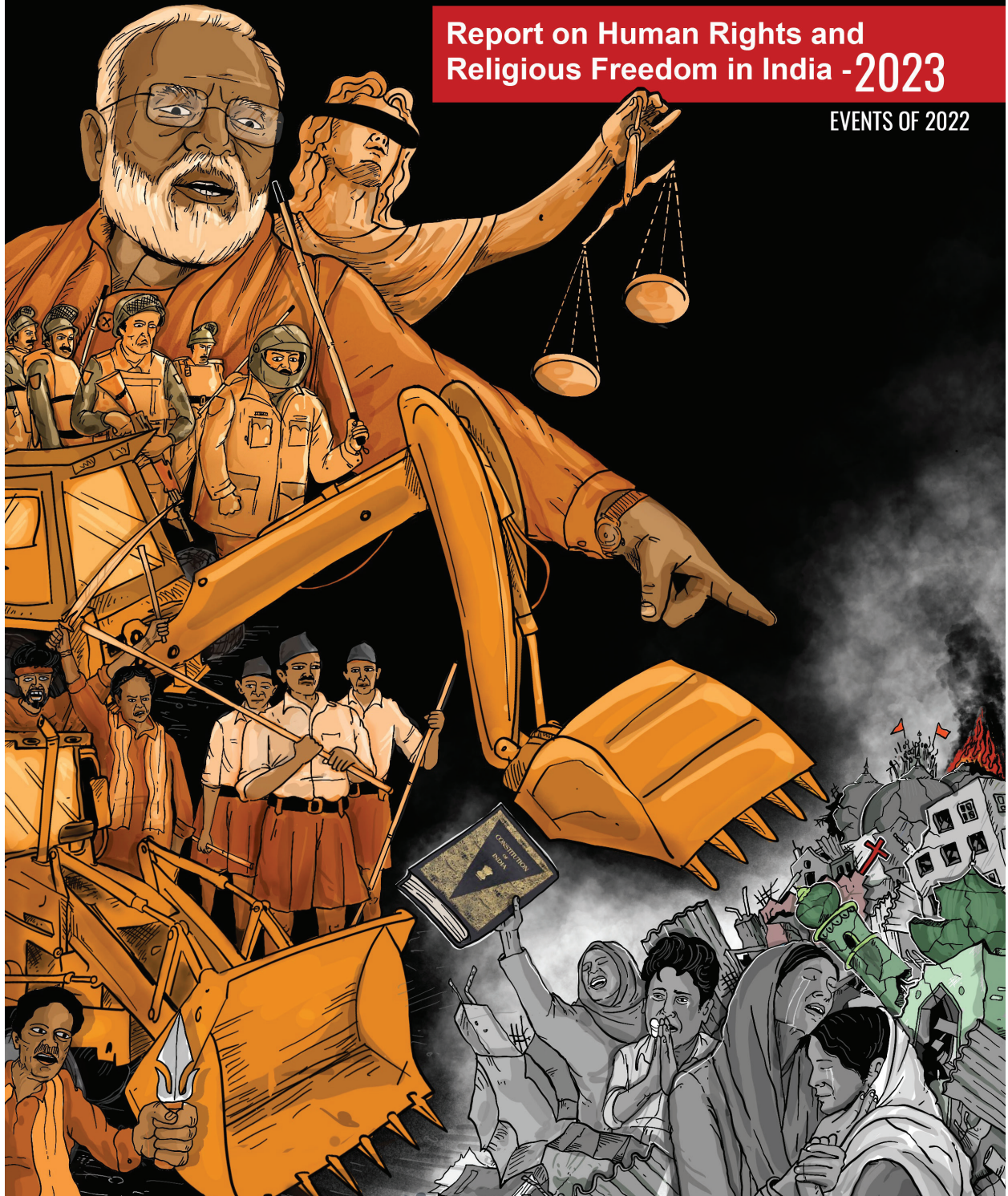




# PERSECUTION AS STATE POLICY

Report on Human Rights and  
Religious Freedom in India - 2023

EVENTS OF 2022



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Indian American Muslim Council (IAMC) is a Washington, DC based advocacy organization established in 2002 by Muslim Americans of Indian descent, with chapters across the United States.

IAMC is the largest advocacy organization of the Indian Muslim diaspora. It is a 501(c)3 tax-exempt non-profit.

