islam and Christianity are foreign to the “Hindu nation.”<sup>71</sup> As a form of nationalism, Hindutva arose in part in reaction to a perceived pan-Islamic threat to the Asian subcontinent dating back nearly 700 years.<sup>72</sup>

## The Sangh Parivar and Hindu Nationalist Groups

The Sangh Parivar (“Family of Organizations,” also called “the Sangh”) is an umbrella network for roughly three dozen Hindu nationalist groups in India. Four among this network are of particular note: the Rashtriya Swayamsevak Sangh (RSS or “National Volunteer Organization”); the Vishva Hindu Parishad (VHP or “World Hindu Council”); the Bajrang Dal (“Army of Hanuman”); and the BJP. Some analysts argue that the BJP under Modi has supplanted the RSS as the Sangh Parivar’s most influential organization.<sup>73</sup> Sangh groups appear to benefit from significant financing sources among the Indian diaspora, including a “Hindu nationalist” ecosystem in the United States.<sup>74</sup> In the view of some observers, this “American Sangh” includes the DC-based Hindu American Foundation (see below).

### The Rashtriya Swayamsevak Sangh (RSS)

The RSS is a hardline Hindu nationalist and social service group and leading component of the Sangh. It is commonly labeled as right-wing and paramilitary.<sup>75</sup> The organization was established in 1925 to unite Hindus and restore their national pride after centuries of Muslim invasions and foreign rule, which entailed resistance to both British colonialism *and* Muslim separatism within the British Raj.<sup>76</sup> In the eyes of some observers, the RSS essentially gives policy direction to the BJP on issues of interest (see “Hindutva as Governance Policy” below).<sup>77</sup> It is a male-only group focused on daily regimens (“*shakhas*”) of physical exercise, patriotic songs, and Hindu literature and prayer. The Rashtra Sevika Samiti is an analog organization for women. The Hindu

<sup>70</sup> Promod Puri, “What’s Hindutva and Why It Conflicts with Hinduism,” Hindus for Human Rights, undated; USCIRF’s 2018 Annual Report India narrative at <https://go.usa.gov/xUG4t>.

<sup>71</sup> See Christophe Jaffrelot, *The Hindu Nationalist Movement in India* (Columbia University Press, 1996).

<sup>72</sup> Savarkar wrote, “India alone had to face Arabs, Persians, Pathans, Baluchis, Tartars, Turks, Moguls,” and India was taken by surprise “the day Mohammad crossed the Indus and invaded her” (see <https://tinyurl.com/5h2jytfj>).

<sup>73</sup> See, for example, Dharendra K. Jha, “Bhagwat Eclipsed,” *Caravan* (Delhi), October 31, 2022.

<sup>74</sup> Jasa Macher, “Hindu Nationalist Influence in the United States, 2014–2021,” South Asia Citizens Web, May 2022; Andrew Cockburn, “The Hindutva Lobby,” *Harper’s*, October 2024; Abhay Regi, “FARA Files: Documents Reveal How the BJP Campaigns Among Indian-Americans,” *Caravan* (Delhi), November 5, 2024.

<sup>75</sup> “Factsheet: Rashtriya Swayamsevak Sangh (RSS),” Georgetown University Bridge Project, May 18, 2021. A 1983 CIA intelligence assessment called the RSS “a militant, anti-Muslim cultural organization dedicated to a revival of the Hindu way of life” (see the Central Intelligence Agency’s August 1983 document at <https://tinyurl.com/5x6b29eb>).

<sup>76</sup> The RSS contends “from the day one that this country belonged to the Hindus”; “Hindu” being “a term that defines the national identity of the people living in this country... It is not a religious or sectarian identity” (“Basic FAQ on RSS,” June 3, 2017, at <https://tinyurl.com/mvneavt>).

<sup>77</sup> CRS interviews in New Delhi, India, September 2023.

Swayamsevak Sangh operates as an RSS affiliate in more than 40 countries, including in the United States.<sup>78</sup>

The RSS is estimated to comprise 4 million to 6 million members and at least 6,000 full-time workers (“*pracharaks*”), but membership is not formalized.<sup>79</sup> Its stated goal is to “carry the nation to the pinnacle of glory, through organizing the entire society and ensuring protection of Hindu Dharma.”<sup>80</sup> A labor wing, the Bharatiya Majdoor Sangh (“Indian Workers’ Union”), is the country’s largest trade union, claiming nearly 10 million members.<sup>81</sup> A 2023 report suggested about 70,000 *shakhas* are held daily at tens of thousands of urban and rural sites and regularly attended by at least 600,000 members.<sup>82</sup> PM Modi is a lifelong RSS member, joining *shakhas* as an 8-year-old and becoming a *pracharak* at age 22.<sup>83</sup> In mid-2024, the Modi government lifted a 60-year-old ban on civil servants participating in RSS activities, a move that some analysts say could further distort the country’s politics and prove antithetical to the country’s constitution.<sup>84</sup> Some local observers say that in addition to wielding political influence through the BJP at the national and state level, the RSS over the last three decades has also expanded its influence over the judiciary through its legal wing, the Akhil Bharatiya Adhivakta Parishad.<sup>85</sup>

Many Sangh Parivar groups have ideological roots in European fascism and, a century after the RSS’s founding, some Indian analysts continue to identify a “proto-fascist” agenda in today’s BJP.<sup>86</sup> The RSS has a controversial history in India; Mohandas Gandhi’s assassin was a member, and the group was banned for 17 months after that 1948 killing, and for two briefer periods in the 1970s and 1990s. The RSS has been linked to incidents of “Saffron” (Hindu extremist) terrorism, including the 2007 Samjhauta Express bombings that killed 68 people on a Delhi-Lahore train. In 2011, a former RSS activist confessed to involvement in this and other attacks, contending that some high-level RSS leaders had prior knowledge and were complicit.<sup>87</sup>

<sup>78</sup> Deeksha Udupa and Raqib Hameed Naik, “The Hindu Nationalist Campaign to Promote Yoga,” *Nation*, April 6, 2023.

<sup>79</sup> “What Is Hindutva and Why Does It Matter?” *Middle East Eye* (London), June 27, 2024. According to a 2018 USCIRF report, the RSS “and other Hindutva extremist groups” have expanded educational efforts that “teach their intolerant ideology” to nearly 4 million students (*Annual Report 2018*, “India,” at <https://go.usa.gov/xUG4t>).

<sup>80</sup> See <http://www.rss.org>. “Dharma” has a broader meaning than “religion”: “It stands for all those ideals and purposes, influences and institutions that shape the character of man both as an individual and as a member of society” (S. Radhakrishnan, “The Hindu Dharma,” *International Journal of Ethics* vol. 33, no. 1 (October 1922)).

<sup>81</sup> See the union’s website at <http://www.bms.org.in>.

<sup>82</sup> “RSS plans to have one lakh shakhas, appoint 2,500 new pracharaks in country,” *Hindustan Times* (Delhi), March 17, 2023. See also “Basic FAQ on RSS,” op. cit. and “Factsheet: Rashtriya Swayamsevak Sangh (RSS),” op. cit.

<sup>83</sup> Christophe Jaffrelot, “Narendra Modi: A Pracharak Morphed into a Politician?” *Wire* (Delhi), February 11, 2024.

<sup>84</sup> “RSS Gets a Green Light in Bureaucracy,” *Frontline* (Chennai), August 4, 2024; Harsh Mander, “Allowing Bureaucrats to Join the RSS Marks the Final Burial of India’s ‘Steel Frame,’” *Scroll* (Delhi), August 20, 2024.

<sup>85</sup> See, for example, Sushovan Patnaik, “Lowering the Bar,” *Caravan* (Delhi), October 1, 2024.

<sup>86</sup> CRS interviews in New Delhi, India, September 2023. According to one London-based scholar, the RSS is “a secretive, militaristic, masculine cult; a distinct Indian form of fascism that was directly inspired by the Italian Fascist youth movements.” Observers note that, during World War II, senior RSS leaders had direct links with and expressed admiration for both Benito Mussolini and Adolf Hitler, although they were also early supporters of the state of Israel (Palash Ghosh, “Hindu Nationalists’ Historical Links to Nazism and Fascism,” *International Business Times*, March 6, 2012; see also Sumit Sarkar, “The Fascism of the Sangh Parivar,” *Economic and Political Weekly* (Mumbai), January 30, 1993; “‘Nobody Knows What I Know’: How a Loyal RSS Member Abandoned Hindu Nationalism,” *Guardian* (London), August 1, 2024).

<sup>87</sup> “The Swami Aseemanand Interviews,” *Caravan* (Delhi), February 7, 2014; “Paradigm Shifts by the RSS? Lessons from Aseemanand’s Confession,” *Economic and Political Weekly* (Mumbai), February 5, 2011.

## *The Vishva Hindu Parishad (VHP) and Bajrang Dal*

The Sangh's foremost international entity is the service-oriented VHP, established in 1964 by Hindu majoritarian RSS leaders "to organize/consolidate the Hindu society and to serve [and] protect the Hindu Dharma." A U.S.-based affiliate—VHP-America—was founded 10 years later. The VHP claims to run over 100,000 service projects worldwide in the fields of health, education, self-empowerment, and others. It may be the largest Sangh-affiliated group, with millions of members worldwide. The VHP played a central role in inciting the 1992 destruction of the Babri mosque (see **text box** below) and is a leading organizer of "*ghar wapsi*" ("coming home") or "reconversion" ceremonies, which ostensibly allow Indian Muslims and Christians to return to their "original religion." The VHP also is a leading force calling for a nationwide ban on religious conversions other than *ghar wapsi* (see "Anti-Conversion Laws, Forced Conversions, and "Love Jihad"" below).<sup>88</sup>

A notable VHP affiliate is the Bajrang Dal, its youth wing, formed in Uttar Pradesh in 1984. Analysts count the Bajrang Dal among the most aggressive of Sangh groups, regularly employing mainly anti-Muslim violence in the name of cow protection, anti-conversion, and prevention of "love jihad."<sup>89</sup> In 2018, the U.S. Central Intelligence Agency listed the VHP and Bajrang Dal among "militant religious organizations" (the language was subsequently changed). The label, which carried no legal weight, angered some in India, with the VHP threatening to launch a "national agitation" in response.<sup>90</sup>

Figures from the BJP, VHP, and Bajrang Dal all were implicated in leading organized violent attacks on Muslims in Ahmedabad and other Gujarati cities in 2002 (see **text box** below).<sup>91</sup> More than two decades after those riots, international human rights groups continue to express concerns about obstacles faced by victims seeking justice, the continuing internal displacement of thousands of families who lack basic necessities, and large numbers of uninvestigated related criminal cases.<sup>92</sup> Narendra Modi was Gujarat chief minister at the time, and his critics have not ceased to accuse him of failing to provide public answers to numerous questions about his actions during the 2002 rioting.<sup>93</sup>

<sup>88</sup> See <https://www.vhp.org/organization>; "Hindus Have Right to Protect Their Faith: VHP Joint General Secretary Dr Surendra Jain," *Organizer* (Delhi), August 6, 2024.

<sup>89</sup> "Bajrang Dal: The Aggressive Arm of Hindutva," *Hindu* (Chennai), August 6, 2023; State Department 2023 IRF report at <https://tinyurl.com/mwu4dw5>.

<sup>90</sup> The VHP's India General-Secretary reportedly expressed disbelief that the CIA, "which created terrorists like Osama bin Laden," would disregard the VHP's administration of 60,000 schools in India and a claimed 1,000 other social development activities ("VHP, Bajrang Dal Protest Against CIA Labelling," *Times of India* (Delhi), June 16, 2018).

<sup>91</sup> "We Have No Orders to Save You": State Participation and Complicity in the Communal Violence in Gujarat," Human Rights Watch, April 30, 2002.

<sup>92</sup> Human Rights Watch is among those groups that have accused Gujarati state officials of "subverting justice, protecting perpetrators, and intimidating those promoting accountability." The NGO contends that the Modi government "failed to conduct serious investigations," and argues that "strong evidence links the Modi administration in Gujarat to carefully orchestrated anti-Muslim attacks" ("A Decade On, Gujarat Justice Incomplete," Human Rights Watch, February 24, 2012).

<sup>93</sup> "Two Decades On, India Still Haunted by Gujarat Religious Riots," *France24* (Issy-les-Moulineaux), April 20, 2023, and Sundeep Dougal, "Dear Narendra, Could You Please ...," *Outlook* (Delhi), March 5, 2012.

### The 1992 Babri Mosque Demolition, Ayodhya, and the 2002 Gujarat Riots

In late 1992, a mob of up to 100,000 Hindu activists demolished the 16<sup>th</sup>-century Babri mosque in the city of Ayodhya, Uttar Pradesh, said to have been built at the birth site of the Hindu deity Rama. Ensuing communal riots left an estimated 900 dead in cities across India. Thirteen coordinated terrorist bombings in Mumbai—retaliatory strikes by Muslim terrorists—killed at least 257 and injured some 1,400 more on a single day in March 1993.<sup>94</sup>

In 2002, a group of Hindu activists returning by train to the western state of Gujarat after visiting the Ayodhya site were attacked by a Muslim mob in the town of Godhra, Gujarat; 58 were killed in a fire. More than 1,000 people died in the communal rioting that followed, about three-quarters of them Muslims (the official death tally was 790 Muslims and 254 Hindus, with another 223 missing).<sup>95</sup> Hundreds of mosques, madrassas, and Muslim cemeteries were destroyed. The BJP governments of then-Gujarat Chief Minister Modi and then-Prime Minister Atal Vajpayee came under fire for inaction; some observers even saw evidence of Gujarat government complicity in anti-Muslim attacks. In 2011, a court found 31 Muslims guilty of setting fire to the train in Godhra; another 63 were acquitted. Of those convicted, 31 were sentenced to life imprisonment (11 death sentences were later commuted).<sup>96</sup>

The U.S. State Department and human rights groups were critical of New Delhi's largely ineffectual efforts to bring those responsible for the post-Godhra rioting and murders to justice; the Indian supreme court itself expressed some of these criticisms in 2003. In 2005, the George W. Bush Administration made a controversial decision to deny a U.S. visa to Narendra Modi under a U.S. law barring entry for foreign government officials found to be complicit in severe violations of religious freedom.<sup>97</sup> The visa denial had been lauded by some Members of the 113<sup>th</sup> Congress.<sup>98</sup> The decision was strongly criticized in India.

In 2008, a Gujarat state government commission claimed to have found “absolutely no evidence” that Modi or his ministers had acted improperly. In 2012, a Special Investigation Team (SIT) appointed by the supreme court issued a report saying it had found no “prosecutable evidence” against Modi, including insufficient evidence to support a police officer's sworn testimony that Modi had ordered rioters be “given a free hand.” In 2014, India's top court refused a plea to reopen investigations and expressed satisfaction with the SIT's findings.<sup>99</sup>

### The Bharatiya Janata Party (BJP)

The BJP and its antecedent, the Bharatiya Jana Sangh (BJS), have been the primary political advocates of Hindutva in Indian society. The BJS was created as a political wing of the RSS for India's first national election in 1951, when the party won 3% of the vote and 3 of 543 parliamentary seats. A 1980 party split gave birth to the BJP; the new party's first (1984) election participation saw it win two seats. During the 1990s, after BJP leaders convened massive 1990 political and religious rallies agitating for the building of a Hindu temple in Ayodhya (see “The Ram Temple Movement” below), the BJP emerged as a national-level competitor for the long-dominant Congress Party, taking lead of a coalition government in New Delhi in 1998.

