



**FREEDOM OF
RELIGION
OR
BELIEF
IN INDIA**

*A Training Module for
Activists and Lawyers*

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PREFACE

This training manual, called “Freedom of Religion or Belief in India,” is designed to deepen one’s understanding of the fundamental freedom of religion and belief.

Topics Covered

Written for an Indian audience, the manual covers issues relating to religious freedom in India. Its content is based on inputs from a group of experts comprising lawyers and social activists with many years of experience in litigating and responding to religious freedom violations in India.

It provides a broad overview of assaults on religious freedoms in various parts of the country and the pressures being experienced by religious minorities in particular, while also looking at the impact of such violations on other vulnerable communities such as women, Dalits and tribals.

The manual covers various legal provisions under what are known as “anti-conversion” laws and the Indian Penal Code. It also provides insight into the various procedures related to arrests, bail, filing criminal complaints under the Code of Criminal Procedure. Importantly, the training addresses various constitutional safeguards available for religious freedom in India.

The manual can also be used to equip human rights defenders to practically respond to various possible instances of religious freedom violations.

Design of the Modules and Sessions

The entire training manual is categorised into four modules, covering four broad aspects pertaining to religious freedom. Each session within a module is designed to first provide a brief overview of a specific topic by the facilitator. This is followed by group discussions where participants are required to respond to questions and analyse hypothetical situations. This is to allow the participants to sharpen their ideas and internalise the learnings they have gained. Peer-to-peer learning is encouraged.

Each session has additional video and reading resources for a deep dive into the topic both for the facilitator and the participants.

The modules may be used as stand-alone resources or combined as a comprehensive training guide on religious freedom. They may also be incorporated into training modules on other human right issues. A tentative schedule for a one-day training or two-day training is available for reference.

We solicit feedback and comments to help us improve the modules.

Happy Learning!

Tehmina Arora

INTRODUCTION & OVERVIEW

OUTLINE OF THE SESSION

1. Welcome and Introduction



The facilitator should welcome the participants to the program and briefly share the outline of the program (refer index for the outline). The facilitator should then address key points from below. The facilitator must stress that the training is focused on the legal framework and designed to help strengthen the rule of law.

- i. Increased government restrictions and social hostility against religious communities around the globe.
- ii. There are many who see religious communities as part of the problem and others who see religious communities as part of the solution.
- iii. The premise of the training is that if the constitutional framework is properly adhered to, it would protect and promote religious freedom.
- iv. This training is designed to introduce you to fundamental concepts about religious freedom, witness instances where they are undermined in India and equip you with resources to act as guardians of this important freedom.
- v. The training is meant for people engaged in protecting religious freedom and assumes that each participant has some personal experience and skill that will benefit other participants.

2. Methodology and Ground Rules



The facilitator should remind the participants that the objective of this training is peer-to-peer learning and all participants should follow certain ground rules during the training.

- i. Be respectful of each other.
- ii. Be mindful of time allocations.
- iii. Adopt an attitude of active listening.
- iv. Respect the confidentiality of the information shared during the discussion and do not share specific incidents or names except with permission.

3. Group Exercise



Divide the participants into groups of equal sizes. In this section, the participants will familiarise themselves with each other and articulate their expectations from the training.

In this exercise, participants briefly introduce themselves and share their expectations from the program – in less than 3 minutes each.

Some questions that may be posed to the participants are:

- i. What do they hope to gain from the programme?
- ii. How would the other participants benefit from their specific expertise in the area of religious freedom?

MODULE I

RELIGIOUS FREEDOM IN INDIA

Part 1: Religious Freedom in India

In this session, you will learn about freedom of religion and its various aspects in detail. You will learn to recognise violations of this freedom in India, identify common threats against it and discern some underlying causes or factors for such violations.

1. Learning Objectives



The learning objectives outline the goal of the module and should be shared with the participants at the beginning of the session.

1. Recognise the frequency and intensity of the violence being experienced by religious communities in India.
2. Understand the different types or categories of violence and discrimination being experienced by religious minorities.
3. Understanding violations precipitated by legislations or government action/inaction.

2. Key Points for the Presentation



The facilitator should familiarise themselves with the background notes and make a short presentation based on the key points mentioned below. The background notes serve as an introduction to the topic and will help provide some context for the group activities to follow.

1. Every person has a fundamental right to freedom of religion – to have or not have a religion or belief – and to manifest this both privately and publicly.
2. In India, the freedom of religion is safeguarded under Article 25 of the Constitution and includes the freedom of conscience and the right to practice, profess and propagate the religion of one's choice.
3. Violent attacks are frequent and common
 - a. Despite a rich cultural heritage and religious diversity, there have been frequent instances of violence based on religious identity in India.
 - b. No religious community is immune from violent attacks, especially religious minorities, who are more vulnerable to such violence.
4. Types of hostility experienced
 - a. The discrimination or violence against religious communities, ranging from hostile narratives to violent attacks, continues unabated.
 - b. Symbolic Violence

- i. Religious violence sometimes involves symbolic violence such as building a narrative on topics such as “love jihad,” or “triple talaq,” equating conversion with terrorism, and so on.
 - ii. These types of narratives malign the entire community and create an atmosphere where violence against religious minorities can be undertaken with impunity. Narratives which target specific religious communities, holding them responsible for social evils, lead to such communities being perceived with suspicion and result in stereotyping of such community. This, in turn, gives rise to discriminatory practices that may escalate into violence.
- c. Physical Violence
- i. According to the Ministry of Home Affairs, India witnessed 10,399 incidents of communal violence from 2004 to 2017, wherein 1,605 people were killed and 30,723 were injured.
 - ii. From 2014-2019, faith-based human rights organisations recorded over 1,400 incidents against the Christian minority community alone over those five years. In 2019, the United Christian Forum (UCF) recorded 328 incidents of violence, while the Evangelical Fellowship of India (EFI) recorded 366 incidents. In 2020, UCF recorded about 250 incidents of violence and hostility against Christians, as of the end of November 2020.
 - iii. Quill Foundation reported 1,049 incidents of violence from 2014 to 2019, where a large majority of such incidents were reported to be against Muslims due to their religious beliefs and identity. In 2019 alone, there were 223 recorded incidents of violence, primarily against Muslims. In 35 of these cases, at least one Muslim was physically assaulted for refusing to chant “Jai Shri Ram”, a Hindu chant that has become associated with Hindu nationalism in recent years.
 - iv. Violence and incidents against religious minorities include: (1) physical and verbal assaults on religious leaders and members; (2) damage to and desecration of places of worship, including arson; (3) disruption of prayer services and restrictions on religious gatherings; (4) false accusations of forced and fraudulent religious conversions; (5) forced or coerced *ghar wapsi* ceremonies (“homecoming” ceremonies for non-Hindus when they convert to Hinduism); (6) refusals of permission for religious minorities to establish and run places of worship.
 - v. In addition to violence, social exclusion is also commonly used as a tactic to victimise minorities, notably by denying them basic human rights and services such as access to water and electricity as well as employment, all of which increases their vulnerability.
- d. Structural Violence
- i. Violence is not the only form of religious freedom violation that is witnessed in India, but discrimination built into certain legal mechanisms also hurts religious minorities.
 - ii. Some contentious laws, which have been recently enacted, include the Citizenship Amendment Act and the Freedom of Religion Acts in various states.
 - iii. Citizenship Amendment Act
 - 1. Provides a basis for refugees fleeing from neighbouring countries to apply for citizenship in India on the grounds of religious persecution.
 - 2. However, the law seeks to provide citizenship only to illegal migrants who are Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from the neighbouring countries of Afghanistan, Bangladesh and Pakistan.

3. It discriminates between different faith traditions and denies protection to refugees who are Muslims, Jews etc.
 4. The “Statement of Objects and Reasons” (SoR) in the bill states that India has had historic migration of people from countries like Afghanistan, Pakistan and Bangladesh which have a state religion. Religious minorities have faced persecution in these countries due to their religion. The SoR reasons that millions of citizens of undivided India were living in Pakistan and Bangladesh which is the basis for their inclusion in the list of countries from where refugees are accepted. However, no reason has been provided to explain the inclusion of Afghanistan in the said list.
 5. Further, it is not clear why migrants from these countries are differentiated from those from other neighbouring countries such as Sri Lanka (which has Buddhism as the state religion) and Myanmar (which gives primacy to Buddhism). Sri Lanka has had a history of persecution of a linguistic minority in the country, the Tamil Eelams. Similarly, Myanmar has historically persecuted the religious minorities of the Rohingya Muslims and China, Kachin and Karen Christians. Over the years, Tamil Eelams, Rohingya Muslims and Christian minorities have sought refuge in India while fleeing persecution in their respective countries.
 6. Anti-conversion laws or guidelines regulating conversions:
 - They were enacted in several states in India over the years and are now operational in 10 states, regulating how a person can convert.
 - The laws require a person to inform the authorities before every conversion and penalise the failure to do so.
 - The laws also penalise conversions by force, fraud or inducement but fail to precisely define these terms, rendering arbitrary employment of these laws.
 - The Freedom of Religion Acts, however, do not penalise “re-conversion” to the previous religion by the use of force, showing the bias evident in the law.
 - Such vague laws restrict the right to change one’s religious beliefs and have a chilling effect on the freedom of religion.
- e. Factors behind the violence:
- i. The main factors behind the violence are political pressures and mobilisation, weak institutions such as biased media, corrupt executive and a compromised judiciary.
 - ii. Underlying feelings of hurt, suspicion and misinformation also fuel violence and discrimination.
 - iii. Researchers suggest that political gains are a major reason that violence continues to occur, goes unpunished and is even rewarded. They have found that riots can be politically beneficial to certain political parties for electoral gains due to which governments often allow such riots to happen unchecked.
 - iv. Research also indicates that riots or pogroms are often the result of deliberate and concerted actions of a few individuals as opposed to being spontaneous outbursts as is generally portrayed.

3. Group Activity



In this section, the participants should be divided into groups to discuss complex and even contentious ideas and analyse hypothetical situations in the light of what they just learnt. This provides opportunity for peer-to-peer learning. In the situational analysis, it is helpful to put yourself in the position of all such characters mentioned in the situation and think from their perspectives. The groups can record their ideas on a chart paper and one person from the group can be nominated to present the findings of the group.

Discussion Questions:

1. What are some experiences or memories you have about communal harmony/ conflicts?
2. Why do you think there is violence or discrimination on the basis of religion in India?
3. What role do you see media/social media playing in such violence, both to restrict and inflame the violence?
4. Does the religion of the victim lead to differential treatment and responses from the government, media or general public?
5. Ahmed wants to rent a house in Defence Colony in Delhi. Singh, the owner of the house, refuses to let out his house to Ahmed because he is a Muslim. What should Ahmed do? Is the landlord unjustified in letting out his house as he prefers?
6. Meera converts to Christianity. Her husband and family want her to visit the temple for Durga Puja. Is the demand by Meera's in-laws unreasonable? What should Meera do?
7. Under the anti-conversion law in Uttarakhand, the district authority refuses to grant permission to Lalita to convert to Christianity because it suspects she was induced to the Christian faith. Lalita denies such inducement. Discuss.
8. Mohammed is asked to shout "Bharat Mata ki Jai" before he is allowed into the local ration shop. Discuss.

4. Additional Resources



This section offers additional resources for the facilitator or the participants to further develop some of the ideas and concepts shared in the session. The facilitator is encouraged to share the links to these online resources.

Read:

USCIRF Annual Report, India Chapter 2020 ([English](#) / [Hindi](#))

Watch:

- i. [Hounded But Not Hateful](#) – A Muslim Woman's Response to Persecution
- ii. [Exiled But Hopeful](#): A Kashmiri Hindu's Resolve to Return Home

MODULE I

RELIGIOUS FREEDOM IN INDIA

Part 2: Women and Religious Freedom

In this session, you will see that the rights of women and the rights of religious communities often clash. Consequently, women suffer a violation of their rights on the pretext of preservation of religious traditions and customs.

1. Learning Objectives



The learning objectives outline the goal of the module and should be shared with the participants at the beginning of the session.

1. To understand religious persecution against women.
2. To locate areas where the rights of women are perceived to be in conflict with the interests of the religious community.
3. Examine the interplay between the right to dignity of women and the right of a community to observe religious practices.

2. Key Points for the Presentation



The facilitator should familiarise themselves with the background notes and make a short presentation based on the key points mentioned below. The background notes serve as an introduction to the topic and will help provide some context for the group activities to follow.

