India: Country Overview and COI Research

National Training Curriculum Working Group - FY22 Q1

January 5, 2022

U.S. Citizenship and Immigration Services

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Roadmap

U.S. Citizenship and Immigration Services

Country overview	**Indian immigration in U.S.**
Potential claims and internal relocation	**Practical exercise and group discussion**

Country Overview
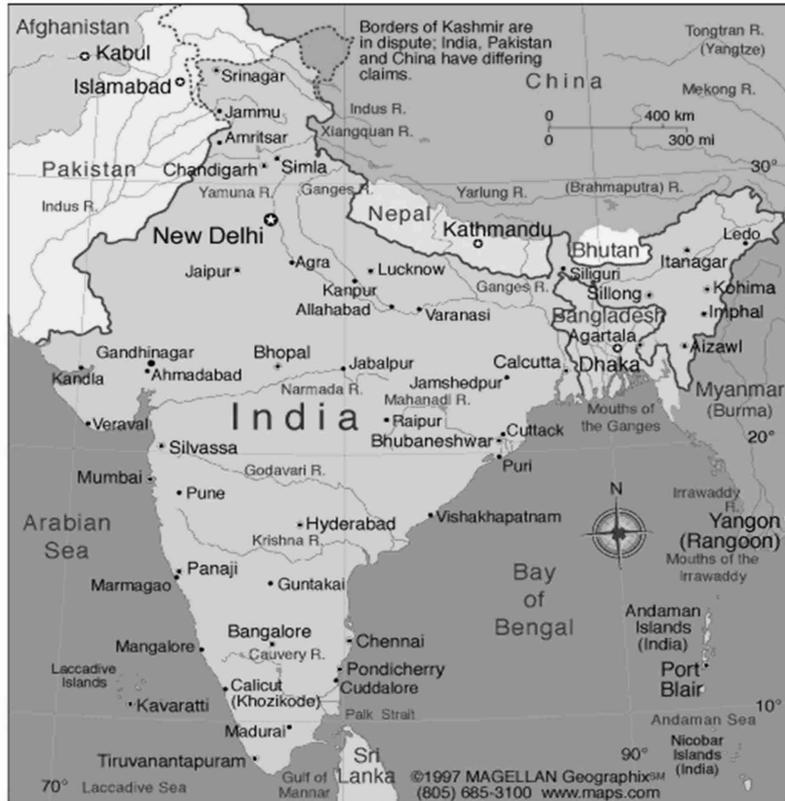
- Capital: New Delhi
- Languages: Hindi, English and many other widely spoken languages (1)
- Ethnic groups: diversity and intermixture of Indo-European, Dravidian, Austroasiatic, Tibeto-Burman and others (2)
- Religious groups: Hindu, Muslim, Christian, Sikh, Buddhist, Jain, and others
- Government: Parliamentary, multi-party republic

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Indian Immigrants in the United States

- 2.7 million as of 2019, about 6 percent of the U.S. foreign-born population.

- Since 2000, the Indian immigrant population has more than doubled.

- Indian immigrants live in most parts of the U.S., particularly in New York, New Jersey, Illinois, Chicago, Texas and the Washington DC area (3)

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Reasons for Immigration to U.S.

- **Study:** Indians are second-largest nationality of international students (F-1/J-1) at universities in the U.S (18% of total international student population) (3.1)
- **Professional employment/development:** comprise almost 3/4s of all H1-B petitions in U.S. (3.2)

U.S. Citizenship and Immigration Services						H 1B Petitions by Gender and Country of Birth Fiscal Year 2019	
Source: USCIS CLAIMS3. All counts are as of January 21, 2020, when this report was generated. All data are based on H-1B petitions received during fiscal year 2019 for both initial employment and continuing employment. Percent may not sum due to rounding. More information on USCIS data reports can be found on "Understanding Our Data" page (https://www.uscis.gov/tools/reports-studies/understanding-our-data)							
Country of Birth	FEMALE		MALE		MISSING/OTHER		GRAND TOTAL	
	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total	Number	Percent
TOTAL	110,473	26.2%	309,996	73.6%	807	0.2%	421,276	100.0%
INDIA	67,141	21.4%	246,241	78.4%	562	0.2%	313,944	74.5%

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Reasons for Immigration to U.S. (cont.)

Other economic opportunities, political or religious issues: ""Better life and jobs," he said when asked why did he come to the US like this. "There are no jobs (in India)," he said, little realising that he might not be able to visit India at least for the next several years till his asylum petition is approved" (3.3)

"Driven sometimes by a hostile socio-political climate that subjects members of one religious or political group to persecution by police or other government agencies, Indian asylum- seekers, especially from Punjab, have been coming to North America since at least the mid-1980s" (3.4)

Possible Claims

- **Political opinion** - example: often low-level, male opposition party worker targeted by local BJP party members (APSO context)

- **Religion** -example: religious minority (Muslim and less often Christian) often targeted by Hindus for various issues such as interfaith marriage, conversion, beef consumption / sales, land disputes, etc.)

- **Sexual identity and/or gender-related (LGBTQ)**

Country Overview: Government

India is a Sovereign Socialist Secular Democratic Republic with a Parliamentary form of government which is federal in structure with unitary features. There is a Council of Ministers with the Prime Minster as its head to advise the President who is the constitutional head of the country. Similarly in states there is a Council of Ministers with the Chief Minister as its head, who advises the Governor (4)(5)

Note regarding the role of President: "The Indian presidency differs from most presidencies across the world. The president does not exercise executive powers - he is the head of the state, and is required by the constitution to act on the advice of ministers" (5.1)

	Main Powers	Election Process	Election Cycle [1]
Executive	The president serves as commander-in-chief, can grant pardon or reduce the sentence of a convicted person, and appoints various governors and other positions.	The president is indirectly elected by an electoral college.	5 years
Judicial	Enforces fundamental rights; issues directions, orders, or writs; and may direct the transfer of any civil or criminal case.	Appointed by the president.	Life appointment
Legislative	Lok Sabha and Rajya Sabha are the main legislative bodies of government that are responsible for executing the legislative tasks of the government.	The Rajya Sabha has 233 members who are indirectly elected by the state legislatures. The Lok Sabha has 543 members who are elected by plurality vote in single-member constituencies and 2 members who are appointed by the president.	Lok Sabha: 5 years; Rajya Sabha: 6 years

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Major Political Parties

National parties

(BJP) Bharatiya Janata Party

(BSP) Bahujan Samaj Party

(CPI) Communist Party of India

(CPM) Communist Party of India (Marxist)

(INC) Indian National Congress

(NCP) Nationalist Congress Party

State Parties

All India Forward Bloc

(DMDK) Desiya Murpokku Dravida Kazhagam

(INLD) Indian National Lok Dal

(IUML) Indian Union Muslim League

(JD(U)) Janata Dal (United)

(JKNPP) Jammu & Kashmir National Panthers Party

(LJP) Lok Jan Shakti Party

(RLD) Rashtriya Lok Dal

(SAD) Shiromani Akali Dal

(SHS) Shivsena

SP Samajwadi Party (6)

Splinter Parties of Shiromani Akali Dal (SAD)

- "[…] the Shiromani Akali Dal was the main political party of the Sikh community in the State of Punjab, which began to divide into separate factions in the 1960s and 1970s" (6.1).

- "SAD(A) began as a faction of the SAD in 1984 after Operation Blue Star. The same source indicates that the party was known as Akali Dal Mann from 1988 to 1994, when its name was changed to Akali Dal Amritsar. **Sources indicate that both names, Akali Dal Amritsar and Akali Dal Mann, are used interchangeably**. The Election Commission of India indicates that the SAD(A) was registered as Shiromani Akali Dal (Amritsar) (Simranjit Singh Mann) for the election of 2019 "(6.2).

- Other splinter parties of SAD: Shiromani Akali Dal (Democratic) and Shiromani Akali Dal (Taksali) (recently dissolved to form new political party called Shiromani Akali Dal (Sanyukt)) in 2021 (6.3)(6.4).