Narendra Modi and Amit Shah, a former BJP president and current home minister, are credited with orchestrating the party's national ascension after 2013. Shah has been a key Modi lieutenant since the 1990s and is considered a potential successor.<sup>100</sup> Despite fronting an overtly Hindu

<sup>94</sup> “How the 1993 Blasts Changed Mumbai Forever,” BBC News, July 30, 2015.

<sup>95</sup> “Gujarat Riot Death Toll Revealed,” BBC News, May 11, 2005.

<sup>96</sup> “Godhra Train Burning Case: HC Commutes Death Sentence of 11 to Life *Hindu* (Chennai), December 4, 2021.

<sup>97</sup> See the March 21, 2005, State Department release at <https://tinyurl.com/4y3mz6mp>.

<sup>98</sup> In the 113<sup>th</sup> Congress, H.Res. 417, introduced in November 2013 and garnering 51 cosponsors, commended the State Department's 2005 visa denial.

<sup>99</sup> “Modi ‘Cleared’ Over Gujarat Riots,” BBC News, September 25, 2008; “Citing Lack of Intent, SIT Lets Modi Off Riots Hook,” *Hindu* (Chennai), updated December 4, 2021; “Supreme Court Turns Down Plea Questioning Clean Chit to Modi,” *India Today* (Delhi), April 11, 2014.

<sup>100</sup> Shah, a Gujarati politician and longtime RSS member with close ties to Modi, was elevated to party leadership in 2014. A controversial figure, Shah spent three months in prison in 2010 on charges of involvement in the murder and kidnaping a Muslim civilian in 2005, a case that remains unresolved (Poornima Joshi, “The Organizer,” *Caravan* (Delhi), April 1, 2014).



nationalist party, the BJP's 2014 national political campaign touched upon Hindutva themes only minimally, instead stressing development and good governance as guiding lights.<sup>101</sup>

The BJP's 2024 election manifesto made no direct references to Hindutva issues, but several times the party promised the restoration and development of "our cultural and religious sites."<sup>102</sup> In contrast, the Congress Party's manifesto emphasized pluralism and diversity, explicitly blaming the BJP and its affiliates for having "spread hatred among people belonging to different religious, language and caste groups."<sup>103</sup> During the 2024 campaign, Modi was widely seen to ramp up his anti-Muslim rhetoric, especially with early signs that his party was underachieving at the polls. Such rhetoric harkens back to colonial-era Hindu fears of "replacement" by Muslims; some Hindu activists warn of a "population jihad" in this context.<sup>104</sup>

### ***The Hindu American Foundation (HAF)***

The DC-based HAF has for two decades sought to influence the perspectives of U.S. presidential Administrations, congressional offices, and state governments—as well as scholars and think tanks—by some accounts directly on behalf of the New Delhi government.<sup>105</sup> HAF presents itself as a nonpartisan, nonideological group that seeks "to advance the understanding of Hinduism to secure the rights and dignity of Hindu Americans."<sup>106</sup> Critics, however, call HAF "a key node in the global Hindu supremacist (or Hindutva) movement," with "deep and ongoing financial, organizational and interpersonal ties" with groups such as the RSS-affiliate Hindu Swayamsevak Sangh and VHP-America.<sup>107</sup> HAF also has attempted to use defamation lawsuits to silence alleged critics of Hindutva; its targets have included a U.S. academic, Hindu-American activists, and the California Department of Civil Rights.<sup>108</sup>

<sup>101</sup> See, for example, Ashutosh Varshney, "Modi the Moderate" (op-ed), *Indian Express* (Mumbai), March 27, 2014. The BJP's 2014 Election Manifesto stated, "BJP believes that in India's 'Unity in Diversity' lies India's biggest strength," and said the party was "committed to ensure that all communities are equal partners in India's progress" (see <https://tinyurl.com/3c2kt3kf>).

<sup>102</sup> See the BJP's manifesto at <https://tinyurl.com/yzdc5jwd>.

<sup>103</sup> See Congress's manifesto at <https://tinyurl.com/bdfwp5p5>.

<sup>104</sup> "India Votes in Third Phase of Elections as Modi Escalates His Rhetoric Against Muslims" (video), Associated Press, May 7, 2024; Archana Venkatesh, "Modi's Anti-Muslim Rhetoric Taps into Hindu Replacement Fears That Trace Back to Colonial India," *Conversation*, May 17, 2024; "Blaming Muslims for India's Population Growth Is Purely Hindutva Propaganda," *Wire* (Delhi), June 5, 2023.

<sup>105</sup> "Who is lobbying for India's Modi government on Capitol Hill?" *Al Jazeera* (Doha), October 15, 2024. Some HAF activists reportedly have close ties to Hindu nationalist groups in India, and HAF's activities in favor of the Delhi government and its "collaboration" with the Indian Embassy in DC have raised questions as to whether the group should be registered under the Foreign Agents Registration Act. HAF rejects such claims, saying it is "a wholly independent, American organization" with "no affiliation or ties to any organizations or political parties in the US or abroad" (see <https://www.hinduamerican.org/about#faqs>).

<sup>106</sup> See <https://www.hinduamerican.org/about#our-story>.

<sup>107</sup> *HAF Way to Supremacy*, Political Research Associates and Savera, October 15, 2024. See also Andrew Cockburn, "The Hindutva Lobby," *Harper's*, October 2024.

<sup>108</sup> "Truschke Academic Freedom Libel Defense," Cornell Law School First Amendment Clinic, undated; "Congressional Briefing: Hindu American Foundation's Lawsuit Dismissal: A Victory for First Amendment and Human Rights," Indian American Muslim Council, January 4, 2023; "Judge Tosses Hindu American Group Civil Rights Case Against California," *Courthouse News Service*, August 31, 2023.

## Hindutva as Governance Policy

Hindu nationalists have a relatively short, but long-standing list of political goals. Many of these were found in the BJP's 2014 election manifesto.<sup>109</sup> RSS leaders had been disappointed by the BJP-led government that ruled India from 1999 to 2004, in large part because the government of then-PM Vajpayee did not take up core RSS issues. While out of power in the latter half of the 2000s, the RSS and BJP suffered a degree of mutual alienation; at one point in 2010 the then-RSS chief suggested that the BJP be dissolved and replaced by a new party. RSS leaders worked to ensure the BJP's victory in 2014 election, however, and appeared to view the BJP's success as crucial to the very existence of their organization. The RSS reportedly experienced a spike in participation after 2014.<sup>110</sup>

Leading Hindutva and widely held RSS political aspirations include

- redrafting public school textbooks to remove what are alleged to be insults to Hindu deities and excessive praise of the subcontinent's past Muslim rulers;
- restricting religious conversions (except for "reconversions" to Hinduism);
- preventing cow slaughter through legislation (cows are revered animals in Hinduism);
- scaling back laws and government programs designed to benefit religious minorities, Muslims in particular, and establishing a Uniform Civil Code to replace current personal law based on religious customs;
- repealing Article 370 of the Indian Constitution, which granted limited autonomy to the state of Jammu and Kashmir (accomplished with 2019 legislation and upheld by India's supreme court in 2023); and
- constructing a Ram temple on the Ayodhya site of the Babri Mosque that was razed in 1992 (a new temple was "consecrated" in early 2024).<sup>111</sup>

## Religious Minority Political Representation

There is a sharp contrast in levels of religious diversity between India's current ruling and opposition political blocs. The 293-strong NDA coalition seated in 2024 does not include any members from India's Muslim, Christian, or Sikh communities (there is, however, one Buddhist). Meanwhile, the opposition alliance includes 24 Muslims, 13 Sikhs, and 8 Christians, roughly a combined one-seventh of the alliance total. None of India's 28 states has a Muslim chief minister. Assessments also indicate that Muslims are disproportionately underrepresented in India's state assemblies, as well as in government offices, and in India's civil and security services.<sup>112</sup>

<sup>109</sup> See Bharatiya Janata Party, *Election Manifesto 2014*, <http://www.bjp.org/manifesto2014>.

<sup>110</sup> "RSS Steps in to Work for Modi's Victory and Its Own Survival," *Business Standard* (Mumbai), March 5, 2014; "Narendra Modi Effect: 2,000-Odd RSS Shakhnas Spout in Three Months," *Economic Times* (Mumbai), April 13, 2014.

<sup>111</sup> See case studies in Walter Andersen and Shridhar Damle, *The RSS: A View to the Inside*, Penguin (Haryana, 2018).

<sup>112</sup> In 2023, one prominent Indian pundit offered that "Muslims are 15% of the population, but only 4.9% of state and central government employees, 4.6% of the paramilitary forces, 3.2% of [civil service] and, perhaps, as low as 1% of the army (Karan Thapar, "What Is It Like to Be a Muslim in India?" *Sunday Sentiments* (blog), December 24, 2023). See also Gilles Verniers, "Caste and Community Break-Up of the New Lok Sabha," *Hindustan Times* (Delhi), June 7, 2024, and Mirza Asmer Beg, "The Decline of Muslim Legislative Representation and Its Consequences," *India Forum* (online), September 2, 2024.



Some analysts say India's Muslims have, since 2014, moved from being marginalized in national politics to being "actively excluded."<sup>113</sup> The community has been politically underrepresented throughout the country's history. Muslim representation in the Lok Sabha from 1952 to 1977 varied between 2% and 7%, then peaked at 9% in 1980, a proportion that has been waning since. In 2014, the BJP became India's first-ever majority party to not include any elected Muslim members. That year, all political parties collectively nominated 320 Muslim parliamentary candidates; this number dropped to a historic low of 94 in 2024. Today, Muslims are about 14% of India's population and hold 4.4% of Lok Sabha seats (Sikhs hold 2.4% and Christians 1.7%).<sup>114</sup>

India's Muslims have consistently favored the Congress Party (or others) over the BJP since 1980. While at least one-third of Muslim votes nationwide were cast for the Congress over the past two decades, the BJP's share of Muslim votes reportedly dropped to 4% in the 2009 cycle.<sup>115</sup> Exit polls from the 2024 national election suggest three-quarters of India's Muslims voted for an opposition party and 6% chose an NDA member.<sup>116</sup>

## Religious Freedom Concerns

The rise of the BJP, and Hindutva as a governing principle, has led to an array of developments affecting religious freedom in India, some of which attract U.S. government attention, including from Members of Congress, and draw criticisms from intergovernmental and nongovernmental organizations (NGOs). Leading Biden Administration and congressional concerns are wide-ranging and include state-level anti-conversion laws, press freedoms, a new religious criterion in India's naturalization process (the Citizenship Amendment Act, 2019), the status of Jammu and Kashmir, violence in Manipur, transnational repression targeting the Sikh diaspora, and apparently unlawful demolitions of Muslim properties (see **text box** below), among others.

### Anti-Conversion Laws, Forced Conversions, and "Love Jihad"

Ten of India's 28 states enforce laws restricting religious conversion by misrepresentation, force, undue influence, coercion, allurement, fraud, or marriage (done for the sole purpose of unlawful conversion). Although these "anti-conversion laws" or "Freedom of Religion Acts" predate the rise of the BJP—and some Congress Party governments supported restrictions in the past—seven of the ten states currently are run by BJP chief ministers. Two other states—Assam and Rajasthan, both also with BJP-led governments—are currently considering enacting such laws.<sup>117</sup> In mid-2024, Uttar Pradesh's state government moved to stiffen penalties for unlawful conversions, drawing condemnation from Indian Christian groups.<sup>118</sup>

In most cases, existing anti-conversion laws require government officials to perform a legal review of conversions, and they provide for fines and imprisonment for anyone who uses force,

<sup>113</sup> "India's Parliament Has Fewer Muslims as Strength of Modi's Party Grows," Associated Press, May 15, 2024.

<sup>114</sup> "Eighteenth Lok Sabha Has Lowest Share of Muslim MPs in Six Decades," *Hindu* (Chennai), June 8, 2024.

<sup>115</sup> "Muslim Vote: How BJP Trumped Congress," *Economic Times* (Delhi), May 19, 20219.

<sup>116</sup> "Exit Poll: How Muslim Votes Played Out in 2024 Lok Sabha Elections," *India Today* (Delhi), June 2, 2024.

<sup>117</sup> The seven BJP-led states are Chhattisgarh, Gujarat, Haryana, Madhya Pradesh, Odisha, Uttarakhand, and Uttar Pradesh. Himachal Pradesh and Karnataka have Congress Party CMs; Jharkhand is run by a small opposition party. Additionally, BJP-led Arunachal Pradesh's 1978 anti-conversion law has never been implemented (CRS communication with the State Department, September 2024; Tariq Ahmad, "State Anti-Conversion Laws in India," Library of Congress, updated October 2018, at <https://tinyurl.com/bdsv5y9z>).

<sup>118</sup> See the National Council of Churches in India's July 31, 2024, release at <https://tinyurl.com/bdyxkpu7>; "Indian Christians slam harsher anti-conversion law," *Union of Catholic Asian News*, August 1, 2024.

fraud, or “inducement” to convert another citizen. Many hundreds and perhaps thousands of Indian Christians and Muslims have been arrested under these laws, which critics contend are at times used to harass and imprison members of religious minority groups “on false and fabricated charges or for lawful religious practices.”<sup>119</sup> Penalties can include years of imprisonment and/or stiff fines. Indian Christians, considered more likely to proselytize, are particular targets.<sup>120</sup>

Indian authorities explain so-called religious freedom laws as protective measures meant to shield vulnerable individuals from being induced to change their faith. Proponents contend that, contrary to the characterizations of critics, the laws do not restrict a person’s freedom to convert and are meant only to protect “vulnerable populations” from forced conversion.<sup>121</sup> Advocates frame a debate around Hinduism’s alleged pluralism and tolerance in contrast to what they describe as Christianity’s essential rigidity.<sup>122</sup> According to the VHP, “The objective of [Christian] social service is to get access to the people who are targeted for conversion,” and these “so-called social service activities” represent conversion by inducement.<sup>123</sup> In the view of USCIRF, India’s state anti-conversion laws are inconsistent with international human rights law and “enable and embolden existing government harassment, vigilante violence, and discrimination against religious minorities, as well as crackdowns on civil society organizations.”<sup>124</sup> The Commission calls for their repeal.<sup>125</sup>

<sup>119</sup> See the 2023 *Report on International Religious Freedom* India narrative at <https://tinyurl.com/mwu4dwb5>. In Uttar Pradesh alone there were at least 855 arrests under the state’s Prohibition of Unlawful Conversion of Religion Act from 2020 through mid-2023 (“Conversions: 855 Arrests in UP Since 2020,” *Times of India* (Delhi), May 21, 2023).

<sup>120</sup> “Hindu Extremists Ruthlessly Hunt Down Christians in India,” *Le Monde* (Paris), January 6, 2024; Antonio Graceffo, “Forced Conversions of Christians in India,” *Providence*, April 16, 2024. Historians identify the British government’s 1813 decision allowing Protestant missionaries to evangelize in India as sparking a “Christian conversion panic” and contributing to the politicization of religious identity there (see, for example, Mou Banerjee, *The Disinherited: The Politics of Christian Conversion in Colonial India* (Harvard University Press, forthcoming)).

<sup>121</sup> Laura Dudley Jenkins, “Diversity and the Constitution in India: What Is Religious Freedom?” *Drake Law Review*, vol. 4 (2009).

