



**Indian American
Muslim Council**

State of Religious Minorities in India

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Introduction

This August there were two anniversaries in India; the 5th of August marks three years since the Bharatiya Janata Party (BJP) government abrogated Article 370 of the Indian Constitution, removing special autonomous status granted to the Jammu and Kashmir state. The 75th anniversary of Indian independence was celebrated across the country on the 15th of August. Both of these events have led many to reflect on the nation India has become, particularly how far the current BJP administration has strayed from the Nehruvian values of secularism, enshrined in a constitution written by Dalit leader Dr. BR Ambedkar. The release of Bilkis Bano's perpetrators - gang raped by 11 Hindu extremists during the Gujarat pogrom of 2002 - on the 75th anniversary of Indian Independence not only shocked the nation but demonstrates the disregard the BJP Union government has for the fundamental rights of religious minorities, and the impunity granted to those who commit atrocities against Muslims and Christians.

The spread of extremist Hindu supremacist ideology (Hindutva) throughout the country has facilitated India's states, the Union government, and the judiciary to introduce and uphold anti-Muslim and anti-Christian legislations. Multiple states, including Rajasthan, are still waiting for Presidential approval to enact anti-lynching bills into law. And whilst they wait, another individual was lynched in August. Equally, Karnataka has become the 10th state to introduce an anti-conversion Law. This kind of legislation has facilitated Hindutva militias, including the Bajrang Dal, to commit atrocities against religious minorities in the country, as they reaffirm the belief that religious minorities present a threat to the majority Hindu population.

The basic rights of freedom of religion, expression and the right to education have been eroded by Karnataka's Hijab ban. The ban has facilitated the ghettoization of education, as Muslim girls have to transfer to private Muslim institutions if they wish to exercise their right to education and wear a hijab. The BJP's decision to add the Bhagavat Gita to the 'moral education' syllabus in the state further reinforces their Hindutva agenda and implicitly presents other religions as foreign, once again eroding the secular foundations of the country.

In Jammu and Kashmir, voting rights have been expanded to non-permanent residents, and the BJP-led Waqf board has increased the state government's capacity to encroach on Muslim practices. Amnesty International's report on the three years since the Abrogation of Article 370 reiterates the state's continuation of human rights abuses. The NGO also reported how their access to state institutions has been limited in order to shroud detention centers and court processes in secrecy.

In India's diaspora, the use of the hate symbol of bulldozer in Edison, New Jersey (USA) in August and Hindu-Muslim communal violence in Leicester (United Kingdom) this September highlighted the threat Hindutva poses to democracy worldwide. Facebook and Twitter have allowed Hindutva extremists to use social media to spread their dangerous ideology throughout the diaspora. Western countries, including the United Kingdom and the United States, have failed to engage with the threat this poses to their citizens as well as the minority populations in India.



Hindutva Impunity

On the 15th of August, the 75th Anniversary of Indian Independence, the 11 perpetrators who gang raped Bilkis Bano and murdered fourteen members of her family during the 2002 Gujarat riots were released from prison. They were originally sentenced to life in prison but were released through the Gujarat State's 1992 Remission policy, which enabled them to become eligible for parole after serving 15 years in prison.

The decision to release them was highly controversial, as there were questions over whether the Gujarat Government had received the center's approval and if they qualified for remission due to the nature of the crimes they committed. Rishi Malhotra, their lawyer, confirmed that the federal government had approved the state government's decision, allowing them to be released.¹ However, the early release of the perpetrators does not follow Union guidance on the Remission Policy, as ordinarily, those convicted of rape or murder cases are not considered for early release. Equally, the 11 perpetrators do not qualify for remission under the current Gujarat Remission Policy, as it excludes those who have been convicted of gang rape and murder.²

Bano and her family were not only shocked by the release of her attackers

but have openly expressed their concerns for their safety, saying 'Give me back my right to live without fear and in peace. Please ensure that my family and I are kept safe.' She also stated that no one spoke to her about this decision being made or asked about her well-being. Bano and her family have had to move nearly 12 times since her initial attack and have never been able to go home because the 'Police and the state administration have always helped our attackers.'³ After hearing the news of her perpetrator's



¹ https://www.business-standard.com/article/current-affairs/bilkis-bano-case-centre-consented-to-release-convicts-early-says-lawyer-122090601339_1.html#:~:text=Her%20three%2Dyear%2Dold%20daughter,release%20under%20its%20remission%20policy.

² <https://www.thehindu.com/news/national/explained-the-remission-laws-that-paved-the-way-for-release-of-the-bilkis-bano-case-convicts/article65783246.ece>

³ <https://www.bbc.com/news/world-asia-india-62574247>

release, she launched an appeal with the Supreme Court.

Violence and Discrimination Against Muslims

On the 1st of August, a Muslim man was lynched by a mob in Bihar for allegedly stealing a cow. Mohammed Mustaqin was beaten to death by villagers after he and two others allegedly tried to steal a bull from a farmer's house. A video of him pleading with his attackers not to beat him later spread across social media platforms.