- *This list is non-exhaustive as there are other(Shiromani) Akali Dal splinter parties with varying names that have formed and may / may not be currently active. Additionally, they may have diverse objectives and alliances with other Indian political parties.*
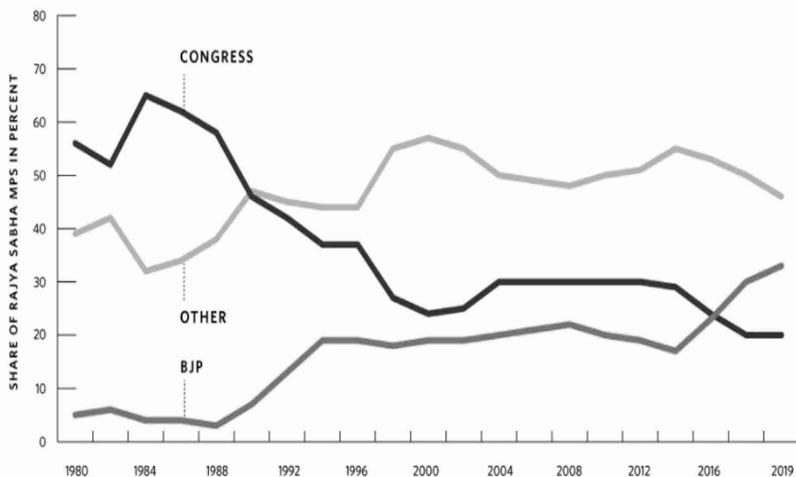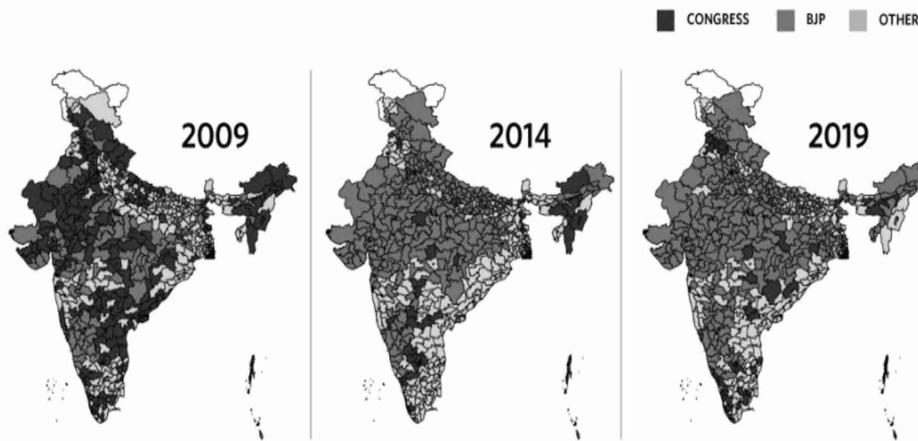
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Share of Rajya Sabha Seats, 1980-2019
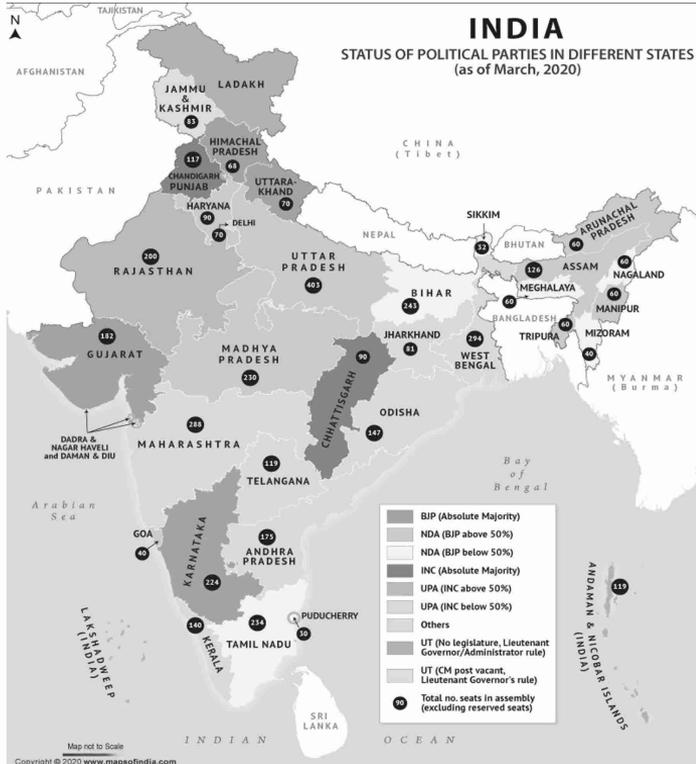
Lok Sabha Election Results, 2009-2019

Rajya Sabha (Council of States): Permanent body, 245 Members, 233 representing States / Uts and 12 nominated by the President
Lok Sabha (House of the People): 5-year term, 545 Members, 2 nominated by the President (8)

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Regional Political Parties

INDIA
STATUS OF POLITICAL PARTIES IN DIFFERENT STATES
(as of March, 2020)

- Per the Diplomat: "[…] another factor may be the changing nature of Indian politics and narratives. Narendra Modi has made much of the BJP's campaigning about himself. His image is everywhere, and it is not often easy to tell how many votes are cast more for him as a leader, and how many for the BJP as a party. Currently no opposition party has a face and an image that can counter Modi, and there would need to be one such face on the national level to be effective. ***This is different on the state level, where in some regions local parties and leaders are much more popular and recognized than either Modi or the BJP***" (9)(10).

- Although BJP is the major federal ruling party, there are several state governments where BJP makes up less than 50% of political representation or is not the ruling / majority party.

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Noteworthy Political Parties

- **Bharatiya Janata Party (BJP)**, English **Indian People's Party**, pro-Hindu political party of post-independence India. The party has enjoyed broad support among members of the higher castes and in northern India. It has attempted to attract support from lower castes, particularly through the appointment of several lower-caste members to prominent party positions (11).

- **Indian National Congress (INC), byname Congress Party**, broadly based political party of India. Formed in 1885, the Indian National Congress dominated the Indian movement for independence from Great Britain. It subsequently formed most of India's governments from the time of independence and often had a strong presence in many state governments (12).

- **Shiromani Akali Dal (SAD),** English Supreme Akali Party, also called Akali Dal, *regional political party in Punjab state, northwestern India.* It is the principal advocacy organization of the large Sikh community in the state and is centered on the philosophy of promoting the well-being of the country's Sikh population by providing them with a political as well as a religious platform. The party also has a presence on the *national political scene in New Delhi* (13).

- **Indian National Lok Dal (INLD)**, English **Indian National People's Party**, *regional political party of Haryana state*, *northwest-central India*. The party's focus has been principally in the state, and it has had *only a limited presence on the national political scene in New Delhi*. Its power base has been principally in the traditional Jat (peasant caste) heartland in central and west-central Haryana (14).

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Training of Party Workers (BJP)

BJP

"The **BJP** has trained over 1.5 million party workers in the last four years as part of its leadership training programme, the party's training wing said […].It makes the BJP the only political party in the country which has a trained political human resource, and this will form the backbone of the organisation's workforce and leadership reserve in the days to come […] It added that the BJP took special care to involve all sections of society and special attention was taken so that representatives of minority, scheduled castes, scheduled tribes, weaker sections, women and professional were included as trainees from block level onwards" (15).

Training of Party Workers (CP)

Congress Party

"The political party (**Congress Party**) said on Saturday it will also launch a grassroots level agitation against the Narendra Modi-led government. Congress general secretary KC Venugopal said: "The party has decided to undertake regular training programme for leaders and workers at all levels. They will be trained in party ideologies, policies, grassroots messaging, election management, failure of current government and countering propaganda" (16).

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Political Violence

"Political parties are generally able to form and operate without interference, and a wide variety of parties representing a range of views and interests compete in practice" (17).

"Political participation, while generally free, is hampered by insurgent violence in certain areas. Separately, some political actors have sought to inflame communal tensions with the goal of energizing their own supporters while potentially intimidating opponents" (17).

"Notwithstanding the scale and complexity of India's political landscape, and noting some exceptions, elections in India tend to be peaceful, broadly free and fair, reflect the will of the electorate, and result in regular transfers of power at central and state levels. Activists have occasionally called for communities in conflict-affected areas to boycott electoral processes, and low-level violence has sometimes occurred" (18).

Suggested Research Sources

Initial research

- **Freedom in the World 2020 – India – Freedom House**

- **2020 Country Information Report – India - DFAT (Australian government), Dec. 2020**

- **RAIO Research Unit India Country Page (Politics & Political Parties – Punjab/Haryana Politics, also Research Unit Products- Politics and Political Parties in Punjab)**
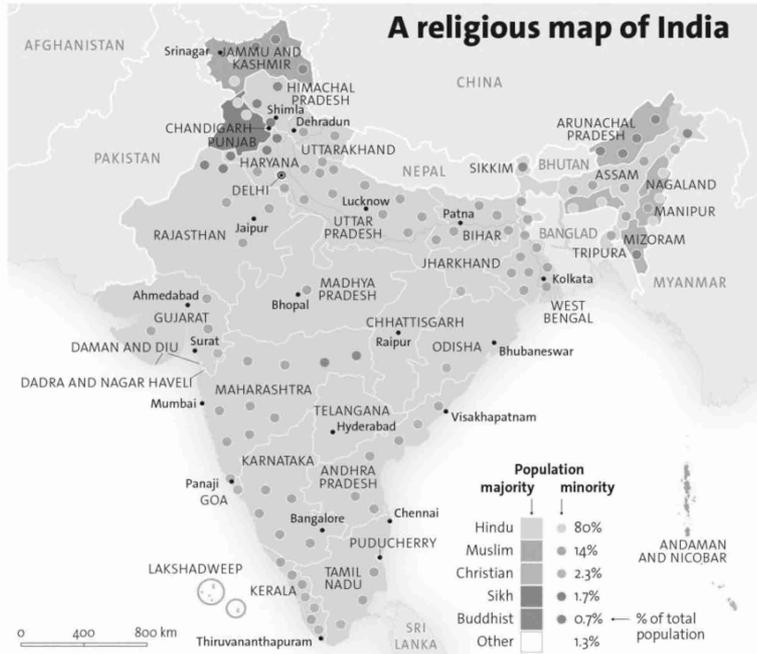
Further research

- **The Dawn of India's Fourth Party System – Carnegie EFIP, September 2019**

- **India: At a glance – Asia Foundation, 2017**

- **Ten Conflicts to Worry about in 2021 - Armed Conflict Location & Event Data Project (ACLED), February 2021**

Country Overview: Religion

Country-wide (Hindu majority – 78%)

A religious map of India

Non- Hindu majority states

- Jammu and Kashmir – 68.31 % Muslim
- Lakshadweep – 96.58 % Muslim
- Punjab – 57.69 % Sikh
- Meghalaya – 74.59 % Christian
- Nagaland – 87.93 % Christian
- Arunachal Pradesh – 30.26% Christian
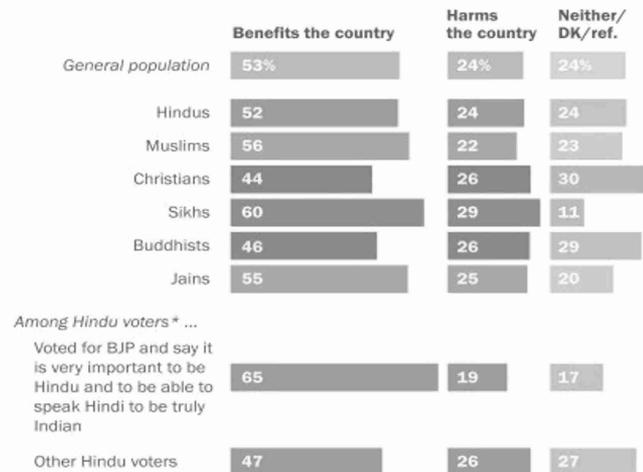- Mizoram – 87.16 % Christian (19)(20)

Per the DOS 2020 IRF Report: India: "The constitution provides for freedom of conscience and the right of all individuals to freely profess, practice, and propagate religion; mandates a **secular state**; requires the state to **treat all religions impartially**; and **prohibits discrimination based on religion**. It also states that citizens must practice their faith in a way that does not adversely affect public order, morality, or health."