<sup>122</sup> Some historians suggest that a central purpose of pre-independence anti-conversion laws was to protect Hindus against the “onslaught” of Christian missionary activities. Notably, pre-1947 princely states with Muslim rulers did not enact similar laws. At the same time, active Christian proselytization was a key aspect of the British colonial project in India, but it also served, according to some observers, to “liberate” many Indians, especially Dalits, the lowest-caste “untouchables,” from their society’s rigid caste system. It thus is notable that today most of the states with active anti-conversion laws have relatively large Dalit populations, that most of their laws require official permission for conversions, and that “reconversion” to Hinduism goes unaddressed by such legislation (“Constitutionality of Anti-Conversion Laws,” *Statesman* (London), January 8, 2015; and Christophe Jaffrelot, *Dr. Ambedkar and Untouchability: Fighting the Indian Caste System*, Columbia University Press, 2005).

<sup>123</sup> See the VHP’s undated “FAQ-Religious Conversions” at <https://www.vhp.org/faq/2>. A large majority (74%) of Hindu converts to Christianity reportedly lives in southern India (“Religion in India: Tolerance and Segregation,” Pew Research Center, June 29, 2021).

<sup>124</sup> Luke Wilson, “India’s State-Level Anti-Conversion Laws,” USCIRF, March 2023.

<sup>125</sup> *Ibid.*

### “Bulldozer Justice”

After Hindu-Muslim communal violence broke out in Haryana in April 2022, BJP officials ordered the demolition of mostly Muslim neighborhoods, ostensibly to clear illegal structures. Human rights defenders called the demolitions collective punishment aimed largely at Muslims, at times taken against persons merely accused of crimes. The State Department reported that the Haryana government subsequently razed more than 1,200 structures in the area where the violence took place, halting the demolitions only after being so ordered by two courts.<sup>126</sup> “Bulldozer justice” has also been seen in other states: A 2024 Amnesty International (AI) report documented 128 demolitions of homes, businesses, and places of worship in primarily Muslim neighborhoods in BJP-run states during span of 15 days in mid-2022. As per AI, the demolitions were “carried out without following any due process,” included “widespread use of intimidation and force by the police,” and represented an “absolute failure of the state authorities.”<sup>127</sup>

Critics say these demolitions are widely celebrated by Modi/BJP supporters, who hail “bulldozer justice” as a symbol of unchecked state power and “shorthand for the Modi government’s carefully crafted muscular identity.” One rights activist laments the demolitions as “celebratory state lawlessness,” with the atmosphere “typically festive” and the razings “often cheered on by onlookers and television media, and hailed by elected leaders as acts of righteous retribution.”<sup>128</sup> In September 2024, India’s supreme court weighed in on the issue, harshly criticizing state governments’ use of demolitions and saying an individual’s property cannot be destroyed even if the person has been convicted of a crime.<sup>129</sup> In the 118<sup>th</sup> Congress, the India-specific S.Res. 424 notes “the demolition of homes and businesses of Muslims without due process by state authorities in retaliation for protesting for their constitutional rights.”

A major 2021 opinion survey in India found two-thirds of respondents agreeing that it was “very important” to stop interfaith marriages, with the highest rates found among Muslims (78%) and Hindus (66%).<sup>130</sup> Some of the states with anti-conversion laws also specifically penalize forced religious conversions for the purpose of marriage. Critics have called these the “third wave” of state-level anti-conversion laws in India.<sup>131</sup>

“Love jihad” is a widely debunked theory reportedly concocted by Hindu hardliners in southern India in the late 2000s and subsequently spread throughout the country.<sup>132</sup> In 2017, the press began reporting more frequently on allegations of campaigns by Muslim extremists purportedly coercing Hindu women to marry Muslim men and convert to Islam. In 2023, BJP officials in the states of Assam and Bihar vowed to introduce new laws targeting “love jihad.”<sup>133</sup> Analysts say the theory is promoted by Hindu nationalists, right-wing media, and BJP leaders to incite fear in and violence against the Muslim community. As a result of the false premise, innocent Muslim men have been imprisoned, faced violent attacks, and killed.<sup>134</sup> An independent 2024 assessment found

<sup>126</sup> “How Bulldozers in India Became a Symbol of Hindu Nationalism,” *Washington Post*, April 27, 2022; 2023 *Report on International Religious Freedom* India narrative at <https://tinyurl.com/mwu4dwb5>.

<sup>127</sup> “‘If You Speak Up, Your House Will Be Demolished:’ Bulldozer Injustice in India,” Amnesty International, February 7, 2024.

<sup>128</sup> Tusha Mittal, “Theatre of Destruction,” *Caravan* (Delhi), May 13, 2023; Harsh Mander, “Criminal Justice,” *Caravan* (Delhi), January 1, 2024.

<sup>129</sup> “Supreme Court on bulldozer action: No demolition even if person is convicted,” *India Today* (Delhi), September 1, 2024.

<sup>130</sup> “Religion in India: Tolerance and Segregation,” Pew Research Center, June 29, 2021.

<sup>131</sup> Yash Sharma and Laura Dudley Jenkins, “Legislation as Disinformation: The Love Jihad Conspiracy Theory in Law and Lived Experience,” *Social & Legal Studies*, January 17, 2024.

<sup>132</sup> Sahina K.K., “The Roots and Evolution of the Myth of ‘Love Jihad’ in Kerala,” *Outlook* (Delhi), updated April 11, 2023; Human Rights Watch, “India: Events of 2017,” at <https://tinyurl.com/2xms4dxv>.

<sup>133</sup> See the 2023 *Report on International Religious Freedom* India narrative at <https://tinyurl.com/mwu4dwb5>.

<sup>134</sup> “Factsheet: Love Jihad Conspiracy Theory,” Georgetown University Bridge Project, May 13, 2024. In early 2023, Maharashtra’s state minister for women and child welfare claimed there were more than 100,000 cases of “love jihad” in that state alone (“Maharashtra Minister Mangalprabhat Lodha’s 1 lakh ‘Love Jihad’ Cases Claim Sparks Reactions in House,” *Times of India* (Delhi), March 10, 2023).

that “love jihad” accusations were the second-most common motivator for communal violence targeting Muslims, accounting for 18% of such incidents from mid-2019 to mid-2024.<sup>135</sup>

## Cow Slaughter and Vigilantism

A 2021 survey found that more than one-third of Indians are vegetarian, with a rate of 44% among Hindus, 8% among Muslims, and 10% among Christians.<sup>136</sup> Cows are considered sacred animals in the Hindu religion.<sup>137</sup> The Indian Constitution calls on the state to take steps to prohibit the slaughter of “cows and calves and other milch and draught cattle,” and 25 of India’s 28 state governments significantly restrict or ban bovine slaughter.<sup>138</sup> Such laws were ruled constitutional by India’s supreme court in 2005 and today nearly all Indian citizens reportedly live in areas with some form of “cow protection” laws.<sup>139</sup> Penalties vary among states and may vary based on whether the animal is a cow, calf, bull, or ox, but violations can lead to prison sentences of up to 10 years, as well as fines.

The bans mostly affect Muslims—along with Christians and members of Scheduled Castes (Dalits) and Scheduled Tribes—who traditionally consume beef or handle, transport, or slaughter cattle.<sup>140</sup> Violent attacks on non-Hindus (and Dalits) allegedly engaged in cattle slaughter or transportation for slaughter, known as “cow vigilantism,” are relatively new phenomena in India, apparently spiking after the Modi/BJP government took office in 2014.<sup>141</sup> A 2024 assessment found that “cow vigilantism” was the single most common motivator for communal violence targeting Muslims, accounting for 22% of such incidents from mid-2019 to mid-2024.<sup>142</sup>

The RSS has called for a nationwide ban on cow slaughter, and there were some expectations that a national ban would be imposed if the BJP had increased its parliamentary majority in 2024 elections.<sup>143</sup> A 2019 Human Rights Watch (HRW) report accused BJP figures of employing “communal rhetoric that has spurred a violent vigilante campaign against beef consumption and those deemed linked to it.”<sup>144</sup> It further contended that, in nearly all related criminal cases, police were either indifferent, complicit, or played a role in alleged cover-ups.<sup>145</sup> According to USCIRF,

<sup>135</sup> “India Votes 2024: A Resurgent Hindu Nationalism Sets the Stage for the Upcoming Elections, Driving Communal Violence,” Armed Conflict Location & Event Data, April 28, 2024.

<sup>136</sup> “Eight-in-Ten Indians Limit Meat in Their Diets, and Four-in-Ten Consider Themselves Vegetarian,” Pew Research Center, July 8, 2021.

<sup>137</sup> According to the Indian Agriculture Ministry’s 2002 *National Commission on Cattle* report, “the cow has always had a very special place in the social fabric of the country,” and it suggests that cow protection laws are not incompatible with a secular society (see the report at <https://tinyurl.com/4k433z33>).

<sup>138</sup> State Department, 2023 *Report on International Religious Freedom: India*, at <https://tinyurl.com/mwu4dw5>.

<sup>139</sup> “Ban on Cow Slaughter: 99.38% Indians Live in Areas Under Cow-Protection Laws,” *Firstpost* (Delhi), July 5, 2023.

<sup>140</sup> State Department, 2023 *Report on International Religious Freedom: India*, at <https://tinyurl.com/mwu4dw5>.

<sup>141</sup> “‘Cow Vigilantism’ in India,” *Economist*, February 15, 2018. A 2017 assessment concluded that 86% of those killed in cow-related violence since 2010 were Muslim, and that nearly all (97%) of these attacks occurred after the Modi/BJP government came to power in 2014 (“86% Killed in Cow-Related Violence Since 2010 Are Muslim, 97% Attacks After Modi Govt Came to Power,” *Hindustan Times* (Delhi), July 16, 2017).

<sup>142</sup> “India Votes 2024: A Resurgent Hindu Nationalism Sets the Stage for the Upcoming Elections, Driving Communal Violence,” Armed Conflict Location & Event Data, April 28, 2024.

<sup>143</sup> “RSS Seeks National Ban on Cow Killing,” *Hindu* (Chennai), April 9, 2017; “‘Give 400 Seats to BJP, Cow Slaughter Will Be Totally Banned,’” *Hindustan Times* (Delhi), February 11, 2024.

<sup>144</sup> HRW, “Violent Cow Protection in India: Vigilante Groups Attack Minorities,” February 18, 2019. See also “What Killing of Hindu Teen by India Cow Vigilantes Tells Us About Modi 3.0,” *Al Jazeera* (Doha), September 6, 2024.

<sup>145</sup> *Ibid.*

bans on cow slaughter result in “the arbitrary detention, monitoring, and targeting of religious minorities and those advocating on their behalf.”<sup>146</sup> Because cow protection laws can adversely impact the livelihoods of those engaged in the country’s beef and leather industries, USCIRF argues that their enforcement economically marginalizes Muslims and Dalits, and that even mere accusations of violations have led to violence and deadly lynchings.<sup>147</sup>

## Constraints on Human Rights NGO Operations

Historically, much of India’s NGO activity has relied on foreign funding sources. A leading example is the New York-based Ford Foundation, which has engaged in extensive programming in India since the early 1950s. During the 1970s, Indian officials became concerned that foreign powers were interfering in India’s domestic affairs through the funding of independent NGOs. In 1976, the central government established a law to regulate such financing. It later became the Foreign Contribution (Regulation) Act 2010 (FCRA), which itself was amended in 2020. The law regulates the use of money received from foreign individuals, associations, or companies that may fund activities “detrimental to the national interest.” It prohibits the acceptance or transfer of foreign donations except through registration with the central government.<sup>148</sup> According to reporting on a leaked internal 2014 Indian government intelligence document, the United States was the top source of foreign donations to Indian NGOs, providing more than three times as much as the United Kingdom, the next largest donor.<sup>149</sup>

“India over the years has weaponized its Foreign Contribution Regulation Act to suspend several American and international NGOs operations in the country, including respected human rights organizations like Amnesty International.”  
- SFRC Chairman Sen. Ben Cardin, September 2024

Early in PM Modi’s tenure, human rights watchdogs in India found their activities constrained by the central government, and they expressed concerns about Modi’s commitment to minority rights—especially for non-Hindus—his past willingness to tolerate suppression of free expression, and the vigor with which some of his supporters have quashed dissent.<sup>150</sup> The government has been accused of targeting NGOs that provoked Modi-BJP ire and which worked on “sensitive areas,” including religious NGOs, particularly Christian and Muslim charities.<sup>151</sup>

Among the three formal U.S. government recommendations for India at a 2022 UN review of human rights conditions in that country was to improve the transparency of FCRA license adjudications and create easier pathways for NGOs to appeal adverse government decisions.<sup>152</sup> The State Department’s 2023 HRR notes that NGOs in India report operating in “a climate of self-censorship and fear,” saying “government officials rarely cooperated with human rights NGOs.”<sup>153</sup> Freedom House reports that India’s NGOs, particularly those which investigate human

<sup>146</sup> USCIRF, *2024 Annual Report*, at <https://tinyurl.com/3bccra6t>, and *2016 Annual Report* at <http://go.usa.gov/cSDgW>.

<sup>147</sup> Ibid.

<sup>148</sup> See “Foreign Contribution Regulation Act,” *Drishti* (Delhi), March 3, 2023, and the Parliamentary Research Service’s (Delhi) undated summary at <https://tinyurl.com/mr3fy8es>.

<sup>149</sup> “Greenpeace and Other Advocates Fear Clampdown After Leaked Report,” *New York Times*, June 12, 2014.

<sup>150</sup> See, for example, “Greenpeace India’s Shutdown ‘Temporarily Halted,’” BBC News, November 20, 2015.

<sup>151</sup> “Thousands of NGOs in Limbo over Renewal,” *Hindu* (Chennai), December 29, 2021; “Killing the Licence: On NGOs and Funding” (editorial), *Hindu* (Chennai), December 31, 2021.

<sup>152</sup> See the United Nations Human Rights, Office of the High Commissioner, Universal Periodic Review, November 10, 2022, U.S. statement at <https://tinyurl.com/p56vmd3w>.

<sup>153</sup> State Department, *2023 Country Reports on Human Rights Practices: India*, at <https://tinyurl.com/22d9duht>.



rights abuses, “continue to face threats, legal harassment, excessive police force, and occasionally lethal violence.”<sup>154</sup> Over the past decade, the number of NGOs registered under the FCRA reportedly has decreased by more than half. In 2020, United Kingdom-based Amnesty International ended its India operations following what it called “years of official threats, intimidation and harassment.”<sup>155</sup>

### The Case of Compassion International

Some Hindutva proponents maintain that India’s more than 200 million Dalits are vulnerable to conversion by Christian missionaries. Such concerns appear to have led to the 2017 shutdown of India operations by the Colorado-based Christian NGO Compassion International (CI), which had been the largest religious-affiliated charity working in India, reportedly providing services to some 150,000 Indian children. Indian officials, suspecting CI was using foreign funds to enable religious conversions, employed the FCRA to freeze hundreds of thousands of dollars in the NGO’s accounts in mid-2016.<sup>156</sup>

For most of 2016, senior U.S. government officials, including then-Secretary of State John Kerry, engaged in behind-the-scenes efforts to dissuade India’s government from taking such action. The full House Foreign Affairs Committee held a December 2016 hearing entitled “American Compassion in India: Government Obstacles.” Expert witnesses decried New Delhi’s crackdown on NGOs as representing thinly veiled religious discrimination. In 2017, CI’s FCRA license was cancelled, and a dearth of funding compelled CI to cease operations in India.<sup>157</sup>

In other high-profile cases, the FRCA played a central role in ending the India operations of prominent NGOs such as Compassion International (see **text box** above), Oxfam India, and the Delhi-based Center for Policy Research. Most recently, in June 2024, senior U.S. and Indian officials signed a Statement of Intent to formally establish a new U.S.-India Gandhi King Development Foundation. The initiative builds on the intent of Section 5 of the Gandhi-King Scholarly Exchange Initiative Act (H.R. 5517), which was passed by the full House in the 116<sup>th</sup> Congress. Reports indicate that FRCA-related issues may delay funding for this foundation.<sup>158</sup>

## Freedoms of Expression and Hate Speech

### Press Freedom

Numerous analyses find press freedom under assault in India over the past decade. The State Department’s 2023 HRR identifies “serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and enforcement of or threat to enforce criminal libel laws to limit expression.”<sup>159</sup> France-based Reporters Without Borders’ *2024 Press Freedom Index* ranks India 159<sup>th</sup> of 180 countries, down from 150<sup>th</sup> in 2022, but halting a seven-year downward trend.<sup>160</sup> A prominent case of New Delhi’s apparent suppression of press freedoms is the

<sup>154</sup> See Freedom House, *Freedom in the World 2024*, “India,” at <https://tinyurl.com/2bj4y9ck>.