The core mission of Indian American Muslim Council is as follows:

To defend the fundamental and civil rights of all. To preserve the pluralistic and democratic ethos enshrined in the constitutions of the United States and the Republic of India.

To facilitate increased interfaith and inter-community understanding in the United States with the goal of safeguarding American society and institutions from infiltration by divisive and hate-filled ideologies.

To increase awareness about India in order to improve cultural and trade relations between the United States and the Republic of India.

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# Foreword

The Universal Declaration of Human Rights, adopted by the United Nations in 1948 has enshrined the right of every human being to life and liberty as well as the freedoms of speech, freedom of religion and freedom from persecution and discrimination.

In the last two decades, and particularly since 2014 when the Hindu far right Bharatiya Janata Party came to power, India has witnessed a massive erosion of these rights, as well as a degradation of the institutions that were established to safeguard them. Religious minorities in India, in particular Muslims and Christians, as well as the caste-oppressed Dalits and Adivasis have borne the brunt of systemic persecution by the state as well as by non-state actors who are operating with impunity. The foundations of India's ethos that have long rested on the principles of secularism and diversity, have been severely undermined by the Hindutva movement's quest for a Hindu Rashtra or Hindu nation. Under the leadership of Prime Minister Narendra Modi and Home Minister Amit Shah, minorities in India have been subjected to rapidly escalating levels of persecution, including lynchings by state-backed Hindu vigilante groups, arbitrary detentions by police officials and security forces,

and attacks on their homes and places of worship. The BJP government has passed and implemented discriminatory laws that serve to institutionalize persecution on the basis of religion. One of these laws, The Citizenship Amendment Act, 2019 combined with the National Register of Citizens (NRC) and the National Population Register (NPR) can be used to arbitrarily render Muslims stateless. Human rights activists, NGOs, and journalists engaged in documenting human rights abuses and holding the government accountable have faced censorship and incarceration under draconian laws.

Dalits and Adivasis have also been subjected to violent attacks by upper caste Hindus as well as the police and security forces.

In Jammu & Kashmir, independent media collectives are under surveillance and attack. There is a relentless crackdown on journalists and the repeated communication blackouts to block access to information – to and from the state. After the Abrogation of Article 370, the BJP government has attempted to change the demographics of the region by expanding the electoral register. Armed forces continued to attack and threaten

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Kashmiris and to operate with impunity.

The Indian American Muslim Council (IAMC) has released Persecution as State Policy: Human Rights and Religious Freedom Report in India 2023 against the backdrop of India's decline into an ethno-religious majoritarian state. The report attempts to document the ongoing persecution of India's religious minorities (mainly Muslims and Christians) as well as the caste-oppressed (Dalits and Adivasis), representing a combined population of over 400 million Indians.

IAMC is the world's oldest and largest organization of the Indian Muslim diaspora, dedicated to the pursuit of civil and political liberties, peace, pluralism, and justice. As a responsible and important voice in the United States IAMC seeks to create global awareness about the Indian government's ongoing persecution of vast sections of its own populace. IAMC engages in strategic advocacy to advocate for US and international action with a view to preventing the impending impending genocide of India's Muslims.

As a democratic nation that espouses the principles of freedom, equality, the United States must ensure that its strategic partnership with India includes a shared commitment to human rights and religious freedom.. Although the United States Commission on International

Religious Freedom (USCIRF) designated India a 'Country of Particular Concern' in 2022, Secretary of State Antony Blinken's failure to add India to the list of the said countries not only undermines the struggle of the hundreds of millions in India who are at risk of being annihilated by the Hindutva movement, but also diminishes America's standing in the world. Blinken's prospective visit to New Delhi in March 2023 provides him with the opportunity to initiate a meaningful dialogue with the Indian government over their ongoing role in the persecution of religious minorities. The aim of this report is to aid in that conversation, as it is a record of the crimes being committed against the everyday existence of Muslims, Christians, Dalits and Adivasis in India.