1. The persecution that women face is either hidden or discounted as not being religiously motivated. However, it is seen that women suffer more than their male counterparts across different religious freedom issues. According to the 2020 [Gender-Specific Religious Persecution report](#) by Open Doors International, religious persecution against women involves sexual violence, forced marriage, house arrests and physical violence.
2. Women are often seen as bearers of faith traditions in a family unit and are responsible for promoting religious values in their children. However, women are not generally seen in positions of leadership within religious communities.
3. Often, religion is cited as a ground for the violation of women's rights, such as the practice of sex-selective abortions, child marriage, female genital mutilation, dowry-related violence, forced marriages, honour killings, denial of inheritance rights etc. Other factors, such as low socio-economic status, lack of literacy, archaic cultural traditions, contribute to such violations.
4. Many countries around the world have devised their own subjective rules/laws to restrict, ban or regulate public appearance, attire and interactions of women. For instance, in France, women are restricted from appearing in public in a burqa or a hijab, while in some countries, like Iran and Pakistan, women are either mandated by law or social custom to wear a burqa or hijab. In both situations, the opinion of the woman bearing the brunt of the law does not count.

5. Women also face hostility from family members in the form of threats, forced marriages and even honour killings for embracing a different faith or failing to adhere to the accepted standards of faith communities in matters related to attire, food habits or choosing marriage partners.
6. Women are among the worst-hit victims in communal conflicts as they are perceived to carry the honour of their communities and, therefore, attacking women is akin to bringing disrepute to the entire community.
7. Women also do not have the same support systems as men, especially in cases where they may be victims of sexual violence. Often, men decide when and how women should report the violence they have experienced.
8. Women who have experienced sexual violence may be subjected to undignified treatment, including being blamed for the violence they faced. This may result in such women feeling ostracised, without anyone to turn to. Legal mechanisms are often inadequate to meet the needs of such women in distress. Courts, too, sometimes lack a compassionate approach while catering to women.
9. Another more complex trend that women experience is that, as persecution of religious communities increase, the communities tend to look more inwardly and become rigid and orthodox, resulting in deprivation of the rights of women. For instance, in India, when the intensity and frequency of violent attacks against Muslims grew, the reform movement against triple talaq or for pecuniary maintenance for Muslim women suffered a setback especially in the courts, as there was a reluctance on part of the community to engage with the State, which was viewed as hostile.
10. It is important to remember that the freedom of religion or belief does not shield religious traditions, or religions as such, against criticism, nor does it protect members of religious communities from critical questions. And it is important that the rights of women to equality, dignity and freedom are not struck down merely in the name of religious traditions.

3. Group Activity



In this section, the participants should be divided in groups to discuss complex and even contentious ideas and analyse hypothetical situations in the light of what they just learnt. This provides opportunity for peer-to-peer learning. In the situational analysis, it is helpful to put yourself in the position of all such characters mentioned in the situation and think from their perspectives. The groups can record their ideas on a chart paper and one person from the group can be nominated to present the findings of the group.

Discussion Questions:

1. Can you name some harmful practices that violate the rights of women but are defended in the name of religious tradition?
2. What role should the government play in protecting the rights of women when they conflict with religious traditions?
3. What are the possible dangers when the State determines which religious traditions are worth protecting? How can these dangers be mitigated?
4. Inter-faith marriages have become extremely contentious in India recently. How do you view this development?

5. Monica recently converted to Hinduism but her husband is now threatening her with divorce. What should Monica do? Do you think Monica's husband is denying her religious freedom?
6. Aisha is a professor who teaches in a college, where she usually wears a hijab. She was informed by the college that if she wants to continue teaching in the college, she must not wear her hijab. How would you react if you were Aisha? Will the college management be swamped by the demands of other professors and students wanting to showcase their religious identity?
7. Ameena wants to worship at a local dargah but is informed that she cannot enter with jeans and must instead wear a kurta or sari and she must also cover her head. Discuss.
8. Pooja likes visiting a church in her neighbourhood but after her family found out, they physically assaulted her and locked her up in a toilet for hours. Discuss, would it make a difference if Pooja was a minor?
9. Rita (a Hindu), a minor, was infatuated with Sunil (a Christian). They ran away and got married. Rita also converted to the Christian faith. Rita is 17 years old and Sunil is 45. Discuss, would your answer be different if Rita was 18 years old?

4. Additional Resources



This section offers additional resources for the facilitator or the participants to further develop some of the ideas and concepts shared in the session. The facilitator is encouraged to share the links to these online resources.

Read:

- i. UN Special Rapporteur's [Report](#) on Women
- ii. USCIRF's Report on [Women and Religious Freedom](#)

Watch:

- i. [Hounded But Not Hateful](#): A Muslim Woman's Response to Persecution
- ii. [Exiled But Hopeful](#): A Kashmiri Hindu's Resolve to Return Home

MODULE I

RELIGIOUS FREEDOM IN INDIA

Part 3: Dalits and Religious Freedom

In this session, you will see that the rights of Dalits and the rights of religious communities often clash and consequently, Dalits suffer a violation of their rights on the pretext of preservation of religious traditions and customs.

1. Learning objectives



The learning objectives outline the goal of the module and should be shared with the participants at the beginning of the session.

1. Build an understanding of the legal framework protecting the religious freedom of Dalit communities.
2. Deepen the understanding of the violations of religious freedom experienced by Dalit communities.
3. Examine the interplay between the right to dignity of Dalits and the right of a community to observe certain traditional practices.

2. Key Points for the Presentation



The facilitator should familiarise themselves with the background notes and make a short presentation based on the key points mentioned below. The background notes serve as an introduction to the topic and will help provide some context for the group activities to follow.

1. It is important to remember that the freedom of religion or belief does not shield religious traditions, or religions as such, against criticism, nor does it protect members of religious communities from critical questions. And it is important that the rights of Dalits to equality, dignity and freedom are not struck down merely in the name of religious traditions.
2. India's 200 million Dalits, who were considered to be lowest in the caste hierarchy, practice various faith traditions.
3. Due to the rigid caste system, Dalits have faced violence and discrimination over the centuries and have been restricted in how they could practice their faith and have not been allowed entry into places of worship.
4. To ensure that Dalits can freely practice their faith, the Constitution of India forbade the practice of untouchability under Article 17, and under Article 25 (2) declared that all religious places should be equally accessible to all co-religionists.
5. Violence and Hostility: Intra-Religious Conflicts
 - a. Dalits continue to face extreme violence and hostility even in the present times.
 - b. According to the National Crime Records Bureau's latest data, as of November 2020, there were nearly 46,000 crimes against Scheduled Castes (SC) in 2019. Crimes against SC persons increased by over 7% in 2019 as compared to 2018. Almost

46,000 cases were registered for committing a crime against the SCs in Uttar Pradesh, recording the highest number of such cases at 11,829 cases. The data also shows that the conviction rate in offences under the SC/ST Atrocities Act was just 32% nationally and the pendency rate of cases was at an alarming 94%.

6. Restrictions into Temples:

- a. Apart from the violence, Dalits continue to face discrimination in the practice of their religion. Media reports continue to highlight instances where Dalits are refused entry into temples or access to common spaces where worship is undertaken. Dalits are often also barred from acting as priests in religious services or temples. This is in spite of laws which have been enacted to address such discrimination.
- b. The hereditary appointment of priests in Hindu temples barred Dalits from occupying the priest's office. This practice has been set aside by the Supreme Court in numerous cases pertaining to the administration and management of Hindu temples.

7. Violence Against Dalit Women

- a. Sexual violence and physical assaults against Dalit women also continue to be quite common. At least 10 Dalit women are raped per day on an average, and their vulnerability to rape has increased by 44% in the last 10 years, according to a report by the National Crime Records Bureau of India.
- b. In addition, several religious practices force Dalit women into prostitution. For instance, in Andhra Pradesh, the practice of Jogini continues. This is a centuries-old practice where girls as young as 12 – mostly from the marginalised Dalit communities – are married off to the local village deity as part of a religious belief. The families, most of them extremely poor, believe the ritual will please the gods, who will then improve their lives.
- c. In the early days, the primary duty of a *jogini* – also known as 'devadasi' and considered property of the temple – would be to indulge in cultural activities related to the shrine. In the following centuries, it morphed into something completely different, and the *joginis* were obligated to cater to the sexual needs of temple patrons, village heads etc. The ensuing form saw the women forced to cater to every man in their village. A similar custom is practised in other states such as Karnataka and Tamil Nadu.

8. The 1950 Presidential Order

- a. In 1950, the President of India promulgated an order which sought to identify which castes in India would qualify for reservation or special protections in government policies and law. These Dalit castes have come to be known as the Scheduled Castes, based on the Schedule that enumerated the castes.
- b. However, the 1950 Presidential Order also stated that "no person who is not a Hindu should be deemed to be a member of the scheduled castes." This order was later amended to include both Sikhs (1956) and Buddhists (1990).
- c. In spite of repeated efforts to advocate for the inclusion of Dalit Christians and Dalit Muslims into the Schedule, there has been no change in the policy.
- d. The Order results in Dalits being penalised for converting to another faith. They are denied benefits and protections that would otherwise accrue to them if they remained as Hindus, Sikhs or Buddhists.

9. Anti-Conversion Laws (a detailed session is available on this topic in Module II)

- a. The anti-conversion laws restrict how and when people can convert to another faith.
- b. The law requires that every religious conversion be reported and investigated by the district authorities.
- c. Failure to comply with the various provisions of the law is met with penal provisions.

- d. There are stricter provisions if the person “being converted” is a Dalit, a woman or a minor.
- e. These laws are also an attempt to regulate the conversions of Dalits, who are seen as unable to take decisions about their religious beliefs freely. This law portrays them as people who have little agency or capacity for independent thought.

3. Group Activity



In this section, the participants should be divided into groups to discuss complex and even contentious ideas and analyse hypothetical situations in light of what they just learnt. This provides opportunity for peer-to-peer learning. In the situational analysis, it is helpful to put yourself in the position of all such characters mentioned in the situation and think from their perspectives. The groups can record their ideas on a chart paper and one person from the group can be nominated to present the findings of the group.

Discussion Questions:

1. How is untouchability practised in India today?
2. What perpetuates the caste system? What aspects of these can be governed or restricted by law?
3. Freedom of belief is an absolute right. Can the law govern my thoughts? Can the enactment of law remove prejudices from the mind?
4. Dr. Ambedkar is famously quoted as saying, “I was born a Hindu but I will not die a Hindu.” Why is religious conversion an important right for Dalits?
5. In a secular state, should the government regulate the appointment of priests in a temple? What role should the State play in balancing the rights of individuals vs. the rights of communities?
6. Kumar is a devout Hindu and wants to be a priest. He is refused permission because he is a Dalit. Is the management of the temple unjustified in relying on their scriptures which lay down detailed guidelines on the manner in which a priest is appointed?
7. Meera is a Dalit Christian and lives in Ambedkar Colony along with other Dalit families. She runs a small tailoring shop from her home. She applies for a sewing machine under the Ambedkar scheme for Dalit women. She is refused because she is a Christian. Discuss.
8. Jayant is a Dalit Hindu who converts to Islam. His son Raja wants to contest local elections in the constituency reserved for a Scheduled Caste. Raja converts to Hinduism but is denied the right to contest as a Dalit. Discuss.
9. Jai is a Christian. He is told by the village panchayat that he cannot use the village pond and will not be allowed to draw water from the well because he does not practice the village religion and culture and, thus, should not have access to common village resources. Discuss.

4. Additional Resources



This section offers additional resources for the facilitator or the participants to further develop some of the ideas and concepts shared in the session. The facilitator is encouraged to share the links to these online resources.

Read:

- i. [Constitutional and Legal Challenges Faced by Religious Minorities in India](#) (USCIRF 2017)

Watch:

- i. [The Indian Dalit](#)
- ii. [Dalit Muslims of India](#)

MODULE II

LEGAL FRAMEWORK FOR RELIGIOUS FREEDOM

Part 1: Constitution and Religious Freedom

In this module, you will learn how the freedom of religion is protected under the Constitution of India. You will understand what the various aspects of religious freedom are and what legitimate restrictions can be placed on them.

1. Learning Objectives



The learning objectives outline the goal of the module and should be shared with the participants at the beginning of the session.