<sup>155</sup> “Diminishing space for dissent in world’s largest democracy,” *Democracy Digest*, National Endowment for Democracy, October 1, 2020. Among other notable NGOs to lose foreign-funding licenses after 2014 were Greenpeace India, the European Climate Foundation, and the Gates Foundation-backed Public Health Foundation of India.

<sup>156</sup> See documents from HFAC’s December 6, 2016, hearing at <https://go.usa.gov/xUAb2>; “Major Christian Charity Is Closing India Operations Amid a Crackdown,” *New York Times*, March 7, 2017.

<sup>157</sup> *Ibid.*

<sup>158</sup> See USAID’s July 1, 2024, release at <https://tinyurl.com/4sc9y5fh>; “Gandhi-King Foundation Plan Runs into FCRA Hurdles,” *Hindu* (Chennai), August 4, 2024.

<sup>159</sup> *2023 Country Reports on Human Rights Practices*, “India,” at <https://tinyurl.com/22d9duht>.

<sup>160</sup> See the index at <https://rsf.org/en/2024-world-press-freedom-index-journalism-under-political-pressure>.

censorship of a BBC documentary and subsequent tax raids on the BBC's India offices in 2023 (see **text box** below).

India's major news outlets appear to be overwhelmingly pro-government, and Hindu nationalist messaging reportedly has become more prevalent. Freedom House asserts that

a number of Hindu nationalist organizations and some media outlets promote anti-Muslim views, a practice that the Modi government has been accused of encouraging.... Hindu nationalist campaigns aimed at discouraging forms of expression deemed "antinational" have exacerbated self-censorship.<sup>161</sup>

India is YouTube's largest market with nearly half a billion users, and the platform increasingly is rife with reportedly pro-Modi/BJP "fake news" channels—those disseminating misinformation and/or disinformation. Some of the most-viewed (and ostensibly fact-based) YouTube news channels in India offer "a smattering of disinformation and Islamophobia ...while targeting [BJP] critics and opposition leaders," according to one media report.<sup>162</sup> A 2023 survey showed Indians trusting YouTube (and Whatsapp) over mainstream media when it comes to fact-checking and the spread of information. Another assessment found the BJP responsible for about half (48%) of all misinformation disseminated by political parties, with opposition political leaders Rahul Gandhi and Arvind Kejriwal being particular targets.<sup>163</sup>

## Internet and Social Media

India has earned a reputation as the world's leader in internet shutdowns. Access Now, a U.S.-based global digital rights group, named India the world's largest offender for the sixth consecutive year for blacking out the internet at least 116 times in 2023, two-thirds of the world total and more than the next seven countries combined.<sup>164</sup> A majority of these shutdowns purportedly were "specifically attempting to address communal violence."<sup>165</sup> Other assessments find that India imposed 30 "major" internet blackouts in 2023, and that these cost the Indian economy billions of dollars annually, as well as harming the operations of educational and health facilities.<sup>166</sup> Freedom House contends that India's government has "incorporated censorship, including the use of automated systems, into the country's legal framework," and has again rated India's internet as "Partly Free," noting especially significant obstacles to access.<sup>167</sup>

Indian Kashmir appears to be by far the most-affected region; a 2019-2020 shutdown of high-speed internet there ran for an unprecedented 18 months.<sup>168</sup> Manipur's BJP-led government reportedly has since mid-2023 been enforcing an internet ban affecting the state's more than

<sup>161</sup> Freedom House, *Freedom in the World 2024*, "India," at <https://tinyurl.com/2bj4y9ck>.

<sup>162</sup> "How Dubious YouTube 'News' Channels Are Boosting Modi in India's Election," *Al Jazeera* (Doha), April 5, 2024.

<sup>163</sup> "Indians Trust YouTube and Whatsapp over the Mainstream Media: Report," *Business Standard* (Mumbai), June 30, 2023; Kinjal Jha and Priyanka Jha, "Roundup 2022: How Parties, Leaders, Media & Influencers Amplified Misinfo This Year," *Alt News* (Delhi), January 3, 2023.

<sup>164</sup> Access Now also finds internet shutdowns India growing longer: the proportion lasting five days or more nearly tripled to 41% in 2023 (see Access Now, *Shrinking Democracy, Growing Violence: Internet Shutdowns in 2023*, at <https://tinyurl.com/3sedp73w>).

<sup>165</sup> *Ibid.*

<sup>166</sup> "India Had Longest Internet Shutdowns in 2023: Report," *Economic Times* (Mumbai), March 13, 2024; HRW, "'No Internet Means No Work, No Pay, No Food': Internet Shutdowns Deny Access to Basic Rights in 'Digital India,'" June 13, 2023.

<sup>167</sup> See Freedom House, "Freedom on the Net 2023: The Repressive Power of Artificial Intelligence," at <https://tinyurl.com/p26vyxrj>.

<sup>168</sup> "'Living in the Stone Age': Offline for 18 Months in Indian Kashmir," Reuters, September 28, 2022.



3 million people, arguably benefitting the pro-BJP, Hindu, ethnic Meitei majority in its roiling conflict with the Christian Kuki minority by facilitating government control of the information space.<sup>169</sup> Rajasthan, Punjab, and Haryana also have experienced significant internet shutdowns, many of them linked to communal tensions.<sup>170</sup>

Indian authorities argue that temporary internet shutdowns and social media takedown requests are necessary at times to ensure security and stability, and officials have been increasing control over digital outlets while applying pressure on tech companies. Platforms including Facebook, Google, and X (formerly Twitter) have come under Indian government criticism for failing to take action on “fake news,” purportedly compelling authorities to order content takedowns. The government has enjoyed some legal successes in its efforts to gain an upper-hand on foreign technology companies and the discourse on their platforms.<sup>174</sup> Critics contend the goal is both protecting the government from criticism and advancing its policy agenda; one Indian press report referred to India’s array of new laws affecting digital platforms as a “censorship regime.”<sup>175</sup> In August 2024, following a wave of criticism from online content creators and civil liberties groups, the Indian government withdrew a draft broadcasting services bill that would have expanded the state’s powers to regulate nearly every type of online content.<sup>176</sup>

Meta, Facebook’s parent corporation, reports that more than 500 million Indians use its

### The Case of a BBC Documentary

In January 2023, Indian authorities ordered YouTube and Twitter to restrict access in India to a newly released British Broadcasting Corporation (BBC) documentary on communal violence in 2002 during Modi’s tenure as Gujarat chief minister (the companies complied). New Delhi invoked emergency laws to limit public access to “India: The Modi Question,” a two-part series including references to a British government report finding Modi was “directly responsible” for the “climate of impunity” that enabled the violence. India’s foreign ministry dismissed the series as “a propaganda piece designed to push a particular discredited narrative,” and its foreign minister questioned timing of the documentary’s release, suggesting that “Western media bias” and political compulsions in New York and London were at play. A prominent opposition party politician denounced the government for going “out of their way to attack and discredit the BBC.”<sup>171</sup>

Three weeks later, Indian tax authorities raided BBC offices in New Delhi and Mumbai, moves condemned by the Press Club of India as “part of a series of attacks on the media by government agencies.” Amnesty International called the raids “an affront to free speech.”<sup>172</sup> Indian officials later announced having found evidence of unpaid taxes and undisclosed income in the records of an “international media company,” and soon added a case of foreign exchange violations against the BBC.<sup>173</sup> In the 118<sup>th</sup> Congress, S.Res. 688—A resolution recognizing widening threats to freedom of the press and free expression around the world—notes New Delhi’s “efforts to censor” the BBC.

<sup>169</sup> “India Uses Widespread Internet Blackouts to Mask Domestic Turmoil,” *Washington Post*, October 18, 2023.

<sup>170</sup> See Software Freedom Law Center India, “Internet Shutdowns,” <https://internetshutdowns.in>.

<sup>171</sup> “India Government Criticizes BBC’s Modi Documentary,” BBC News, January 20, 2023; MEA’s January 19, 2023, transcript at <https://tinyurl.com/mv63zprz>; “‘Election Season Has Surely Started in London, New York’: Jaishankar Questions Timing of BBC Series on PM Modi” (interview), *Times of India* (Delhi), February 21, 2023; Sashi Tharoor, “Why Modi Govt Scared of Criticism?” (op-ed), *Manorama* (Kerala), January 28, 2023.

<sup>172</sup> “Indian Authorities Raid BBC Offices After Broadcast of Modi Documentary,” CNN, February 14, 2023; IPC’s February 14, 2023, letter at <https://tinyurl.com/3u2pwpk2>; AI’s February 14, 2023, release at <https://tinyurl.com/4jjpv935>.

<sup>173</sup> “Without Naming BBC, India Cites Evidence of Media Firm’s Unpaid Tax,” Reuters, February 17, 2023; “India Escalates Fight Against BBC with New Financial Case,” *Washington Post*, April 13, 2023.

<sup>174</sup> “Exclusive: In Heated Meeting, India Seeks Tougher Action from U.S. Tech Giants on Fake News,” Reuters, February 22, 2022; “Twitter Sued Indian Government for ‘Arbitrarily’ Silencing Critics. It Lost,” *Washington Post*, July 2, 2023.

<sup>175</sup> “Blocking of Hindutva Watch and the Prevalence of Social Media Censorship in India,” *Hindu* (Chennai), January 24, 2024. See also HRW, “India: Technology Use Shouldn’t Undermine Free, Fair Elections,” April 8, 2024.

<sup>176</sup> “India Withdraws Controversial Broadcast Bill After Backlash,” *Financial Times* (London), August 13, 2024.

services, the company's largest user base. Facebook has for years faced criticism for knowing its platform was being used to deploy largely anti-Muslim misinformation in India, and for being unable to monitor and limit such content. In 2023, Meta rejected formal shareholder accusations that its platform served as a "critical catalyst" for religious violence in India.<sup>177</sup> And while X reportedly has complied with a vast majority of global takedown requests, including those from authoritarian governments, it has engaged in years of legal wrangling in Indian courts; some accuse X of facilitating a perceived Modi-BJP government crackdown on dissent.<sup>178</sup>

The pro-BJP Hindu nationalist presence on social media is pervasive and often aggressive or inciting of violence. According to Freedom House, "Online 'troll armies' associated with the BJP routinely harass individuals—notably Muslims—and organizations for voicing criticism of the government and for engaging in behavior that supposedly deviates from Hindu orthodoxy."<sup>179</sup> A 2022 assessment of the malicious online activities of militant Hindu nationalist groups—notably the Bajrang Dal—called India "the world's largest experiment in social media-fueled terror."<sup>180</sup> The U.S. National Intelligence Council's 2021 report *Global Trends 2040* asserts that, "In India, social media and mobile messaging platforms have become a key force behind viral falsehoods," often targeting Muslims in ways that can lead to lynchings.<sup>181</sup>

## Streaming Media and Film

U.S.-based video streaming services have come under scrutiny for content deemed controversial by Hindu nationalists and their allies in the Indian government. Hindutva proponents have for years been critical of major platforms such as Netflix and Amazon Prime Video for depicting even passing references to religion that they condemn as offensive to Hindus. Beginning in 2019, groups including the RSS, VHP, and Bajrang Dal, and individuals among them, have organized boycotts and filed police complaints on these grounds. A peak came in early 2021 when a scene in a Prime Video political series allegedly mocked a Hindu deity, leading to police investigations across India—a top Amazon executive in India reportedly was forced to briefly go into hiding and surrender her passport to police.<sup>182</sup> In 2023, a senior RSS official was quoted as saying it was "the duty of filmmakers to promote a positive image of India and its culture."<sup>183</sup> Netflix—a longtime holdout in refusing to censor films it streams in India—reportedly "bowed to censorship" in late 2023, essentially handing broad powers to India's "censor board." The California-based company reportedly is coming under increasing government scrutiny in India and faces multiple investigations, including for alleged visa and tax violations. Some analysts say a culture of self-censorship now pervades the streaming industry in India.<sup>184</sup>

<sup>177</sup> Vinay Sitapati, "Facebook and India's Paradox of Inclusion," *Foreign Affairs*, November 24, 2021; Meta, *Annual Meeting and Proxy Statement*, 2023.

<sup>178</sup> "India Calls X a 'Habitual Non-Compliant Platform,'" BBC News, April 17, 2024; Rasheed Ahmed and Sunita Viswanath, "'Free-Speech Absolutist' Musk Is Abetting Modi's Suppression of Voices in India," *Truthout*, December 16, 2023.

<sup>179</sup> See Freedom House, *Freedom in the World 2024*, "India," at <https://tinyurl.com/2bj4y9ck>.

<sup>180</sup> Mohammad Ali, "The Rise of a Hindu Vigilante in the Age of WhatsApp and Modi," *Wired*, April 14, 2020.

<sup>181</sup> Office of the Director of National Intelligence, *Global Trends 2040*, March 2021, at <https://tinyurl.com/2wzv8uwj>.

<sup>182</sup> "Amazon Issues Rare Apology in India After Complaints That Series Hurt Hindu Beliefs," Reuters, March 2, 2021.

<sup>183</sup> "Facing Pressure in India, Netflix and Amazon Back Down on Daring Films," *Washington Post*, November 20, 2023.

<sup>184</sup> "India Probing Netflix for Visa Violations, Racial Discrimination, Email Shows," Reuters, September 22, 2024; "Netflix Bows to Censorship, Stops Streaming Uncut Indian Films Globally," *Hindu* (Chennai), December 15, 2023. In early 2024, Netflix removed an Indian language film from its platform after the movie faced VHP-led backlash on (continued...)