Rasheed Ahmed  
Executive Director  
Indian American Muslim Council (IAMC)

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## Abbreviations

AFSPA-	Armed Forces Special Powers Act
BJP-	Bharatiya Janata Party
CAA-	Citizenship Amendment Act
CM-	Chief Minister
FCRA-	Foreign Contribution Regulation Act
FIR-	First Information Report
IPS-	Indian Police Service
NGO-	Non-Governmental Organisation
NRC-	National Register of Citizens
NSA-	National Security Act
PSA-	Public Safety Act
RSS-	Rashtriya Swayamsevak Sangh
RTI-	Right to Information
SC-	Scheduled Castes
UAPA-	Unlawful Activities (Prevention) Act, 1967
VHP-	Vishwa Hindu Parishad
SC-	Schedule Caste or Dalits
ST-	Schedule Tribe or Adivasis

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## Introduction

The BJP is the political wing of the Rashtriya Swayamsevak Sangh (RSS), a paramilitary organization inspired by 20th-century European ethno-fascism as witnessed in Germany and Italy<sup>1</sup>. The RSS is the progenitor of a political ideology, more commonly known as Hindutva, which holds the belief that Hindu Indians are superior to non-Hindus and that the country's religious minorities, especially Christians and Muslims, should be reduced to second-class citizens living in subservience with limited rights and in constant fear of the majority community's wrath.

As of today, under the leadership of Prime Minister Narendra Modi and Home Minister Amit Shah, the BJP is implementing the ideological goals of the RSS, and transforming a plural, democratic and secular India into a

Hindu Rashtra (Hindu nation). The implementation of these political goals has meant the active persecution of minority communities in the country through myriad forms. The proliferation of genocidal rhetoric, has led to massive surge in hate crimes especially targeted at Muslims and Christians<sup>2</sup>. The climate of fear and violence has prompted human rights organizations and the international community to raise concerns over the state of religious minorities in India today.

In June 2022, the United States Secretary of State, Antony Blinken, condemned the persecution of religious minorities in India, saying 'in India, the world's largest democracy and home to a great diversity of faiths, we have seen rising attacks on people and places of worship<sup>3</sup>. ' Blinken's remarks were echoed by US Ambassador for International Religious

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Freedom, Rashad Hussain, who stated, 'In India, some officials are ignoring or even supporting rising attacks on people and places of worship<sup>4</sup>. ' Additionally, the United States Commission on International Religious Freedom (USCIRF) for three consecutive years has designated India a Country of Particular Concern (CPC), alongside Saudi Arabia and North Korea due to the state's continued engagement in the systematic persecution of religious minorities<sup>5</sup> .

Internationally renowned organization, Genocide Watch, has placed India at the eighth stage (persecution) on its ten-stage model of genocide. Furthermore, in January 2022, founding member Gregory Stanton warned about India's genocidal environment in a Congressional Briefing co-organized by the Indian American Muslim Council. The United States Holocaust Memorial Museum has argued that India is among the 10 likeliest places for mass killings to begin<sup>6</sup>. Amnesty International has criticized the government's ongoing assault on dissenters, by claiming that, "authorities used repressive laws to silence critics by curbing freedom of expression both offline and online. Human rights defenders, including activists, journalists, students, lawyers, and actors, continued to face intimidation and harassment. Courts undermined the right to a fair trial and delayed hearing crucial cases involving violations of human rights<sup>7</sup>.

This report explores the ways in which religious minorities as well as Adivasis and Dalits continued to face discrimination and persecution at the hands of state and state-backed militia groups in 2022.

The religious minorities included in this report are Muslims and Christians. Whilst there are many more religious minorities in India, only Indian Muslims and Christians have been labelled as foreign and are explicitly targeted both in Hindutva ideology and by the BJP run state. Thus, this report focuses solely on these two religious groups. The report explores the mass violence and discrimination Adivasis and Dalits have faced throughout 2022, as these groups are also subjected to systematic attacks.

The first chapter explores the policies and genocidal rhetoric of Hindu nationalist politicians and religious leaders, who continue to incite genocidal violence against Muslims and Christians and laude the perpetrators. This section includes the weaponization of conspiracy theories, and discuss the role of the legislature, judiciary, and media in enabling the persecution of minorities. By framing Muslims and Christians as threats, or as 'others', those who use hateful rhetoric have inflamed communal tensions and incited violence. Additionally, despite guarantees of freedom of religion in the constitution, the Indian judiciary has largely failed to hold perpetrators of both hate speech and genocidal violence accountable and has allowed discriminatory legislation and violent practices to continue unimpeded by the rule of law.