1. Build an understanding of the core protections for religious freedom under the Constitution of India.
2. Developing a deeper understanding of the remedies available under the Constitution of India to protect religious freedom and belief.

2. Key Points for the Presentation



The facilitator should familiarise themselves with the background notes and make a short presentation based on the key points mentioned below. The background notes serve as an introduction to the topic and will help provide some context for the group activities to follow.

1. Several articles in the Constitution ensure that the freedom of religion of all persons is protected in India. Article 25 grants all persons the right to freely practice, profess and propagate religion. Article 26 empowers a religious denomination to govern itself. The Constitution also protects the rights of religious minorities under Article 30 to run educational institutions.
2. Apart from these, there are other provisions in the Constitution that ensure that one's religious identity is not a ground for discrimination, for example, the prohibition of discrimination only on the ground of religion under Article 15, and equal opportunity in public employment for persons of all faiths under Article 16.
3. The Constitution also seeks to ensure that the State is not seen as advocating for any religious faith. Article 27 protects Indians from being compelled to pay taxes for the promotion of a particular religion. Further, Article 28 prohibits that students be instructed in religion in a state-funded educational institution.
4. The Constitution protects both the rights of individuals and the community.

- a. The Right of Individual
 - i. Freedom of conscience and the right to profess one's faith:
 - 1. This is a key aspect of the freedom of religion: The Constitution protects the right to freely have, keep, change or leave your religion or belief.
 - 2. The freedom of conscience is about our inner convictions and according to international law, there can be no limits on this dimension of religious freedom.
 - 3. This includes the right to believe in any religious tradition or not to believe in any of them.
 - ii. The right to practice one's faith:
 - 1. The Constitution also guarantees the right to act on our beliefs.
 - 2. This means that there is an external aspect of our faith, a more public aspect to the freedom of religion.
 - 3. This could include the ability to participate in certain religious practices, to adopt certain food or attire, to live out our faith.
 - 4. The State can limit this aspect of freedom of religion as this right is not absolute.
 - iii. The right to propagate one's faith:
 - 1. The Constitution also guarantees the right to share our faith with others.
 - 2. This could include the ability to distribute religious literature, to hold public events, etc.
 - 3. The Supreme Court, in a controversial decision, held that one can propagate one's faith but a person does not have a fundamental right to convert another person. This is a difficult decision to understand because it is difficult to clearly outline the limits on what someone can do to propagate their faith.
 - iv. Limitation on an individual's freedom of religion:
 - 1. This right of a person is not absolute, as it is governed by the demands of public order, morality, health and all other corresponding fundamental rights provided for under Part III of the Constitution.
 - 2. It is important to note, however, that the State inversely has the power to regulate secular activities associated with any religious practice.
 - 3. The State can pass laws to reform outdated religious customs or provide for the welfare of the society at large. Unique to the Indian context, the State can also allow Hindus of all classes and sections to enter Hindu public institutions, to counteract India's history of caste-based discrimination.
- b. The Rights of Religious Communities
 - i. A religious group has the fundamental right to run religious and charitable institutions, own property and manage its own affairs in religion in accordance with the law.
 - ii. However, the courts have held that the exercise of denominational rights cannot override and render meaningless constitutional protections which are informed by the overarching values of a liberal Constitution – for instance, the appointment of Dalits into Hindu temples, or the entry of women of menstruation age into the Sabrimala temple in Kerala which might be against the traditional practices followed by the religious denomination.

- iii. Unlike the right of an individual, a denomination's right is only made subject to public order, morality and health.

3. Group Activity



In this section, the participants should be divided into groups to discuss complex and even contentious ideas and analyse hypothetical situations in light of what they just learnt. This provides opportunity for peer-to-peer learning. In the situational analysis, it is helpful to put yourself in the position of all such characters mentioned in the situation and think from their perspectives. In situation questions, identify if they qualify as targeting of or discrimination against religious communities. The groups can record their ideas on a chart paper and one person from the group can be nominated to present the findings of the group.

Discussion Questions:

1. What freedoms does your right to religion give you – as an individual and a religious community?
2. How important is the ability to change one's faith or belief? And what role, if any, should the State play in such a process? In a multi-religious society, how should the State ensure communal peace?
3. Christopher is having a prayer gathering of 20 people in his house. His neighbour complains to the police. The Christians are forced to shut down the prayer meeting. Would your answer be different if the gathering was for 200 people?
4. Malik is a Muslim and is serving in the police. His senior officer orders him to shave his beard or be suspended. Should Malik be allowed to keep a beard in lieu of his religious beliefs? How should the police maintain uniformity in a disciplined force?
5. Raj is a Christian and serves in the armed forces. He does not want to participate in Hindu rituals, which his battalion has been conducting for over 100 years. Should Raj be excused from non-Christian rituals in keeping with his faith?
6. Puja is a Hindu and wants to serve as a priestess in a temple, but she is told she cannot serve as one because she is a woman. Would your answer be different if Puja was a man and a Dalit?
7. Rohit belongs to a small tribal community that is animist. This community has followed their traditions over the centuries in their village. Rohit becomes a Christian and does not want to participate in the village feasts in honour of the local deity any longer. The villagers tell Rohit that he now doesn't have any place in the village culture, traditions and religion and, thus, he should leave the village. Discuss.
8. Amit belongs to a small community where girls are married off at the age of 14 in the presence of the village deity. He wants to challenge the Child Marriage Restraint Act, 1929, which limits the marriageable age of girls to 18 years as he feels the Act is an assault on the religious ethos and traditions of his community under Article 25 and 26 of the Constitution. Discuss.

4. Additional Resources



This section offers additional resources for the facilitator or the participants to further develop some of the ideas and concepts shared in the session. The facilitator is encouraged to share the links to these online resources.

Read:

- i. Freedom of Religion or Belief for Everyone: [English/Hindi](#)
- ii. Fundamental Rights Safeguarded under the Constitution of India (Handout)
English/Hindi

Watch:

- i. An Introduction to Freedom of Religion or Belief: ([English/Hindi](#))

FUNDAMENTAL RIGHTS AND DUTIES

The Fundamental Rights are defined as basic human freedoms which every Indian citizen has the right to enjoy for a proper and harmonious development of personality. These rights universally apply to all citizens, irrespective of race, place of birth, religion, caste, creed, colour or sex. The Rights have their origins in many sources, including England's Bill of Rights, the United States Bill of Rights and France's Declaration of the Rights of Man. Subject to certain restrictions, the fundamental rights are enforceable by the courts and are outlined briefly below.

RIGHT TO EQUALITY: ARTICLES 14 - 18

The right to equality is safeguarded under Part III of the Constitution from Articles 14-18. The framers of the Constitution were deeply aware of the terrible injustices that were meted out to various sections of Indian society. The very purpose of this right is to establish the rule of law where all citizens would be treated equal before the law.

Equality before Law: The Constitution guarantees that all citizens will be equal before law. It means that everyone will be equally protected by the laws of the country and no person is above the law.

No Discrimination on the basis of Religion, Race, Caste, Sex or Place of Birth: The State cannot discriminate against a citizen on the basis of religion, race, caste, sex or place of birth. However, the State can make special provisions or concessions for women and children.

Equality of Opportunity to all Citizens in matter of Public Employment: The State cannot discriminate against anyone in the matter of public employment. However, there is a special provision for the reservation of posts for citizens belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes (OBCs)

Abolition of Untouchability: Practicing untouchability in any form has been made a punishable offence under the law.

Abolition of Titles: All the British titles have been abolished. However, the President of India can confer civil and military awards to those who have rendered meritorious service to the nation in different fields.

RIGHT TO FREEDOM: ARTICLE 19 - 22

Freedom is the most cherished desire of every living being. Human beings definitely want and need freedom. The Constitution of India recognizes the right to freedom to all its citizens.

Article 19 of the Constitution provides for the following six freedoms:

- (a) Freedom of speech and expression
- (b) Freedom to assemble peacefully and without arms
- (c) Freedom to form Associations and Unions
- (d) Freedom to move freely throughout the territory of India
- (e) Freedom to reside and settle in any part of India
- (f) Freedom to practice any profession or to carry on any occupation, trade or business

The Constitution has authorized the State to impose certain reasonable restrictions on each of them.

PROTECTION IN RESPECT OF CONVICTION FOR OFFENCES

Article 20 of the Constitution provides for protection in respect of conviction for offences. No one can be convicted for an act that was not an offence at the time of its commission, and no one can be given a punishment greater than what was provided for in the law prevalent at the time of its commission. Also, no one can be prosecuted and punished for the same offence more than once and can be forced to give witness against his or her own self.

PROTECTION OF LIFE AND PERSONAL LIBERTY

As provided in Article 21, no one can be deprived of his or her life or personal liberty except according to the procedure established by law.

Protection against arrest and detention in certain cases: It is provided in Article 22 that whenever a person is arrested, he or she should be informed, as soon as it is possible, of the grounds for arrest and should be allowed to consult and to be defended by a legal practitioner of his or her choice. Moreover, the arrested person must be produced before the nearest magistrate within 24 hours of such an arrest excepting a person who has been arrested under preventive detention law.

RIGHT AGAINST EXPLOITATION: ARTICLE 23 – 24

The citizens have been guaranteed the right against exploitation through Articles 23 and 24 of the Constitution. These two provisions are:

1. **Prohibition of traffic in human beings and forced labour:** Traffic in human beings and begar and other similar forms of forced labour are prohibited and any breach of this provision shall be an offence punishable in accordance with law.
2. **Prohibition of employment of children in factories, etc.:** As the Constitution provides, no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

RIGHT TO FREEDOM OF RELIGION (ARTICLE 25 -28)

One of the objectives declared in the Preamble is “to secure to all its citizens liberty of belief, faith and worship”. The Indian State has no religion of its own. But it recognizes full freedom to all the citizens to have faith in any religion and to worship, the way they like. In respect of the Right to freedom the Constitution makes four provisions under Articles 25-28.

Freedom of conscience and free profession, practice and propagation of religion: All persons are equally entitled to freedom of conscience and the right to profess, practise and propagate religion freely. However, it does not mean that one can force another person to convert his/her religion.

Besides the above stated restrictions, the State also has the power to regulate any economic, financial, political or other secular activities related to religion. The State can also impose restrictions on this right on the grounds of public order, morality and health.

Freedom to manage religious affairs: Subject to public order, morality and health, every religious group or any section thereof shall have the right (a) to establish and maintain institutions for religious and charitable purposes; (b) to manage its own affairs in matters of religion; (c) to own and acquire movable and immovable property; and (d) to administer such property in accordance with law.

Freedom as to the payment of taxes for promotion of any particular religion: No person shall be compelled to pay any tax, the proceeds of which are specifically used in payment of expenses incurred on the promotion or maintenance of any particular religion or religious sect.

Freedom as to attendance at religious instruction or religious worship in certain educational institutions: (1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds. However, it will not apply to an educational institution which is administered by the State but has been established under any trust which requires that religious instruction shall be imparted in such an institution. But no person attending such an institution shall be compelled to take part in any religious instruction that may be imparted there or attend any religious worship that may be conducted there. In case of a minor, the consent of his/her guardian is essential for attending such activities.

CULTURAL AND EDUCATIONAL RIGHTS: ARTICLE 29 - 30

India is the largest democracy in the world having diversity of culture, scripts, languages and religions. However, as democracies are often rule of the majority, there is a need to safeguard the interest of minority groups. Protection of language, culture and religion of the minorities becomes essential so that the minorities may not feel neglected or undermined under the impact of the majority rule. Since people take pride in their own culture and language, a special right known as Cultural and Educational Right has been included in the Chapter on Fundamental Rights. In Articles 29-30 two major provisions have been made.

Protection of interests of minorities: Any minority group having a distinct language, script or culture of its own shall have the right to conserve the same.

No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Right of minorities to establish and administer educational institutions: All Minorities, whether based on religion or language, have the right to establish and administer educational institutions of their choice. In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property would not restrict or abrogate the right guaranteed under that clause. The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Minority does not mean minority at the national level. There can be minorities at the state level also.

RIGHT TO CONSTITUTIONAL REMEDIES: ARTICLE 32

Since Fundamental Rights are like guarantees. They are enforceable, as every individual has the right to seek the help from courts, if they are violated.

One can also directly approach the Supreme Court that can issue directions, orders or writs for the enforcement of Fundamental Rights.