Hindus who see Hindu and Indian identity as closely tied express positive views about diversity

% of Indian adults who say religious diversity benefits/harms the country

	Benefits the country	Harms the country	Neither/DK/ref.
General population	53%	24%	24%
Hindus	52	24	24
Muslims	56	22	23
Christians	44	26	30
Sikhs	60	29	11
Buddhists	46	26	29
Jains	55	25	20

Among Hindu voters* ...

Voted for BJP and say it is very important to be Hindu and to be able to speak Hindi to be truly Indian	65	19	17
Other Hindu voters	47	26	27

* Based only on the large majority of Hindus who say they voted in the 2019 parliamentary elections.
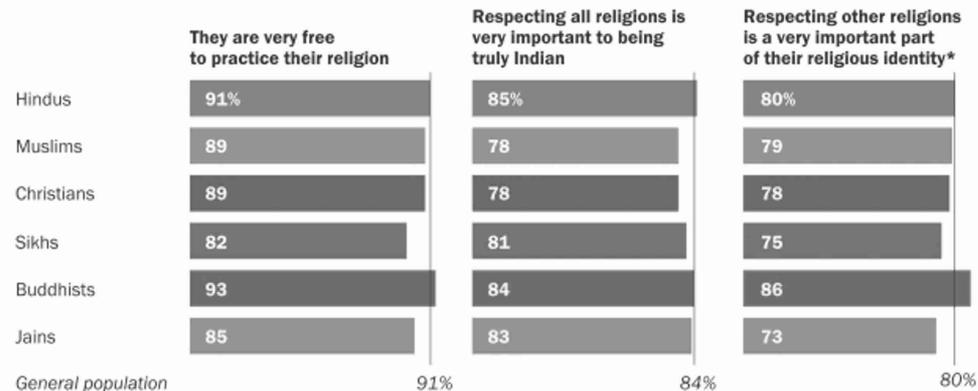
Note: "Neither/DK/ref." indicates respondents who answered "neither benefits nor harms" or "don't know" or refused to give a response to the question.

Source: Survey conducted Nov. 17, 2019-March 23, 2020, among adults in India. See Methodology for details.

"Religion in India: Tolerance and Segregation"

PEW RESEARCH CENTER

Indians feel they have religious freedom, see respecting all religions as a core value

% of Indian adults who say ...

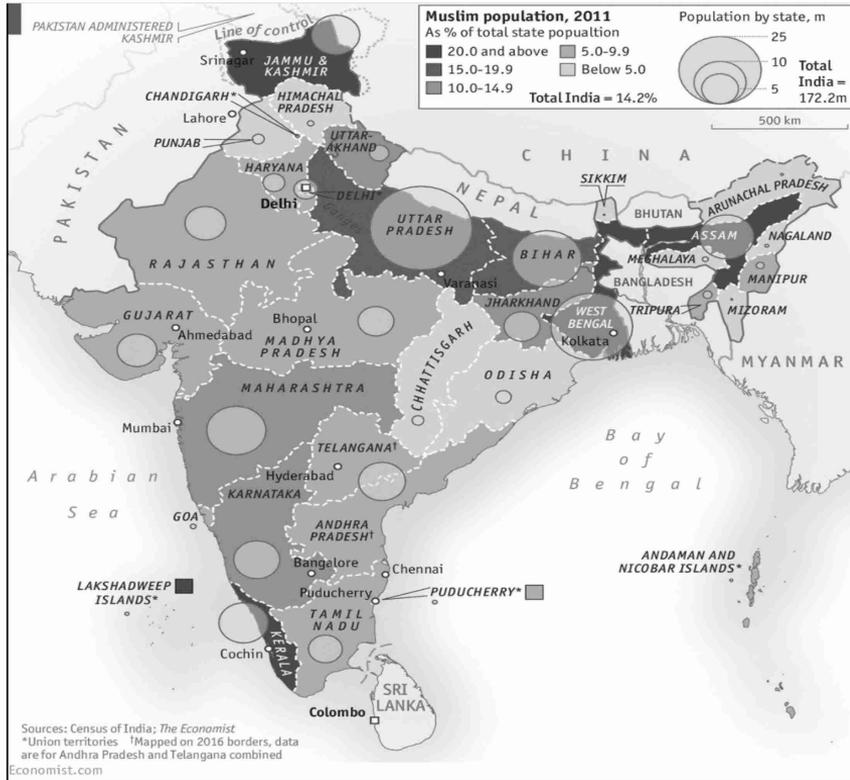|	They are very free to practice their religion	Respecting all religions is very important to being truly Indian	Respecting other religions is a very important part of their religious identity*
Hindus	91%	85%	80%
Muslims	89	78	79
Christians	89	78	78
Sikhs	82	81	75
Buddhists	93	84	86
Jains	85	83	73
General population	91%	84%	80%

* Respondents were asked, "Is respecting other religions a very important, somewhat important, not too important or not at all important part of what being [Hindu/Muslim/etc.] means to you?" The very small share of respondents who do not identify with a religion were not asked this question.

Source: Survey conducted Nov. 17, 2019-March 23, 2020, among adults in India. See Methodology for details.

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Muslims in India

Muslim population, 2011
As % of total state population
- 20.0 and above
- 15.0-19.9
- 10.0-14.9
- 5.0-9.9
- Below 5.0
Total India = 14.2%

Population by state, m
Total India = 172.2m

Sources: Census of India; *The Economist*
*Union territories   †Mapped on 2016 borders, data are for Andhra Pradesh and Telangana combined
Economist.com

- **1947- End of British Empire in India, Partition of India & Pakistan**- Muslim majority in Pakistan, Hindu majority in India, largest mass migration in history (22).

- **Approximately 14.23% of the total population identifies as Muslim** (23) (24)

- **Muslim populations in every state in India**

- **Muslim Personal Law (Shariat):** "Since 1937 therefore, the Shariat Application Act mandates aspects of Muslim social life such as marriage, divorce, inheritance and family relations. The Act lays out that in matters of personal dispute the State shall not interfere" (25).

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Religious Persecution

According to the Department of State International Religious Freedom 2021: India: "There were reports of religiously motivated killings, assaults, riots, discrimination, vandalism, and actions restricting the right of individuals to practice and speak about their religious beliefs. In January, during anti-CAA protests in New Delhi, an armed crowd stormed a mosque, killed the muezzin, beat the imam, scattered worshippers, and set the building on fire. In September, media reported that a Hindu woman was beheaded for refusing to convert to Islam after marrying a Muslim; two Muslims were arrested for the crime" (26).

Per the Council on Foreign Relations: "[…] Since India's independence, Muslims have faced systematic discrimination, prejudice, and violence, despite constitutional protections. Experts say anti-Muslim sentiments have heightened under the leadership of Prime Minister Narendra Modi and the ruling Bharatiya Janata Party (BJP), which has pursued a Hindu nationalist agenda since elected to power in 2014. Since Modi's reelection in 2019, the government has pushed controversial policies that critics say explicitly ignore Muslims' rights and are effectively intended to disenfranchise millions of Muslims. The moves have sparked protests in India and drawn international condemnation" (27).

Recent Legal Developments

- **Citizenship Amendment Act (2019)** "In December 2019, the Indian Parliament passed into law the Citizenship (Amendment) Act (CAA). This law provides a fast track to Indian citizenship for non-Muslim migrants from *Afghanistan, Bangladesh, and Pakistan*. Quickly after the CAA's passage, large scale protests broke out across India with the government instituting a violent crackdown against the protestors. In conjunction with a proposed nation-wide National Register of Citizens, there are fears that this law is part of an effort to create a religious test for Indian citizenship and could lead to the widespread disenfranchisement of Indian Muslims" (28).