The second chapter of this report focuses on the physical acts of violence that Muslim and Christian communities have been subjected to by Hindu nationalists and law enforcement agencies. Such violence includes but is not limited

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tomob lynchings, pogroms, riots, extra-judicial killings, and incarceration of dissenters. This culture of hate has also led to economic boycotts and a spike in instances of housing discrimination. Additionally, the BJP is also rapidly changing curricula in primary education, cancelling minority scholarships in higher education in a bid to weaponize education to fulfil political goals.

In the third chapter, acts of retribution by the state are scrutinized. This includes bulldozing Muslim and Christian homes, businesses, and places of worship. This retributive campaign, colloquially known as ‘bulldozer justice’, leaves citizens with a complete sense of exclusion in their country – without shelter, safety, and economic stability. ‘Bulldozer justice’ has continuously been used to create a culture of fear among minorities nationwide.

The fourth chapter of the report sheds light on the scale of atrocities against members of Dalits and Adivasis (tribals) communities throughout India. This includes individual acts of persecution at the hands of upper-caste Hindus, as well as acts of violence perpetrated by the security forces. Dalit and Adivasi women continued to be attacked due to their intersectional identities and were subjected to sexual violence. Despite the sizeable population of Dalits and Adivasis in India, the violence against these groups has been normalized as the government and judiciary fail to ensure they are protected from discrimination and persecution.

The last chapter of this report focuses

on the Muslim majority state of Jammu and Kashmir. 2022 marked the third anniversary of the central government’s removal of Kashmir’s special status through the Abrogation of Article 370. In the three years since the region’s autonomous status was revoked, the Union government has undermined the constitutional rights of all its residents, embarking upon a deadly campaign to crackdown on dissent, freedom of speech, freedom of religion and the has engaged in legislating draconian laws, such as sedition and anti-terror statutes designed to hold in detention those who seek to fight for human rights in Kashmir. In 2022, the Union government continued its campaign to expand voting rights to non-permanent residents as part of ongoing attempts to change the region’s demographics. Several Kashmiri journalists, politicians, and religious leaders are currently facing wrongful incarceration.

Conclusions have been drawn at the end of this report to assess the overall state of religious minorities and Dalits and Adivasis in India and how the Muslim community in India is on the cusp of an impending genocide. This report includes a series of recommendations for the Indian federal government, state governments and the United States government to address the systematic persecution of minorities in India.





Credit: The Telegraph online

## Inciting Violence and Emboldening Perpetrators

Hindu nationalist politicians and religious leaders incite genocidal violence through genocidal speech, conspiracy theories and by implementing discriminatory laws. The mainstream media facilitates the persecution of religious minorities, by disseminating this dangerous rhetoric and by failing to hold perpetrators of hate speech accountable. The judiciary has failed to prosecute hate speech, thus emboldening perpetrators to continue to spread their hateful rhetoric. Additionally, a multitude of Union and State courts have given verdicts which have implemented discriminatory laws. These bodies have also failed to revoke legislation that undermines the constitutional rights of Muslims and Christians in India.

### Genocidal Speech

The BJP government has continuously used Islamophobic, anti-Christian and genocidal rhetoric to inflame communal tensions, incite genocidal violence, and dehumanize religious minorities. Hate speech is perpetrated by BJP politicians and members of other Hindu nationalist organizations at the union, state, and local levels. Home Minister Amit Shah has referred to Indian Muslims as ‘infiltrators’ and ‘termites’ while legitimizing the Citizenship Amendment Act<sup>9</sup> (CAA ), as he explained they would be removed from the country<sup>10</sup>. Such terms were used by the Hutu genocidaires before and during the Rwandan Genocide to legitimize violence against the Tutsi minority.



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At the state level, Uttar Pradesh Chief Minister, Yogi Adityanath, has used hate speech to divide Hindu and Muslim communities and to present Muslims as a threat not only to Indian security but to Hindu culture .

BJP leader Kapil Mishra incited the 2020 Delhi riots through his use of hate speech. He threatened the Delhi police that if the roads with anti-CAA protesters were not cleared by the time US President Donald Trump left the country, 'we won't listen to you'.<sup>11</sup> ' Mishra's speech incited mobs to attack the protesters, and the failure of the police to arrest Mishra for this speech led the violence to spread across the city, resulting in the killing of 38 Muslims<sup>12</sup>.