An FIR was registered against three of his attackers, but around 50-60 people are listed as unidentified accused on the report.⁴

The same day Florets International School in Kanpur, Uttar Pradesh, was booked under the UP Anti-Conversion

Law after Hindutva activists complained that Islamic prayers were being recited at the school to convert the children. The school has always celebrated multi-faith worship, and prayers from different religions have been recited as part of the morning prayer since the school opened in 2003. In the FIR filed, the school is charged with attempting to 'pave the way for religious conversion of students and that the recitation of Muslim prayers constitutes 'Shiksha Jihad.' The school remained closed for two days due to protests and has since announced that only the national anthem will be sung. BJP leaders Mahendra Shukla and Dheeraj Sahu both demanded repercussions for the school management and announced the school has been 'purified.'⁵

On the 2nd of August, a Police Officer in Muzaffarnagar District, Uttar Pradesh, was suspended as he was alleged to have subjected a distant relative of an alleged perpetrator to third-degree torture. The officer went to Khampur village to arrest Zishan Ansari, who was connected to a cow slaughter case but could not find him. Instead, Ansari's distant relative, Farad Hakim, was picked up by the



⁴ <https://thewire.in/rights/bihar-man-lynched-on-suspicion-of-stealing-cattle>

⁵ <https://thewire.in/communalism/fir-against-kanpur-school-after-protests-by-hindu-right-against-islamic-prayer-recitation>

police, taken back to the police station, and tortured. Hakim was only released when villagers put pressure on the police to let him go, after which they noticed bruises over his body and uploaded a video of him to social media. SSP Vineet Jaiswal remarked that ‘the sub-inspector was found guilty and a departmental inquiry is being conducted.’⁶

Masjid-e-Khaja Mosque in Shamshabad, Telangana, was demolished at 3:00 a.m on the 2nd of August by the local municipality and



the police. A bulldozer allegedly razed the mosque in the middle of the night, and the municipality and police have remained silent over questions from the community. One local resident, Amedullah Khan, believes it is connected to the ongoing court case over the construction of the mosque. He argued that the ruling government is ‘following the footprints of the BJP government in

Uttar Pradesh’ as an increasing number of mosques and graveyards have been demolished since the Telangana Rashtra Samithi (TRS) came to power in the state.⁷

A Muslim boy from Bulandshahr was assaulted by the Hindu militant group Bajrang Dal for allegedly posting a video of a girl on Instagram on the 7th of August. Sahid Siddiqui, who is 17, was beaten up by the mob of Bajrang Dal militants close to a police station. The police initially went to his home to ask him to come to the police station as a case was being registered against him. Rauf, Sahil’s father, explained they were stopped by Bajrang Dal militants close to the station and told they would accept a bribe to settle the case, however the family refused saying that Sahil had not committed a crime. He was then attacked by a mob of 20 people which was filmed and went viral on social media. The Bajrang Dal District President, along with 3 others were taken into custody and the Bajrang Dal protested these arrests outside of the station. The investigation is ongoing.⁸

On the 9th August two Muslim men were stabbed in Mallasamudra, Karnataka. Tausif and Mustaq Hosmani were attacked during a Muharram procession in what is being considered an unprovoked attack. Two accused have been arrested by the police.⁹

On the 11th August, two people were killed during violence that took place after an inter-faith marriage in

⁶ <https://www.siasat.com/up-si-subjects-muslim-man-to-3rd-degree-torture-in-cow-slaughter-case-2381900/>

⁷ <https://www.siasat.com/hyderabad-masjid-e-khaja-bulldozed-late-at-night-in-shamshabad-2381735/>

⁸ <https://clarionindia.net/muslim-boy-brutally-beaten-up-by-bajrang-dal-mob-in-bulandshahr/?amp=1>

⁹ <https://kannada.asianetnews.com/crime/two-youth-suffer-injury-after-stabbed-during-muharram-procession-in-gadag-mnj-rgrcrsw>

Hulihaidar village, Karnataka. One of the deceased was the groom, Pashawali Mohammad Saaba, who married a woman from the Hindu community. He was attacked by the other deceased, Yankappa Shamappa Talawara, after he went to pick flowers from Talwar lane. Yankappa was then attacked by a mob and later died of his injuries in hospital. The police introduced prohibitory orders to de-escalate violence in the community.¹⁰



30 seers and scholars prepared a draft of the constitution of the Hindu nation on the 13th August. The amendments included changing the capital to Varanasi in Uttar Pradesh, build a 'Parliament of Religions', and disenfranchising Muslims and Christians. In February 2022, the Dharam Sansad passed a resolution to turn India into the Hindu Rashtra, and the draft constitution was prepared as part of that goal. The judicial system would also change and would be based on Treta and Dwapara Yuga, and the curriculum would be focused on Ayurveda, Mathematics, Astrology and other areas. Half of the

750-page constitution will be released next year at the Magh Mela 2023.¹¹

On the 15th August, Muslim activist Zaid Pathan was arrested under the National Security Act. Pathan had publicly criticised the demolition of Muslim properties by the BJP government after the anti-Muslim violence in Khargone, in April 2022. He was charged with spreading hate in



the community, disturbing communal harmony, inciting religious sentiments and posting objectionable posts on social media.¹²

The same month, BJP leader and ex-Member of Legislative Assembly (MLA), Gyan Dev Ahuja was caught on camera telling people to 'kill anyone involved in cow slaughter.' Ahuja, went on to say 'We have so far killed five people, be it in Lalawandi or Behror', referencing the infamous lynching cases of Pehlu Khan and Rakhbar Khan. He spoke about the impunity he has given to Hindu extremists to lynch alleged cattle