- **National Population Register (NPR) (2010) & National Register of Citizens (NRC)** "The NPR is a list of "usual residents of the country". According to the Home Ministry, a "usual resident of the country" is one who has been residing in a local area for at least the last six months or intends to stay in a particular location for the next six months. NPR is not a citizenship enumeration drive, as it would record even a foreign national staying in a locality for more than six months. This makes NPR different from the NRC, which includes only Indian citizens while seeking to identify and exclude non-citizens […] The Citizenship Act empowers the government to compulsorily register every citizen and maintain a National Register of Indian Citizens. A nationwide NRC — if undertaken — would flow out of NPR. This does not necessarily mean that an NRC must follow NPR — no such register was compiled after the previous NPR in 2010. After a list of residents is created, a nationwide NRC — if it happens — could go about verifying the citizens from that list" (29)

- **Why is the registry happening in Assam?** "Assam is one India's most multi-ethnic states. Questions of identity and citizenship have long vexed a vast number of people living there. A third of the state's 32 million residents are Muslims, the second-highest number after Indian-administered Kashmir. Many of them are descendants of immigrants who settled there under British rule" (30)

Anti-conversion Laws (3 states)
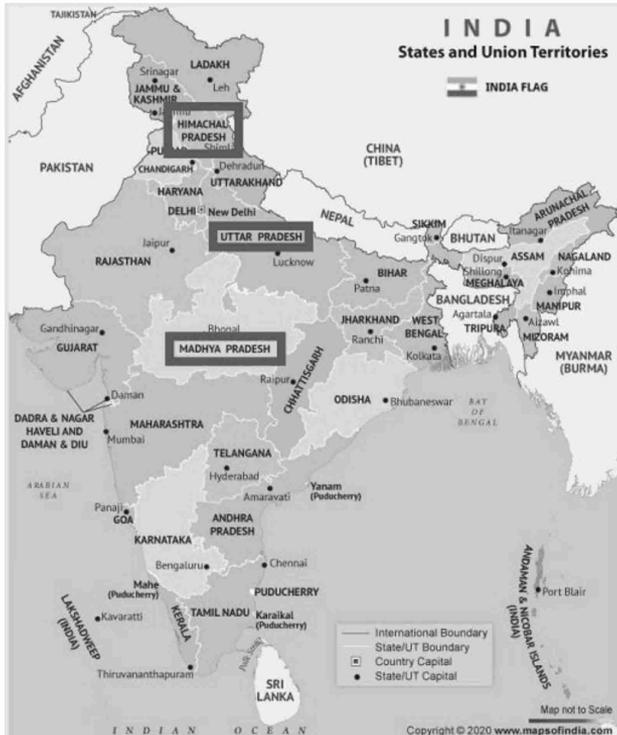
"Love Jihad" – "Amid a rising tide of Hindu nationalism in India under Modi, Hindu hard-line groups have long accused minority Muslims of taking over the country by persuading Hindu women to marry them and convert to Islam. Although India's constitution is secular and provides protection to all faiths, the issue of "love jihad" has gripped headlines and pitted Modi's party leaders against secular activists. India's investigating agencies and courts have, however, rejected the "love jihad" theory, which many see as part of an anti-Muslim agenda by Modi's party" (31).

"The **Madhya Pradesh** government is set to follow two other BJP-ruled states — **Uttar Pradesh and Himachal Pradesh** — in passing an anti-conversion law that outlaws religious conversion solely for the purpose of marriage. […] Also, the MP law seeks to protect the rights of women of such marriages" (32).

Marriage without conversion: "Federal law permits interreligious couples to marry without religious conversion [under the Special Marriage Act 1954]. Hindus, Buddhists, Sikhs, or Jains who marry outside their religions, however, face the possibility of losing their property inheritance rights under those communities' laws" (33).

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Cow Slaughter Laws

States marked red doesn't allow slaughter of cows.

Several states have varying bans on cow slaughter (in red) (34)

States where cow slaughter is *legal:*
Kerala -No restrictions, **West Bengal**- No restrictions.
Other Northeast states- No ban in Arunachal, Mizoram, Meghalaya, Nagaland, Tripura, Sikkim. In Manipur, Maharaja in 1939 decreed prosecution for cow slaughter, but beef consumed widely (35)

Per the DOS 2020 IRF Report: "There were reports by NGOs that the government sometimes failed to prevent or stop attacks on religious minorities. Political party leaders made inflammatory public remarks or social media posts about religious minorities. Attacks on members of religious minority communities, based on allegations of cow slaughter or trade in beef, occurred throughout the year. Such "cow vigilantism" included killings, assaults, and intimidation. Uttar Pradesh police filed charges in 1,716 cases of cow slaughter and made more than 4,000 arrests under the Prevention of Cow Slaughter Act as of August. In October, the Allahabad High Court in Uttar Pradesh ruled that the state Prevention of Cow Slaughter Act "was being misused against innocent persons" and granted bail to a Muslim individual arrested under the act" (36)

Sikhs in India

- Distinct religion and belief system (not part of Hinduism or Islam) ([37](#))

- Concentrated mainly in Punjab state, although other states / cities have sizeable minority populations ([38](#))

- **Shiromani Akali Dal** Political Party (Sikh-centric but not exclusive to Sikhs) ([39](#))

- **Sikh Separatist Movement (Khalistan) – Punjab -(1980s – 1990s)**

- "In the early 1980s, Sikh separatists in Punjab committed serious human rights abuses, including the massacre of civilians, attacks on Hindu minorities, and indiscriminate bomb attacks in crowded places. […] On October 31, 1984, Indira Gandhi was murdered in an act of revenge by two of her Sikh bodyguards. Following the assassination, mobs, often instigated by Congress Party leaders, went on a rampage against Sikhs in Delhi and other cities. Over three days, at least 2,733 Sikhs were killed, their property looted and destroyed. […] Hundreds of Sikhs were killed elsewhere in the country" ([40](#)).

- **According to Australia's DFAT report**: "Sikhs who advocate for an independent 'Khalistan' may be subject to attention by authorities" ([41](#)).

Persecution of Sikhs

State treatment

- "In regards to Sikhs' religious requirements, they travel freely in India wearing unshorn hair and turban and Article 25 of the Indian constitution deems Sikhs' carrying kirpan legal as an article of faith.' 52 8.1.2 According to the US IRF Report 2016 'The law recognizes the registration of Sikh marriages. There are no divorce provisions for Sikhs under the personal status laws, however, and other Sikh personal status matters fall under Hindu codes. Any person, irrespective of religion, may seek a divorce in civil court under the law" (42)

Social treatment

- "Hindu nationalists often harass Sikhs and pressure them to reject religious practices and beliefs that are distinct to Sikhism, such as wearing Sikh dress and unshorn hair and carrying mandatory religious items, including the kirpan, which is a right protected by the Indian constitution. Article 25 of the Indian constitution deems Sikhs to be Hindus. This creates an environment in which Hindu nationalists view Sikhs as having rejected Hinduism and as being enemies of India because some Sikhs support the Khalistan political movement, which seeks to create a new state in India for Sikhs and full legal recognition of Sikhism as an independent faith" (43)

Dalits and Castes (*Jati*) in India

- "The caste system, as it actually works in India is called jati. The term jati appears in almost all Indian languages and is related to the idea of lineage or kinship group. There are perhaps more than 3000 jatis in India and there is no one all-Indian system of ranking them in order of status. Yet in each local area jati ranking exists and is very much related to purity and pollution. Each jati has some unique job, but not everyone in the jati performs it" (44).

- "The term Dalit, derived from Sanskrit for "oppressed" or "crushed," refers to members of what society regarded as the lowest of the Scheduled Castes" (45)

- *Scheduled Caste*: The Constitution requires the government to define a list or schedule of the lowest castes in need of compensatory programmes. These scheduled castes include those among Hindus, Sikhs and Buddhists (46).

Bhramin
(Priests)

Kshatryia
(Warriors)

Viasya
(Merchants, Landowners)

Sudra
(Commoners, Peasants, Servants)

Outcast-Out of Caste, Untouchable
(street sweepers, latrine cleaners)

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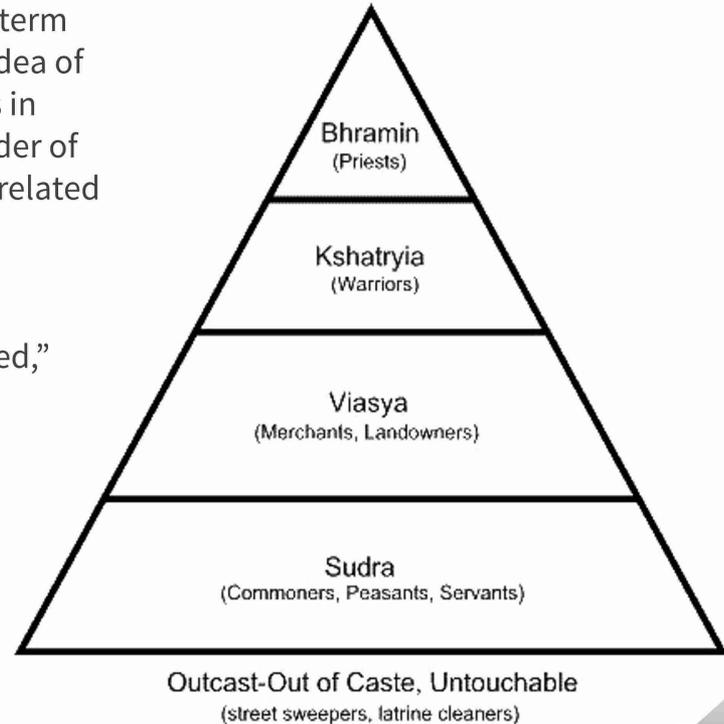
Caste-related Persecution

- **Per DOS 2020 Human Rights Practices: India report:** "The constitution prohibits caste discrimination. The registration of castes and tribes continued for the purpose of affirmative action programs, as the federal and state governments continued to implement programs for members of lower-caste groups to provide better-quality housing, quotas in schools, government jobs, and access to subsidized foods. […]The constitution stipulates that, to protect historically marginalized groups and provide for representation in the lower house of parliament, each state must reserve seats for Scheduled Castes and Scheduled Tribes in proportion to their population in the state. While some Christians and Muslims were identified as Dalits, the government limited reserved seats for Dalits to Hindus, Sikhs, and Jains" (47)

- **Per Human Rights Watch World Report 2021- India-** According to 2019 government data, crimes against Dalits increased by 7 percent. This, Dalit rights activists said, was in part as backlash by members of dominant castes against any efforts toward upward mobility or what they might perceive as a challenge to caste hierarchy" (48).