Similarly, some analyses indicate that India's own film industry—"Bollywood"—is being reshaped by Hindutva, with religious nationalism becoming intertwined with film production in ways that can threaten religious freedom. Analysts have called the majority of new Hindi-language films "propaganda" and lament that Bollywood "has disgraced itself by pandering to the Narendra Modi-led BJP government and the right-wing."<sup>185</sup> By some accounts, the Modi-BJP government and its Hindutva allies are waging a "culture war" against Bollywood, seeking to transform its historically pluralist and secular ethos in service of a Hindu supremacist project. This effort reportedly has led to a new abundance of Hindu heroes and Muslim villains in mainstream films, and portrayals that consolidate Hindu identity through representations of Hindu religious rituals and performances.<sup>186</sup> "The Kashmir Files," a 2022 film depicting lethal attacks on Kashmiri Hindus by Muslim separatists after 1989, led to a nationwide social media campaign advocating violence against Muslims.<sup>187</sup>

## Historical Narratives and Academic Freedom

India's Hindu nationalists are seen to be pursuing a broad revision of India's historical narratives as part of a perceived Hindu supremacist project. This pursuit has been reflected in significant changes to school curricula and to a reported narrowing of academic freedom in the country as part of an alleged "BJP-sponsored reimagining of Indian history to glorify Hinduism's authenticity and achievements, while minimizing non-Hindu contributions."<sup>188</sup>

The concept of "Akhand Bharat," or "Unified India," presents the entire Indian subcontinent—from Afghanistan to Burma and from Tibet to Sri Lanka—as properly being a single nation. It is a central tenet of the Hindutva worldview and can rile India's neighbors.<sup>189</sup> In 2018, reports revealed that the BJP government had appointed a commission of scholars to prove that modern Hindus descended from the region's original inhabitants.<sup>190</sup> As per one pundit, the Hindu nationalists' "obsession with perceived past humiliations" leads them to target in particular the country's Muslim minority, along with "appeasers" of that minority (including opposition political parties) which they and their allies in government believe are undermining India's "Hindu civilizational ethos."<sup>191</sup> It has led to Hindu nationalists' alleged misuse and distortions of India's history, as well as the promotion of pseudoscience.<sup>192</sup>

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social media for depicting the daughter of a Hindu priest eating meat ("Netflix Removes Indian Film with Meat-Eating Scene After Hindu Backlash," Reuters, January 11, 2024).

<sup>185</sup> "Hindi Cinema's Lone Rangers: Dissent in a Sea of Propaganda Films," *Newslaundry* (Delhi), September 23, 2024.

<sup>186</sup> Debasish Roy Chowdhury, "How Bollywood Rolled Over to Hindu Supremacists," *Time*, January 26, 2023; Samanth Subramanian, "When the Hindu Right Came for Bollywood," *New Yorker*, October 10, 2022; Chandrima Chakraborty, "Bollywood and Hindu Nationalism," *Global Media Journal* (Ottawa) 13, 1 (2021).

<sup>187</sup> Ishita Sengupta, "Hindu Nationalism Has Found New Allies in Bollywood," *News Lines*, August 14, 2024.

<sup>188</sup> Maya Tudor, "How Redefined Indian-ness Drives India's Democratic Decline," *Democracy and Autocracy* 21, 2, November 2023.

<sup>189</sup> Udayan Das, "Akhand Bharat and India's Civilizational Claims in South Asia," Center for the Advanced Study of India, August 28, 2023.

<sup>190</sup> "By Rewriting History, Hindu Nationalists Aim to Assert Their Dominance over India," Reuters, March 6, 2018.

<sup>191</sup> Devesh Kapur, "As the G20 Summit Nears, India Is Tearing Itself Apart" (op-ed), *Financial Times* (London), September 4, 2023; Sushant Singh, "The World Ignored Russia's Delusions. It Shouldn't Make the Same Mistake with India," *Foreign Policy*, May 8, 2022.

<sup>192</sup> Supriya Gandhi, "When Toppling Monuments Serves Authoritarian Ends," *Foreign Affairs*, July 13, 2020; Snigdendu Bhattacharya, "Indian Government's Intensifying Attack on Scientific Temperament Worries Scientists," *Diplomat*, August 14, 2024.

One apparent goal of Hindutva revisionism has been the “purging” of Muslims from India’s history, at least insofar as school textbooks convey that history. This revision has included the reduction or deletion of chapters on India’s Islamic rulers of the past, and the reported omission of mentions of the 2002 anti-Muslim riots in Gujarat.<sup>193</sup> The Mughal emperor Aurangzeb, who ruled for most of the 17<sup>th</sup> century, is raised by Hindu nationalists as a prime example of brutal past oppression of Hindus at the hands of Muslim “invaders.”<sup>194</sup> In early 2024, a court in Uttar Pradesh essentially banned Islamic schools in the state, ruling that the law governing such madrasas violated India’s constitutional secularism.<sup>195</sup> Meanwhile, public veneration of Mohandas Gandhi’s Hindu extremist assassin appears to be on the rise; one observer equated it with the hypothetical of Americans erecting statues to honor Abraham Lincoln’s killer.<sup>196</sup>

Such developments have led Freedom House and other watchdogs to warn of “significantly” weakened academic freedom in India, “as professors, students, and institutions have faced intimidation over political and religious issues.”<sup>197</sup> Bajrang Dal members have engaged in violent demonstrations and attacks on campuses across the country. According to an annual assessment by two European institutes, the absence of a legal framework to protect academic freedom in India has contributed to making such attacks possible.<sup>198</sup> These analysts note a decline in academic freedom coinciding with “a sharp increase in toxic polarization under Prime Minister Modi’s administration,” and aver that, “India demonstrates the pernicious relationship between populist governments, autocratization, and constraints on academic freedom.”<sup>199</sup>

## Hate Speech

Although there is no specific mention of hate speech in the law, India’s federal penal code criminalizes “promoting enmity between different groups on grounds of religion” and “acts prejudicial to maintenance of harmony,” including acts causing injury or harm to religious groups and their members.<sup>200</sup> USCIRF asserts that “The use and dissemination of misinformation and disinformation by Indian government officials has contributed to increased hate speech toward religious minorities, specifically Muslims.”<sup>201</sup> A 2018 analysis examined thousands of articles and social media posts, finding that the incidence of hate speech by high-ranking Indian politicians had increased six-fold after the BJP’s 2014 election victory. A 2018 study by an Indian think tank also concluded that the incidence of “religio-cultural hate speech” on Indian social media was rising sharply, with most examples inciting violence against Indian Muslims. It warned that India’s social media platforms provide “both tacit and overt sanction for rising incidents of majoritarian violence.”<sup>202</sup>

<sup>193</sup> “From Emergency to Gujarat Riots, Lessons of Past Deleted from Textbooks of Future,” *Indian Express* (Delhi), June 18, 2022; “New Indian Textbooks Purged of Nation’s Muslim History,” *Washington Post*, April 6, 2023.

<sup>194</sup> “A Long-Dead Muslim Emperor Vexes India’s Hindu Nationalists,” Associated Press, June 3, 2022.

<sup>195</sup> The court order reportedly affected 2.7 million students and 10,000 teachers in 25,000 madrasas (“India Court Effectively Bans Madrasas in Big State Before Election,” Reuters, March 23, 2024).

<sup>196</sup> Yasmeen Serhan, “What the Veneration of Gandhi’s Killer Says About India,” *Atlantic*, June 2, 2022. See also “Gandhi’s Killer Evokes Admiration as Never Before,” *New York Times*, February 4, 2020.

<sup>197</sup> See Freedom House, *Freedom in the World 2024*, “India,” at <https://tinyurl.com/2bj4y9ck>.

<sup>198</sup> See the Friedrich-Alexander-Universität Institute of Political Science, *Academic Freedom Index Update 2024* at <https://tinyurl.com/59smrxss> and the *Academic Freedom Index Update 2023* at <https://tinyurl.com/yapbpjxf>.

<sup>199</sup> *Ibid.*

<sup>200</sup> State Department, *2023 Report on International Religious Freedom: India*, at <https://tinyurl.com/mwu4dwb5>.

<sup>201</sup> USCIRF, “Misinformation and Disinformation: Implications for Freedom of Religion of Belief,” August 2024.

<sup>202</sup> “Under Modi Government, VIP Hate Speech Skyrockets—By 500%,” *NDTV* (Delhi), April 19, 2018; Maya (continued...)

A report by the U.S.-based NGO Hindutva Watch concluded that the great majority (80%) of hate speech incidents in India during the first half of 2023 occurred in BJP-ruled states and union territories—Maharashtra alone accounted for 29% of such incidents. It further reported that more than half of the incidents were orchestrated by RSS-affiliated entities, and that one-third of the gatherings explicitly called for violence against Muslims.<sup>203</sup> A more recent assessment counted 668 “anti-Muslim hate speech events” in 2023, attributing a third of these to VHP and Bajrang Dal figures.<sup>204</sup> A *Washington Post* investigation argued that the BJP had “perfected the spread of inflammatory, often false and bigoted material on an industrial scale,” and called the Modi administration an example of how authoritarian governments can dictate what is acceptable content for American social media platforms, naming Facebook as a key vector for hate speech.<sup>205</sup> Calls for “Muslim genocide” are not uncommon,<sup>206</sup> and fears persist that a systematic effort to demonize Muslims is underway in India.<sup>207</sup>

## Uniform Civil Code (UCC)

India’s 1950 Constitution calls on the state to “endeavor to secure for the citizens a uniform civil code throughout the territory of India,” a goal as yet unmet. Such a uniform civil code (UCC) would impose a common set of laws for all Indian citizens—covering issues such as marriage, divorce, inheritance, et al.—regardless of their religion (India’s criminal code already applies to all citizens).<sup>208</sup> In a July 2024 speech to the nation, Prime Minister Modi reiterated his and the BJP’s long-standing calls for a UCC, saying, “Laws that divide our nation based on religion and foster discrimination have no place in modern society.... After 75 years of a Communal Civil Code, it is crucial to move toward a Secular Civil Code.”<sup>209</sup> UCC advocates see the effort as a boon to national unity and integration, and many emphasize the strengthening of gender equity in civil cases. Leading examples of this include supreme court rulings in the 1985 “Shah Bano” case and the 2017 “Shayara Bano” case, both of which secured civil rights for Muslim women.<sup>210</sup>

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Mirchandani, “Digital Hatred, Real Violence: Majoritarian Radicalization and Social Media in India,” Observer Research Foundation (Delhi), August 29, 2018.

<sup>203</sup> “2023 Half-Yearly Report: Anti-Muslim Hate Speech Events in India,” Hindutva Watch, September 23, 2023.

<sup>204</sup> The report said two-thirds of the events included references to conspiracy theories, primarily involving love jihad, land jihad, halal jihad, and population jihad (*Hate Speech Events in India—Report 2023*, India Hate Lab, February 25, 2024, at <https://tinyurl.com/22d3s4p7>).

<sup>205</sup> “Under India’s Pressure, Facebook Let Propaganda and Hate Speech Thrive,” and “Inside the Vast Digital Campaign by Hindu Nationalists to Inflame India,” both *Washington Post*, September 26, 2023.

<sup>206</sup> See, for example, “India Monks Call for ‘Muslim Genocide’ in Hate Speech Summit,” *TRT World* (Istanbul), December 23, 2021; “BJP Leader Threatens to ‘Slaughter 200,000 Muslims’ over Cow Incident,” *Al Jazeera* (Doha), June 27, 2024.

<sup>207</sup> CRS interviews in New Delhi, India, September 2023. See also Vir Sanghvi, “Hate in India Has Gone Beyond Control. Even Modi, RSS Can’t Stop It” (op-ed), *Print* (Delhi), August 31, 2023, and “India Is Transforming. But into What?” (interview with Pratap Bhanu Mehta), *New York Times*, December 12, 2023.

<sup>208</sup> See Tariq Ahmad, “India: Legislative Assembly of Uttarakhand Enacts Uniform Civil Code,” Library of Congress, March 22, 2024.

<sup>209</sup> See the Press Information Bureau’s August 15, 2024, transcript at <https://tinyurl.com/mpnh6p7n>. Hindu nationalists have long called for a UCC (“In India, Hindu Nationalists Seek to Impose a Uniform Civil Code,” *Le Monde* (Paris), January 12, 2023).

<sup>210</sup> In 1985, the court upheld a Muslim woman’s right to sue for financial support from her husband after their divorce. In 2017, the court found that instantaneous divorce through the Islamic process of “triple talaq”—which the BJP’s 2024 election manifesto called “barbaric”—was unconstitutional (see “What Is Shah Bano Case?” *Indian Express* (Delhi), August 23, 2017; the undated *Supreme Court Observer* page at <https://tinyurl.com/yru2u4vk>; and the BJP’s 2024 manifesto at <https://www.bjp.org/bjp-manifesto-2024>).



Opponents view the UCC as yet another aspect of a Hindu majoritarian project that would end constitutional protections for members of the Scheduled Castes (Dalits), Scheduled Tribes, and other so-called “Backward Classes.”<sup>211</sup> One New Delhi analyst calls the UCC “a ploy to both stigmatize and dismantle specifically only Muslim personal laws.”<sup>212</sup> Other critics argue that the BJP’s approach does not reflect the absolute equality sought by the constitution’s authors. A 2018 report by the Law Commission of India cast doubt on the practicality and need for a UCC.<sup>213</sup> Support for access to religious courts appears to be far stronger among Muslims than among India’s other religious communities; Muslim opposition to a UCC reportedly grows from fears it would lead to state interference in centuries-old Islamic traditions.<sup>214</sup> In February 2024, Uttarakhand’s state legislature became the first in India to pass a UCC bill. UCC implementation was among the BJP’s pre-election promises, but the central government has yet to release any draft bill.<sup>215</sup>

## The Citizenship Amendment Act (CAA), 2019

In late 2019, India’s parliament passed, and its president signed into law, the Citizenship Amendment Act (CAA), 2019, amending the country’s 1955 Citizenship Act, which prohibited illegal immigrants from becoming citizens. For the first time in independent India’s history, a religious criterion was added to the country’s naturalization process. In 2015 and 2016, the Modi-BJP government had issued notifications that Hindus, Sikhs, Jains, Buddhists, Parsis (Zoroastrians), and Christians who came to India from Pakistan, Bangladesh, or Afghanistan before 2015 would be exempted from laws prohibiting citizenship for illegal immigrants.<sup>216</sup> The 2019 CAA formalized these exemptions, allowing immigrants of six religions from three countries a path to citizenship while excluding Muslims.<sup>217</sup> The changes sparked significant controversy, including large-scale and sometimes violent protests across India. Among those arrested was a Muslim political activist who has since spent four years jailed without trial and reportedly become a symbol of Modi government repression.<sup>218</sup>

After a more than four-year hiatus, in March 2024 the government announced rules for CAA’s implementation, even as India’s supreme court considers hundreds of petitions challenging the law. The announcement led the U.S. government and the Office of the UN High Commissioner

<sup>211</sup> State Department, *2023 Report on International Religious Freedom: India*, at <https://tinyurl.com/mwu4dwb5>.

<sup>212</sup> CRS communication with Indian peace and justice activist Harsh Mander, August 2024.

<sup>213</sup> “Uniform Civil Code Neither Necessary nor Desirable at This Stage, Says Law Commission,” *Hindu* (Chennai), November 28, 2021.

<sup>214</sup> About three-quarters of Indian Muslims reportedly support having access to their own religious courts, compared to less than one-third in other religious communities (“Religion in India: Tolerance and Segregation,” Pew Research Center, June 29, 2021). See also “Board of India Today Experts on UCC: A Code That Divides,” *India Today* (Delhi), August 14, 2023; “India’s Modi Sparks Political Storm with Pitch for Common Civil Code,” Reuters, July 14, 2023.

<sup>215</sup> “President Approves Uttarakhand’s UCC Bill,” *Hindu* (Chennai), March 13, 2024; “BJP Will Implement Uniform Civil Code After Returning to Power: Union Minister Piyush Goyal,” *Telegraph* (Kolkata), April 15, 2024.

