



THE EUROPEAN ASSOCIATION OF
JEHOVAH'S CHRISTIAN WITNESSES

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From The European Association of Jehovah's Christian Witnesses

**Contribution to the Report of the U.N. High Commissioner for Human Rights
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established by GA Resolution 60/251
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India

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EXECUTIVE SUMMARY

This submission to the Human Rights Council (HRC) on India highlights human rights issues in the past 4½ years.

As described below, serious issues of concern persist. Jehovah's Witnesses in India and as a worldwide organization respectfully request the government of India to:

- (1) Protect Jehovah's Witnesses and their property from physical attacks;
- (2) Require that local police not tolerate or become party to violence against Jehovah's Witnesses;
- (3) Protect the fundamental human rights of its citizens, including Jehovah's Witnesses, by providing protection against violence and preserving the freedom to share one's faith publicly as guaranteed by the Constitution of India, specifically, protecting the rights of the Witnesses living in the states of Karnataka, Kerala, and Tamil Nadu, where the majority of violent criminal acts against the Witnesses have occurred;
- (4) Ensure that the police not file false and fabricated charges of violation of offence under Section 295A of the Indian Penal Code and Sections 3 and 4 of the Madhya Pradesh Freedom of Religion Act;
- (5) Ensure that police not prevent Jehovah's Witnesses from practicing their religion and recognize the freedom to practice, profess, and propagate religion in a peaceful manner, which is a fundamental right under Article 19 (1) (a) and Article 25 of the Constitution of India;
- (6) Lift the ban on Watch Tower-India from receiving foreign contributions, thereby removing the stigma of blacklisting and allowing Jehovah's Witnesses the opportunity to receive foreign funding; and
- (7) Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of India and the International Covenant on Civil and Political Rights (ICCPR) for all citizens, including Jehovah's Witnesses.

I. INTRODUCTION

1. The European Association of Jehovah's Christian Witnesses is a charity registered in the United Kingdom. It provides support to Jehovah's Witnesses facing fundamental human rights violations in various parts of the world.
2. This submission is based on the reports submitted by victims to the national office of Jehovah's Witnesses in India. The Christian community of Jehovah's Witnesses has been present in India since 1905. A national office was established in 1926, and a charitable trust was registered in 1978 to represent the Witnesses' legal interests. At present, there are more than 44,000 of Jehovah's Witnesses in India.
3. They generally enjoy freedom of worship in India, but they continue to suffer disturbing incidents of religious intolerance. As a result, they are targets of religiously motivated attacks and harassment because of their faith.

Mob attacks

4. Jehovah's Witnesses have been the victims of nearly 200 vicious mob attacks over the past fourteen years (2002-2016). We reported during the second UPR cycle for India that "[t]here were over 80 documented incidents during the period 2002 to 2011, including 24 mob attack cases that are still pending before the police or in courts." This undeniably shows that the situation has not improved over the past years and calls for immediate attention by the authorities.
5. When attacked Witnesses request the assistance of the local police, they receive minimal or no relief. Rather than arresting the perpetrators, the police are influenced by the mob to arrest the Witnesses on fabricated charges of forced conversion, blasphemy, insulting religious beliefs, and disturbing the peace. The attackers are allowed to file a First Information Report (FIR), whereas Jehovah's Witnesses are generally denied the right to file a counter FIR.

Blacklisted by government from receiving foreign funds

6. Jehovah's Witnesses are falsely accused of being a threat to the public welfare of India and, as a result, since 2000 they have been denied the right to receive foreign contributions to support their religious work.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

7. India acceded to the International Covenant on Civil and Political Rights (ICCPR) on 10 April 1979. The following information highlights that India has failed to pursue the goals set out in the Universal Declaration of Human Rights (UDHR) and the guarantees of the ICCPR.

Abuses of Religious Freedom - Government inaction exacerbates attacks

8. **Indore, Madhya Pradesh.** On 17 August 2014, while returning home after sharing their religious beliefs with neighbours, three female Witnesses - Sharin Swami (16 years old), Tina Paul (25) and Nikita Swami (23) - were confronted by two men; threatened with molestation

and subjected to intense verbal abuse with crass vulgarity. However, the girls were able to get away on their scooter. Meanwhile two male Witnesses, Roshan Oru and Allwyn Paul, who were on a bike, were stopped by the perpetrators and the keys taken. The perpetrators also snatched one of the male Witnesses' bags and took all the tracts. A mob gathered. The male Witnesses were forcibly taken into the police station and accused of converting people by alluring them with money. The Witnesses objected to this, saying that they were taken off the road. The mob grew to 150-200 and surrounded the police station. The mob started singing Hindu religious songs (bhajans) at the temple inside the police compound; there was a continuous barrage of abusive speech. The male Witnesses were photographed and their pictures printed in newspapers the next day. The mob leader prevailed upon the police officials and a FIR under sections 3 and 4 of the Madhya Pradesh Religious Freedom Act was filed against the two Witnesses.