- **Note on Jat caste: "*Jats are an agricultural caste group in Haryana, and seven other states in North India*,** notably Uttar Pradesh, Rajasthan and Gujarat. In Haryana, they are the predominant caste, and therefore politically influential" (49). The Jats are currently listed as upper caste but the demonstrators have been demanding inclusion in caste quotas for jobs and education opportunities that have been available to lower castes since 1991. […] As jobs have dried up in the private sector and farming incomes have declined, the community has demanded the reinstatement of their backward caste status to enable them to secure government jobs" (50)(51).

Religious (Hindu) Nationalism

- **Per Pew Research Center:** "For most of India's Hindus, religious and national identities are closely linked" (52)

- **Per the USCIRF:** "In 2020, religious freedom conditions in India continued their negative trajectory. The government, led by the Bharatiya Janata Party (BJP), promoted Hindu nationalist policies resulting in systematic, ongoing, and egregious violations of religious freedom" (53).

- "*The Hindu nationalist vision of Indian democracy* differs markedly from its secular counterpart. It begins with the notion that secular nationalism is a fraudulent foreign imposition, perpetrated by elites associated with the Congress Party at the time of independence, an imposition that obscures India's true Hindu identity and associated cultural sensibilities. Proponents of Hindu nationalism believe that Hinduism—not the precarious balancing of all ethnic and religious communities residing in India—is the ultimate source of the country's identity" (54)

Hindus in India say being Hindu, speaking Hindi very important to being 'truly' Indian

*% of Indian adults who say it is **very** important to ____ in order to be truly Indian*

	Be a Hindu	Be able to speak Hindi
Hindus	64%	59%
Muslims	27	47
Christians	20	28
Sikhs	21	27
Buddhists	30	43
Jains	44	54

Source: Survey conducted Nov. 17, 2019-March 23, 2020, among adults in India. See Methodology for details.
"Religion in India: Tolerance and Segregation"

PEW RESEARCH CENTER

U.S. Citizenship and Immigration Services

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Suggested Research Sources

Initial research

- **2020 Report on International Religious Freedom: India**, US Department of State, May 2021

- **Country Policy and Information Note- India: Religious minorities-** UK Home Office, May 2018

- **India – Dalits** - Minority Rights Group International

- **RAIO Research Unit India Country Page (Religious Freedom)**

Further research

- **Religion in India: Tolerance and Segregation**– Pew Research Center, June 2021

- **India's Muslims: An Increasingly Marginalized Population** -Council on Foreign Relations, August 2020

- **Under Modi, a Hindu Nationalist Surge Has Further Divided India-** New York Times, April 2019

- **Recommended for Countries of Particular Concern (CPC) – India (2020)** - USCIRF, April 2021

- **Explained: Why NPR isn't NRC, and yet…** - The Indian Express, October 2021

Gender and Sexuality in India

Recent Legal Developments and Societal Attitudes

- Indian society's attitudes toward sexuality and gender has been changing and has become more accepting over the past two decades. According to a recent Pew survey, acceptance of homosexuality is split relatively evenly between those who say it should be accepted by society and those who say it should not (55).

- *Sodomy Law (Section 377 of the Indian Penal Code) struck down by India's Supreme Court in 2018.* The top court ruling, which allowed same sex couples the freedom to lead a dignified private life, only allows them the "basic right to companionship so long as such companionship is consensual, free from the vice of deceit, force, coercion, and does not result in the violation of fundamental rights of others"(56).

- *Transgender Persons (Protection of Rights) Act, 2019 and Transgender Persons (Protection of Rights) Rules, 2020* which removed the mandatory medical examination requirement that the previous draft of these rules (issued in July 2020) had created (57).

Acceptance of homosexuality varies across the globe

% who say homosexuality ___ be accepted by society

	Should not	Should
India	37	37

Rising acceptance of homosexuality by people in many countries around the world over the past two decades

% who say homosexuality should be accepted by society

India

37
15

2002   2019
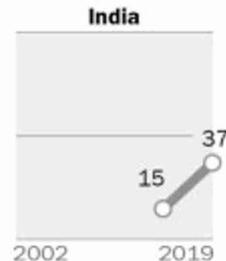
Gender & Sexuality-based Persecution

- **"India is a vast and diverse country and attitudes towards this subject and experiences of LGBTI individuals vary vastly. The disparity between urban and rural India, language, caste, class, and gender add further complexities to understanding this topic more fully"** (58).

- **Per DOS 2020 Country Report on Human Rights Practices: India:** "LGBTI persons faced physical attacks, rape, and blackmail. LGBTI groups reported they faced widespread societal discrimination and violence, particularly in rural areas. Activists reported that transgender persons continued to face difficulty obtaining medical treatment. Some police committed crimes against LGBTI persons and used the threat of arrest to coerce victims not to report the incidents. With the aid of NGOs, several states offered education and sensitivity training to police" (59).

    Further legal developments regarding LGBT rights:

- In June 2020: "Consensual cohabitation between two adults of the same sex is not illegal or a crime, the Uttarakhand high court observed recently while hearing a petition. […] Even if the parties, who are living together though they are belonging to the same gender; they are not competent to enter into a wedlock, but still they have got a right to live together even outside the wedlock," the court observed" (60).

- In June 2021: "A court in India ordered state and federal officials on Monday to draw up plans for sweeping reforms to respect LGBT rights, in a ruling that went far beyond the narrow terms of a case brought by a lesbian couple who said they had been harassed by police" (61).

32

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- **Country Policy and Information Note- India: Sexual orientation and gender identity and expression-** UK Home Office, April 2021

Further research

- **Living with Dignity: Sexual Orientation and Gender Identity-Based Human Rights Violations in Housing, Work, and Public Spaces in India-** International Commission of Jurists, June 2019

- **India: Do India's calls for LGBTQ rights reform go far enough?** – Deutsche Welle, June 2021

- **India's Medical Curriculum Gets LGBTI Update** – Human Rights Watch, October 2021

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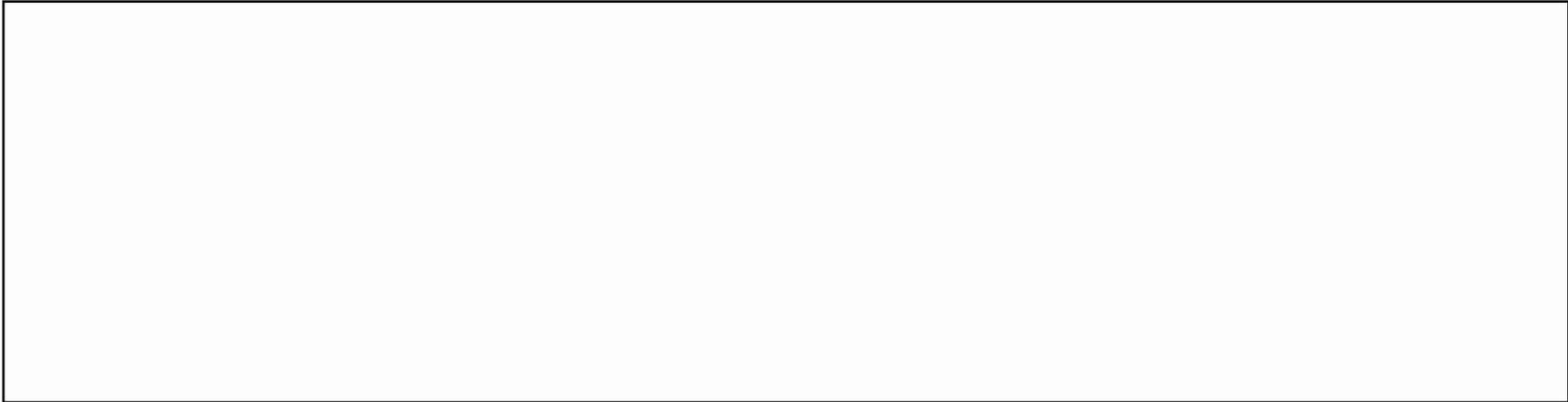
Ability to Relocate

- Relatively large country: slightly more than one-third the size of the U.S.

- Population of approximately 1.34 billion people (July 2021 est.) (62)

- **According to Freedom House's Freedom in the World 2021 Report:** "The constitution grants citizens the right to reside and settle in any part of the territory of India. However, freedom of movement is hampered in some parts of the country by insurgent violence or communal tensions. Several states have recently enacted legislation requiring companies to reserve jobs for locals, limiting opportunities for interstate migration, although reports point to limited enforcement of the quotas thus far" (63).

Potential Geographic Restrictions

Despite significant Christian populations in Northeastern India, an applicant's ability to internally relocate there may be legally limited or not possible. Per the DOS 2020 Country Report on Human Rights Practices: India: "In most of the northeastern states, where indigenous groups constituted the majority of the states' populations, the law provides for tribal rights, although some local authorities disregarded these provisions. The law prohibits any nontribal person, including citizens from other states, from crossing a government-established inner boundary without a valid permit" (76.1).

- **Bengal Eastern Frontier Regulation Act, 1873:** "The Inner Line Permit concept comes from the colonial area. Under the Bengal Eastern Frontier Regulation Act, 1873, the British framed regulations restricting the entry and regulating the stay of outsiders in designated areas" (76.2).

- **Inner Line Permit:** "The system is in force today in three Northeastern states — Arunachal Pradesh, Nagaland and Mizoram — and no Indian citizen can visit any of these states unless he or she belongs to that state, nor can he or she overstay beyond the period specified in the ILP" (76.3).