¹⁰ <https://clarionindia.net/karnataka-dist-tense-after-2-killed-over-interfaith-marriage/>

¹¹ <https://timesofindia.indiatimes.com/city/allahabad/wont-let-minorities-vote-hindu-rashtra-statute-draft/articleshowprint/93531180.cms>

¹² <https://thewire.in/rights/mp-activist-zaid-pathan-arrested-nsa>

slaughterers, saying ‘I have given free hand to workers to kill. We will get them acquitted and secure bail.’ The party has tried to distance themselves from Ahuja’s views with the Alwar unit stating ‘The party does not have his thinking’, however, his words are significant given all of Pehlu Khan’s perpetrators were



initially acquitted and Rakhbar Khan’s case is still at the local court, some 4 years after he was murdered. Ahuja was later booked by the local police for spreading communal disharmony.¹³

The state government of Assam ordered the demolition of the third Madrassa (Islamic seminary) in the state on the 31st August. The government claimed the Markazul Ma-Arif Quaraina Madrassa does not comply with earthquake and fire protocols. All of the building except the mosque will be demolished. The madrassa taught 224 pupils.¹⁴ The demolition of the madrassas is part of a wider state policy to increase control over the Muslim community. In 2021, nearly 800 government-run

madrassas were closed. On the 22nd August, BJP Chief Minister Himanta Biswa Sarma stated the government is introducing a Standard Operating Procedure, which will require Imams from outside the state to register with the local police if they come to practice within Assam. He argued it is part of the wider policy to stop ‘Jihadis’ moving to Assam and urged local Muslim communities to report any new Imams at mosques and madrassas to the police, so they can verify who they are.¹⁵

In Shah Ali Banda, a Muslim-majority area of Hyderabad, the police attacked Muslims after protests against BJP MLA T Raja Singh. Singh was reported to have made derogatory remarks about the Prophet Mohammed, which led Muslims across the city to



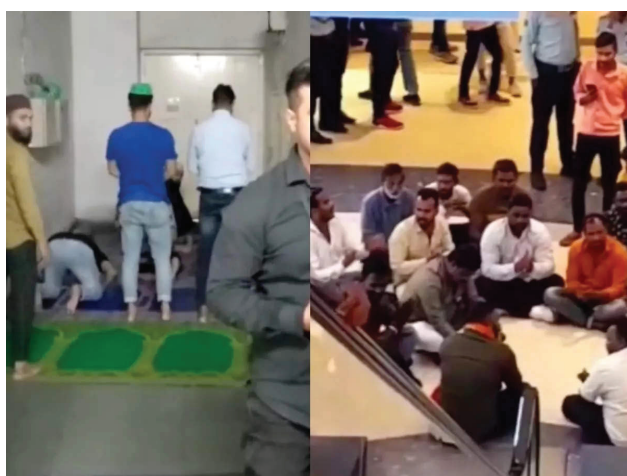
protest against him, calling for his arrest and resignation. Some protesters threw stones at the police, who then responded with a lathi charge against the peaceful protesters. 80 men were detained by the police and only released after Hyderabad

¹³ https://www.ndtv.com/india-news/rajasthan-viral-video-bjp-on-lynching-we-have-lynched-5-you-kill-ill-ensure-bail-rajasthan-bjp-ex-mla-gyan-dev-ahuja-cites-pehlu-khan-rakbar-khan-3271703#pfrom=home-ndtv_topscroll

¹⁴ <https://muslimmirror.com/eng/assam-third-madrassa-bulldozed-in-a-month/>

¹⁵ <https://clarionindia.net/assam-govt-preparing-sop-for-imams-coming-from-outside/>

MP Asaduddin Owaisi intervened. One person who was assaulted by the police was Hussain, who is 18 and was locking the gate to the shop he works at to stop violence from spilling over. He reported that even though he was not part of the protest, when a policeman saw him, he forced his way into the shop, assaulted him, took away his phone, and arrested him. There were other reports from families who were having dinner during



the protest and were also arrested by the police and beaten even though they were clearly not part of the protest. Residents of the area remain anxious over the police attacks.¹⁶

On the 28th August, Bajrang Dal militants protested against Namaz in a Bhopal Mall. As part of the protest, the Bajrang Dal militants recited Hanuman Chalisa, and also recorded those who were offering namaz, spreading the news via social media.¹⁷ The protest is

part of the wider Hindutva drive to stop Namaz being offered in public spaces. In 2021, Haryana Chief Minister M.L. Khattar withdrew a previous agreement to let Muslims use government-owned land to offer Namaz. On the 29th August, 26 Muslims were booked in Uttar Pradesh for offering Namaz at home. Morabad police booked the people for holding Namaz without receiving permission from the municipality, which they had been told to do so as neighbours who belong to different religious communities had complained. The FIR was registered under IPC 505-2 which is a 'statement conducing to public mischief in an assembly engaged in the performance of religious worship.'¹⁸ In Shahjahanpur on the 14th September, Vishwa Hindu Parishad (VHP) militants confronted Muslims on a pilgrimage who were offering namaz by the side of



the road. The VHP militants forced them to apologise and sent them to the local police station.¹⁹

In Karnataka, a Muslim man was

¹⁶ <https://www.thenewsminute.com/article/innocent-people-were-assaulted-hyderabad-residents-allege-police-excess-167208>