RIGHT TO EDUCATION (RTE)

The Right to Education is added by introducing a new Article 21A in the Chapter on Fundamental Rights in 2002 by the 86th Constitutional Amendment.

FUNDAMENTAL DUTIES

In return for every right, the society expects the citizens to do certain things which are collectively known as duties. Some such important duties have been incorporated in the Indian Constitution also. However, whereas Fundamental Rights are legally enforceable, the Fundamental Duties are not legally enforceable. It means that the violation of fundamental duties cannot be remedied in the court of law. The following duties have been listed in the Constitution of India:

To abide by the Constitution and respect its ideals and institutions, the National Flag, National Anthem;

- To cherish and follow the noble ideals which inspired our national struggle for freedom;
- To uphold and protect the sovereignty, unity and integrity of India;
- To defend the country and render national servicewhen called upon to do;
- To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women;
- To value and preserve the rich heritage of our composite culture;
- To protect and improve the natural environments including forests, lakes, rivers and wildlife;
- To develop the scientific temper, humanism and the spirit of inquiry and reform;

To safeguard public property and not to use violence; and to serve towards excellence in all spheres of individual and collective activity.

Besides, a new duty has been added after the passage of Right to Education Act, 2009. "A parent or guardian has to provide opportunities for the education of his child/ward between the age of six and fourteen years.

MODULE II

LEGAL FRAMEWORK FOR RELIGIOUS FREEDOM

Part 2: Anti-Conversion Laws

This session provides an outline of the anti-conversion laws in various states of India. It highlights the practical difficulties faced by persons changing their religious beliefs and the manner in which these laws stand in direct conflict with constitutional provisions.

1. Learning Objectives



The learning objectives outline the goal of the module and should be shared with the participants at the beginning of the session.

1. Critically analysing the provisions of the anti-conversion laws in India.
2. Developing a deeper understanding of the freedom of conscience and the right to convert to the religion of one's choice as a fundamental and basic human right.

2. Key Points for the Presentation



The facilitator should familiarise themselves with the background notes and make a short presentation based on the key points mentioned below. The background notes serve as an introduction to the topic and will help provide some context for the group activities to follow.

1. The Freedom of Religion Acts, more commonly known as the “anti-conversion” laws, were first enacted in the 1960s in Independent India and are currently in force in eight states – Odisha (1967); Madhya Pradesh (1968); Chhattisgarh (2003); Gujarat (2008), Uttarakhand (2017), Jharkhand (2017), Himachal Pradesh (2019) and Uttar Pradesh (2020).
2. In Arunachal Pradesh, the law was enacted in 1978 but as the Rules have not yet been framed, the law is not implemented. In 2018, the Rajasthan High Court issued guidelines regulating religious conversions in the state.
3. The anti-conversion laws are an attempt to prohibit conversions by force, fraud and inducement or allurement. However, due to the vague definitions employed in the Act, they are frequently misused.
4. The laws state that no person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force, misrepresentation, or by undue influence, allurement, marriage, by inducement or any fraudulent means nor shall any person abet any such conversion.
5. All anti-conversion laws require that a person who is converting or overseeing the religious ceremony of a convert inform the district authorities by completing a prescribed form. The intimation can be prior to conversion or in some cases post-

conversion. In some of the states, the person or religious priest conducting the “conversion ceremony” is also required to send an intimation either prior to such a ceremony or post-conversion.

6. Definitions under the laws:

- a. Force is defined in all the laws as more or less “a threat of injury of any kind including the threat of divine displeasure or social ex-communication.”
- b. All the laws use “fraud” and “fraudulent” interchangeably with the same definition as “misrepresentation or any other fraudulent contrivance.”
- c. “Inducement” is defined as including “the offer of any gratification, either in cash or in kind and shall also include the grant of any benefit, either pecuniary or otherwise” in three of the states. Four other states used the term “allurement” and defined it as “offer of any temptation in the form of – (i) any gift or gratification either in cash or kind; (ii) grant of any material benefit, either monetary or otherwise.”
- d. The Uttarakhand law defined the term “allurement” more specifically: “Allurement means and includes the offer of any temptation in the form of gift or gratification or material benefit, either in cash or kind or employment, free education in a reputed school run by any religious body, easy money, better lifestyle, divine pleasure or otherwise.”
- e. The law in Uttarakhand has also defined certain terms which are not included in the previous Acts passed by the other seven states. These include the terms “undue influence,” which “means the unconscientious use by one person of his power or influence over another in order to persuade the other to act in accordance with the will of the person exercising such influence.” “Religion” is defined as an organised system of faith, belief, worship or lifestyle, as prevailing in India or any part of it, and defined under any law or custom for the time being in force. “Religious priest” is defined as a priest of any religion who performs purification Sanskar or conversion ceremony of any religion and by whatever name he is called such as pujari, pandit, mulla, Maulvi, father etc.

7. Some laws, such as those promulgated by Himachal Pradesh and Uttar Pradesh, do not construe “re-conversion” to “original religion” as conversion.

8. Marriage as a new target against inter-faith couples

- a. Some laws have also included penalties for conducting a marriage for the sole purpose of religious conversion between persons belonging to different religions, for which a man converts himself or converts the woman, before or after the marriage.
- b. The law will have a hindering effect on those who wish to marry a person of a different religious faith from their own and any religious conversion linked thereto.

9. Penal Provisions

- a. Punishment for contravention of the law will include imprisonment between one year and four years and a fine up to rupees one lakh for contravention of the Act, depending on the state.
- b. The anti-conversion law makes the failure to notify one’s intention to convert one’s faith an offence punishable with a jail term or a fine. The Uttarakhand goes so far as to make it a non-bailable offence. This further victimises a person whom the law purports to protect from forceful and fraudulent religious conversions.

10. Some concerns about these laws and religious conversion:

- a. A common allegation is that people convert for material gains. Such allegations have led to frequent attacks on religious minorities and also led to the enactment of anti-conversion laws. But why would someone who converts for financial gain be willing to suffer persecution for their faith in the form of grave physical assaults and social hostility, which the converts often go through?
- b. The laws violate the privacy of the person converting their faith and subjects each conversion to the scrutiny of the district administration.
- c. The UN Special Rapporteur on Freedom of Religion or Belief has said, "Conversion is the test for the right to religious freedom."
- d. The laws fail to protect the right to propagate one's faith due to the vague clauses which would make people hesitant to propagate their faith because they think it is unlawful.
- e. The laws lead to increased violence against religious minorities.

3. Group Activity



In this section, the participants should be divided into groups to discuss complex and even contentious ideas and analyse hypothetical situations in light of what they just learnt. This provides opportunity for peer-to-peer learning. In the situational analysis, it is helpful to put yourself in the position of all such characters mentioned in the situation and think from their perspectives. In situation questions, identify if they qualify as targeting of or discrimination against religious communities. The groups can record their ideas on a chart paper and one person from the group can be nominated to present the findings of the group.

Discussion Questions:

1. Many of the anti-conversion laws require permission to be taken from district authorities before a conversion ceremony. Do you agree with this requirement? Wouldn't supervision of conversion by the government keep peace in the society and avoid communal tensions?
2. What role does the person changing her/his religion have to play in her/his own religious conversion? Is religious conversion a physical act or a mental act? If both, which comes first?
3. Who is a religious convertor? Do you think any restrictions should be placed on the converter? If yes, then what are those restrictions?
4. Kumar is reading the Bible gifted to him by a friend and starts to pray to Jesus. Has Kumar converted? When does conversion begin and when is it complete?
5. Mariam, a Muslim girl, is in love with Sunil and they plan to marry in a couple of months. Mariam wants to convert to Hinduism as she is influenced by Sunil's faith. Do you have any objection to Mariam's decision? Would your answer be different if Mariam's conversion was a condition set by Sunil for their marriage?
6. Raj is a Dalit in Gujarat and wants to convert to Buddhism. He fails to inform the authorities about his decision. What should Raj do? Would your answer be any different if he became an atheist?
7. Pinki begins to visit a local mosque and starts to read the Koran in her home. Her neighbour complains to the police that she is being forced to convert. How should Pinki respond to this? Should the neighbour be commended for her vigilance?
8. Rita is a tribal Christian, and the village passes a resolution that no one should talk to Rita or have any interactions with her till she converts back to the tribal faith. Discuss Rita's

options. What steps should the local village take to preserve and protect its tribal culture?

4. Additional Resources



This section offers additional resources for the facilitator or the participants to further develop some of the ideas and concepts shared in the session. The facilitator is encouraged to share the links to these online resources.

Read:

- i. [State Anti-Conversion Laws in India](#) (Library of Congress, 2017)

Watch:

- i. [Freedom of Religion or “Anti-conversion” laws](#)
- ii. [The Right to Have or Change Religion or Belief](#)

MODULE II

LEGAL FRAMEWORK FOR RELIGIOUS FREEDOM

Part 3: Indian Penal Code

This session provides an outline to various provisions under the Indian Penal Code that deal with religion as well as practical difficulties faced by people when they are both accused under these provisions and even when they are trying to file complaints under these sections.

1. Learning Objectives



The learning objectives outline the goal of the module and should be shared with the participants at the beginning of the session.

1. Understanding the various provisions relating to religion in the Indian Penal Code and how to respond to the violations or allegations under these provisions.
2. Developing a deeper understanding of the various ingredients of the law so that complaints can be filed more carefully under these provisions.

2. Key Points for the Presentation



The facilitator should familiarise themselves with the background notes and make a short presentation based on the key points mentioned below. The background notes serve as an introduction to the topic and will help provide some context for the group activities to follow.

1. The Indian Penal Code has several provisions which penalise the outraging of one's religious beliefs.
2. For any criminal act, there are two aspects of the crime: first, there must be an intention, and, second, there must be an act.
3. Intention can be inferred from the evidence crucial to the case. For example, if someone left for their neighbour's home in anger carrying a weapon, it can be inferred that they intended to use the weapon in a fight that ensued. If a person was driving at a very high speed, far above the normal, it can be inferred that they were being negligent.
4. The second aspect is the action. If I have an intention but do not act upon it, no crime is committed. For example, if someone carries a weapon to their neighbour's house and then stands outside the house without using the weapon or getting into a fight, no crime is committed. However, if the person picks up a fight and maybe uses the weapon, then a crime is committed.
5. Indian Penal code penalises several actions which are aimed at hurting the religious sentiments of people, promoting enmity between communities and desecrating religious places or symbols.
6. The intention of the legislature was not to cover all acts but only those which are deliberate and malicious.

7. The key sections in this part of the Indian Penal Code are Sections 153A, 295, 295A, 296, 297 and 298.
8. Section 153A: Similar to Section 295A, Section 153A penalises promotion of enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.
 - a. Section 153 A has different components:
 - b. Whoever by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or
 - c. Commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity, [or]
 - d. Organises any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,]
 - e. Penal provision: Imprisonment which may extend to three years, or with fine, or both.
9. Section 295: It penalises the destruction or defilement of a place of worship or an object held sacred by a community.
 - a. The section states, "Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion."
 - b. Penal Provision: Imprisonment for a term which may extend to two years, or with fine, or both.
10. Section 295A: Similar to Section 295, Section 295A penalises the deliberate and malicious act which is intended to outrage religious feelings.
 - a. This Section criminalises any deliberate and malicious act which is intended to outrage religious feelings of any class by insulting its religion or religious beliefs and punishes "whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or religious beliefs of that class."
 - b. Penal Provision: Imprisonment which may extend up to 3 years or with fine or both.
11. Section 296
 - a. Key ingredients: Voluntarily causing disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies.
 - b. Penal Provision: Imprisonment of either description for a term which may extend to one year, or with fine, or both.

12. Section 297

- a. Key ingredients: Intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies.
- b. Penal Provisions: Imprisonment of either description for a term which may extend to one year, or with fine, or both.

13. Section 298

- a. Section 298 penalises uttering, words, etc., with deliberate intent to wound the religious feelings of any person.
- b. Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person.
- c. Penal Provision: Imprisonment of either description for a term which may extend to one year, or with fine, or with both.

14. A concern about these provisions is that they are often difficult to define and prove. It's measured often by answering the question, would a reasonable person be offended or disturbed by the actions or words?

15. These sections have also frequently been misused by groups to shut down activities or debates on any religious topics.