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- **The Indian government's 'All India Services (Conduct) Rules of 1968 states the following regarding Indian civil servants and involvement in political activities:** No member of the Service shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics, nor shall he take part in, or subscribe in aid of, or assist in any other manner, any political movement or political activity"(64).

- According to **Section 21 of The Indian Penal Code**, one of several categories of civil servants includes "Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement." This may indicate that law enforcement authorities are considered civil servants. An exhaustive list of the definition of public servant in India can be viewed in Section 21 of the Indian Penal Code (64.1).

Ability to Relocate (government entity)

Hindus in Southern India far less likely to support Modi's BJP

% of Indian Hindu voters who say they voted for the BJP in the 2019 elections

20% 40% 60% 80%

Fieldwork not conducted.

68% NORTH

73% NORTHEAST

65% CENTRAL

46% EAST

56% WEST

19% SOUTH

49% TOTAL HINDUS
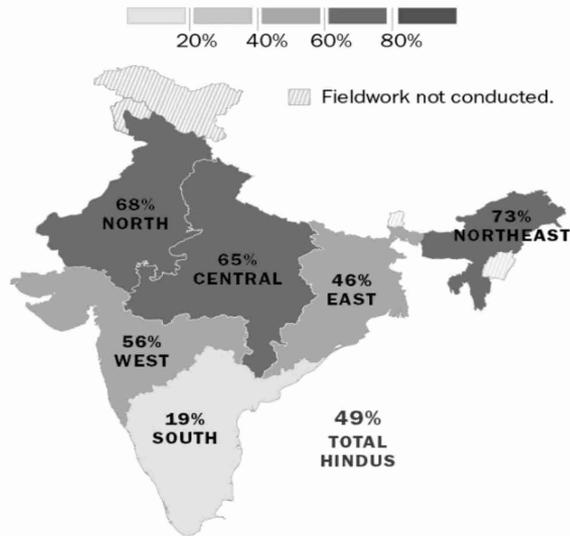
Hindu voters' support of BJP by region (67.1)

There are varying levels of support for BJP and other political groups across India (65)(66).

Per the UK Home Office report on Internal Relocation in India: "Tracking and surveillance systems appeared to be limited and there is no centralized registration system in place to enable police to check the whereabouts of inhabitants in their own state or in other states or union territories (see Police ability to locate a person). Each state and union territory has responsibility for its own separate police force and effectiveness and conduct varies across states (see the Country Policy and Information Note India: Actors of protection)" (67).

38

Ability to Relocate (Aadhar)

"**Aadhaar**, which means 'foundation' in Hindi, centers around a 12-digit identity number, linked to fingerprints and iris scans. Each user receives a card with that number on it, which can be cross-referenced with the biometric data held in a database" (<u>68</u>).

From a 2018 Indian Supreme Court ruling on Aadhar: *"On Wednesday, that began to change. India's Supreme Court, in a landmark ruling, said that private companies could no longer require users to provide their Aadhaar details as a condition of service"* (<u>69</u>).

Per the Unique Identification Authority of India (UIDAI):

"UIDAI (Unique Identification Authority of India) does not have (your) information about bank accounts, shares, mutual funds, financial and property details, health records, family, caste, religion, education, etc and will never have this information in its database" (<u>70</u>).

"The UID database is not linked to any other databases, or to information held in other databases. Its only purpose will be to verify a person's identity at the point of receiving a service, and that too with the consent of the aadhaar number holder. The UID database will be guarded both physically and electronically by a few select individuals with high clearance. It will not be available even for many members of the UID staff and will be secured with the best encryption, and in a highly secure data vault. All access details will be properly logged" (<u>71</u>).

Housing

- **Cohabitation** without marriage deemed legal by Indian Supreme Court (under provisions of the Protection of Women from Domestic Violence Act, 2005 (<u>72</u>)) (<u>73</u>)(<u>74</u>).

- Landlord may require **police verification** to rent an apartment or house, which includes the submission of identity documents. However, this, without more, does not demonstrate that members of a political party would have access to this information or be able to locate the applicant as a result of police verification (<u>75</u>)(example of a police verification form (see <u>76</u>).

India's Economy

"India is a middle-income nation as per the World Bank. […] Based on IMF (International Monetary Fund) projections for 2021, India is the fifth fastest growing economy, and the fastest-growing <u>trillion-dollar</u> economy in the world" (<u>77</u>).

"India's diverse economy encompasses traditional village farming, modern agriculture, handicrafts, a wide range of modern industries, and a multitude of services. Slightly less than half of the workforce is in agriculture, but services are the major source of economic growth, accounting for nearly two-thirds of India's output but employing less than one-third of its labor force. India has capitalized on its large educated English-speaking population to become a major exporter of information technology services, business outsourcing services, and software workers. Nevertheless, per capita income remains below the world average" (<u>78</u>).

Language Considerations in India

- **22 scheduled languages** (recognized by Indian Constitution and designated as an official language by one or more state governments across India) languages: Assamese, Bengali, Bodo, Dogri, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Maithili, Malayalam, Manipuri, Marathi, Nepali, Odia, Punjabi, Sanskrit, Santali, Sindhi, Tamil, Telugu and Urdu ([79](#))

- **Hindi's status: Around 44% of the population are native Hindi speakers.** "The Constitution, however, did not declare Hindi as the national language; it rather accorded Hindi the status of official language along with English. Article 343 of the Constitution prescribes Hindi as written in Devanagari script as the official language of the government along with English" ([80](#))([81](#)). Hindi has been expanding due to demographic growth of native speakers and its use has been increasing in Southern India ([82](#)).

- Despite being the second most-widely spoken language in India and holding the status of an official language, the population of **English speakers throughout the country remains relatively low** and concentrated among wealthy urban dwellers ([83](#)).
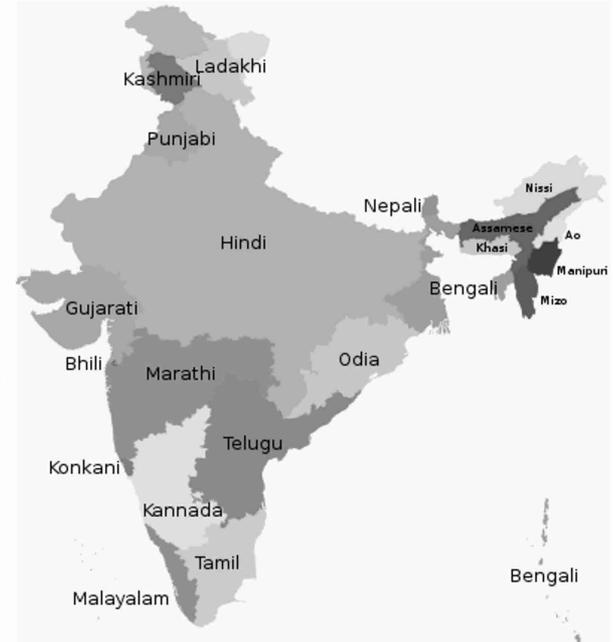
Snapshot of most-spoken language by state/s ([84](#))

Three Language Formula

Depending on their geographic location, school curriculum and educational / socio-economic circumstances, some Indian applicants whose mother tongue is not Hindi may have previously studied and/or speak Hindi.

- "The three-language formula was first formulated by the Indira Gandhi-led central government in 1968 in consultation with states and then incorporated into the National Education Policy. *The original formula spelt out that students learn their mother tongue or a regional language, the official language of the Union (English) or the associate official language of the Union (Hindi), and a modern Indian language.* […] While states like Uttar Pradesh, Madhya Pradesh and Rajasthan, where the majority speak Hindi, went with Hindi, English and Sanskrit/German/French, others like West Bengal, Assam and Maharashtra, where the regional language is different, included their own tongue **along with Hindi and English**" (84.1).

- "[…] West Bengal, Punjab, Odisha and Maharashtra have accepted the three-language policy since 1968 and **allowed teaching of Hindi from school level since then**, while Northern States still follow two-language policy" (84.2).

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Government Protection (Police)

High demand and understaffed: Police in India deal with high crime rates in most states, and they frequently deal with law and order situations and provide security to VIPs. They are also chronically under-staffed. One report says there are 144 police officers for every 100,000 citizens"(85).

Suffer from low levels of public trust: "According to a 2018 survey of 15,562 respondents across 22 states on perceptions about policing, the Lokniti team at the Centre for the Study of Developing Societies (CSDS) found that less than 25% of Indians trust the police highly (as compared to 54% for the army)"(86).

"**India's Muslim communities** share a distrust of police, who have been accused in recent years of failing to stop violent anti-Muslim mobs" (87).

Per DOS 2020 Country Report on Human Rights Practices: India: "Significant human rights issues included: unlawful and arbitrary killings, including extrajudicial killings perpetrated by police; torture and cases of cruel, inhuman, or degrading treatment or punishment by some police and prison officials; arbitrary arrest and detention by government authorities; harsh and life-threatening prison conditions; political prisoners or detainees in certain states […] Despite government efforts to address abuses, a lack of accountability for official misconduct persisted at all levels of government, contributing to widespread impunity. Investigations and prosecutions of individual cases took place, but lax enforcement, a shortage of trained police officers, and an overburdened and under resourced court system contributed to a low number of convictions"(88).

Indian News Sources

- **Hindustan Times**

- **The Economic Times (India Times)**

- **India Times**

- **The Indian Express**

- **The Hindu**

- **Times of India**

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Practical Exercises

Practical Exercise: Conducting COI Research

Participants should conduct COI research related to the following case scenario, focusing their research on some or all of the questions presented. Depending on their level of background knowledge, participants may choose to begin with the more "basic questions" or may instead start with the "advanced questions". Suggestions for useful COI resources relating to each question will follow.