9. **Indore, Madhya Pradesh.** On 14 October 2014, Anil Tekchandani was sharing a message from the Bible at the Devi Ahalya University, when a mob of 15 students belonging to the Akhil Bhartiya Vidhyarthi Parishad (a-right-wing All-India Student Council) and a university professor started to falsely accuse him of conversion. The police arrived and took him to the Bhawar Kuwa Police Station. A mob of 70-80 persons formed inside the police station. Among them was Amarnath Shukla, a leader of a Hindu fundamentalist group (Hindu Jagaran Samiti). This man began to assault and verbally abuse Mr. Tekchandani. The mob stripped him of his personal belongings. The police accepted the complaint of the assailants and criminally charged Mr. Tekchandani with violating Sections 3 and 4 of the Madhya Pradesh Freedom of Religion Act, but refused to accept his counter complaint. The Witnesses filed a complaint to the Superintendent of Police and Inspector General of Police but no action was taken.

Mr. Tekchandani's younger brother, Sunil Tekchandani, was also verbally abused and mercilessly beaten by Mr. Shukla as the police stood by and watched. Sunil Tekchandani was treated at a local hospital for his injuries. Charges were filed against Amarnath Shukla by Suo Moto, the police officer.

10. **Airody Karnataka.** On 7 July 2015, two elderly Witnesses, Susanna Lewis and Michael Lewis, were sharing their religious beliefs in Moodugopady, Koteshwara. Mr. Aravinda, the son of a man who accepted literature, called the police and accused the elderly Witnesses of forcible conversion. He also threatened them with physical violence. The police escorted the Witnesses to the Kundapura Police Station, where the police filed a case against them under Section 298 of the Indian Penal Code. The Witnesses sent complaint letters to the police, requesting registration of an FIR but yet no action has been taken by the police.
11. **Meerut, Uttar Pradesh.** On 28 June 2015, two Witnesses, Mr. Jagdish Rishi and his wife, Mrs. Shashi Rishi, were visiting the home of Mr. Narender and his wife for a Bible discussion. A man appeared at the door and asked Mr. Rishi to move his parked car. As Mr. Rishi stepped outside, a group of 50 from the Bajarang Dal and RSS beat him mercilessly. Mrs. Rishi called the police. The mob also severely damaged the car Mr. Rishi was driving and stole the valuables that were inside.

When the police arrived, they took Mr. Rishi to the police station. The mob accused the couple of forcible conversion. The Witnesses have sent complaint letters to the police, requesting registration of an FIR. The insurance claim for damage to the car is pending the registration of the FIR.

Societal Abuses and Discrimination - Religious intolerance to manifestation of belief

12. **Vaikom, Thalayolaparambu, Kerala.** On 17 March 2015, Messrs. Thomas and Ajesh were engaged in their public ministry, inviting people to the annual observance of Christ's death. At one house, after the Witnesses had given the invitation, the man in the house dragged them inside with the help of another man and shut the door. The man then called for another four men. After the men arrived, the Witnesses were beaten and kicked, forced to bow down before idols, and mockingly asked questions about Jesus. The attackers threatened the Witnesses with lethal weapons and warned of dire consequences if they reported the incident to the police. The attackers then photographed the Witnesses and eventually released them. Although the two Witnesses were encouraged to pursue the matter with the police, they refrained from doing so, as they fear the complexities of dealing with the police and the judicial system in India.
13. **Panchkula, Chandigarh.** On 25 April 2015, Mr. Steward Rodrigues and Ms. Usha Jolly were engaging in a special campaign to share their Bible message in remote territories. Mr. Neeraj, a member of the Bajrang Dal (right-wing Hindu extremist group), called the police. Two constables arrived and took the Witnesses to the police station. A few hours later, Inspector Suraj Mal debriefed the Witnesses and allowed them to leave. Mr. Neeraj, however, went to the police station with other Bajrang Dal activists and filed a complaint alleging forced conversion. The inspector asked the publishers to return to the police station. A senior inspector interviewed Mr. Neeraj personally and defused the matter, stating that there was no element of force as alleged in the complaint. The Witnesses submitted a counter complaint letter in response to Mr. Neeraj's complaint.

Mob attacks

14. **Neredmet, Hyderabad, Telangana.** On 13 March 2015, Ms. Cynthia Paul, Ms. Cynthia Sunder Raj, Ms. Sheela David, and Ms. Mary Clara were inviting people to the annual observance of Christ's death in Dindayal Nagar, Neredmet. Nine men on motorcycles intercepted them and accused them of conversion. They used derogatory words, took the Witnesses' literature bags, and tore up their literature. The police arrived and took the Witnesses to the police station. The mob of nine men assembled at the police station and made a false complaint of conversion and creating communal tension. The Witnesses filed a counter complaint against the nine men for wrongful physical restraint and uncouth behaviour against women. The police registered an FIR against the Witnesses and a counter FIR against the perpetrators.
15. **Bangalore, Karnataka.** On 23 May 2015, Mr. Cyril Vas and Mr. Sushil Yadav were sharing their religious beliefs in Munenakollala. An irate Hindu man threatened to beat the Witnesses. He tore up the magazines they were offering and threatened to call the police. The Witnesses left immediately. Fellow Witnesses, Mr. Robeen Sen and Mr. Sylvester Raja, had their car parked nearby. When they returned to their car, they saw that it was surrounded by an irate Hindu mob. The tires were deflated, which prevented the Witnesses from leaving the area. The police arrived and took all to the police station. After the Witnesses' attorney spoke to the inspector, the matter was defused. The police informed the Witnesses that Munenakollala is a very sensitive area and that they should be careful in the future. No case has been registered.