16. In light of what has just been taught, see if the participants can answer this pop quiz. They are to check if the situation narrated below would result in a violation of the provisions of the Indian Penal Code:

- a. Mohit is part of a group of people that writes "Jai Shree Ram" on the walls of a masjid.
- b. Imran offers *namaz* inside a temple with permission of the local pujari. Would your answer be different if the Pujari did not know that Imran was going to do this?
- c. John tells a group of people in the market that all idols are man-made and worthless.

3. Group Activity



In this section, the participants must be divided into groups where they can discuss complex and even contentious ideas and analyse hypothetical situations in light of what they just learnt. This provides opportunity for peer-to-peer learning. In the situational analysis, it is helpful to put yourself in the position of all such characters mentioned in the situation and think from their perspectives. In situation questions, identify if they qualify as targeting of or discrimination against religious communities. The groups can record their ideas on a chart paper and one person from the group can be nominated to present the findings of the group.

Discussion Questions:

1. How do you define the terms outrage, hurt, hostility, trespass, intimidation/threats, conspiracy to obstruct resulting in hurting of religious feeling? Was it easy to define these terms?
2. Comment on the statement, "Religions do not have rights, but people do."
3. How do you bring reform, or critique social practices which have their foundations in religious traditions, without outraging the religious feelings of communities? (Note for the presenter: For example, the abolishment of *sati*, gender discrimination, superstitions, etc.)
4. What measures can we adopt to have a healthy discussion on religion or religious practices without hurting the listener?
5. What practises within your own faith or cultural tradition could be viewed as disrespectful of other faith traditions?
6. Kumar is burning some old papers and they include a copy of the Bible. Without thinking, Kumar burns the Bible. Should Kumar be prosecuted for this?
7. Ajay Christopher is a social influencer and he dresses up as Ram for one of his social media posts. This hurts certain persons who want to see Ajay incarcerated for this. Where should have Ajay drawn the line? Are these persons being over-sensitive?

4. Additional Resources



This section offers additional resources for the facilitator or the participants to further develop some of the ideas and concepts shared in the session. The facilitator is encouraged to share the links to these online resources.

Read:

- i. [Understanding India's Blasphemy Laws](#)

Watch:

- i. Video: [Introduction of Blasphemy Laws under the Indian Penal Code](#), ADF India

MODULE III

LEGAL RESOURCES TO PROTECT RELIGIOUS FREEDOM

Part 1: Complaint Mechanism Under The Criminal Procedure Code

This session provides an outline to the various provisions under the Criminal Procedure Code which relate to the filing of complaints and arrests. The session deals with best practices in filing complaints and offers practical guidance as one navigates the criminal justice system in India.

1. Learning Objectives



The learning objectives outline the goal of the module and should be shared with the participants at the beginning of the session.

1. Increased understanding of the process of filing a criminal complaint and important factors to remember when drafting a complaint.
2. Developing a better understanding of the rights of an accused person being arrested for a crime.
3. The safeguards available for women and children under the law to ensure that there is no abuse by the police.

2. Key Points for the Presentation



The facilitator should familiarise themselves with the background notes and make a short presentation based on the key points mentioned below. The background notes serve as an introduction to the topic and will help provide some context for the group activities to follow.

1. The Criminal Procedure Code and the various Supreme Court judgments outline both the procedure and the duty of the police when registering criminal complaints, when arresting people and also when dealing with women and children.
2. The handout, titled “Legal Duties of the Police,” will serve as a reference for this session. The facilitator must review the document and can highlight some of the key points mentioned therein.

3. Group Activity



In this section, the participants must be divided into groups where they can discuss complex and even contentious ideas and analyse hypothetical situations in light of what they just learnt. This provides opportunity for peer-to-peer learning. In the situational analysis, it is helpful to put yourself in the position of all such characters mentioned in the situation and think from their perspectives. In situation questions, identify if they qualify as targeting of or discrimination against religious communities. The groups can record their ideas on a chart paper and one person from the group can be nominated to present the findings of the group.

Discussion Questions:

1. Being arrested is a frightening experience. Would you agree with this statement? Share some of your experiences with the police.
2. Which do you think is more important, to treat the victim or register a complaint?
3. How quickly should a complaint be filed? Immediately, a few hours, one day later? What could be valid reasons for a delay in filing a complaint?
4. What should you do when the police are rude, insensitive and refuse to register a complaint?
5. What special protections do the police have to follow when dealing with women and children?
6. Kanika and three of her male friends were arrested for possession of narcotics from her home at 11:00 pm. They were taken to the police station by four policemen. Discuss.
7. Sanjay was arrested based on the accusation of theft and the police beat him up severely to get him to confess to the crime. Based on his confession, the police recovered the loot from his friend's house. To what extent should the police go to help the aggrieved – in this case, all those victims that Sanjay had robbed?
8. Malik was assaulted by a group of people while he was travelling back to Delhi from Agra. He waited till he got back to Delhi and then went to the police station near his house to register a complaint. The police refused to file the complaint and told him to go back to Agra to file it. What recourse does Malik have? Did the police at the police station near his house act legally?
9. Sunil is the son of a local politician. He is 16 years old. Sunil was arrested for rash and negligent driving. The media used his picture in the newspaper. Discuss.
10. Selvi was attacked physically and the perpetrators attempted to disrobe her. The incident took place at Khanpur area in Delhi and she was admitted in a hospital at Jhajjar area. Can Jhajjar police do something about it?

4. Additional Resources



This section offers additional resources for the facilitator or the participants to further develop some of the ideas and concepts shared in the session. The facilitator is encouraged to share the links to these online resources.

Read:

- i. [What are Best Practices for Filing a Police Complaint?](#)
- ii. [Seeking Legal Recourse: Duties of the Police](#)

Watch:

- i. [Rights of the Accused](#)
- ii. [Filing Criminal Complaints or First Information Reports](#)
- iii. Online Police Complaints: [English/ Hindi](#)

HANDOUT: LEGAL DUTIES OF THE POLICE

Things to Remember When You are Filing an FIR:

- a) Anybody can lodge an FIR. You do not need to be a witness to the crime to be eligible to file an FIR. If you have come to know about the crime, that would suffice.
- b) It is illegal for the police officer to deny lodging an FIR. If such a situation occurs, send a copy of your complaint to the Commissioner/ Superintendent of Police by registered post or AD.
- c) The FIR must be taken down in writing, read over and explained to you before you sign it.
- d) You can lodge an FIR at any police station convenient for you. The police officer must ensure that it is sent to the appropriate police station nearest to the place of crime.
- e) Always ask for a copy of the FIR for your personal records. You have the right to get a copy of the same, free of cost.
- f) You may also give information of a crime to an officer in charge of a police station by telephone. In such cases, the police will ascertain your personal details (such as name, age, address and phone no.) for their records.

Procedure to Be Followed During an Arrest:

- a) Police personnel carrying out the arrest and handling the interrogation should bear accurate, visible and clear identification and name tags with their designations.
- b) You must be told of the reasons for arrest, your right to bail and also of your right to a lawyer of your choice.
- c) At the time of the arrest, the police officer shall prepare a memo of arrest and such memo shall be attested by at least one witness, who may either be a member of the family or a respectable person of the locality from where the arrest is made. It must also be countersigned by you and shall contain the time and date of the arrest.
- d) One friend or relative or other person known to you or having interest in your welfare must be informed, as soon as practicable, that you have been arrested and are being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.
- e) A police control-room should be provided at all district and state headquarters, where information regarding the arrest and the place of custody of all arrestees shall be communicated by the officer making the arrest, within 12 hours of effecting the arrest and in the control-room, it should be displayed on a conspicuous notice board.
- f) Request a medical examination immediately after arrest. The doctor must examine you and record all injuries, both major and minor, in the "inspection memo."
- g) The inspection memo must be signed by you and the arresting officer. Sign only an accurately filled-out memo and ask for one copy of the inspection memo.
- h) You should be medically examined every 48 hours while in police custody.
- i) Make an application for medical treatment in case of unstable health conditions.
- j) You must be produced before the nearest magistrate within 24 hours.
- k) You can be sent to police custody only for the first 15 days from the date of production before the magistrate. After that, you must be sent to judicial custody.
- l) You have the right to get legible copies of the FIR, remand application, charge-sheet against you and the police must provide these to you free of cost.
- m) Torture is illegal, if you are tortured by the police or jail officials or anyone else while in custody, complain to the judge at the earliest opportunity and show any injury marks on your body, if possible.
- n) If a confession is taken after torture, inform the judge immediately and retract the statement made to the police.
- o) If you are in police custody, request that you be sent to judicial custody.
- p) Copies of all the documents, including the memo of arrest, referred to above, should be sent to the Jurisdictional Magistrate for his record.

HANDOUT: LEGAL DUTIES OF THE POLICE

Searching of Premises:

- a) Two independent witnesses (*panchas*) should always be present when you or your premises are searched.
- b) An accurate list of articles seized must be prepared and given to you immediately.

Right to Legal Representation:

- a) If you are poor/female/SC/ST, you have the fundamental right to a competent lawyer at the state expense from the court.
- b) Your lawyer can remain present during the interrogation by the police.
- c) You have the right to meet your lawyer while in custody.

Bail

- a) If arrested in a bailable offence, you are entitled to bail as a matter of right. Ask the police to release you on bail immediately.
- b) If arrested in a non-bailable offence, you will have to apply to the court for bail.
- c) One of the following documents will be needed as an identity proof for or on grant of bail: ration card, electricity bill, telephone bill, rent receipts, voters ID, PAN card, etc.
- d) If the bail amount is too high, apply for reduction of bail.
- e) You have the right to get bail if you are in custody and the charge-sheet is not filed within 60 days of the date of production before the Magistrate for the first time, in cases where the offence is punishable with imprisonment of less than 10 years.
- f) And when the charge-sheet is not filed in 90 days of date of production before the Magistrate for the first time in cases where the offence is punishable with imprisonment of more than 10 years.

Procedure to Be Followed When Women are Arrested:

- a) No arrests after sunset and before sunrise.
- b) A woman constable must be present when you are arrested.
- c) You can be physically searched by another woman only.
- d) Medical examination can be done only in the supervision of a woman doctor.
- e) A woman arrestee should be detained only in a woman's lock up.
- f) Every woman prisoner must be examined once a month by the doctor while in prison.
- g) A woman or minor girl witness cannot be called to the police station, but can be interrogated at her residence.

Procedure to Be Followed When the Person is a Minor.

- a) In case of persons under 18 years of age on the date of the offence, the age can be verified by documents or medical examination.
- b) No remand or lock up, but must be sent to juvenile homes.
- c) All investigations to be completed within 4 months of the complaint. FIR and enquiry before the Juvenile Justice Board must be disposed of in 6 months. No imprisonment or death sentence can be awarded to a juvenile.
- d) The media cannot disclose the identity of the juvenile.

MODULE III

LEGAL RESOURCES TO PROTECT RELIGIOUS FREEDOM

Part 2: Quasi-Judicial Bodies

This session provides an outline of the various quasi-judicial bodies that respond to violations of religious freedom.

1. Learning Objectives



The learning objectives outline the goal of the module and should be shared with the participants at the beginning of the session.

1. Developing a deeper understanding of how quasi-judicial bodies operate and how they can protect the freedom of religion.
2. Understanding the key elements of filing complaints before such commissions.

2. Key Points for the Presentation



The facilitator should familiarise themselves with the background notes and make a short presentation based on the key points mentioned below. The background notes serve as an introduction to the topic and will help provide some context for the group activities to follow.

1. The chapters of Fundamental Rights and Fundamental Duties under the Constitution provide a balance of cultural and religious freedom for both majority and minority groups and further safeguard the vulnerable and weaker sections of society.
2. To achieve this goal, commissions – like the National Commission for Minorities, the National Commissions for Scheduled Castes and Scheduled Tribes, the National Commission for Minority Educational Institutions and the National Human Rights Commission – have been established at the helm. These commissions are given quasi-judicial powers and can conduct enquiry and investigation and make recommendations to the government.