(b)(5)

Case Scenario 1:

Practical Exercise (continued)

(b)(5)

48
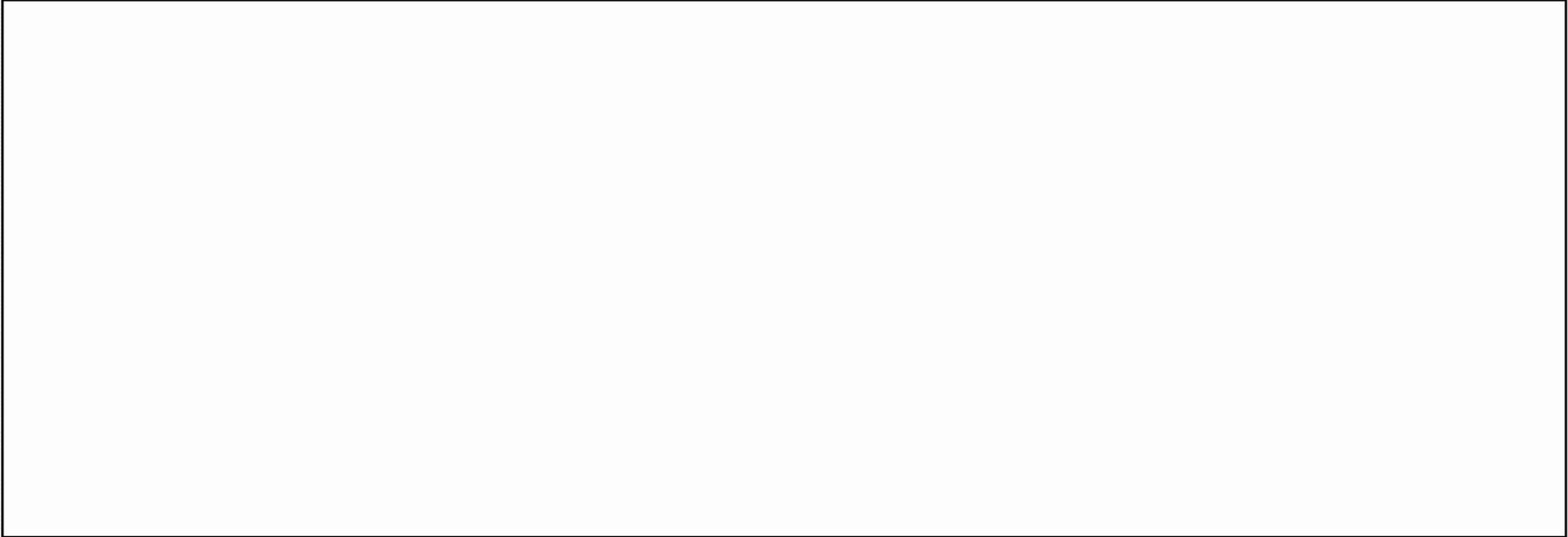
COI Research Questions

(b)(5)

Basic:

1.

2.

Further:

1.

2.

Practical Exercise: Conducting COI Research

Case Scenario 2:

(b)(5)

COI Research Questions

Basic:

(b)(5)

1.

2.

Further:

1.

2.

Response Guide

Suggested Sources (Citations) - Case Scenario 1

(b)(5)

Suggested Sources (Citations)

(b)(5)

Suggested Sources (Citations)

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Suggested Sources (Citations)

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Suggested Sources (Citations)

(b)(5)

Suggested Sources (Citations)

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Suggested Sources (Citations)

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Suggested Sources (Summary)

Case scenario 1:

(b)(5)

Basic:

1.

2.

Further:

1.

2.

Suggested Sources (Citations) - Case Scenario 2
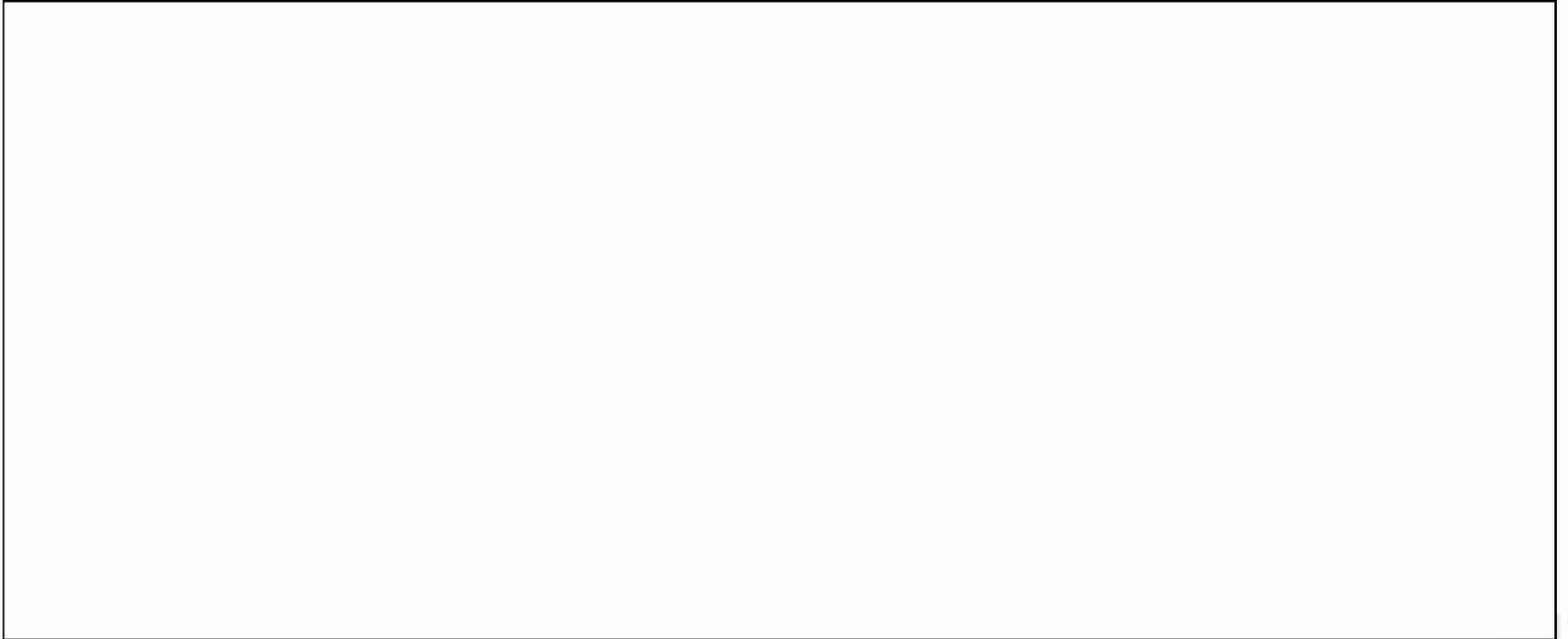
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Suggested Sources (Citations)

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Suggested Sources (Citations)

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(b)(5) (b)(7)(E)

65

Suggested Sources (Citations)

