

118TH CONGRESS
1ST SESSION

S. RES. _____

Expressing the sense of the Senate that the United States 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.

IN THE SENATE OF THE UNITED STATES

Ms. BALDWIN submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Expressing the sense of the Senate that the United States 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.

Whereas religious freedom is a core human right and a right recognized by international law and treaties;

Whereas religious freedom is—

- (1) a necessary component of United States foreign policy and our Nation's commitment to defending democracy and freedom globally; and

(2) a vital element of national security, which is critical to ensuring a more peaceful, prosperous, and stable world;

Whereas India is the world's most populous democracy, which has long, unique, and important relationship with the United States in promoting common values and upholding regional stability;

Whereas the strong relationship between the United States and India is fundamentally premised on both countries'—

(1) cherished common values of liberty, freedom, justice, and equality before law; and

(2) opposition to every type of discrimination;

Whereas, during a visit to India in July 2021, Secretary of State Antony Blinken stated, “[W]e view Indian democracy as a force for good in defense of a free and open Indo-Pacific [and] a free and open world”;

Whereas the existence of a truly free and open Indo-Pacific is conditional on the protection of the freedoms and rights of all civilians;

Whereas, on June 2, 2022, while releasing the Department of State's 2021 Report on International Religious Freedom, Secretary Blinken commented, “[I]n India, the world's largest democracy and home to a great diversity of faiths, we've seen rising attacks on people and places of worship”;

Whereas, less than 1 year after becoming India's Prime Minister in 2014, Narendra Modi promised, “My government will ensure that there is complete freedom of faith and that everyone has the undeniable right to retain or adopt the religion of his or her choice without coercion or undue influence”;

Whereas India has historically been a strong and pluralistic democracy, being the birthplace of several of the world's great religions, including Hinduism, Buddhism, Sikhism, and Jainism;

Whereas India's 1,300,000,000 people include Hindus, who are the majority at 80 percent, 200,000,000 Muslims, which constitute the world's third largest Muslim population, 40,000,000 Christians, and millions of Sikhs, Jains, Baha'is, Jews, Zoroastrians, and people of innumerable animist and indigenous faiths;

Whereas the preamble to the Constitution of India states, in part, "We, the people of India, having solemnly resolved to constitute India into a Sovereign, Socialist, Secular, Democratic Republic, and to secure to all its citizens: Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship. . .";

Whereas article 14 of the Constitution of India states, "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.";

Whereas article 25 of the Constitution of India states, in part, "[a]ll persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.";

Whereas violence against India's religious minorities, especially Muslims and Christians, has escalated in the last decade;

Whereas such violence against religious minorities has included—

- (1) public lynchings by vigilante groups;

(2) the disruption of prayer services at, and the vandalizing and demolition of, mosques and churches;

(3) the demolition of homes and businesses of Muslims without due process by state authorities in retaliation for protesting for their constitutional rights; and

(4) arrests of Muslim men for marrying Hindu women in the name of the false theory of “Love Jihad”;

Whereas India’s federal government and various state governments have failed to prosecute the culprits and bring justice to the victims, which has been noted in the 2021 Department of State Country Reports on Human Rights Practices and the 2021 Department of State Report on International Religious Freedom;

Whereas in 2020, 2021, and 2022, the United States Commission on International Religious Freedom (USCIRF) recommended that the Department of State designate India as a country of particular concern for “engaging in and tolerating systematic, ongoing, and egregious religious freedom violations, as defined by the International Religious Freedom Act (IRFA)”;

Whereas India has failed to act against partisan leaders from the Hindu religious community for repeatedly calling for a genocide of India’s Muslims, such as Pooja Shakun Pandey, a leader of Hindu Mahasabha, who stated, in December 2021, in the holy Hindu city of Haridwar in Uttar Pradesh, “If 100 of us are ready to kill 2,000,000 [Muslims], then we will win and make India a Hindu nation”;

Whereas the Indian state of Karnataka has, without cause, banned Muslim female students from wearing the hijab in schools and colleges, which violates their fundamental

rights guaranteed under article 14 of the Constitution of India;

Whereas in August 2019, Jammu and Kashmir, the only Indian state with a majority Muslim population—

(1) was deprived of its special autonomy without ensuring consultation or any participation of the people living in Jammu and Kashmir; and

(2) was split into 2 federally governed union territories;

Whereas, in December 2019, the Indian Parliament passed the Citizenship (Amendment) Act, 2019 (referred to in this resolution as the “CAA”), which allows expedited citizenship for Hindus, Sikhs, Buddhists, Jains, Parsees, and Christians from Afghanistan, Bangladesh or Pakistan, but excludes Muslims, which imposes a religious basis to the bestowal of citizenship for the first time;