The National Human Rights Commission

1. The National Human Rights Commission (NHRC) was set up under the Protection of Human Rights Act 1993.
2. Functions of the NHRC: Laid down under Section 12 of the Protection of Human Rights Act which can be highlighted as follows:

- a. The Commission can inquire into complaints of violation of human rights and can also intervene in judicial proceedings involving allegations of human rights violation with the approval of the court.
 - b. It can make recommendations to the government on conditions of inmates of any jail or institution under the control of the state government.
 - c. It can review safeguards under the Constitution or any law for the protection of human rights and recommend measures for effective implementation.
 - d. The Commission will spread awareness about the safeguards available and encourage civil society to develop and work towards ensuring human rights.
3. With regard to inquiries into complaints, the Commission has all powers of a civil court trying a suit under the Code of Civil Procedure, 1908, which includes:
- a. Summoning and enforcing the attendance of a witness and examining them on oath.
 - b. Discovery and production of any document.
 - c. Receiving evidence on affidavits.
 - d. Requisitioning any public record or copy thereof from any court or office.
 - e. Instituting commissions for the examination of witnesses or documents.
 - f. The Commission can, for the purpose of conducting an investigation, utilise any officer or investigating agencies of the central or state government. After the completion of the inquiry, the Commission can recommend to the government authority to:
 - i. Compensate the complainant/victims for damages.
 - ii. To initiate proceedings for prosecution.
 - iii. The Commission can also approach the Supreme Court or the High Court for directions, orders or writs.
4. Issues that the NHRC will look into: Inaction on the part of the authorities, such as the police, the administration and other government departments, on complaints related to:
- a. Unlawful detention, false implication, custodial violence, illegal arrest, other police excesses.
 - b. Encounter deaths, custodial deaths in police/prison custody, harassment of prisoners.
 - c. Harassment of prisoners, including their detention beyond the period of their punishment; including unliveable jail conditions.
 - d. Atrocities on SCs and STs and denial of their dues under social welfare schemes.
 - e. Bonded labour; child labour; child marriage.
 - f. Dowry death or its attempt; dowry demand, sexual harassment and indignity to women; exploitation of women.
 - g. Non-registration of complaints on denial of care by the kith and kin of older persons, human trafficking, abduction, sexual assault, murder or attempt thereof, corruption or any such criminal offence, which is punishable under law.
 - h. Inaction on measures, or denial thereof, to provide basic civic amenities like drinking water, clean environment, health facilities, communication and transport, right to education, ration under public distribution system, right to food including malnutrition and starvation deaths and benefits under various social welfare schemes like MNERGA, ICDS, old-age pension, etc.

- i. Inaction on complaints on issues, which require preventive action to check unlawful activity, communal violence, public unrest, law & order situation from deterioration
5. Who can file a complaint:
 - a. Victim, or any other person on a victim's behalf, citing an incident of human rights violation caused by an act of commission or omission by a public authority.
 - b. The Commission can also take *suo motu* cognisance of any incident of human rights violation on the basis of media reports.
 6. Complaints not ordinarily entertained by the NHRC:
 - a. Incidents occurred more than a year before the filing of the complaint to the NHRC.
 - b. Issues that are sub-judice; i.e. already before a court of law or before any National or State Commission, including a State Human Rights Commission, which are independent of the NHRC and not under it.
 - c. Complaints which are vague, anonymous, pseudonymous or frivolous in nature, wherein no human rights violation is made out.
 - d. Complaints which pertain to service matters other than pension/family pension, retirement benefits, denial of wages.
 - e. Complaints which pertain to property and other civil disputes, including matrimonial/family disputes.
 7. Where to file a complaint:
 - a. The NHRC does not charge any fee for the registration of complaints with it. However, if a complainant avails some services – for example, of a Village-Level Entrepreneur operating the Common Service Centre – to write and send the complaint through Common Service Portal, s/he may be required to pay an assistance fee of Rs. 30/- only (Inclusive of GST).
 - b. The complaints, written on a simple piece of paper with complete contact details of the complainant under his/her name and signature, can be sent directly to the Commission as follows:
 - By post at: National Human Rights Commission, Manav Adhikar Bhawan, Block-C, GPO Complex, INA, New Delhi 110023. The complaint must contain all relevant details of date and place of incident, nature of the alleged violation, name of the public authority, if any, involved.
 - By fax at: 011-24651334
 - Online through the NHRC website: www.nhrc.nic.in
 - c. The complainants are provided information of the registration and progress on their complaints, including final disposal, on their address for correspondence. Information is also sent on the mobile number & e-mail ID of the complainants, if provided by them.

The National Commission for Minorities

1. The National Commission for Minorities is a statutory body drawing its powers from the National Commission for Minorities Act 1992 (NCM Act).
2. On 23 October 1993, a gazetted notification was issued by the Ministry of Welfare, Government of India, which has notified people from five religions as minority

communities: Muslims, Christians, Sikhs, Buddhists and Zoroastrians. Later, Jains were also included, vide a notification dated 27 January 2014.

3. Section 9 of the NCM Act bestows various powers and functions to the NCM to ensure the preservation of the secular traditions of this country. Some of these functions under sub section (1) are highlighted as follows:
 - a. The Commission can monitor the progress in development of minorities and evaluate provisions for their safeguards.
 - b. The Commission can make recommendations for effective implementation of these safeguards by the central government or state governments.
 - c. The Commission can entertain complaints regarding deprivation of rights and safeguards of minorities, and take up such matters with the appropriate authorities.
 - d. The Commission can conduct studies and research on problems relating to discrimination against minorities and issues on socio-economic and educational development of minorities.
4. Complaint Mechanism
 - a. Any person can file a complaint either online or in person or by post against any discrimination on grounds of the religion of the minority community.
 - b. To investigate the complaint, the Commission can call for a report from the concerned department or agency.
 - c. The report is then examined in the Commission vis-à-vis facts given in the complaint.

SAMPLE FORMAT OF A COMPLAINT LETTER

To

The Secretary

National/State Minorities Commission

Address of the Commission

Subject : _____

Sir/Madam

I, (Name) son of/ daughter of or wife of _____ resident of (address) hereby inform that:

1. (Details of the incident or discrimination being faced)
2. On (date) _____

I do hereby present my under mentioned complaint against (Name of the Person/Official/Designation/Department) _____ for kind perusal of the Commission to take further necessary remedial measures under intimation to me.

I solemnly declare that my under-mentioned complaint is not being pursued in any other forum or court of law and is not barred by any judgment. I also undertake not to prefer this case to any other court of law during the pendency of the case in this Commission. I further assure that any development in the case will promptly be communicated to the Commission.

Yours faithfully,

(Signature & Name of the Complainant)

Address:

- d. If required, the complainant is asked to send some fresh facts or file a rejoinder keeping in view the report of the department or agency. Wherever it is felt that the hearing should be conducted in the case, both the parties are called before the Commission to present their views and counter views, and based on the same, the Commission takes its decision.
 - e. Wherever required, the concerned department/agency is given appropriate directions to resolve the grievance/complaint of the petitioner/complainant in a time-bound manner.
 - f. However, whenever and at whatever stage the Commissions feels that no further intervention is required, the case is closed. The ultimate objective remains to resolve the grievance/complaint of the petitioner/complainant to the maximum satisfaction of the petitioner/complainant.
 - g. The complaints received from persons other than those belonging to minority communities or anonymous complainants or against matters which are sub-judice, are not entertained.
5. As a redressal forum, it is a quasi-judicial body having all the powers of a civil court to the extent of enforcing the attendance of witnesses and summoning records, recording evidence on oath, while trying a suit.
 6. Where to file the complaint:
 - a. An online complaint can be filed at <http://cms.ncm.nic.in/>
 - b. Persons from a minority community can call the NCM on the toll-free no: 1800-11-00-88. For any query related to any scheme of the Ministry of Minority Affairs, the helpline number is 1800-11-20-01.

The National Commissions for Scheduled Castes and Scheduled Tribes

1. To ensure that members of Dalit and tribal communities are able to enjoy their fundamental rights and are safeguarded against exploitation, the National Commission for Scheduled Castes and Scheduled Tribes was set up by the Government of India.
2. In 2003, the National Commission for Scheduled Tribes (NCST) was established by amending Article 338 and inserting a new Article 338A in the Constitution through the Constitution (89th Amendment) Act, 2003.
3. By this amendment, the mandate of the National Commission for Scheduled Castes and Scheduled Tribes was bifurcated into two separate Commissions – the National Commission for Scheduled Castes (NCSC), and the National Commission for Scheduled Tribes (NCST).
4. Duties and functions of the Commission
The Constitution, under Article 338, has assigned the following duties and functions to the Commission:
 - a. To investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under the Constitution or under any other law for the time being in force or under any order of the government and to evaluate the working of such safeguards;
 - b. To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;
 - c. Similarly, Article 338A has assigned similar duties and functions to the National Commission for Scheduled Tribes to protect the interests of the tribal communities.
5. To file a complaint:

- a. A complaint with the NCSC can be sent to ncsccomplaints@gmail.com.
 - b. To file a complaint with the NCST, the email is sey@ncst.nic.in or js@ncst.nic.in; more details can be obtained from the helpline no: 1800-11-77-77
6. Procedure for inquiry
- a. The Commission is required to inquire into specific complaints with respect to the deprivation of rights and safeguards of Scheduled Castes. To enable the Commission to perform this function effectively and efficiently, the Commission would like the members of the Scheduled Castes to know that it will be helpful to inquire into their grievances if they substantiate their complaints with supporting documents and quote the relevant provisions of the Act or Rules or directions which have been violated.
7. Points to remember while filing a complaint:
- The following aspect may be kept in mind while filing complaints before the Commission.
- a. The complaint should be directly addressed to the Chairman/Vice-Chairman/Secretary, National Commission for Scheduled Castes, New Delhi or the heads of its state offices.
 - b. The complainants should disclose their full identity, give their full address and sign the representation.
 - c. Complaints should be legibly written or typed and, where necessary, supported with authenticated documents.
 - d. Complaints should clearly disclose the violation of the reservation policy, Department of Personnel and Training Office Memorandums, Government of India Orders, State Government Orders, PSUs and Autonomous Bodies orders or any other violation of Rules of Reservation.
 - e. As no action is taken on matters that are sub-judice (already before a court), the complainant should clearly state that the matter is not sub-judice.
 - f. Cases pending in courts or cases in which a court has already given its final verdict may not be taken up afresh with the Commission.
 - g. The cases of administrative nature, like transfer/posting/grading of ACRs (annual confidential reports), will not be taken up by the Commission unless there is caste-based harassment of the petitioner.
 - h. No action will be taken on the matters where there is no mention of the violation of reservation policy, Department of Personnel and Training Office Memorandums, Government of India Orders, State Government Orders, PSUs and Autonomous Bodies orders or any other violation of Rules of Reservation. Hence the matters where there is no mention of the violation of above Rules need not be referred to the Commission as complaints.
8. Inquiry into cases of atrocities:
- Whenever information is received in the Commission about any incident of atrocity against a person belonging to the Scheduled Castes, the Commission would immediately get in touch with the law-enforcing and administrative machinery of the state and the district to ascertain the details of the incident and the action taken by the district administration. If after a detailed inquiry/investigation, the Commission finds substance in the allegation/complaint regarding atrocity, the Commission may recommend filing an FIR against the accused with the concerned law-enforcing agency of the state/district. In such cases, the state government/district administration/police personnel may be called within three days through summons.

9. The Commission ensures the following by monitoring and issuing instructions to the concerned authorities.
 - a. Whether the scene of occurrence of the crime has been visited immediately by the Collector and Superintendent of Police of the district on receipt of the information.
 - b. Whether a proper FIR is registered at the local police station.
 - c. Whether names of all the persons involved/cited by the complainant have been included in the FIR.
 - d. Whether the investigation has been taken up by a senior police officer as per provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
 - e. Whether culprits have been apprehended and booked without loss of time.
 - f. Whether a proper charge-sheet has been filed mentioning the relevant sections of the Indian Penal Code, together with the Protection of Civil Rights Act, 1955, and the SCs & STs (POA) Act, 1989, in court.
 - g. Whether the cases are tried by the Special Courts.
 - h. Whether special public prosecutors are appointed to handle these cases. Whether the police are assisting the courts in bringing forward witnesses and see that the culprits are suitably punished by the courts.
10. The Commission will also monitor that:
 - a. The victims are provided with suitable medical assistance and on time;
 - b. Adequate protection is arranged for the victims of such incidents by providing police protection by stationing a police party, by patrolling, etc.;
 - c. To see that proper compensation is paid to the victims as per law.
11. The Commission will, wherever possible, depending upon the gravity and circumstances of the case, visit the place of incident to oversee the arrangements and to console and infuse confidence among the victims.
12. The Commission may lay down detailed procedures for conducting such inquiries and for monitoring at all levels. Such inquiries can be conducted by the Members of the Commission or Teams of Investigators from the headquarters or a state office of the Commission or any other officer(s)/ agency duly appointed and authorised by the Chairperson.
13. All summons and warrants that are required to be issued in pursuance of the exercise of the powers of a civil court by the Commission shall be written in the prescribed form and shall bear the seal of the Commission. The legal process shall be issued from the Legal Cell of the Commission and shall bear its seal. The provisions of the Code of Civil Procedure applicable for the service of the legal processes shall be followed by the Commission.