(b)(5)
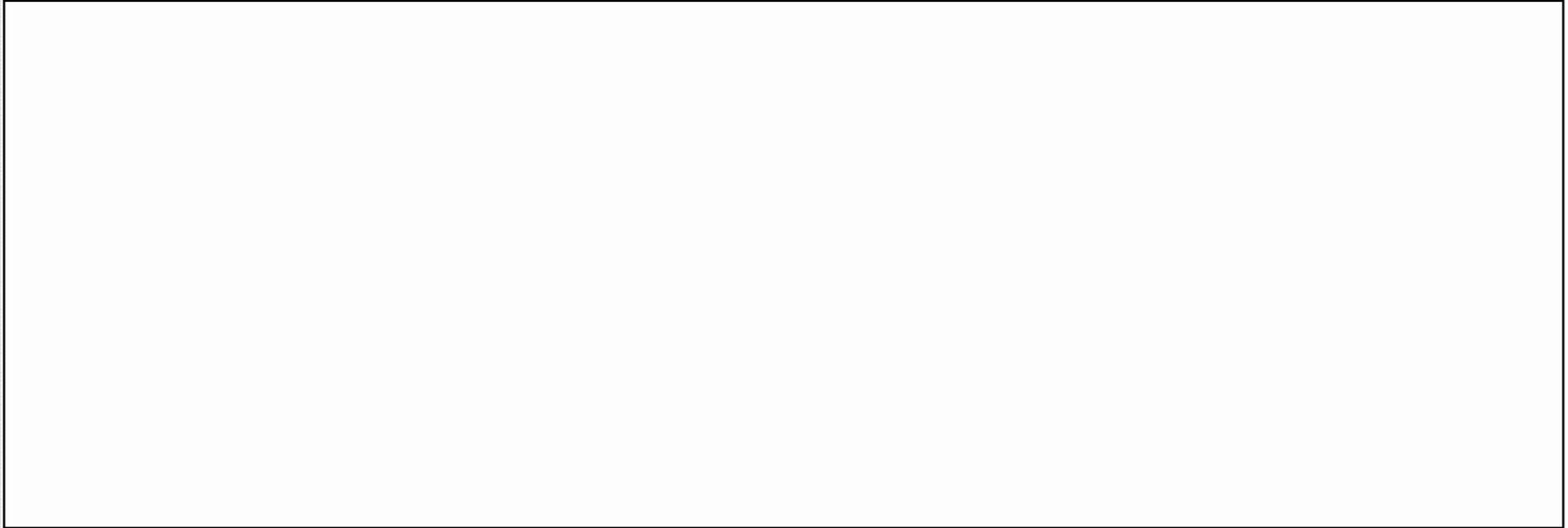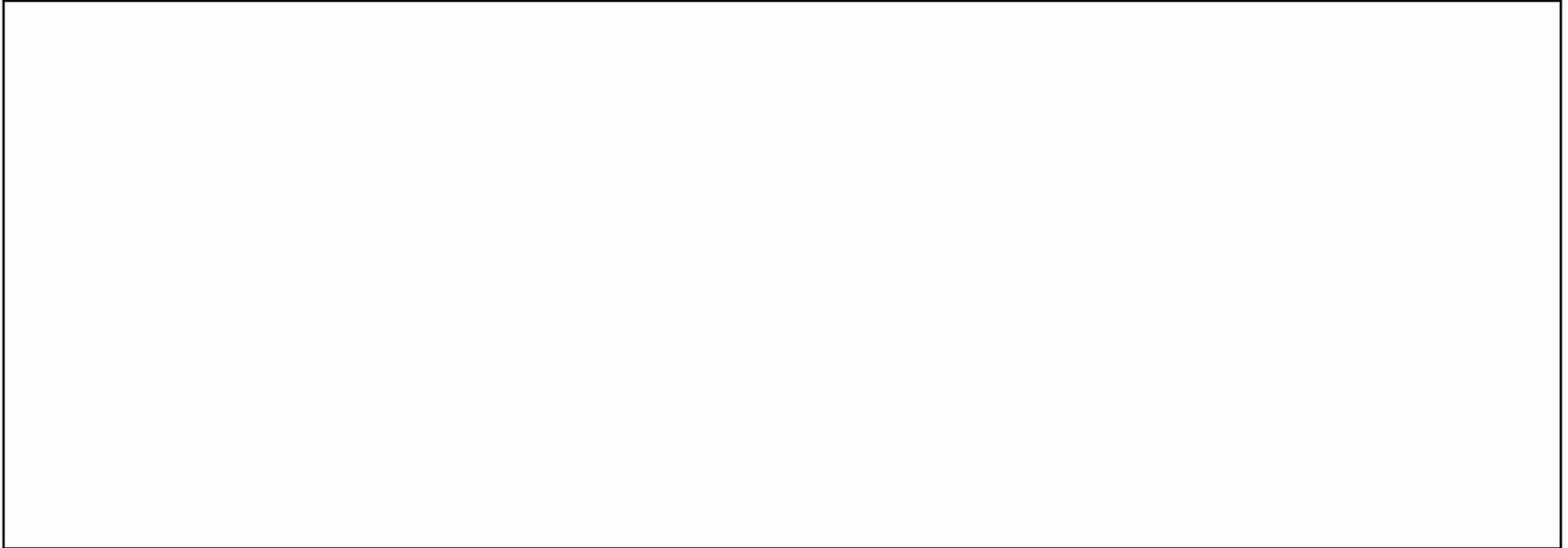
Suggested sources (Definition)
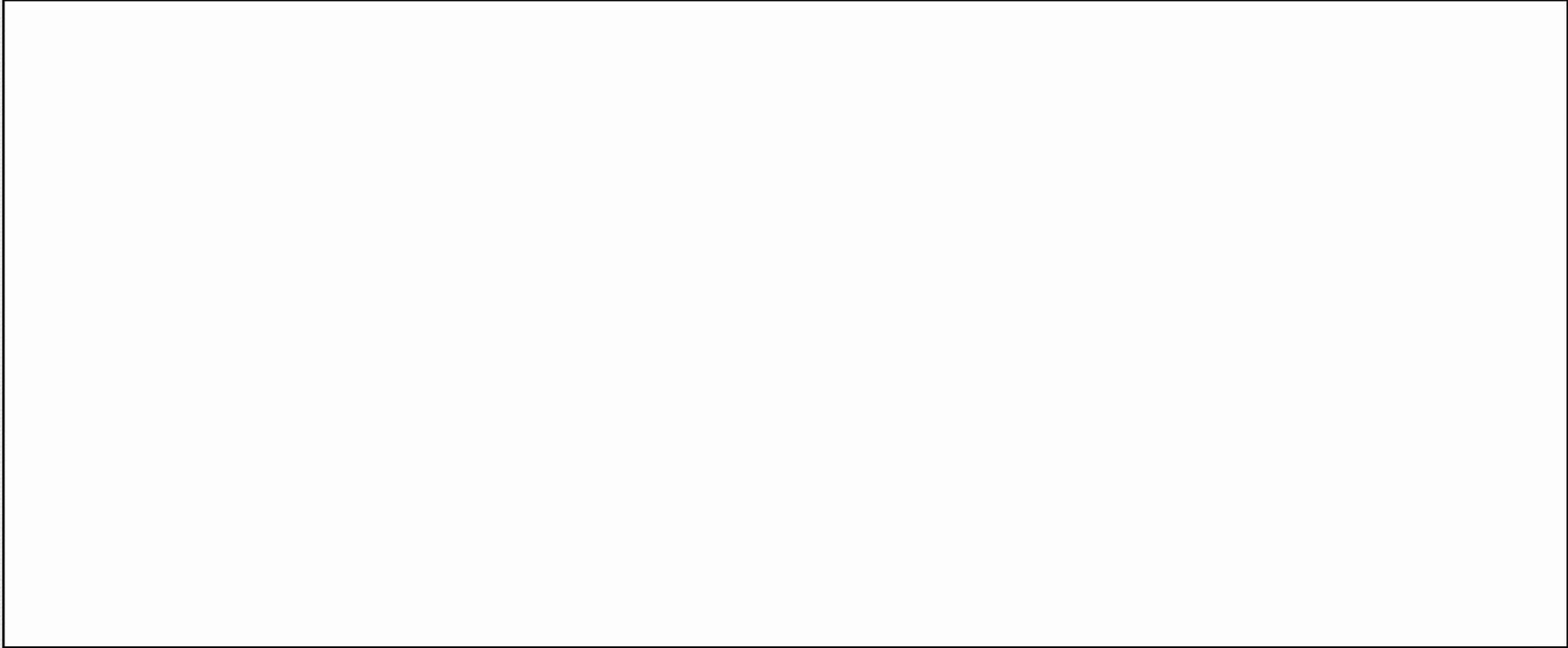
(b)(5) (b)(7)(E)

Suggested sources (Adjudicative Tools)
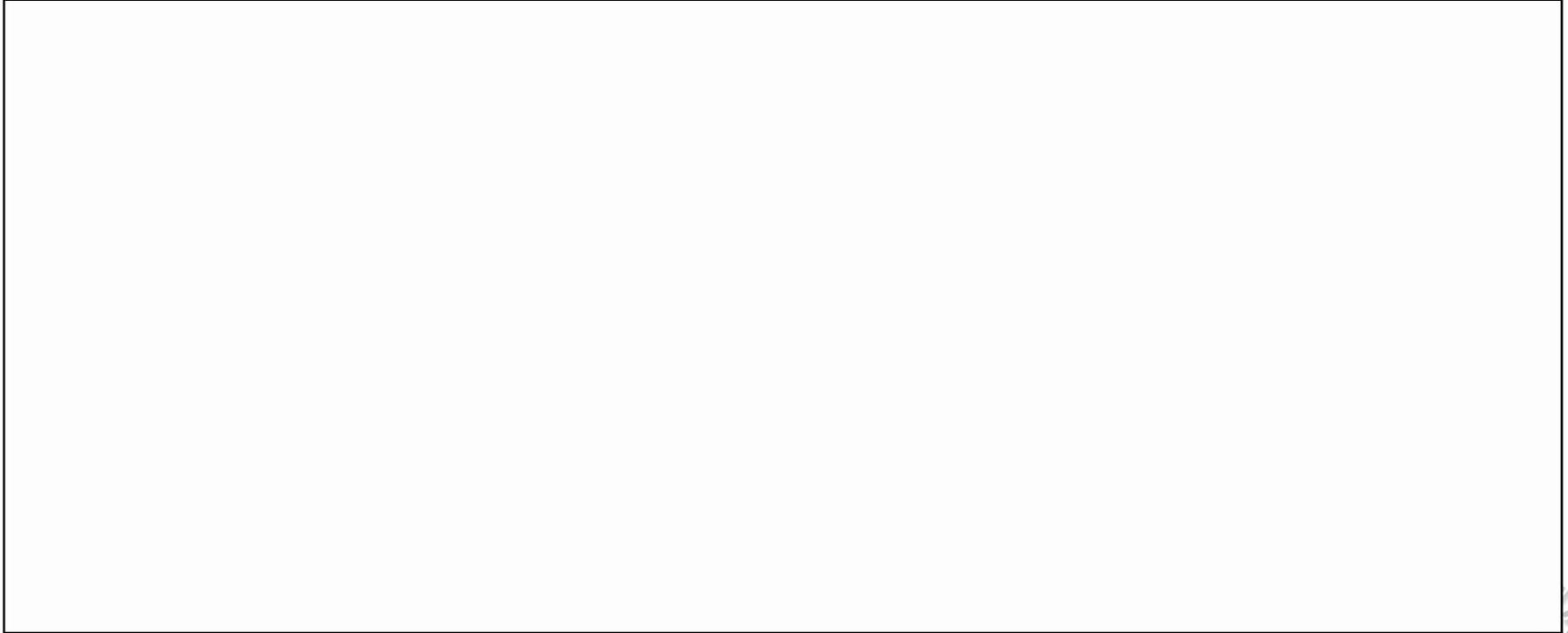
(b)(5) (b)(7)(E)

Suggested Sources (Summary)

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Case scenario 2:

Basic: (b)(5)

1.

2.

Further: (b)(5) (b)(7)(E)

1.

2.

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* **Authors: National Training Curriculum Working Group (FY22 Q1)**

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