¹⁷ <https://thewire.in/communalism/mp-bajrang-dal-activists-protest-against-namaz-at-bhopal-mall>

¹⁸ <https://telanganatoday.com/26-booked-in-up-for-holding-unlawful-mass-gathering-for-namaz-at-home>

¹⁹ <https://www.rediff.com/news/report/vhp-hands-over-group-to-police-for-namazaaz-on-road-in-up/20220914.htm>

beaten in August for having a conversation with a Hindu girl. Mohammed Sanif was assaulted by classmates on the 30th August for talking to his friend who is a Hindu girl. Three Hindu classmates attacked him with wooden logs, asked him about his conversations with the girl and threatened to attack him again if he ever spoke to her again. The police were called but there have been no repercussions for the perpetrators as of yet.²⁰



On the 1st September, two Muslim men in Ghaziabad, Uttar Pradesh were assaulted by two Hindu men and forced to chant 'Bharat Mata Ki Jai'. The two victims were randomly attacked by the perpetrators who shouted slurs including 'Pakistani' and 'Mulle'. One of the victims is an Imam and explained how the attack was unprovoked, and he was beaten whilst being forced to chant 'Jai Shri Ram'. The assailants recorded the attacks which went viral on social media, and they can be heard telling both Muslim victims to 'go back to Pakistan'.

The Police arrested both perpetrators and FIRs were filed against them.²¹

On the 3rd September, the BJP government in Assam approved the eviction and demolition of 330 acres in Sonitpur. The areas has been classified as 'encroached land', and 600 families have been given 8 months to move. The majority of those living in the area are Bengali-speaking Muslims, with the rest Bengali-speaking Hindus and some Gorkhas. The residents have lived in the area for decades and initially moved from areas that were uninhabitable after flooding and erosion. One woman stated 'we have no jobs and live off the fields here. We don't know where we will go.' The BJP administration has evicted a multitude of areas across Assam, where the residents are mainly Bengali-speaking Muslims.²²



In Saharanpur on the 8th September, a 19-year-old Muslim labourer was shot dead. The victim, Shahrukh was a labourer from Muzaffarnagar and was returning home from work when

²⁰ <https://muslimmirror.com/eng/karnataka-muslim-youngster-attacked-for-conversing-with-a-hindu-girl-in-college/>

²¹ <https://clarionindia.net/ghaziabad-hate-crime-two-held-for-assaulting-abusing-muslim-men/>

²² <https://maktoobmedia.com/2022/09/03/assam-massive-eviction-drive-underway-in-sonitpur-bengali-muslims-at-the-receiving-end/>

a mob of Hindu men stopped him and his friend for allegedly being thieves. Shahrukh's family deny that he had stolen anything, and maintain he was targeted for his religion. They stated the mob already had weapons and had started abusing the victim and his friend before two members opened fire and killed Shahrukh.²³

On September 8th, in Ranchi Jharkhand, a Muslim woman went to her local doctor to have a Copper-T intrauterine device removed. She told the doctor it was initially inserted without her consent, and she and her husband would like it removed. When the doctor checked her surname, they called her a 'Jihadi' and accused her of wanting it to be removed so she could have more children. The video of the interaction went viral on social media.²⁴

On the same day, in Uttar Pradesh, BJP member and local party chairman Ashok Kumar Jaiswal was booked with 21 others for lynching a Muslim man. Jaiswal and the mob beat the man to death when his goat strayed into his Hindu neighbours house. Initially, the dispute was resolved in the morning between the neighbours, however, the victim's son, Aftab stated that Jaiswal brought 10-15 men back to the house in the evening and the mob attacked everyone. The victim, Mustqueem Alam was taken to the hospital where he died.²⁵



Communal clashes erupted in Siwan District, Bihar on the 10th September. A Mahavir Akhara procession was marching past a mosque when the violence broke out after saffron-clad protesters started shouting nationalists' slogans. Consequently, people threw stones at the protesters and violence broke out. Hindutva 'workers' threw stones at Muslim houses and businesses and a small shop was set on fire. Despite the videos of the violence that were subsequently circulated, local police arrested a 70-year-old man and an 8-year-old boy. One resident said that people 'are saying that they have been told not to speak up' by the local administration as to what happened.²⁶ The boy's birth certificate states he is 8 years old, however, the local police recorded his age as 13, and children over the age of 12 can be booked under an Indian Penal Code and held in custody for juveniles. The boy was arrested with his 70-year-old grandfather and their families have insisted they were both praying inside the mosque when the violence broke out. The police have been criticised by AIMIM leader Asaduddin Owaisi who

²³ <https://maktoobmedia.com/2022/09/08/19-year-old-muslim-boy-shot-dead-in-up/>

²⁴ <https://beyondheadlines.in/2022/09/copper-iud-placed-without-consent-doctor-called-muslim-patient-jihadi-and-refused-to-treat-her/>

²⁵ <https://www.independent.co.uk/asia/india/india-bjp-ashok-kumar-jaiswal-goat-row-b2162506.html>

²⁶ <https://thewire.in/communalism/bihar-70-year-old-man-minor-arrested-after-communal-clashes-erupt-during-mahavir-akhara-rally>

has argued that ‘even children are not safe’ under the Janata Dal rule in Bihar.²⁷