The Secretary General of the United Nations, Antonio Guterres, has urged India to 'unequivocally' condemn hate speech and 'protect and promote rights of all individuals including members of minority communities.'<sup>13</sup> ' Additionally, at the recent Universal Periodic Review (UPR) by the United Nations Human Rights Council in October 2022, multiple countries urged India to prosecute perpetrators of hate speech. South Africa recommended India to hold public officials who freely use hate speech accountable for their actions. Despite these international calls for the Indian government to act against hate speech, the Union and State governments have

failed to act decisively in stopping the proliferation of genocidal rhetoric.

In February 2022, Mayankeshwar Sharan, the BJP MLA from Uttar Pradesh's Tiloi District, implied Muslims who refuse to convert should go to Pakistan. He was recorded saying "If Hindus in India wake up, the beard of Muslims will be pulled and made into a choti (a braid kept by Hindus). If you have to live in Hindustan, you have to say 'Radhe Radhe' [Hindi salutation], else, like those who went to Pakistan during the partition, you can go too... you have no use here."<sup>14</sup> " Similarly, another former BJP MLA, current party member from Uttar Pradesh's Domariyaganj constituency threatened to send Muslims to Pakistan. Raghvendra Pratap Singh warned Muslims that "if any Hindu is insulted and if you look at any Hindu girl, then I'll get you beaten so much and cut so much..." while threatening to send Muslims "back to Pakistan."<sup>15</sup> " Singh also implied that Muslims are at threat , saying since Muslims have been "driven out of power...Women and children are able to roam around safely on the streets."<sup>16</sup> "

On the 3rd of April 2022, Preet Singh, the head of the Save India Foundation, organized a Hindu Mahapanchayat<sup>17</sup> in Delhi. Pinky Chaudhary, the Chief of the Hindu Raksha Dal, Yati Narsinghanand, an extremist Hindu nationalist priest, and Sushil Tiwari, the head of Hindu Army,

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were amongst those in attendance. Both Singh and Narsinghanand were arrested previously for their anti-Muslim hate speeches at Delhi's Jantar Mantar and Haridwar's Dharma Sansad, respectively, and are currently out on bail. At the Haridwar event in 2021, Narsinghanand called for Hindus to wage war on Muslims.<sup>18</sup> Muslim journalists were not allowed to enter the event, and in some cases, were physically assaulted.<sup>19</sup>

On the 7th of May 2022, BJP legislator Haribhushan Thakur Bachaul, from Bihar, said that Muslims should be set ablaze just as Hindus burn Ravana effigies during the Hindu festival of Dussehra.<sup>20</sup>

In the same month, Karnataka High Court lawyer KM Nataraj argued that the call to pray from Mosques was a call to action for Muslims. Speaking at a Hindu Rashtra Convention held in Bengaluru, Nataraj stated, "it is not just a call to prayer. It is a call from Mosques for every Muslim to wake up and pray and resolve that they will kill others. When a Hindu hears such a call, they get scared". During the same event, a group of Hindu doctors discussed the possibility of creating a Hindu-only hospital. They argued this would protect young Hindus from unemployment, as "Muslims are taking away jobs and money from us. We need young doctors, techies, and industrialists who will insist on only hiring Hindus."<sup>21</sup>

On the 21st May 2022, Assam Chief Minister Himanta Biswa Sarma argued that Madrassas (Muslim schools) should be closed as they are the "enemy" of humanity. Sarma said, "These Madrasas should become extinct. As long as the Madrasa revolves in the mind, the child will never be able to become a doctor or an engineer." He also referred to the Hindutva belief that all Indian Muslims were at one time Hindus and demonstrated his supremacist ideology, arguing "If a Muslim child has very good merit in his studies, I will give credit to his Hindu history."<sup>22</sup>

In August, BJP leader and ex-Member of the Legislative Assembly (MLA), Gyan Dev Ahuja incited mob lynching attacks against Muslims by telling people to 'kill anyone involved in cow slaughter.'<sup>23</sup> Ahuja referenced the infamous lynching cases of Pehlu Khan and Rakhbar Khan, stating, 'We have so far killed five people, be it in Lalawandi or Behror.'<sup>24</sup> Ahuja used his speech to embolden vigilantes, stating how he could guarantee they were immune from the legal repercussions to the attacks. He said, 'I have given free hand to workers to kill. We will get them acquitted and secure bail.'<sup>24</sup> The BJP 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 that all Pehlu Khan's perpetrators were

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initially acquitted, and Rakhbar Khan's case is still at the local court, some four years after he was murdered.<sup>25</sup>

On the 9th October, BJP leader Nand Kishor Gujar also used hate speech to talk about killing Muslims. Gujar argued that Hindu nationalists will continue to attack Muslims, saying, "We have killed "Jihadis" and we always will. But we won't touch those who call India their mother, chant "Bharat mata ki Jai, "and is a descendent of Lord Ram."<sup>27</sup>" His speech also implied that Muslims who are subservient or convert to Hinduism would be protected from these attacks, demonstrating the prevalence of the 'us vs them' mentality within the party.