3. Group Activity



In this section, the participants must be divided into groups to discuss complex and even contentious ideas and analyse hypothetical situations in light of what they just learnt. This provides opportunity for peer-to-peer learning. In the situational analysis, it is helpful to put yourself in the position of all such characters mentioned in the situation and think from their perspectives. In situation questions, identify if they qualify as targeting of or discrimination against religious communities. The groups can record their ideas on a chart paper and one person from the group can be nominated to present the findings of the group.

Discussion Questions:

1. Read the case study below and draft a complaint for the NHRC or the NCM, based on the information provided:

Anuj is a Christian living in Chhattisgarh. His neighbours, Durga and Basant, have refused to let him use the village pond and gather wood from the forest. He was intimidated and told to leave the village otherwise he and his family would suffer harm. The local panchayat passed an order that anyone interacting with Anuj or his family would be fined Rs 5,000/-

He went to the Jagdalpur police station and informed the police about the situation and gave a written complaint. The local police had abused Anuj when he visited to lodge his complaint. Police also threatened to lock him up if he showed his face in the police station again. No action was taken against his neighbours who threatened him.

2. What points are important to remember when framing a complaint for the NHRC, the NCSC, the NCST and the NCM? (Groups can work on one quasi-judicial body each.)

4. Additional Resources



This section offers additional resources for the facilitator or the participants to further develop some of the ideas and concepts shared in the session. The facilitator is encouraged to share the links to these online resources.

Read:

- i. [The Role of Quasi-Judicial Bodies in Protecting Religious Freedom in India](#)

Watch:

- i. [Documentary: National Human Rights Commission](#)

HANDOUT: COMPLAINT FORMAT

	YOUR DETAILS	<i>Description</i>
1.	Name	<i>Mention complete name.</i>
2.	Sex	<i>Select gender from the list.</i>
3.	Address	<i>Mention complete address for correspondence.</i>
4.	State	<i>Select the name of your state from the list.</i>
5.	District	<i>Select name of your district from the list</i>
6.	PIN CODE	<i>of your locality</i>
7.	Email-id and mobile no., if available	
VICTIMS DETAILS		
1.	Name	<i>Mention complete name of the victim</i>
2.	Address	<i>Complete address of the victim</i>
3.	State	<i>Select name of the state from the list - where the victim belongs</i>
4.	District	<i>Select name of the district from the list, from where the victim belongs to.</i>
5.	Sex	<i>Select the gender of the victim from the list. If the number of victims is more than one then select 'Group' option.</i>
6.	PIN CODE	<i>of locality, if available.</i>
7.	Disability	<i>Select the disability status of the victim from the list.</i>
8.	Age	<i>Mention age of the victim in years.</i>
9.	Religion	<i>Select the religion of the victim from the list.</i>
10.	Caste	<i>Caste of the victim from the list.</i>
INCIDENT DETAILS		
11.	Place	<i>Mention exact place of incident i.e. locality, village, town, city</i>
12.	State	<i>Select name of the state from the list, where the incident occurred</i>
13.	District	<i>Select name of the district from the list, where the incident occurred</i>
14.	Incident Date	<i>Mention incident date (date/month/year).</i>
15.	Incident Category	<i>Select the incident category from the list with whom the incident relates to</i>
16.	Incident Sub-Category	<i>Select incident sub-category from the list which specifically shows the nature of the incident</i>
17.	Write Complaint	<i>A brief summary of facts/allegations of the incident/complaint</i>
18.	Is it Filed Before any Court/State Human Rights Commission	<i>Select the option whether the complaint of same incident is filed before any court or State Human Rights Commission.</i>

RELIEF DETAILS		
19.	Name, Designation & Address of the Public Servant	<i>Mention full details of public servant/authority against whom the complaint is being made.</i>
20.	Relief Sought	<i>Mention full details of relief which is sought against the human rights violation.</i>

MODULE III

LEGAL RESOURCES TO PROTECT RELIGIOUS FREEDOM

Part 3: Victim Compensation

This session provides an outline of what victim compensation is, the process of applying for compensation and how to determine the quantum of the compensation.

1. Learning Objectives



The learning objectives outline the goal of the module and should be shared with the participants at the beginning of the session.

1. Develop an increased understanding of the victim compensation policy and the implications for victims of targeted violence.
2. Bring clarity on how to apply for compensation under the victim compensation schemes.

2. Key Points for the Presentation



The facilitator should familiarise themselves with the background notes and make a short presentation based on the key points mentioned below. The background notes serve as an introduction to the topic and will help provide some context for the group activities to follow.

1. India does not currently have a comprehensive law governing victim compensation or reparation but rather makes *ad hoc* grants for compensation, depending on the nature and severity of an incident of violence against religious communities.
2. Reparation means recompense given to one who has suffered a legal injury at the hands of another; to make amends, provide restitution, or give satisfaction or compensation for a wrong inflicted. It also refers to the thing done or given to the injured party. Restitution is restoring to the rightful owner something that has been wrongfully taken. It also means returning an injured party to a condition or situation that s/he would have obtained had no wrongful act been committed.
3. Reparation standards and obligations for States under human rights and humanitarian law are found in the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law (Reparation Principles).
4. As per the reparation principles, a State should provide reparation for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law. Like the Indian courts, the reparation principles thus demand State liability for failure to protect individuals from serious human rights abuses. However, the principles go beyond monetary compensation. According to the principles, reparation should be proportional to the gravity of the violations and the harm

- suffered, and include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
5. Indian courts have affirmed that victims of communal violence suffer not merely from the individual crimes to which they were subject, but also from the failure of the State to uphold their fundamental rights under the Constitution, most importantly the fundamental right to life as guaranteed under Article 21 of the Constitution. For instance, in *Bhajan Kaur vs. Delhi*, the Delhi High Court stated that such riots “more often than not take place due to weakness, laxity and indifference of the administration in enforcing law and order.” If the authorities act in time and effectively and efficiently, riots can surely be prevented.
 6. Likewise, in *Manjit Singh Sawhney v. Union of India*, the High Court of Delhi observed that riots occur “on account of laxity and indifference of the administration in enforcing law and order” and that these constitute a serious violation of the citizen’s fundamental rights to life and equality before the law. Individuals who suffer human rights violations at the hands of the State can initiate a public-law action and claim compensation from the erring government body.
 7. In many decisions in the 1980s and 1990s, the Supreme Court upheld the principle of strict liability for State failure to respect constitutional rights, and awarded compensation to victims. The Supreme Court developed this principle in cases concerning the State’s responsibility for deaths in custody.
 8. The Ministry of Home Affairs provides a scheme, “Project Assist,” which seeks to “provide financial assistance to children rendered orphan or destitute in various communal, caste, ethnic or terrorist violence.” Monetary assistance is provided to children and adults alike, up till the age of 25 years, in the form of scholarships and other monetary relief.
 9. Section 357A of the Code of Criminal Procedure was inserted in 2009 to provide compensation to innocent victims of crime, particularly women and children who are subjected to crimes like rape, etc. Women and children victims of crimes committed against them during communal riots are eligible to claim compensation under Section 357A, as was pointed out by the Supreme Court in *Mohd. Haroon and ors. v. Union of India and Anr.*
 10. The Delhi High Court, in *Karan v. State of NCT Delhi*, directed that after conviction, convicts shall file an affidavit disclosing their assets, income and expenditure to enable the trial courts to arrive at the compensation payable to victims. Following the affidavit, a Victim Impact Report (VIR) shall be filed by Delhi State Legal Services Authority in every criminal case after a summary inquiry.
 11. Thereafter, the trial court concerned shall consider the VIR, the paying capacity of the accused, expenditure incurred on the prosecution and the submissions of the parties to award the compensation to the victim(s) as well as the cost of prosecution to the State.
 12. The court has consequently held that the word “may” in Section 357(3) of the CrPC, which is about payment of compensation to victims, means “shall” and therefore, Section 357 of the CrPC is mandatory.

3. Group Activity



In this section, the participants must be divided into groups to discuss complex and even contentious ideas and analyse hypothetical situations in light of what they just learnt. This provides opportunity for peer-to-peer learning. In the situational analysis, it is helpful to put yourself in the position of all such characters mentioned in the situation and think from their perspectives. In situation questions, identify if they qualify as targeting of or discrimination against religious communities. The groups can record their ideas on a chart paper and one person from the group can be nominated to present the findings of the group.

Discussion Questions:

1. Design a form to capture the loss incurred by victims after a riot.
2. Read the PM's 15-Point Program and outline the pre-emptive steps the administration is supposed to take to prevent communal conflicts.
3. Study the central government's Victim Compensation Scheme and comment on the quantum of the compensation being offered. What special protections do the police have to follow when dealing with women and children?
4. Please read the situations below and identify what the role of the police should be and if there is any illegality.
 - a. Kumar was walking when he was accosted by a violent mob and he suffered severe injuries. A criminal complaint was registered by him against the unknown attackers.
 - b. Sehjal was sexually assaulted by her boyfriend and filed an FIR against him. The case is pending before the courts.
 - c. Rahul's house was damaged in a riot, and he also suffered physical injuries. He tried to file a police complaint but that has not yet been converted into an FIR.

4. Additional Resources



This section offers additional resources for the facilitator or the participants to further develop some of the ideas and concepts shared in the session. The facilitator is encouraged to share the links to these online resources.

Read:

- i. PM's 15-Point Program ([English/Hindi](#))
- ii. [Central Government Victim Compensation Scheme](#)
- iii. [On Victim Compensation and Religious Freedom](#)

Watch:

- i. [How to Claim 'Victim Compensation'](#) (A video in Hindi)

MODULE IV

ADVOCACY OF RELIGIOUS FREEDOM ISSUES

Part 1: Documenting Human Rights Violations

The learning objectives outline the goal of the module and should be shared with the participants at the beginning of the session.

1. Learning Objectives



The learning objectives outline the goal of the module and should be shared with the participants at the beginning of the session.

1. Identifying best practices to document human right violations and building awareness about existing resources.
2. To build a clear advocacy strategy towards religious freedom issues.

2. Key Points for the Presentation



The facilitator should familiarise themselves with the background notes and make a short presentation based on the key points mentioned below. The background notes serve as an introduction to the topic and will help provide some context for the group activities to follow.

1. For effective advocacy of religious freedom issues, it is important that clear, credible and timely data of the situation on the ground is available. This requires a systematic documentation process.
2. Documenting human rights violations help in the identification of underlying issues and trends. This becomes an effective tool for advocacy and for providing assistance to the victims. Please note that documenting egregious violence, discrimination or hostility perpetrated by governments, police officials or other state actors may invite pushback from such persons and, thus, pose an element of risk to a human rights' defender.
3. The Documentation Process requires:
 - a. Data Collection: Regular and systematic monitoring of individual incidents and trends is vital. This can be done via fact-finding visits, monitoring the media, collecting information over helplines, etc. Information can also be gathered via questionnaires, surveys, etc. It is important to remember that for any data collection to be successful and accurate, there is a need to define key terms and concepts, as they are universally understood or perceived.
 - b. Organising the Data: information that is gathered must be stored in a manner that allows for it to be easily retrieved for analysis and dissemination. Appropriate measures should be taken to keep the collected data confidential and secure. It is also important to store, as much as possible, relevant multi-media files related to the human right violation such as photos and videos, audio

recording, news clippings, etc. Key headings and categories should be used to compile data.

- c. **Analysing the Data:** The data should be reviewed from time to time to identify trends and build historical context. New forms of data-presentation allow for the data to be presented in very interesting formats and allow for easy dissemination of the data.
- d. **Advocacy:** Based on the data and analysis, build a clear advocacy strategy as to which person/entity of influence can assist and what requests or recommendations can be made to them. The information must clearly outline the problem, the trends and have clear policy requests based on the capacity of the person/entity it is being delivered to.

