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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:
RELIGIOUS INTOLERANCE**

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organisation in general consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2006]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

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Religious intolerance in India

1. Religious minorities in India suffer from unequal treatment and discriminatory laws, despite constitutional guarantees to the contrary. Laws have been passed either at the national or state-level that are inconsistent with these guarantees. Such laws have had disastrous effects not only on religious beliefs and practices but also on other rights such as education, employment, and freedom of expression and association. The manifest reluctance of authorities to take appropriate remedial action when violations occur has given rise to further denials and violence, further fuelled by the breakdown of the rule of law across the country. The general perception among the majority community is that they can get away with any crime through use of influence. This has created fear and distrust in government institutions, particularly the prosecution and judiciary.

2. The Asian Legal Resource Centre (ALRC) has been informed, for instance, that officials in Chattisgarh, a new state that was formerly part of Madhya Pradesh, are seeking to make amendments to the state's Freedom of Religion Act in order to 'make it more effective'. The proposed changes would require any person wishing to convert and any religious leader involved in the conversion to contact district officials 30 days in advance. Officials must approve of the conversion before it takes place. The penalties for forcing a conversion could be a prison term of up to four years and a large fine. In a country where it is impossible to have a fair trial based on impartial and effective investigation, the danger of such a law is that victims can be coaxed or forced to admit that they were forced to convert, resulting in punitive action against the persons responsible. The motive for such legislation is obviously to prevent people from changing their beliefs and practices. Two incidents can be cited to illustrate:

a. In November 2005 Govind Verma, chief of a local chapter of the Hindu fundamentalist Bharatiya Janata Party told Pastor Masih Das Rai of Chattisgarh that he wanted to convert to Christianity. On November 10, the day he was to be baptized, Verma instead notified a militant Hindu organisation, which then attacked Rai and 12 other Christians as they were worshipping. The mob beat Rai and his companions and handed them over to the police, who interrogated the pastor before arresting him for "forced conversion".

b. Christian worker Sunny John, who runs three schools, was arrested and jailed in Indore on 7 October 2005 after authorities arrested him on charges of having converted 11 children from poor Hindu families. However, Indira Iyengar, a member of the Madhya Pradesh State Minorities Commission, has stated that none of the children had been converted, nor was an attempt made to convert them.

3. Persistent allegations of forced conversions in Madhya Pradesh led a panel comprised of journalist Lajja Shankar Herdenia, state secretariat member Anand Pande and Father Anand Muttungal of the Catholic Church to conduct their own investigations. They toured extensively and met with persons from various religious persuasions, including the leading members within the Hindu community. The panel found the allegations of forced conversions in Jhabua district to be unfounded. Despite such findings, the state authorities insist on amending the already discriminatory existing laws.

4. Attacks on religious minorities such as that described above are not limited to any one state or region. As a consequence of the collapsed rule of law in India, such incidents go

uninvestigated and unpunished across the entire country. For instance, in the Dangs District and Surat District of Gujarat the Christian indigenous peoples have faced repeated threats by the Hindu Rashtriya Swayamsevak Sangh (RSS) and other fundamentalist organizations:

a. On 15 October 2005, 15 RSS members entered the home of a Christian woman and told her to convert to Hinduism or face problems. They removed religious pictures from her home and later destroyed them with other members.

b. In January 2006, pamphlets circulated in the Dangs prior to a Hindu religious festival contained anti-Christian slogans, and RSS members have allegedly taken pictures of Christian homes and institutions in preparation for future action against them.

5. The Asian Legal Resource Centre calls on the Commission to remind the Government of India of its obligations to uphold and protect the right to freedom of religion. Positive action must be taken to amend laws, prevent violations and prosecute alleged perpetrators of violence committed for reason of religion. As India is a party to the International Covenant on Civil and Political Rights it is bound by article 18(2) to introduce legal provisions to safeguard freedom of religion. Additionally, there is a great need to introduce more and more effective avenues for the lodging of complaints where acts of religiously-motivated violence do occur.