On the 19th December, a Hindutva leader spoke at a Bajrang Dal and VHP weapon worship event in Jodhpur Rajasthan, arguing that Christians and Muslims present the greatest threats to India. The leader said, 'Right now, Christians are our top enemies, they go to tribal areas,



Credit : NDTV

target the poor and convert them to Christianity... Muslims are the second on the enemies list of Hindus... They want to convert Islam to 'Darul Islam' Molvis go to villages to incite people against India.' In his speech, the leader asserted that every Hindu should have a weapon in their home.<sup>28</sup>

## Conspiracy Theories

The creation and careful planting of conspiracy theories throughout the country, using different modes of media have ignited tensions between religious communities. Hindu nationalists have inflamed communal tensions by using derogatory terms for the Muslim community, and also using Islamic terminology to deploy their own agendas. For example, the word 'Jihad' has been used in different combinations by the right wing - to misrepresent everyday phenomena, such as interfaith relationships, high birth rate, and natural disasters - and declare these as acts carried out by Muslims to threaten the existence of Hindu society and culture. The most prevalent conspiracy theories are Love Jihad, Population Jihad, Corona Jihad, Land Jihad and Flood Jihad.

Love Jihad presents Muslim men as a continual threat to the Hindu population, as the theory alleges, that Muslim men

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(and the community at large who allegedly assist them) pretend to be Hindu, marry Hindu women, force them to convert to Islam, and have children against their will. Allegations of Love Jihad have led to violence against Muslim individuals who are in a relationship with a Hindu woman or even merely friends or seen with a Hindu woman in public places. In a multitude of cases, the Bajrang Dal, a Hindu nationalist militia group, is informed of an alleged relationship and then attacks the man, who is arrested by the police. Additionally, the prevalence of anti-conversion laws across the country has made it easier for the police and judiciary to hold Muslims on charges of forced conversions, regardless of the evidence.

Population Jihad is designed to present Indian Muslims as a threat to India's future and Hinduism. Even though Muslims make up less than 15% of the total population, Population Jihad propagates the idea that Muslims will use their higher birth rate to eventually become the majority religion in the country. Yati Maa Chetnand Saraswati, a Hindu Nationalist lawyer from Meerut, Uttar Pradesh, who runs a training center to help Hindu women learn how to use weaponry, remarked that Muslims 'reproduce like pests' and will become the majority religious community in the country.<sup>29</sup>

Muslims have also been scapegoated for spreading the 2020 Covid-19 pandemic, the media blamed them for spreading the virus, calling it a case of 'Corona Jihad.' Before a national lockdown was imposed in India, there was a conference held by the Tablighi Jamaat. After news of covid cases in the city, the media connected this to the conference, referencing attendees as 'human bombs.' The conspiracy theory was then spread throughout the country through social media platforms, where the hashtag 'Corona Jihad' went viral. Despite widespread criticism of this conspiracy theory in India, Muslims continued to be attacked due to their religion. In Markaz, Muslims who joined a religious congregation before the lockdown was announced were arrested and charged under the Epidemic Diseases Act.<sup>30</sup>

In 2022, the media blamed Muslims for floods in Assam. Shortly after rumors spread that Muslims had broken the flood embankments, the term 'Flood Jihad' was



Credit : The Wire



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coined and began trending on Twitter. Muslims were attacked, arrested and the phenomenon became a national issue as news channels began to circulate the conspiracy theory.