In Madhya Pradesh, a Muslim inmate had his beard shaved by the jailer. The prisoner Kalim, complained to the district collector after the jailer forcibly shaved off his beard on the 14th September. Kalim also stated the jailer asked if he was from Pakistan. Kalim had kept his beard for 8-10 years and stated he felt suicidal after it was forcibly cut off.²⁸

On the 15th September in Madhya Pradesh, a Muslim family were assaulted in Chhindwara. The unprovoked attack occurred when the family were travelling through a village when they were stopped by a Hindu mob. Wajid Ali was dragged and tied to a bike, his mother and father were then separated, and his mother’s clothes were torn off her whilst his father was thrashed. The attack only stopped when the police arrived an hour later. However, the FIR was filed against unknown assailants, and the victims believe the police statement were changed to enable the



perpetrators to receive total impunity.²⁹

At the end of September, Bajrang Dal militants in Ahmedabad attacked Muslim youths for trying to enter Garba venues. Bajrang Dal members were checking IDs of those entering in order to stop non-Hindus from entering. They



have claimed that non-Hindus attending is part of the Love Jihad conspiracy. The Muslim youths were questioned about their religion and then attacked, with one man stripped, punched, and kicked by 6 men wearing saffron scarves. Videos of the attacks have circulated on social media, but the Police has yet to file a case as they have stated no one has formally filed a complaint.³⁰

On the 28th September, India banned Popular Front India (PFI) for five years. The ban was announced just a few days after 100 PFI leaders were booked under the draconian anti-terror law UAPA and multiple PFI offices and the private property of state and district PFI leaders was searched. Amongst those

²⁷ <https://scroll.in/article/1032770/he-is-only-8-in-bihar-a-mother-fights-for-release-of-minor-son-arrested-after-communal-clash>

²⁸ <https://clarionindia.net/mp-jailer-shaves-off-bearded-muslim-inmate-calls-him-pakistani/>

²⁹ <https://sabrangindia.in/article/madhya-pradesh-muslim-family-brutally-assaulted-chhindwara>

³⁰ <https://www.deccanherald.com/national/west/bajrang-dal-workers-assault-muslim-youths-trying-to-enter-garba-venues-in-ahmedabad-1148961.html>

arrested were the national chairman Oma Salam and vice chairman E.M Abdul Rahiman, who were both taken into custody in Kerala.³¹ The second round of raids took place on the 27th September, and 247 people were arrested across 8 states. Some of the charges against those arrested included ‘indulging in unlawful activities, promoting enmity among communities, and waging a war against the country.’³² Two people taken into custody during the second round of raids were part of the Shaheen Bagh protests against the discriminatory Citizenship Bill in 2020. Shaheen Kausar was arrested due to her links to the PFI through its political arm, Social Democratic Party of India.³³ However, a Delhi University student, Shaoib Ahmed, who was also arrested had no links with the PFI. Ahmed often posted about the National Confederation of Human Rights Organisations on social media, and the NCHRO was also banned alongside the PFI.³⁴

The BJP government claims that it banned the PFI after finding the group and its affiliates “to be involved in serious offences, including terrorism, its financing, targeted gruesome killings”.³⁵ However, Mohammed Tahir, counsel for the organisation, has argued that the government has failed to present any evidence that the organisation is involved with terrorist groups, and the political wing, the Social Democratic

Party of India which was not banned stated that ‘the regime is misusing the investigation agencies and laws to silence the opposition.’³⁶ This is particularly pertinent, given the PFI was originally set up in 2006 to directly counter Hindutva organizations. State governments have previously tried to ban the PFI; it was banned in Jharkhand in 2018 after the state claimed ISIS was influencing the group. However, the ban was later struck down by the state high court. The Madras High Court also sought to ban the outfit but was also unsuccessful in doing so.³⁷

Anti-Lynching legislation

Cowlynching attacks predominantly target Indian Muslims. In 2017, 86% of those who were victims of such attacks were Muslim. Some states have been



³¹ <https://maktoobmedia.com/2022/09/22/india-arrests-100-pfi-leaders-tall-muslim-figures-among-booked-under-uapa/>
³² <https://www.ndtv.com/india-news/popular-front-of-india-fresh-early-morning-raids-against-pfi-across-states-3380575>
³³ <https://www.newslaundry.com/2022/09/27/shaheen-bagh-protest-leader-detained-in-crackdown-on-pfi>
³⁴ <https://maktoobmedia.com/2022/09/28/delhi-university-student-among-arrested-in-crackdown-on-pfi/>
³⁵ <https://www.aljazeera.com/news/2022/9/28/india-bans-muslim-group-pfi-for-alleged-terror-links>
³⁶ <https://www.aljazeera.com/news/2022/9/28/india-bans-muslim-group-pfi-for-alleged-terror-links>
³⁷ <https://www.newslaundry.com/2022/09/27/shaheen-bagh-protest-leader-detained-in-crackdown-on-pfi>

trying to legislate to deter lynching cases, and so far, 4 states, Jharkhand, West Bengal, Manipur and Rajasthan have passed Anti-Lynching bills.