16. **Coimbatore, Tamil Nadu.** On 26 April 2015, Mr. Sony Joseph, his wife, and two children were engaged in their public ministry. Three men approached Mrs. Sony and asked for literature. When they were given the literature, they tore it up. The three men detained the family and also called 15 to 20 other accomplices. The mob slapped Mr. Sony twice. As the family was leaving the area, a person from the mob threw a brick at their car, and pieces of glass from the broken window pierced their daughter in the neck. She was taken to a nearby hospital and treated for minor injuries. No case has been registered.

Vandalism and arson

17. **Kanhangad, Kerala.** On 1 May 2015, one of Jehovah's Witnesses noticed that the door frame and latches of the Kanhangad Kingdom Hall had been broken and destroyed. Previously, this Kingdom Hall had been vandalized on three separate occasions (6 January 2014; 9 February 2014; and 20 July 2014). On all three prior occasions, the Witnesses informed the police, and on 6 January 2014, a FIR was registered. In this instance, the police registered an FIR, and an inquiry is under way.

Interference with building houses of worship

18. **Kasargod, Kerala.** Witnesses applied to the Local Planning Authority (LPA) for a building permit for a Kingdom Hall (house of worship). The LPA, in turn, forwarded the application to the collector. During police verification, a neighbour who is a member of the RSS, objected to the construction of a Kingdom Hall, thinking that the noise of construction would cause too much disturbance in the area. A Right to Information (RTI) application has been filed to find and obtain all facts of the case.
19. **Hospet, Karnataka.** The LPA approved an application to build a Kingdom Hall, but the local BJP councillor said that the neighbours have objected. This BJP councillor has asked the Witnesses to pay him \$400 to make sure that there is no objection.
20. **Aluva, Kerala.** Witnesses submitted an application to the LPA seeking permission to build a Kingdom Hall. The LPA forwarded it to the district collector (the highest administrative officer of the state government at the district level). When residents belonging to various Christian denominations signed a mass petition objecting to the construction, the district collector held a joint meeting. He has not yet resolved the matter.

Restrictions of Religious Freedom - Denied receipt of outside funding

21. On 8 November 2000, the Ministry of Home Affairs issued an order under the Foreign Contribution Regulation Act, 1976 (FCRA), prohibiting The Watch Tower Bible and Tract Society of India (Watch Tower-India), the main legal entity used by Jehovah's Witnesses in India, from receiving foreign contributions. The Ministry of Home Affairs accused the Witnesses of illegal activities and alleged that they pose a "serious threat to the public peace and tranquillity" in India. Jehovah's Witnesses adamantly deny the charges.

Despite Watch Tower-India's repeated efforts to bring the case for a hearing on the merits, the High Court has refused to schedule the case on a priority basis, and the case has now been pending for over 14 years. The government's improper use of the FCRA has severely affected funding for Jehovah's Witnesses in India.

Interference with freedom of assembly

22. **Kulasekaram, Tamil Nadu.** On 3 April 2015, two police constables from the Kulasekaram Police Station entered the Kingdom Hall just before the start of a religious meeting and questioned the Witnesses. There was a mob of about 15 RSS members gathered outside the gate. The Witnesses went to the local police station as directed by the police. Two of the neighbours had complained to the police and made false allegations that the Witnesses were causing a disturbance and insulting other religions. The police asked the Witnesses to obtain permission from the revenue divisional officer to hold meetings. Though the police accepted a complaint from the Witnesses and gave warnings to those who objected, RSS members again gathered in front of the Kingdom Hall the following Sunday and prevented the Witnesses from entering. This situation has forced the Witnesses to meet together in a rented place some distance away.

III. CONCLUSION

23. Jehovah's Witnesses in India and as a worldwide organization express concern for the human rights violations exposed in the present submission. They respectfully request the government of India to take the necessary steps to:

- (1) Protect Jehovah's Witnesses and their property from physical attacks;
- (2) Require that local police not tolerate or become party to violence against Jehovah's Witnesses;
- (3) Protect the fundamental human rights of its citizens, including Jehovah's Witnesses, by providing protection against violence and preserving the freedom to share one's faith publicly as guaranteed by the Constitution of India, specifically, protecting the rights of the Witnesses living in the states of Karnataka, Kerala, and Tamil Nadu, where the majority of violent criminal acts against the Witnesses have occurred;
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- (6) Lift the ban on Watch Tower-India from receiving foreign contributions, thereby removing the stigma of blacklisting and allowing Jehovah's Witnesses the opportunity to receive foreign funding; and
- (7) Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of India and the ICCPR for all citizens, including Jehovah's Witnesses.