Whereas Indian police have wrongfully arrested hundreds of people throughout India, most of them Muslims, merely for protesting against the enactment of the CAA over concerns that this law would be used in conjunction with a nationwide head count to deny citizenship to Muslims, a concern that has been repeatedly expressed by the USCIRF;

Whereas the Indian police arrested prominent Muslim activists on charges of carrying out violence against Muslims in Delhi coinciding with a visit by then President Donald Trump to the Indian capital, but failed to act against violent mobs that actually carried out the anti-Muslim violence as documented by the Delhi Minorities Commission of the Government of National Capital Territory of Delhi and Amnesty International India;

Whereas, during the widespread protests against the CAA and the National Register for Citizens (referred to in this resolution as the “NRC”) the police, instead of stopping the violence against the protesters, sometimes joined crowds shouting Hindu nationalist slogans and fired indiscriminately on peaceful protestors, which killed many of them;

Whereas USCIRF has recommended that the “United States Government should consider sanctions against Minister of Home Affairs Amit Shah and other principal leadership” for the passage of the CAA;

Whereas a headcount for the NRC held in Assam state in 2019 determined that 1,900,000 of the state’s 31,000,000 residents do not have sufficient documents proving that they or their parents lived in Assam from before 1971, and they are now likely to be stripped of their citizenship by quasi-judicial bodies known as Foreigners Tribunals;

Whereas approximately 500,000 of these 1,900,000 undocumented people are Muslims and thousands of them have been uprooted from their homes, where they have lived for generations, and sent to detention centers;

Whereas, according to Human Rights Watch, government operatives in states ruled by the Prime Minister Narendra Modi’s Bharatiya Janata Party have resorted to summary punishments by demolishing Muslim homes and businesses without legal authorization;

Whereas, according to Federation of Indian American Christian Organizations, India’s 40,000,000 Christians are increasingly targeted by police and vigilante mobs throughout India, leading to a steep rise in incidents of violence

against Christians, with 1,198 incidents recorded in 2022, which represents a staggering increase from the 761 such incidents reported in 2021;

Whereas International Christian Concern, a United States-based nongovernmental organization, has reported that anti-blasphemy and anti-forced conversion laws, which effectively criminalize minority religious beliefs and freedom of conscience, are becoming increasingly common throughout India and have led to numerous cases of violence against religious minorities;

Whereas a culture of impunity for radical Hindu nationalists has led to an unprecedented level of violence against Christian, Muslims, and other vulnerable religious minorities: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) recognizes the security challenges faced by
3 the Government of India and the continuing threat
4 of state-supported cross-border terrorism;

5 (2) encourages the Government of India to
6 amend the discriminatory laws and executive orders
7 based on the love, jihad conspiracy theory, including
8 the Citizenship (Amendment) Act, 2019, by treating
9 Muslims the same as other religious groups, and the
10 Foreign Contribution Regulation Act;

11 (3) urges the Government of India—

12 (A) to end the discriminatory and undemo-
13 cratic NRC and return citizenship to the esti-

1 mated 1,900,000 people who declared nonciti-
2 zens in a wholly dubious manner;

3 (B) to immediately release individuals un-
4 necessarily detained in detention centers, pro-
5 tect the right to health of such individuals, and
6 ensure access to healthcare and safe, sanitary
7 conditions for anyone who remains detained;

8 (C) to immediately release any unjustly de-
9 tained human rights defenders, journalists, and
10 other critics, many of whom have been held in
11 custody for longer than 1 year without being
12 charge with a crime;

13 (D) to establish accountability for the bru-
14 tal police violence against the anti-CAA pro-
15 testers by prosecuting the policemen and others
16 in the chain of command who are found to be
17 complicit in such violence;

18 (E) to repeal the anti-conversion and anti-
19 blasphemy laws that are widely misused against
20 religious minorities, especially Christians;

21 (F) to repeal the hijab ban in Karnataka
22 and allow thousands of Muslim girls and women
23 to attend classes, as students or teachers, while
24 wearing the hijab;

1 (G) to end the demolition of homes, busi-
2 nesses, and places of worship belonging to Mus-
3 lims and Christians; and

4 (H) to allow unrestricted access to Jammu
5 and Kashmir by independent human rights ob-
6 servers and international press; and

7 (4) calls on the Government of India to repeal
8 the colonial-era sedition law (section 124 of the In-
9 dian Penal Code) that is used to stifle dissent and
10 debate and has been used against individuals who
11 express their opposition to the CAA.