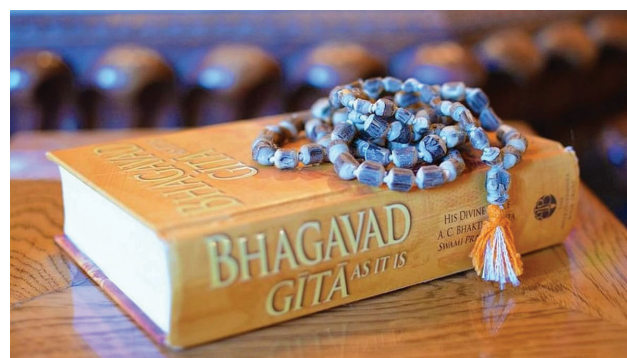
However, only the bill in West Bengal has been enacted into law, with the rest failing to receive Presidential or Gubernatorial approval. In March of this year the Jharkhand Governor, Ramesh Bais (BJP), returned the Bill, asking the state legislature to reconsider the definition of ‘mob’, which echoes the BJP’s opposition to the Bill within the state legislature.³⁸ Both the Rajasthan and Manipur Bills were returned by the Centre, which asked for ‘clarification’ on certain aspects of each piece of legislation, and neither have received Presidential approval almost six months later.

The consequences of the lack of anti-lynching legislation were clear in Rajasthan, as yet another lynching took place in August, near Alwar.³⁹ There have been at least 12 lynching cases in Rajasthan since the BJP came to power in 2014, including the lynching of Pehlu Khan, which gripped the nation due to

the brutality of the crime and the fact that the state police used their powers to benefit the militia.⁴⁰

Impact of Karnataka’s Hijab ban

In September the People’s Union for Civil Liberties released an Interim Study Report about the impact of Karnataka’s Hijab Ban on Educational Institutions. In March, many of the girls who wish to wear a Hijab to public school appealed to the Supreme Court after the Karnataka



High Court upheld the Hijab Ban. As they await the verdict, they remain unable to go to public school and wear a Hijab, or have been forced to transfer to Muslim private schools if they want to continue their education. The report found that the girls themselves believe they have had to limit their interactions with students who belong to other communities and in the long term this could ‘potentially lead to ghettoization of education.’⁴¹



38 <https://www.hindustantimes.com/india-news/jharkhand-guv-returns-anti-lynching-bill-asks-state-to-revisit-definition-of-mob-101647542130365.html>

39 <https://indianexpress.com/article/cities/jaipur/7-arrested-in-alwar-for-lynching-labourer-on-suspicion-of-theft-8094275/>

40 <https://firstindia.co.in/news/india/anti-lynching-bill-yet-to-get-prez-nod>

41 <https://www.pucl.org/sites/default/files/reports/PUCL%20Report%20on%20Hijab%20Ban.pdf>

Equally, the report found that not only were the basic rights of the girls eroded, but the government's 'calculated silence' and failure to 'contain the spread of the communal vilification' meant that the girls were put on trial, by the media, and the Hijab ban was able to be exploited by the Sangh Parivar as part of their ongoing communal campaign in the state and country.⁴²

the BJP. He went onto say 'New Education Policy is a cover to bring Hindutva policy in syllabus, nothing else.'⁴³ After the announcement in September, Senior Congress leader Tanveer Sait argued that adding the religious text to state education is 'more dangerous than the Covid-19 pandemic', as 'emotional matters are gaining importance in the country and innocents are being misled.'⁴⁴

Saffronisation of Schools

Karnataka has also followed Gujarat's saffronisation policy, with the state announcing that the Bhagavad Gita will be added to the moral education syllabus from December. Senior Congress leaders have long opposed the introduction of religious texts into state education. Speaking in March when speculation about Karnataka's changing education policy began, ex-Union Minister K Rahman Khan argued that such a policy was a 'vested interest' for



Violence and Discrimination Against Christians

Forced Conversion allegations and another Anti-Conversion Law

In August six Dalit-Christian women were jailed. They were arrested in Azamgarh, Uttar Pradesh and charged with the forced conversion after the VHP alleged they were forcibly converting people at a birthday party. The women were celebrating one of their son's birthdays and were saying prayers. The complainant, VHP block president Ashutosh Singh argued that the birthday party was a ruse for forcibly converting Harijan women from low socio-economic backgrounds. Due to the severity of the IPCs invoked, including Sections 3 and 5 of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act (2021), the women were not able to request bail.⁴⁵

This is the latest case that demonstrates the problems with anti-

⁴² <https://www.pucl.org/sites/default/files/reports/PUCL%20Report%20on%20Hijab%20Ban.pdf>

⁴³ <https://www.timesnownews.com/india/nep-a-cover-to-bring-hindutva-policy-to-syllabus-ex-union-minister-over-bhagwad-gita-controversy-in-karnataka-article-90320060>

⁴⁴ <https://thecognate.com/karnataka-to-include-bhagavad-gita-in-schools-from-december/>

⁴⁵ <https://thewire.in/communalism/christian-women-arrested-forced-conversion-vhp>

conversion Laws across the country. The Law has been used as a pretext for Hindu extremists to commit violence against Christians and enables the authorities to arrest Christians under the guise of forced conversion. Additionally, the burden of proof falls on the accused, which implies they have committed a crime regardless of the evidence.