<sup>216</sup> India’s Home Ministry reported more than 289,000 “stateless persons” in India at the end of 2014, the majority of them in the states of Tamil Nadu (35%) and Chhattisgarh (22%) (see **Figure 4**). Almost three-quarters of them migrated from either Bangladesh (36%) or Sri Lanka (35%) (MHA, “Lok Sabha Question No. 894,” March 1, 2016, at <https://tinyurl.com/2j8z8ef9>).

<sup>217</sup> HRW, “‘Shoot the Traitors’: Discrimination Against Muslims Under India’s New Citizenship Policy,” April 9, 2020.

<sup>218</sup> “Four Years in Jail Without Trial: The Price of Dissent in Modi’s India,” *New York Times*, October 22, 2024. See also CRS In Focus IF11395, *Changes to India’s Citizenship Laws*, by K. Alan Kronstadt.

for Human Rights to reiterate concerns.<sup>219</sup> In May 2024, the first batch of new citizens was naturalized under the CAA.

## Counterterrorism Laws

The Indian government has enacted several laws to identify and target individuals, groups, and networks involved in terrorism or the financing of terrorism, and that are seen to act against national security interests and/or public harmony. The above-mentioned Unlawful Activities Prevention Act (UAPA), India's primary anti-terrorism law, allows authorities to detain persons for up to 180 days without charge in cases related to insurgency and terrorism, and bail provisions are rigid. As conveyed by the State Department, detractors warn that the Indian government uses the UAPA "to target and arbitrarily detain human rights activists, members of minority groups, and journalists under the guise of national security."<sup>220</sup> Alleged UAPA abuses are most common in Jammu and Kashmir, India's only Muslim-majority state until its 2019 redesignation, but have been reported across India in recent years.<sup>221</sup>

Laws sometimes used in tandem with the UAPA include sections of India's penal code, the Foreign Contributions Regulations Act (FCRA; see above), and the Prevention of Money Laundering Act. India passed these latter two acts in accordance with intergovernmental Financial Action Task Force (FATF) recommendations on combatting terrorist financing.<sup>222</sup> USCIRF recommends that the U.S. government encourage a FATF review to prevent the misuse of these laws "to detain religious minorities and those advocating on their behalf."<sup>223</sup> Amnesty International and Human Rights Watch are among other groups calling on FATF to pressure India to end the use of counterterrorism financing laws to attack, intimidate, and harass human rights defenders, activists, and nonprofit organizations in India.<sup>224</sup>

## The Ram Temple Movement

In 2019, India's supreme court ruled that Hindus could use the Uttar Pradesh site of the Babri mosque, which was destroyed by Hindu activists in 1992 (see **text box** above), to build a temple (Muslims were granted nearby land for a mosque).<sup>225</sup> PM Modi oversaw a groundbreaking ceremony for construction of the "Ram Mandir" in 2020 and, in January 2024, he "consecrated" the temple (still months short of completion) in a nationally televised ritual featuring mainly Modi himself, and with the celebration of millions of Hindus across the country. Critics called the consecration a political campaign event, with a religious triumphalism in which Hindu celebrants

<sup>219</sup> "US, UN Express Concern About India's Religion-Based Citizenship Law," Reuters, March 13, 2024.

<sup>220</sup> State Department, *2023 Country Reports on Human Rights Practices: India*, at <https://tinyurl.com/22d9duht>.

<sup>221</sup> "Experts Call for Immediate Release of Kashmiri Human Rights Defender," UN release, December 22, 2021; "UN Human Rights Office Urges Review of India's UAPA," *New Indian Express* (Delhi), June 29, 2024; Amnesty International, "India 2023," at <https://tinyurl.com/mptrxknh>.

<sup>222</sup> FATF is a 39-member, Paris-based intergovernmental body mandated to tackle money laundering, and terrorist and proliferation financing, worldwide. The United States and India are among its members (see <https://www.fatf-gafi.org>).

<sup>223</sup> See USCIRF, *2024 Annual Report*, "India," at <https://tinyurl.com/3bccra6t>.

<sup>224</sup> Amnesty International, "Weaponizing Counterterrorism: India's Exploitation of Terrorism Financing Assessments to Target the Civil Society," September 23, 2023; HRW, "India: Stop Abusing Counterterrorism Regulations," November 3, 2023.

<sup>225</sup> The VHP's U.S. branch calls the Ram Janmabhoomi movement "a struggle against barbarity that waves of colonial invaders brought to the Indian subcontinent over the past millennia," and it lauds the 2019 supreme court ruling as the end of "five centuries of colonial subjugation" (see the undated VHPA release at <https://tinyurl.com/339dtted>).



“danced on Indian secularism’s grave.”<sup>226</sup> The event also sparked a new round of attacks on religious minorities.<sup>227</sup>

Hindu activists have since turned their attention to other mosques they claim were built on the former sites of Hindu temples. In early 2024, thousands of Hindus began flocking to a 16<sup>th</sup>-century mosque on disputed land in Uttarakhand, and municipal authorities in that state demolished a separate mosque and madrasa without first obtaining a court order.<sup>228</sup> In September 2024, several Hindu groups, including the VHP, began demanding demolition of a mosque in Himachal Pradesh. Within weeks, the effort reportedly had morphed into a broader “anti-Muslim” campaign of protests across the state. Some Hindutva advocates claim that a majority of Indian mosques were originally Hindu temples.<sup>229</sup> In a surprise and potentially telling defeat just months after the Ram temple’s consecration, the BJP’s incumbent parliamentarian lost his seat in the Faizabad district that includes Ayodhya.

## The BJP Government’s Actions on Kashmir

Although India has suffered from several militant regional separatist movements, the Kashmir issue has proven to be the most lethal and intractable. Both India and Pakistan formally claim the entire territory of the former princely state of Jammu and Kashmir (J&K), with India controlling roughly two-thirds of that area, including the fertile, Muslim-majority Valley region (see **Figure 3**). Until 2019, J&K was India’s only state with a Muslim majority. Armed separatist conflict and terrorism have plagued the region continuously since 1989.

After 1989, an estimated 250,000-450,000 Kashmiri Hindus, known as “Pandits,” fled the Valley in the face of violent attacks by Muslim separatists and have been unable to return. Some observers called this an “ethnic cleansing” of Kashmir’s previously substantial indigenous Hindu community.<sup>230</sup> Most of these Pandits remain internally displaced, with many living in camps in Jammu or around Delhi. The BJP’s 2014 manifesto stated, “The return of Kashmiri Pandits to the land of their ancestors with full dignity, security, and assured livelihood will figure high on the BJP’s agenda.”<sup>231</sup> In office, however, the BJP has taken little action on that agenda item, causing some among the Pandit community to accuse the party of making hollow claims. Still, the issue is another with the power to animate Hindu nationalists.<sup>232</sup> The State Department reports that Islamist groups in Jammu and Kashmir reportedly attacked non-Muslims there during 2023.<sup>233</sup>

<sup>226</sup> “Modi Opens a Giant Temple in a Triumph for India’s Hindu Nationalists,” *New York Times*, January 22, 2024; quote from “Narendra Modi Is Celebrating His Scary Vision for India’s Future,” *Vox*, January 27, 2024.

<sup>227</sup> “India: Violence Marks Ram Temple Inauguration,” Human Rights Watch, January 31, 2024.

<sup>228</sup> “Hindus Throng Another Disputed Mosque in India,” Reuters, February 8, 2024; “Uttarakhand Madrasa at Centre of Violence Was Demolished Without a Court Order,” *Scroll* (Delhi), February 9, 2024.

<sup>229</sup> “Muslims ‘in Constant Fear’ Amid Hate Campaign in India’s Himachal Pradesh,” *Al Jazeera* (Doha), October 17, 2024; Sara Ather, “Politics of Ruin: Why Modi Wants to Demolish India’s Mosques” (op-ed), *Al Jazeera* (Doha), April 3, 2023.

<sup>230</sup> See, for example, the Hindu American Foundation’s January 20, 2020, release at <https://tinyurl.com/32zrms4n>.

<sup>231</sup> See Bharatiya Janata Party, *Election Manifesto 2014*, <http://www.bjp.org/manifesto2014>.

<sup>232</sup> “BJP Used Kashmiri Pandits’ Pain as ‘Weapon’ to Garner Votes Across India, Says Mehbooba,” *Hindu* (Chennai), April 9, 2024; “No Kashmiri Pandit Returned After Article 370 Repeal,” *Rediff.com* (Mumbai), June 18, 2024.

<sup>233</sup> State Department, *2023 Report on International Religious Freedom: India*, at <https://tinyurl.com/mwu4dwb5>.

Figure 3. Map of J&amp;K and Ladakh Union Territories



Source: Adapted by CRS.

## Abrogation of Article 370 of the Indian Constitution

Article 370 of India's 1950 constitution was crafted to provide extra governance space for J&K's leaders, who were operating in special circumstances. However, the "autonomy" originally granted to the state was significantly eroded by executive action over intervening years. BJP leaders, including Modi, typically contended that J&K's special status only served to encourage Kashmiri (Muslim) separatist elements, and Hindu nationalists had long sought its removal from the Indian constitution.<sup>234</sup>

In August 2019, the Modi/BJP government took a series of controversial actions that eroded the (largely nominal) constitutional autonomy of J&K, repealing Article 370 and Section 35A of the constitution's annex, and bifurcating the state into two successor "Union Territories"—J&K and Ladakh, a thinly populated mountain region—each with more limited administrative powers. The government also cracked down on protesters in the region, suspended internet and cell service, and took thousands of people, including prominent local politicians, into "preventive detention." The U.S. government, United Nations, and Organization of Islamic Conference were among those to express sharp concerns with these developments; numerous human rights advocates and some Members of Congress criticized India's actions.<sup>235</sup>

<sup>234</sup> Amitabh Mattoo, "Understanding Article 370" (op-ed), *Hindu* (Chennai), December 6, 2013.

<sup>235</sup> See Hijab Shah and Melissa Dalton, "Indian Revocation of Kashmir's Special Status," Center for Strategic and International Studies, August 19, 2019. See also CRS Report R45877, *Kashmir: Background, Recent Developments, and U.S. Policy*, by K. Alan Kronstadt. In the 118<sup>th</sup> Congress, the India-specific S.Res. 424 asserts that J&K "was deprived of its special autonomy without ensuring consultation or any participation of its people." Also, both H.Res. (continued...)

## India's Supreme Court Upholds Changes

In December 2023, a five-judge bench of India's supreme court validated the constitutional changes, while also directing that statehood for the Union Territory of J&K be restored at the earliest opportunity, and that steps be taken to conduct state legislature elections there before October 2024.<sup>236</sup> J&K did not hold a legislative assembly election for a decade and has been under central government rule for six years, despite long-standing BJP promises that its statehood status (minus Ladakh) would be restored. An assembly election was held in October 2024, and a coalition of parties opposed to the BJP secured a majority of seats in a vote widely viewed as a referendum against the BJP's 2019 changes to the territory's status. As a Union Territory, J&K will remain under Delhi's direct administrative control.<sup>237</sup>

Kashmir's security setting appears to have improved since 2020; rates of conflict-related deaths have declined precipitously, from more than 4,000 in 2001 to 134 in 2023 and 112 in 2024 to date.<sup>238</sup> Tourism is again surging in the scenic Valley region, leading some analysts to judge that "peace has returned" there.<sup>239</sup> However, the rate of militant attacks in the Hindu-majority Jammu region reportedly are spiking, and other reporting suggests that repression and underdevelopment persist in the Valley, with enduring resentment toward the Indian state and frustrations over long-delayed elections. According to Human Rights Watch, in 2023, "Indian authorities continued to restrict free expression, peaceful assembly, and other rights in Jammu and Kashmir. Reports of extrajudicial killings by security forces continued throughout the year."<sup>240</sup> As per USCIRF, "authorities continued to detain and harass Kashmiri journalists, religious leaders, and human rights defenders" in 2023.<sup>241</sup>

## Violence in Manipur

In May 2023, deadly interethnic violence erupted in Manipur, a small northeastern Indian state abutting Burma with about 3.7 million residents (see **Figure 4**). The conflict pits the majority (predominantly Hindu) Meitei against the minority (largely Christian) Kuki community. Triggered by political, legal, and economic tensions over status and land rights, the U.S. State Department reports that related violence led to about 250 deaths, the displacement of over 60,000 people, and the destruction of over 250 places of worship, primarily churches, but also Hindu temples and synagogues belonging to the Menashe Jewish community.<sup>242</sup> The State Department said a "delayed" surge of security forces reduced levels of violence, but the conflict persists to

1192 and S.Res. 688—Recognizing widening threats to freedom of the press and free expression around the world—make note of India's government "frequently imposing internet and communication blackouts in Indian-administered Kashmir."

<sup>236</sup> "India's Top Court Upholds End of Special Status for Kashmir, Orders Polls," Reuters, December 11, 2023.

<sup>237</sup> "Biggest Kashmir Party Opposed to India's Stripping of Region's Autonomy Wins Most Seats in Election," Associated Press, October 18, 2024.

<sup>238</sup> South Asia Terrorism Portal (Delhi) data at <https://tinyurl.com/5n959x7b>.

<sup>239</sup> Ayjaz Wani, "Kashmir's Transformation from Terrorism to Tourism," Observer Research Foundation (Delhi), September 21, 2023. See also "Kashmir Tourism Boom: Thriving Homestays Empower Rural Communities," *Deccan Herald* (Mysore), March 31, 2024.

<sup>240</sup> "'New Wave': Why Suspected Rebel Attacks are Rising in Kashmir's Jammu Area," *Al Jazeera* (Doha), August 1, 2024; Praveen Donthi, "Flare-Ups and Frustration as Kashmir Waits for a Vote," International Crisis Group, March 8, 2024; HRW, *World Report 2024*.

<sup>241</sup> USCIRF, *2024 Annual Report*. See also Rana Ayyub, "Behind the Facade of Modi's 'New Kashmir,'" *Noema*, June 5, 2024.

<sup>242</sup> State Department 2023 IRF report at <https://tinyurl.com/mwu4dwb5>.

date. The Department notes that the close links of ethnicity and religion in the clashes make categorization difficult.<sup>243</sup>

The apparent failure of both local and central governments to effectively address the violence has been criticized by human rights groups, as well as by the supreme court of India, which condemned slow official responses in preventing and ending the violence, ensuring justice, and protecting religious sites.<sup>244</sup> Manipur's chief minister, a BJP member, has denounced calls for accountability as "attempts to defame the BJP government," specifically blaming USCIRF in this regard. He reportedly has disparaged the Kuki community as "illegal immigrants," "terrorists," and "drug peddlers."<sup>245</sup> Some analysts have accused the state of enabling ethnic cleansing targeting the Kuki minority.<sup>246</sup> Political opposition figures and others have criticized PM Modi for not addressing the violence publicly for more than two months after its outbreak, not meeting in person with the Manipur CM until July 2024, and not having visited Manipur.<sup>247</sup>

In September 2024, more than 16 months after the strife began, Manipur's government imposed new internet shutdowns and indefinite curfews following the latest wave of ethnic violence.<sup>248</sup> Some Members of the 118<sup>th</sup> Congress took note of internet and communications blackouts in Manipur in 2023, and UN officials raised alarms about "reports of serious human rights violations and abuses" there, including alleged acts of sexual violence, extrajudicial killings, home destruction, forced displacement, and torture.<sup>249</sup> The State Department—which had expressed being "shocked and horrified" by July 2023 video of an extreme attack on two Kuki women in Manipur—has encouraged Indian authorities "to respond to the humanitarian needs and protect the lives and property of all groups" in the state.<sup>250</sup>

## Punjab, Sikhs, and Transnational Repression

Punjab, India's only Sikh-majority state, was the site of extensive communal and separatist violence during the 1980s and early 1990s (see **Figure 4**). In the 118<sup>th</sup> Congress, the pending H.Res. 1554 would express "support for the recognition and commemoration of the Sikh Genocide of 1984." Today, analysts say there is little support in Punjab for creation of an

<sup>243</sup> The Meitei, just over half of the state's population, are concentrated in the Imphal Valley, about 10% of the state's land area. Other ethnic groups, including the Kuki, are dispersed in hill country. A major demand of the Meitei is for "Scheduled Tribe" status, which would provide them certain economic advantages, among these the ability to purchase land in Kuki areas, eliciting fears of exploitation among Kukis (State Department 2023 IRF report at <https://tinyurl.com/mwu4dwb5>; "Waiting for Peace in Indian State Divided by Violence" BBC News, August 8, 2024).