3. Group Activity



In this section, the participants must be divided into groups where they can discuss complex and even contentious ideas and analyse hypothetical situations in light of what they just learnt. This provides opportunity for peer-to-peer learning. In the situational analysis, it is helpful to put yourself in the position of all such characters mentioned in the situation and think from their perspectives. The groups can record their ideas on a chart paper and one person from the group can be nominated to present the findings of the group.

Discussion Questions:

1. Review the questionnaire in the handout titled “Incident Questionnaire and FIR Table.” Are the questions helpful? Would you like to suggest additional questions?
2. Review the [Violence Monitor](#) and [DOTO](#) (Documentation of the Oppressed) websites. What are some advantages or disadvantages of gathering data in this manner?
3. What obstacles can a person face when gathering information? Suggest ways to overcome that.
4. Review the handout titled “Guidelines for Gathering Information” and discuss what you think are best practices for gathering the information?
5. A group of social activists set up a helpline service, called Nyay, to report instances of religion-based violence against people in the state of Haryana. Ahmed calls on the helpline and reports an incident of cow vigilantism against him. As a helpline coordinator, how do you think you would react to the report? (Include questions asked, advice given to the victim, methods to verify the information and store the same).

4. Additional Resources



This section offers additional resources for the facilitator or the participants to further develop some of the ideas and concepts shared in the session. The facilitator is encouraged to share the links to these online resources.

Read:

- i. [Violent Incidents Monitoring Systems: A Methods Toolkit](#) by The Asia Foundation

MODULE IV

ADVOCACY OF RELIGIOUS FREEDOM ISSUES

Part 2: Engaging the Media

1. Learning objectives



The learning objectives outline the goal of the module and should be shared with the participants at the beginning of the session.

1. Build awareness on how to engage the media in reporting human right violations.
2. Develop an advocacy strategy that involves the media, especially social media, to ensure that human rights violations are highlighted.

2. Key Points for the Presentation



The facilitator should familiarise themselves with the background notes and make a short presentation based on the key points mentioned below. The background notes serve as an introduction to the topic and will help provide some context for the group activities to follow.

1. The media is commonly known as the 4th pillar of a democracy, along with the legislature, the executive and the judiciary.
2. The media's role is to ensure transparency on key policy decisions, and functions of the other pillars.
3. The media is also expected to highlight social issues facing the common public so that appropriate policy decisions can be made.
4. The media can, therefore, play an important role in highlighting human rights violations. The media can either bolster or undermine the cause of human rights, especially religious freedom, if it fails to report on issues with sensitivity.
5. In recent years, the impact of some parts of the media, especially social media, has been particularly felt in encouraging hostility and even violence against religious minorities.
6. A study released by the Observer Research Foundation in March 2018 found that social media platforms were often used to attack religious minorities. Most of the comments incited bodily harm or violence against people belonging to India's Muslim community, which comprises about 180 million of the country's 1.2-billion-strong population. Subjects that evoked hate speech ranged from opposition to interfaith marriage between Hindus and Muslims, positions on universal human rights, and the contentious issues of cow protection and beef consumption. Similarly, Christians were frequently targeted on social media on allegations of conversion.

7. On the other side, responsible media reporting has helped change the narrative and build awareness on human rights violations resulting in the protection of basic human rights for thousands of people.
8. With the smartphone revolution in India, each of us has the potential to be citizen journalists and share stories about the situation we see around us.
9. Building an effective advocacy campaign includes engaging the media, especially by sharing information with a journalist or on social media. While doing so, please bear these considerations in mind:
 - a. **Security:** When sharing information with a journalist or on social media, please ensure that you consider the risk of sharing such a story and its impact on the victim. Some stories have increased sensitivity not merely for the individual but for entire communities and must be dealt with appropriately.
 - b. **Confidentiality:** No story should be shared without the express permission of the victims. In instances of sexual violence or when minors are involved, special care must be taken to ensure the confidentiality of the victims.
 - c. **Credibility of the information:** Before any information is shared with a journalist or on social media, every attempt must be made to verify the incident from different sources. Information must be shared only when the story has been corroborated by other sources.
 - d. **Timeliness of the Issue:** Data must be shared with journalists in a timely manner to ensure that they pick up the story. If the incident becomes old, it will then be more difficult to get media attention around it.
 - e. **Be Creative:** News often means stating the information in a new way. Try to find alternate ways of presenting the information. Hearing the same sort of incidents in a similar manner leads to apathy, we need to find ways to make the information more saleable.

3. Group Activity



In this section, the participants must be divided into groups where they can discuss complex and even contentious ideas and analyse hypothetical situations in light of what they just learnt. This provides opportunity for peer-to-peer learning. In the situational analysis, it is helpful to put yourself in the position of all such characters mentioned in the situation and think from their perspectives. The groups can record their ideas on a chart paper and one person from the group can be nominated to present the findings of the group.

Discussion Questions:

1. Why should human right defenders consider engaging with the media?
2. When is a good time to engage with the media?
3. What are some good practices to bear in mind while engaging with the media?
4. Who are possible allies as you think about engaging with the media?
5. How can you ensure that you do no harm while you engage with media?
6. Consider the case study given below where the freedom of religion or belief is under threat and come up with a short advocacy campaign idea. Design a form to capture the loss incurred by victims after a riot.

Amit and Pradeep were leading a small spiritual youth group and invited children attending it to a week-long retreat in the foothill of the Himalayas. The children took requisite permission from their parents and were put onto a bus headed to the camp

site. On the way to the camp site, Amit, Pradeep and the children were stopped by the police. The police accused Amit and Pradeep of trafficking the kids and also of trying to convert them. The children had been given brightly coloured bags and T-shirts as part of their camp kit. According to the police, this was an inducement to convert them to the Christian faith. Amit and Pradeep were arrested. The police also arrested one of the parents who was travelling along with the children. They were finally acquitted after three years of the allegations made against them.

Discuss

- a. Hand out copies of the “Fundamental Rights” note and ask the participants to review which rights were violated in Amit and Pradeep’s case.
- b. Ask the participants to design an advocacy campaign to raise awareness about Amit and Pradeep’s case. (Consider all possibilities, from starting a social media campaign to writing to the prime minister, etc.)
- c. Identify what resources are needed to undertake such activities and rate the difficulty level of each activity.
- d. Each group must finally present their campaign ideas to other groups.

4. Additional Resources



This section offers additional resources for the facilitator or the participants to further develop some of the ideas and concepts shared in the session. The facilitator is encouraged to share the links to these online resources.

Read:

- i. [Engaging with the Media, SDG Accountability Handbook](#) by Tap Network

Watch:

- i. [How to Create a Social Media Strategy for Your Non-Profit](#) by NGO Box
- ii. [How to Become a Better Visual Storyteller, A Masterclass by Alen Palander](#) by NGO Box

TRAINING EVALUATION

CLOSING SESSION

1. Objectives



The objectives outline the goal of the module and should be shared with the participants at the beginning of the session.

Participants will identify key learnings from the training and also provide critical feedback to the facilitator on the training.

2. Points for Presentation



The facilitator should briefly summarise the key concepts and ideas taught through the training modules.

- i. Through this training, we have explored key concepts and laws related to freedom of religion in India.
- ii. This training is not a culmination but rather an opportunity to build a community that supports each other to protect and promote the freedom of religion.
- iii. Each participant is linked to a larger community and has something unique to offer to the rest of the participants.

3. Group Exercise



Divide the participants into groups of equal sizes. This activity is known as Community Web.

- i. Divide the participants into groups and ask them to form a circle.
- ii. Hand a large ball of knitting wool to one participant in each circle and ask that participant to share one key learning from the training.
- iii. After that participant has shared, he/she should hold on to a part of the thread and throw the ball of knitting wool to another participant who will share his/her key learning. This process can continue till everyone has had a chance to share their learnings in a circle. Each circle will build a web of woollen thread as the members share.
- iv. After the participants have shared, the facilitator can comment on some of the key learnings and the interconnectedness of each participant as is evident from the above activity.

HANDOUT: INCIDENT QUESTIONNAIRE AND FIR TABLE

1. Name of Pastors/Persons who were attacked.
2. Address of the victim, especially the village, taluk, district and state.
3. Govt. Official/Businessman/Private Firm/Unemployed/ Church Layman – the occupation of the persons who were attacked.
4. Attacked on Occasion: (Church Service/Cottage Meeting/Open Evangelism/ Personal Evangelism/At Home/On Visitation/In the Market/Any Other. Specify with Details.)
5. Location/Address of Incident.
6. Charge/Accusation Labelled by the Attackers.
7. Number of Victims.
8. Nature of Attack.
9. Abused Verbally.
10. Physical Assault- Beaten/ Fractured/ Injury/ Bleeding/ Stripped.
11. Whether Treated by Doctor/Hospitalised.
12. Received Medical Certificate/Medical Report: Yes/No
13. Affiliation of Attackers.
14. How Many People Attacked or were in Group who Assaulted?
15. FIR Filed: By the Attacker and/or by the Victim.
16. Under Section.
17. FIR No.
18. Any Counter FIR
19. Custody Report: (In Lock-Up / in Jail / Bail Granted)
20. Local Police Station

FIR INFORMATION

S. No.	Place of Incident	Police Station	FIR No.	Offences	Brief summary

HANDOUT: GUIDELINES FOR GATHERING INFORMATION

Pre-Interview Preparation

1. What is the purpose of the interview?
2. Identify the questions you will ask:
 - i. Which will help understand the context of the situation
 - ii. Some questions may be open-ended questions – (eg: have you experienced similar violations previously?) or specific (eg. Can you identify specific people involved in the attack?)
3. Identify the persons to interview: Important to have a cross-section of persons, where possible try to include women who can be interviewed.
4. Interview Materials
 - i. Notebooks
 - ii. If using a voice recorder or camera, please seek permission first, before using.
5. Interview Site: Please consider both the security of the victims, the team and also practical concerns, such as noise levels when selecting a site.
6. Behavioural Skills:
 - i. Sensitivity to the Victims: It is important to be mindful that victims have often experienced tremendous trauma. Asking them to relive that experience can enhance the trauma. Questions must be posed carefully, building up their confidence in the interviewer. We must assure that the interview can stop at any time they feel the need to stop it.
 - ii. Sensitivity to Local Culture: Be mindful of local culture and show respect and honour as appropriate. Think about your attire, your language and also how much attention you attract to yourself as you conduct the interview.

- iii. Sensitivity to Sexual Violence: When seeking to gain information about sexual violence against a woman or community, ensure that the interviewer is a woman and questions are posed in a manner that is respectful.
- iv. Do not Overpromise: Many victims hope that the interview will result in immediate action on their behalf. Be careful to explain the objective of the interview and the actions that you hope to take subsequent to the interview.

Types of Questions to Ask Depending on the Topic:

Arrest

1. What was the arrest procedure?
2. Did the police arrest you because you were suspected of committing a crime?
3. Did the police tell you what rights you had as a person under arrest?
4. Did the police tell you why you were being arrested?

Freedom of Thought and Association

1. Have individuals, groups, the government, or military, tried to keep you from expressing your ideas and sharing them with other people?
2. Have you been arrested, tortured or harassed because of your beliefs, statements, or because you talk to other people?
3. Have books, pamphlets, magazines, newspapers or radios been taken away?
4. Have you been kept from meeting in groups and discussing topics that the government does not like?
5. Have you been kept from teaching about your ideas?

Freedom of Movement

1. Have you been kept from going places or returning home freely?
2. Have you been arrested or detained by the police or military without being charged with a crime?
3. Have you been kept from travelling because the government does not want you to leave your home?

Assembly

1. Have your rights to meet with other people in public spaces been violated?
2. What happens if a group of people meets together in a public place?

3. Are people ever hurt or arrested for meeting peacefully in public?

Economic Rights

1. Are people being forced to work without pay?
2. Are people being kept from working and earning a living?
3. Are the people prevented from supporting themselves and their families?

Social Rights

1. Are people kept from marrying who and when they want?
2. Are families being broken apart against people's will?
3. Are children being forced to work in harmful ways?
4. Are children being kept from having an education?
5. Is the basic right to a secure lifestyle being violated?
6. Are people's homes being moved or destroyed against their will?

Cultural Rights

1. Are people (individuals or groups) prevented from expressing their culture (e.g. values, beliefs, languages, arts and sciences, traditions, institutions, way of life)?

Children's Rights

1. Has the child been taken away from his or her family?
2. Has the child been kept from having an education?
3. Has the child been made to work in a way that is dangerous or harmful to him or her?