Karnataka has become the latest state to introduce an Anti-Conversion Law. Such laws have reignited tensions between the majority Hindu and minority Christian communities, as the Sangh Parivar argues Christians present a threat to the Hindu community, and the laws re-inforce this sense of an internal threat. The Archbishop of Bangalore expressed his objection to the law and emphasised the fact that despite the Hindutva rhetoric claiming Christians present a threat to the Hindu population, the number of Christians in India is getting smaller.⁴⁶

The NGO United Christian Forum has reported that there were over 300 attacks on Christians from January to July this year. UCF worked with the authorities and used distress calls to arrive at the number of attacks. The report directly undermines the claims by the union government that the ‘majority of the incidents alleged as Christian persecution in these reports were either false or wrongfully projected.’ The government also called reports ‘self-serving.’⁴⁷ Despite the denial over rising persecution against Christians across

the country, the Supreme Court has requested the federal Home Ministry to gather information from 8 states regarding attacks against Christians, including FIRs filed by petitioners. Bihar, Haryana, Chhattisgarh, Jharkhand, Odisha, Karnataka, Madhya Pradesh and Uttar Pradesh each have to verify the actions of law enforcement and then pass their reports to the Home Ministry.⁴⁸

Jammu and Kashmir *Amnesty International Report*

In the three years since the Indian government revoked Jammu and



Kashmir's constitutional autonomy, there has been a huge erosion of basic rights and freedoms and an increase in censorship. Amnesty International published a report reflecting on the three years since the abrogation of Article 370, in which they found that the Indian Government has ‘drastically intensified the repression of the people

⁴⁶ <https://cruxnow.com/church-in-asia/2022/09/christians-in-india-call-karnataka-anti-conversion-law-draconian>

⁴⁷ <https://www.thehindu.com/news/national/sc-asks-home-ministry-to-collect-reports-from-eight-states-on-attacks-on-christians/article65837220.ece>

⁴⁸ <https://www.thehindu.com/news/national/sc-asks-home-ministry-to-collect-reports-from-eight-states-on-attacks-on-christians/article65837220.ece>

of Jammu and Kashmir’... ‘by subjecting them to multiple human rights violations.’ They also noted that these violations have been committed with ‘absolute impunity’. They also argued that politicians and journalists are not able to freely express their concerns without fear of repercussions, and Amnesty International were not able to access detentions centres, or courts as they themselves have faced a crackdown from the Indian government.⁴⁹

voters in the region, meaning around 25% of voters will come from this newly enfranchised group of people.⁵⁰ The news was met with fury, and People’s Conference Chairman Sajjad Lone tweeted ‘This is dangerous. I don’t know what they want to achieve. This is much more than mischief. Democracy is a relic, especially in the context of Kashmir. Please remember 1987. We are yet to come out of that. Don’t replay 1987. It will be as disastrous.’⁵¹

Voting Rights Expanded to Temporary Residents

In August it was announced that temporary residents of the state of Kashmir would be able to vote in elections, enfranchising 2.5 million people including Indian military personnel, government bureaucrats and migrant workers. Before this rule change, there were 7.6 million existing

Public Safety Act and Saffronisation in Schools



In September, 7 clerics were arrested under the Public Safety Act, a draconian law that allows authorities to jail anyone for 2 years without a trial. 2 of the people are religious scholars and the remaining five Jamaat-e-Islami activists. The PSA allows authorities to detain them for up to 2 years before facing any

⁴⁹ <https://www.amnesty.org/en/documents/asa20/5959/2022/en/>

⁵⁰ <https://www.aljazeera.com/news/2022/8/19/uproar-in-kashmir-as-india-allows-voting-rights-to-non-locals>

⁵¹ <https://www.hindustantimes.com/cities/chandigarh-news/allowing-non-locals-to-vote-in-j-k-will-be-disastrous-kashmiri-leaders-101660772991203.html>

trial.⁵² In the aftermath of the arrests, there has been increasing anger at the BJP's decision that school children must sing Hindu devotional songs. People's Democratic Party President, Mehbooba Mufti tweeted 'Jailing religious scholars, shutting down Jamam Masjid and directing school kids here to sing Hindu hymns exposes the real Hindutva agenda of GOI in Kashmir.' The BJP has argued that the songs were to celebrate Mahatma Gandhi's 153rd birthday. Other critics have argued it is part of the BJP's policy of polarisation in the region.

Waqf Board Encroachment on Muslim practices

The BJP-led Waqf board has banned the Sufi Dastar Bandi (Turban-tying ceremony).⁵³ The decision has been met with criticism by former Chief Minister Mehbooba Mufti, who argued that 'They aren't ready to stop until they dismantle all our religious and Sufi traditions to take control by implementing their divisive agenda.'⁵⁴ The Waqf Board argued the ceremony was being misused to honour political leaders, when it was intended only to honour religious figures.⁵⁵

The board previously issued an order banning 'unethical practices' in August, including the removal of Mujavir donation boxes. The Kashmir police have since removed the donation boxes from the shrines, as the board argued that they were a means of

exploiting shrine visitors. Combined with the later banning of the Dastar Bandi, there is growing concern that the



board is a means through which the BJP government is increasing its control over Muslim practices.⁵⁶

The Global Impact of Hindutva

Hindutva is not only polarising communities within Indian society; the recent violence in Leicester has demonstrated the growing impact of this extremist ideology outside of India. Leicester is known for being a peaceful city where the Indian diaspora, which is composed of people from a variety of states and religions living harmoniously. One of the many reasons for this is that a large proportion of the diaspora originates from Gujarat, so their sense of Gujarati identity and shared use of the language came before any religious