<sup>244</sup> State Department, *2023 Report on International Religious Freedom: India*, at <https://tinyurl.com/mwu4dwb5>. India's supreme court itself came under fire for what critics called a slow and ineffective response ("How and When the Supreme Court Moved on Manipur: 2023," Citizens for Justice and Peace (Mumbai), January 19, 2024; John Simte, "Supreme Court's Moral Failure in Manipur," *Frontline* (Chennai), December 14, 2023).

<sup>245</sup> "U.S Commission on International Religious Freedom, USCIRF's uncalled for interference in interpreting Manipur violence," *Times of India* (Delhi), May 31, 2024; "India: Authorities 'missing-in action' and ongoing violence and impunity in Manipur state," Amnesty International, July 16, 2024.

<sup>246</sup> Greeshma Kuthar, "Fire and Blood," *Caravan* (Delhi), July 31, 2023.

<sup>247</sup> "India's Modi to Face No-Confidence Vote over Manipur Violence," *Al Jazeera* (Doha), July 26, 2023; "Biren Meets PM Modi to Discuss Manipur Situation," *Hindu* (Chennai), July 29, 2024; "Why Hasn't PM Modi Visited Manipur Yet? CM Biren Singh Explains Reason," *Business Standard* (Delhi), August 30, 2024.

<sup>248</sup> "Indian State Imposes Curfew and Shuts Internet After Fresh Wave of Ethnic Clashes," Associated Press, September 10, 2024.

<sup>249</sup> See H.Res. 1192 and S.Res. 688; "India: UN Experts Alarmed by Continuing Abuses in Manipur," UN Human Rights Council, September 3, 2023.

<sup>250</sup> See the State Department's July 25, 2023, transcript at <https://tinyurl.com/2xcayrth>.



independent “Khalistan.”<sup>251</sup> According to a 2021 survey, a vast majority (95%) of India’s roughly 25 million Sikhs are proud to be Indian, and 70% say a person who disrespects India cannot be a Sikh.<sup>252</sup> Still, Indian officials continue to view Khalistani separatism as a serious national security threat, designating several associated groups as “terrorist organizations,” and for years accusing other countries of affording wanted Khalistani extremists “operating space” among the Sikh diaspora community.<sup>253</sup> Some Indian officials sought to blame Sikh separatist forces for large-scale “farmer protests” in India in 2020-2021.<sup>254</sup>

As per the State Department’s 2023 Human Rights Report, there were reports India’s government “engaged in transnational repression against journalists, members of diaspora populations, civil society activists, and human rights defenders” in 2023.<sup>255</sup> During the latter half of 2023, the U.S. and Canadian governments alleged an official Indian role in two separate assassination plots of Sikhs in North America. In September of that year, Canada’s prime minister stated his government had “credible allegations” that “agents of the Indian government” were involved in a successful plot to assassinate a Canadian citizen on Canadian soil the previous June.<sup>256</sup> New Delhi rejected the “unsubstantiated” claims as “absurd.”<sup>257</sup> Two months later, the U.S. Justice Department unsealed an indictment alleging that an Indian intelligence official had directed a plot to murder a U.S. citizen and Sikh activist leader on American soil. India’s official response to the U.S. allegations was more measured, and New Delhi established a formal “enquiry committee” to investigate the charges, a process still underway.<sup>258</sup>

These developments severely disrupted India-Canada ties and could yet affect the tenor and trajectory of the U.S.-India partnership. They also have attracted congressional attention. In late 2023, after a classified briefing from the Biden Administration, five Indian-American House Members issued a warning that the actions outlined in the U.S. indictment could, if not appropriately addressed by India’s government, “cause significant damage to this very consequential partnership.”<sup>259</sup> In early 2024, the SFRC Chairman explicitly linked his approval of a pending U.S. arms sale to India to Biden Administration assurances that India’s government was committed to a thorough investigation leading to “credible accountability” in the case.<sup>260</sup> The State Department continues to “expect accountability” and to raise related concerns with Indian officials “at senior levels.” A spokesman said in October 2024 that the United States was satisfied

<sup>251</sup> “Sikh Separatism Is a Nonissue in India, Except as a Political Boogeyman,” *New York Times*, September 28, 2023; Aparna Pande, Husain Haqqani, and C. Christine Fair, “Pakistan’s Destabilization Playbook: Khalistan Separatist Activism Within the US,” Hudson Institute, September 14, 2021.

<sup>252</sup> See the Pew Research Center’s June 29, 2021, survey at <https://tinyurl.com/yahmw7dv>.

<sup>253</sup> “Extremists ‘Given Operating Space in Canada,’ Says Indian Minister,” *CNN*, September 29, 2023. The largest Sikh diaspora community—roughly 800,000—lives in Canada (“Uncertainty ‘Is Killing Us’: Sikhs in India Are in Limbo amid Canada Dispute,” *New York Times*, September 24, 2023).

<sup>254</sup> See CRS Report R46713, *Farmer Protests in India*, by K. Alan Kronstadt.

<sup>255</sup> State Department, *2023 Country Reports on Human Rights Practices: India*, at <https://tinyurl.com/22d9duht>.

<sup>256</sup> Quoted in “Trudeau Accuses India’s Government of Involvement in Killing of Canadian Sikh Leader,” *CBC News* (Toronto), September 18, 2023.

<sup>257</sup> See the September 19, 2023, MEA release at <https://tinyurl.com/64rtew7j>.

<sup>258</sup> An October 2024 indictment named the Indian official (see the November 29, 2023, indictment at <https://tinyurl.com/ye369hkv>; and the October 17, 2024, indictment at <https://tinyurl.com/2hx7w3f2>; see also CRS Insight IN12292, *Alleged Indian Role in Transnational Assassination Plots*, by K. Alan Kronstadt, and “An Assassination Plot on American Soil Reveals a Darker Side of Modi’s India,” *Washington Post*, April 29, 2024.

<sup>259</sup> See U.S. Representative Ami Bera, “Indian American Members of Congress Release Statement following Administration Briefing on Indictment of Nikhil Gupta, Foiled Plot to Assassinate U.S. Citizen in NYC,” December 15, 2023, at <https://tinyurl.com/uwxczyas>.

<sup>260</sup> See the SFRC’s February 2, 2024, release at <https://tinyurl.com/mr46pf8d>.

with India's cooperation to date.<sup>261</sup> Meanwhile, the India-Canada row escalated that month when the Canadian government suggested that at least one other murder of a Sikh-Canadian may be linked to India nationals, claimed that Delhi was undertaking a broader campaign of harassment and extortion against Sikhs in Canada, and expelled the Indian ambassador and five other diplomats, accusing them of participating in a vast criminal network.<sup>262</sup>

Indian government involvement in transnational repression targeting the Sikh diaspora appears to continue in the United States (and Canada). Sikh community leaders, including elected U.S. officials, reportedly say they or their organizations have suffered threats and harassment over the past year, with New Delhi widely suspected of involvement. At least seven Sikh activists have been warned by U.S. or Canadian law enforcement agencies that their lives could be in danger, according to one report.<sup>263</sup> A 2024 report by NGO advocates for Sikh-Americans, Hindu-Americans, and Muslim-Americans reviewed cases of online harassment of their communities, allegedly by the BJP's social media department, including ways in which the "Khalistani" label "justifies the global censorship of Sikh voices."<sup>264</sup>

In September 2024, two days before an in-person meeting with PM Modi in Delaware, senior White House officials met with several Sikh advocacy groups, reportedly to discuss threats facing Sikhs in the United States, including from transnational repression.<sup>265</sup> In the 118<sup>th</sup> Congress, H.R. 9707—the Transnational Repression Reporting Act of 2024—would require the U.S. Attorney General to report to Congress on alleged transnational repression originating in India, as well as Saudi Arabia, Iran, and China.

## Policy Analysis and Considerations for Congress<sup>266</sup>

### Policy Analysis

For two decades, top U.S. and Indian officials have consistently identified shared values as the basis of the bilateral partnership. A prominent highlighting of values such as democracy, freedom, human rights, and pluralism is seen in Joint Statements from all five presidential Administrations going back to 2000.<sup>267</sup> The State Department's 2022 *Integrated Country Strategy: India* asserts that the partnership is "based on shared values," adding, "This also means raising issues of concern when policies, events, or actions do not reflect our shared democratic values or human rights principles."<sup>268</sup> Explicit emphases also have come from some senior Members of Congress. In March 2024, the SFRC Chairman stated, "As the U.S.-India relationship deepens, it is

<sup>261</sup> See the State Department's August 1, 2024, transcript at <https://tinyurl.com/4p85kdrz>, and its October 16, 2024, transcript at <https://tinyurl.com/47nxtvsvr>.

<sup>262</sup> "Canada Expels Indian Diplomats, Accusing Them of Criminal Campaign," *New York Times*, October 14, 2024.

<sup>263</sup> "Some US Sikhs Fear Modi Government Is Threatening, Surveilling and Doxxing Them," Reuters, August 12, 2024. See also "FBI Probing Drive-By Attack on Sikh Separatist in California," Reuters, August 23, 2024.

<sup>264</sup> See the Sikh American Legal Defense and Education Fund (SALDEF), Hindus for Human Rights, IAMC, and Equality Labs, *Virtually Vulnerable: Exposing the Human Cost of Digital Harassment*, at <https://tinyurl.com/5dyy8b7n>.

<sup>265</sup> "US Officials Meet Sikh Activists Ahead of Biden-Modi Meeting," Reuters, September 19, 2024.

<sup>266</sup> See also CRS Report R47890, *Democracy and Human Rights in U.S. Foreign Policy: Tools and Considerations for Congress*, by Michael A. Weber.

<sup>267</sup> For example, in a 2005 Joint Statement, then-President George W. Bush and then-PM Manmohan Singh described themselves as "leaders of nations committed to the values of human freedom, democracy and rule of law" (July 18, 2005, Joint Statement at <https://tinyurl.com/yc6rw2n8>).

<sup>268</sup> See State Department, *Integrated Country Strategy: India*, May 27, 2022, at <https://tinyurl.com/y22anee>.



critically important that our cooperation is based on our shared values of protecting the human rights of all persons, regardless of religion.”<sup>269</sup>

Various independent analysts assert that shared values are rightly and necessarily the basis of the partnership and should remain so, not only on moral grounds, but in order for the United States to attain desired policy outcomes. From this perspective, India’s poor human rights record could lead to a weakening of that country’s role as a U.S. partner. In the words of two observers,

U.S. policymakers and outside experts believe that India will be less diplomatically and economically successful if it continues to expand discrimination against minorities and constrain basic freedoms—and thus be a less robust security partner for the United States over time. But ... these arguments tend to only be persuasive to some parts of the policy community.<sup>270</sup>

A perceived Modi/BJP project to codify religious majoritarianism in the country through Hindu nationalist policy, if continued, ultimately may erode the credibility of the Indian state, in part by widening and even making permanent the existing fault lines among its religious communities. As such, the argument goes, India’s desired great power status requires societal harmony, “something it can accomplish only by becoming an inclusive, plural, secular, and liberal democracy.”<sup>271</sup> Some argue that an insistence on respect for human rights should be an essential condition for U.S. engagement with India, the logic being that “A strong, democratic, rights-respecting India that joined with other Asian democracies in a united front against an expansionist, autocratic China would indeed be powerful.”<sup>272</sup>

Other observers take a contrasting perspective, one that places shared U.S. and Indian interests at the forefront of policymaking. One longtime analyst, for example, contends that the effort to make common values the basis of a U.S.-India partnership “has always been a dubious strategy,” and he urges U.S. policymakers to “see that India is an ally of convenience” and that the “relationship is ultimately transactional.”<sup>273</sup> Given India’s preference for and focus on fostering global multipolarity, shared values cannot, in this view, form the basis of a U.S.-India alliance.<sup>274</sup> “*Realpolitik*” counsels a partnership based “on shared strategic interests, rather than on moral convergence,” with the two countries each seeing an overriding interest in preventing the emergence of an illiberal, Sino-centric Indo-Pacific.<sup>275</sup>

The implications here may be most relevant to expectations among some in the U.S. capital that shared values alone would lead India to “ally” with the United States in a potential conflict in the western Pacific. It is seen as an unrealistic proposition by many India-watchers: One senior analyst argues the U.S. government “should base its policies on a realistic assessment of Indian

<sup>269</sup> See the SFRC’s March 18, 2024, release at <https://tinyurl.com/5n6cu9xw>.

<sup>270</sup> Thomas Carothers and Benjamin Press, “Navigating the Democracy-Security Dilemma in U.S. Foreign Policy: Lessons from Egypt, India, and Turkey,” Carnegie Endowment for International Peace, November 4, 2021.

<sup>271</sup> Sushant Singh, “Why Modi Can’t Make India a Great Power,” *Foreign Affairs*, September 3, 2023.

<sup>272</sup> Madhav Khosla and Milan Vaishnav, “Religion, Citizenship, and Belonging in India,” Carnegie Endowment for International Peace, June 2, 2022; quote from Knox Thames, “America Shouldn’t Ignore Rights Abuses in India,” *Liberal Patriot* (blog), June 16, 2023.

<sup>273</sup> Daniel Markey, “India as It Is,” *Foreign Affairs*, June 16, 2023.

<sup>274</sup> Edward Luce, “India Will Never Be America’s Ally” (op-ed), *Financial Times* (London), May 5, 2023.

<sup>275</sup> Sumit Ganguly and S. Paul Kapur, “US-India Security Relations in the Indo-Pacific” in *Strategic Cooperation in The Indo-Pacific: US And Indian Perspectives*, Hoover Institution, September 20, 2023.

strategy and not on any delusions” that India would join the United States in a future clash with China, even as Washington and New Delhi share a core strategic objective vis-à-vis Beijing.<sup>276</sup>

A 2024 think tank report captured the apparent dilemma for the U.S. government in pushing New Delhi to adjust its more troubling policies on minority rights at the same time that Washington “is in full courtship mode with New Delhi in its quest to line up major partners against Beijing.”<sup>277</sup> This dilemma leads some scholars to seek to transcend the posited “values vs. interests” debate altogether. The perspective holds that calls to “prioritize human rights” in U.S. policy are based on a false assumption that values and security interests must be “balanced,” an alleged fallacy that inevitably leads to favoring the latter. Instead of a “misplaced deference to the defense establishment,” some analysts urge human rights advocates to emphasize the interlinkages between rights-respecting policies and national security interests while generating their own (non-militarized) conception of the U.S. national interest.<sup>278</sup>

## Considerations for Congress

U.S. law declares the promotion and protection of democracy, human rights, and fundamental freedoms to be “principal” and “fundamental” goals of U.S. foreign policy, although policymakers have often pursued efforts to defend and promote democracy and human rights overseas selectively and in some tension with competing foreign policy priorities.<sup>279</sup> Key related foreign policy tools employed by the United States include, inter alia, reporting requirements (in which Congress requires the executive branch to report on human rights-related issues overseas); international institutions and initiatives, including those within the UN organization; restrictions on foreign assistance and arms sales; and sanctions targeting individuals and entities.

USCIRF’s 2024 *Annual Report* offers recommendations for the U.S. government:

- call on the Biden Administration to designate India as a “country of particular concern,” or CPC, under the 1998 IRFA as recommended by USCIRF since 2020;
- impose targeted sanctions on individuals and entities responsible for severe violations of religious freedom by freezing those individuals’ assets and/or barring their entry into the United States under human rights-related financial and visa authorities, citing specific religious freedom violations;
- incorporate religious freedom priorities into bilateral and multilateral forums and agreements, such as the “Quad” ministerial;
- encourage the U.S. Embassy and consulates in India to strengthen engagement with religious communities, local officials, and law enforcement and to facilitate meetings with prisoners of conscience and human rights defenders in India;

<sup>276</sup> Ashley Tellis, “America’s Bad Bet on India,” *Foreign Affairs*, May 1, 2023, and “What Biden Wants from Modi’s State Visit” (interview), Carnegie Endowment for International Peace, June 20, 2023.

<sup>277</sup> Thomas Carothers and Frances Brown, “Democracy Policy Under Biden: Confronting a Changed World,” Carnegie Endowment for International Peace, February 6, 2024.

<sup>278</sup> Sarah Whitson, “The Human Rights vs. National Security Dilemma Is a Fallacy,” *Foreign Policy*, January 10, 2022.

<sup>279</sup> Foreign Assistance Act of 1961, Section 502B(a)(1) (22 U.S.C. §2304(a)(1)); Advance Democratic Values, Address Nondemocratic Countries, and Enhance [ADVANCE] Democracy Act of 2007, Section 2103 (22 U.S.C. §8202). See CRS Report R47890, *Democracy and Human Rights in U.S. Foreign Policy: Tools and Considerations for Congress*, by Michael A. Weber.

- encourage review by the Financial Action Task Force to ensure that international recommendations to prevent terrorist financing are not misused by Indian authorities to detain religious minorities and those advocating on their behalf.

USCIRF also offers two recommendations specifically for the U.S. Congress:

- raise religious freedom and issues affecting religious minorities in India through hearings, briefings, letters, delegations, and other activities; and
- condition financial assistance and arms sales to India on improved religious freedom conditions and include measures for additional review and reporting.<sup>280</sup>

Congress may also choose to whether or not to

- intensify oversight of how U.S. foreign assistance to India is disbursed, particularly in light of Indian restrictions on financing NGOs;
- consider additional foreign assistance for India aimed specifically at supporting marginalized communities;
- call on India's government to "reduce the broad application of the Unlawful Activities Prevention Act (UAPA) and similar laws against human rights activists, journalists, and religious minorities"; "ratify the Convention Against Torture and prosecute those responsible for human rights abuses"; and "improve the transparency of license adjudications related to the Foreign Contribution Regulation Act (FCRA) and create easier pathways for NGOs to appeal adverse government decisions on FCRA licenses";<sup>281</sup>
- engage with the Indian government on the FCRA and the UAPA, and ensure that the United States can provide and increase funding safely for civil society organizations in India, including those working on documentation of mass atrocities, combatting disinformation in the digital space, and promoting social cohesion and peacebuilding;<sup>282</sup>
- call on the State Department to assess India in accordance with the Department's Atrocity Risk Assessment Framework (ARAF) and to report its findings to relevant congressional committees;<sup>283</sup>
- support an official USCIRF visit to India;
- work to pass pending legislation such as that listed in the **Appendix** and/or legislation aimed at addressing transnational repression worldwide, including S. 831 (118<sup>th</sup> Congress), H.R. 3654 (118<sup>th</sup> Congress), H.R. 7443 (118<sup>th</sup> Congress), S. 3854 (118<sup>th</sup> Congress), and H.R. 9707 (118<sup>th</sup> Congress);
- provide oversight to decisions regarding arms sales and other military cooperation with India, and consult with the Administration on the anticipated 2025 renewal of the 10-year U.S.-India defense framework agreement signed in 2015;<sup>284</sup> or

<sup>280</sup> USCIRF, *2024 Annual Report*, "India," at <https://tinyurl.com/3bccra6t>.

<sup>281</sup> These recommendations were made by the U.S. Mission to the UN Human Rights Council's 2022 Working Group on the Universal Periodic Review of India (see the November 10, 2022, statement at <https://tinyurl.com/p56vmd3w>).

<sup>282</sup> See the submission of the Simon-Skjoldt Center for the Prevention of Genocide, U.S. Holocaust Memorial Museum, to the Tom Lantos Human Rights Commission, March 21, 2024, at <https://tinyurl.com/svun22k8>.

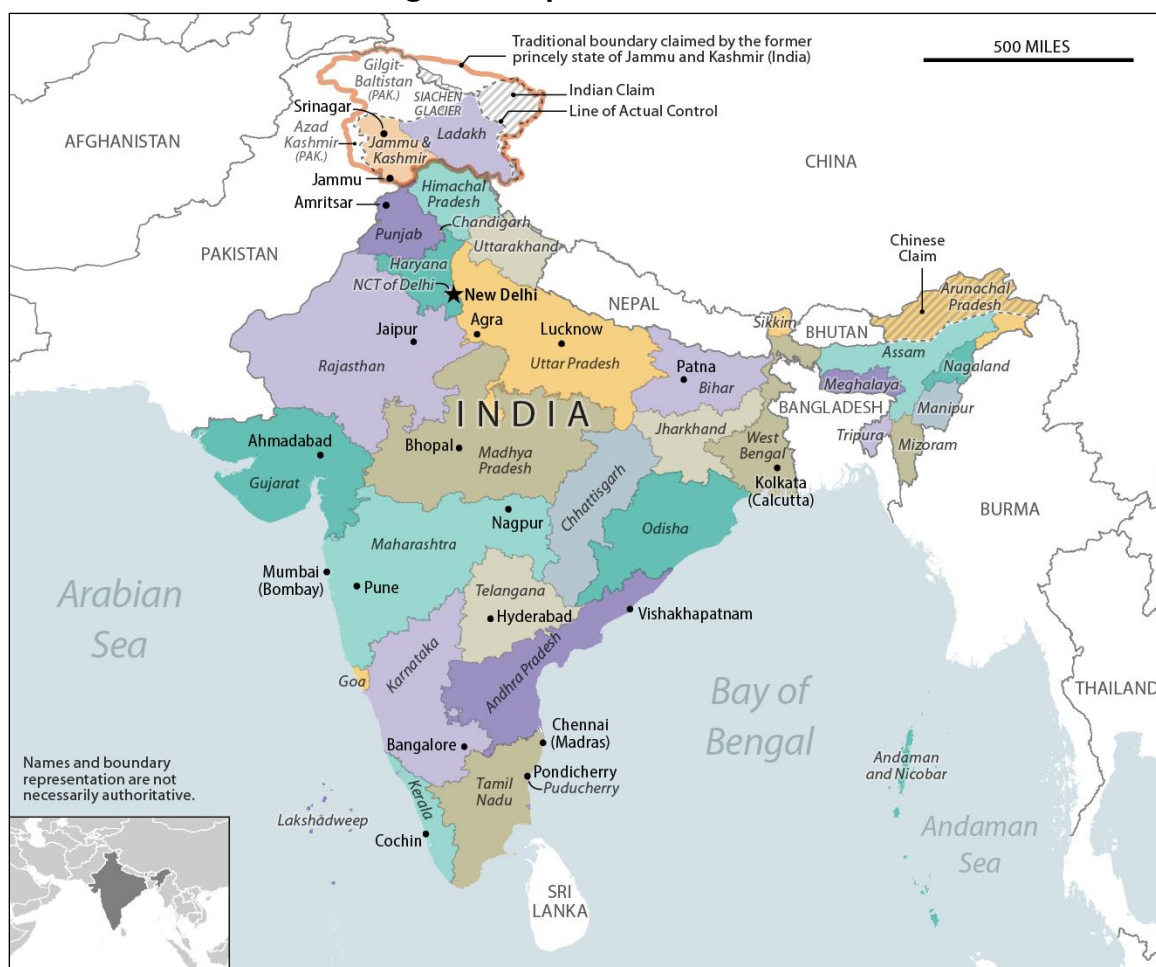
<sup>283</sup> Ibid. See the December 21, 2022, ARAF at <https://www.state.gov/u-s-atrocity-risk-assessment-framework>.

<sup>284</sup> See the June 3, 2015, agreement at <https://tinyurl.com/4as2t48z>.

- call on the U.S. presidential Administration and/or India's government to take action on numerous other human rights-related recommendations as made by UN member states following the UNHRC's Fourth Universal Periodic review of India.<sup>285</sup>

The Biden Administration requests \$103 million in foreign assistance to India for FY2025, the majority of which would go toward development assistance and health programs. The Indian government may become less inclined to maintain or deepen its partnership with the United States if the U.S. government forcefully presses it on human rights. Actions such as CPC designation, the targeted sanctioning of individuals (most especially government officials), and the conditioning of aid or defense sales to India likely would vex the New Delhi government and potentially be challenging to the goal of deepening a values-based U.S.-India partnership.

**Figure 4. Map of Indian States**



**Source:** CRS in consultation with the Department of State (2016); Department of State international boundary files (2015); Esri (2014); and DeLorme (2014).

<sup>285</sup> See the UNHRC's September 2, 2024, "India: Concluding Observations" at <https://tinyurl.com/yx3h3nbd>.

## Appendix. Hearings and Legislation

### Congressional Hearings on India, 2014-2024

- “Senate Foreign Relations Subcommittee on Near East, South East, Central Asia and Counterterrorism Holds Hearing on US Policy Toward India,” March 2022;<sup>286</sup>
- “House Foreign Affairs Committee Holds Hearing on U.S. Human Rights Organizations in India,” December 2016;<sup>287</sup>
- “Senate Foreign Relations Committee Holds Hearing on U.S.-India Relations,” May 2016;<sup>288</sup>
- “House Foreign Affairs Subcommittee on Asia and the Pacific Holds Hearing on U.S.-India Relations,” July 2014;<sup>289</sup> and
- “Senate Foreign Relations Subcommittee on Near Eastern and South and Central Asian Affairs Holds Hearing on U.S.-India Relations,” July 2014.<sup>290</sup>

### Selected Tom Lantos Human Rights Commission Hearings<sup>291</sup>

- “India: Recent Human Rights Reporting,” March 2024;
- “Transnational Repression and the U.S. Response,” February 2024
- “Jammu and Kashmir in Context,” November 2019;
- “Advancement of Human Rights in India,” June 2016;
- “Violence Against Religious Minorities in India,” June 2015;
- “The November 1984 Anti-Sikh Pogroms in India,” September 2014; and
- “The Plight of Religious Minorities in India,” April 2014.

### Selected India-Related Legislation, 2013-2024

In the 118<sup>th</sup> Congress:

- S.Res. 191—recognizing widening threats to freedom of the press and free expression around the world—notes India’s frequent impositions of internet and communication blackouts, as well as the detention of journalists, and has six cosponsors.

<sup>286</sup> Subcommittee Chairman Sen. Chris Murphy: “India’s Muslim minority continues to face discrimination and all too often violence and Kashmir remains a crisis....” (*CQ Transcripts*, March 2, 2022).

<sup>287</sup> Expert witness John Sifton: “The harassment of NGOs is taking place in a context in which religious minority groups, in particular Muslims and Christians, are at increased risk” (*CQ Transcripts*, May 24, 2016).

<sup>288</sup> Administration witness Nisha Biswal: “[A] constructive dialogue between the government of India and the U.S. Commission for International Religious Freedom would benefit all sides” (*CQ Transcripts*, May 24, 2016).

<sup>289</sup> Subcommittee Chairman Rep. Steve Chabot: “I hope the new Modi government makes it a priority to effectively address communal violence against all religious groups and adequately punish rampant sexual abuse” (*CQ Transcripts*, July 24, 2014).

<sup>290</sup> Expert witness Lisa Curtis: “I just want to flag very quickly the remote possibility that the religious freedom issue could become an irritant in U.S.-India relations” (*CQ Transcripts*, July 14, 2014).

<sup>291</sup> This bipartisan Commission was established by the 110<sup>th</sup> U.S. House of Representatives in 2008 (H.Res. 1451).

- S.Res. 424—expressing the sense of the Senate that the U.S. government engage the government of India to seek a swift end to the persecution of, and violence against, religious minorities and human rights defenders in India and a reversal of government policies that discriminate against Muslims and Christians on the basis of their respective faiths—has no cosponsors.
- S.Res. 569—expressing support for international religious freedom as a cornerstone of U.S. foreign policy—makes note of Indian laws “promoting religiously discriminatory policies,” and has 13 cosponsors.
- S.Res. 688—recognizing widening threats to freedom of the press and free expression around the world—notes India’s frequent impositions of internet and communication blackouts, contains several other cases of apparent Indian government violations of press freedoms, and has four cosponsors.
- H.Res. 1131—Celebrating Hindu Americans, and condemning attacks on Hindu places of worship, Hinduphobia, and anti-Hindu bigotry, and for other purposes—has 21 cosponsors.
- H.Res. 1394—Celebrating the principles of democracy, religious pluralism, human rights, and the rule of law shared by both the United States and India, the strong people-to-people ties between the United States and India, and the success of the Indian diaspora in the United States—has 59 cosponsors.
- H.Res. 1554—Expressing support for the recognition and commemoration of the Sikh Genocide of 1984—has five cosponsors.
- H.R. 9707—the Transnational Repression Reporting Act of 2024—would require the U.S. Attorney General to report to Congress on alleged transnational repression originating in India, as well as in Saudi Arabia, Iran, and China, and has 10 cosponsors.

**In the 117<sup>th</sup> Congress:**

- H.Res. 1196—Condemning human rights violations and violations of international religious freedom in India—had 12 cosponsors (in the **118<sup>th</sup> Congress**, the identical H.Res. 542 has 9 cosponsors).
- H.Res. 1219—Honoring the life and legacy of Father Stan, a prominent human rights activist who died while in custody of the Indian state on July 5, 2021, and encouraging India to pursue an independent investigation into his arrest, incarceration, and death—had two cosponsors (in the **118<sup>th</sup> Congress**, the identical H.Res. 1339, has two cosponsors).

**In the 116<sup>th</sup> Congress:**

- H.Res. 724—Condemning the human rights violations taking place in Jammu and Kashmir and supporting Kashmiri self-determination—had no cosponsors.
- H.Res. 745—Urging India to end the restrictions on communications and mass detentions in Jammu and Kashmir as swiftly as possible and preserve religious freedom for all residents—had 68 cosponsors.

**In the 113<sup>th</sup> Congress:**

- H.Res. 417—Praising India’s rich religious diversity and commitment to tolerance and equality, and reaffirming the need to protect the rights and freedoms of religious minorities—had 51 cosponsors.



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