⁵² <https://www.thehindu.com/news/national/other-states/prominent-islamic-scholars-among-7-clerics-arrested-under-psa-in-kashmir/article65896115.ece/amp/>

⁵³ <https://www.newsclick.in/bhajan-kashmir-schools-fuels-outrage-arrest-muslim-preachers>

⁵⁴ <https://thewire.in/politics/on-jk-waqf-board-banning-dastar-bandi-mufti-says-bjp-dismantling-religious-sufi-traditions>

⁵⁵ <https://thewire.in/politics/on-jk-waqf-board-banning-dastar-bandi-mufti-says-bjp-dismantling-religious-sufi-traditions>

⁵⁶ <https://scroll.in/article/1033147/why-the-waqf-boards-crackdown-on-shrines-in-kashmir-is-shadowed-by-politics>

differences. However, relations between the Hindu and Muslim communities in Leicester have been deteriorating over the past few months, with communal attacks by extremists dividing the community. In September the violence came to a head, when a group of extremist Hindus marched through a Muslim majority area, shouting nationalist slogans including 'Jai Shri Ram.' A mosque was then graffitied, and a Hindu flag burned.⁵⁷ Both communities in Leicester were stunned by the violence due to Leicester's harmonious history, and police later found that social media played a large role in inciting violence. Most of the accounts that fanned the flames originated in India, proving that Hindutva is spreading throughout the globe.⁵⁸

The attacks in Leicester are not the first of their kind. On August 14, a bulldozer float was added as part of an Indian Independence Day parade in Edison, New Jersey. This understandably shocked the local Muslim community, as bulldozers have become a symbol of the illegal destruction of property and are increasingly used by the government as a metaphor for cleansing.⁵⁹ Equally, peaceful protesters at another Independence Day parade in Anaheim on August 15 were attacked for holding 'Muslim lives matter' signs and protesting caste discrimination.⁶⁰ The divisions in the Indian diaspora are unsurprising, given the lack of attention paid to the rise of Hindutva in the United States, United Kingdom and European Union.

⁵⁷ <https://www.theguardian.com/uk-news/2022/sep/22/leicester-mayor-announces-independent-inquiry-into-city-violence>

⁵⁸ <https://thewire.in/communalism/how-the-leicester-communal-clashes-were-fuelled-by-online-disinformation-from-india>

⁵⁹ <https://www.nytimes.com/2022/09/25/nyregion/bulldozer-indian-parade-new-jersey.html>

⁶⁰ <https://www.thequint.com/neon/gender/section-377-abortion-sabarimala-key-feminist-verdicts-of-next-chief-justice-of-india-dy-chandrachud>

Recommendations

- The Supreme Court must reverse the Gujarat State's decision to release the perpetrators of Bilkis Bano. The court must acknowledge that this decision will embolden Hindutva militants to commit atrocities and sexual violence against Muslim women, as the current decision grants them impunity from legal repercussions. Equally, the court must consider Bano and her family and discuss the impact of her perpetrator's release with her.

- As signatories of the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the international community as well as the Indian government has a responsibility to ensure that police effectively investigate, prosecute, and prevent instances of harassment and violence committed against Muslims and Christians.

- The increasing violence against Muslims and Christians on bogus charges of "conversion" once again stresses the need for states to repeal their "Freedom of Religion" or anti-conversion laws, which have been used to disproportionately target religious minorities and justify harassment and violence.

- The United States Department

of State should accept the United States Commission for International Religious Freedom (USCIRF) recommendation to designate India as a Country for Particular Concern (CPC) for its egregious violations of human rights and religious freedoms.

- In particular, the President of the United States has the power to place sanctions on individuals who have committed, directly aided, ordered, or are complicit in gross human rights violations through the Global Magnitsky Human Rights Accountability Act. These sanctions include barring entry to the US or blocking any transactions relating to property or interests held in the United States. These sanctions could also be applicable to those responsible for or complicit in the ongoing human rights violations in Jammu and Kashmir, including the recent violations of freedom of speech and press.

- The ruling of the Karnataka high court to uphold the hijab ban should be reversed by the Indian Supreme Court. The Karnataka state government should amend its Education Act to ensure that uniform requirements are inclusive to all forms of cultural and religious expression. Students impacted by the ruling should receive financial relief and be allowed to sit for exams they missed.

- The draconian Public Safety Act

and the Unlawful Activities Prevention Act used in Jammu and Kashmir to unlawfully target civilians, journalists, and human rights defenders should be repealed.

- States should repeal their cow protection laws which have given legal justification to cow vigilante groups who target Muslims due to allegations of cow selling, smuggling, slaughtering, and consumption.

- The President of India and the Governor of Jharkhand must pass the Anti-Lynching Bills which have been debated and enacted by the democratically elected legislature.

- The state government of Jammu and Kashmir must give NGOs such as Amnesty International full access to

court hearings and detention centers, to ensure complete transparency and allow NGOs to report accurate information on human rights in the region.

- The United States, United Kingdom, and European Union must acknowledge the threat Hindutva ideology poses to India, as well as to the Indian Diaspora. They must take action to stop the threat of online hate speech and protect their own communities from extremist ideology.

- Facebook and Twitter must acknowledge that Hindutva ideology is an extremist and dangerous ideology. They must take action to limit the capacity of Hindu extremist groups to use social media to spread hate speech, and conspiracy theories and to indoctrinate young people.