## Population Jihad

This year, BJP politicians continued to inflame communal tensions by talking about the higher birth rate of the Muslim population in India and using it to present ‘Population Jihad’ as a genuine threat to India. In February, Hari Bushan Thakur, a BJP legislator from Bihar, argued that in order to stop the threat this poses to India, Muslims should be stripped of their voting rights. He stated “They (Muslims) are an increasing population and want to make India a Muslim state. Muslim leaders have an agenda to make every country an Islamic state. We cannot allow that to happen. Hence, we have demanded from the government the withdrawal of voting rights from them and make them second class citizens.”<sup>31</sup>

In May, the Hindu Jana Jagruti, a Hindu militant group, organized a Convention for Hindu Rastra in Rajajinagar, Bengaluru. The Karnataka spokesperson for the Hindu Jana Jagruti, Mohan Gowda, called for a Muslim genocide in response to so-called ‘Population Jihad.’ He said, “They are taking over our country like a

disease. For one Hindu child, there are five Muslim children. Yet Muslims are the minority. That is why we have organized this meeting to make people aware that we need a Hindu Rashtra,” When asked what he meant by Hindu Rashtra, Gowda smiled and said, “Is it not obvious? Where there are only Hindus.”<sup>32</sup>

In October, BJP leader and former legislator Sangeet Singh Som asked Rajputs, a cluster of Hindu castes in Meerut, Uttar Pradesh to ‘take up arms again.’ Som, who was previously accused of inciting violence during the Muzaffarnagar Riots in which nearly 50 Muslims were killed, argued that Indian Muslims present an internal threat to India. He said ‘the way the population of a particular community is increasing, terrorism is increasing, there are talks of separatism, talks of beheading. To end all of this, along with power, weapons will also be needed in the future.’<sup>33</sup> Whilst he did not explicitly mention Muslims by name, he referenced the aspects Hindu nationalists refer to when legitimizing allegations of ‘Population Jihad’.

Conspiracy theories such as Population Jihad have been used in a multitude of ways to target Muslims. In Assam, Chief Minister Himanta Biswa Sarma has used allegations of Population Jihad to legitimize the creation of subcommittees in 2021. In April 2022, the committees reported their findings, and Sarma

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announced new short, medium and long-term policies would be inaugurated to focus on this so-called issue. Whilst Sarma has also argued that these policies would be part of his drive to tackle illiteracy, and poverty, he has also spoken to Muslim community leaders to urge them to “adhere to the population policy with a two-child norm and take family planning measures to check the population growth among Muslims.”<sup>34</sup>

In Kerala, the state Governor inaugurated the 10th Kerala Hindu Conclave, where speakers called for a boycott of Muslim businesses after former Kerala Minister PC George argued that “Muslim traders are deliberately mixing infertility drugs in the drink and Muslims are trying to increase their population and turn India into a Muslim country.”<sup>35</sup> Khan used his inaugural address at the event to assure attendees he found the issues ‘close to [his] heart’, thus indirectly endorsing not only the conspiracy theories being discussed but the calls for economic boycotts.

## Love Jihad

In 2022, Hindu nationalists continued to frame interfaith relationships within the parameters of love Jihad in order to target and further marginalize Muslims.

In April 2022, Bajrang Muni Das Udasin

addressed a crowd outside of a mosque in Khairabad, Uttar Pradesh, and threatened to attack and rape Muslim women in response to alleged Love Jihad attacks. He asserted, “If any Muslim guy pursues Hindu women, I will abduct and brazenly rape Muslim women in public.”<sup>36</sup> The support for Udasin’s violent remarks was clear, as the crowd chanted the nationalist slogan “Jai Shri Ram” in response to his threats. Udasin has previously referenced Love Jihad in his speeches, saying to a large crowd, “If you commit atrocities on one Hindu girl by trapping her into Love Jihad, I will trap 10 Muslim girls into love and persecute them. You will dupe them but I want to say this openly that I will abduct them in broad daylight.”<sup>37</sup>

On the 1st of December, at a conference, VHP General Secretary Dr. Surendra Jain released a list of over 420 alleged incidents of Love Jihad. He also called for a national law to prevent Love Jihad and forced conversions. The VHP launched a series of ‘Dharma Raksha Abhiyan’ to educate the public later that month and the Bajrang Dal also started ‘Shaurya Yatras’ throughout India to tackle Love Jihad. Jain described Love Jihad as ‘the most heinous and inhuman forms of Jihad.’<sup>38</sup>

Allegations of Love Jihad against Indian Muslim men have led to violence

throughout 2022. At the end of September, Bajrang Dal militants in Ahmedabad attacked Muslim youths for trying to enter Garba (dance) venues. Bajrang Dal members were checking the IDs of those entering to stop non-Hindus from joining the dances. They legitimized their actions by claiming that non-Hindus who were trying to enter the venues



Credit : Madhyamam

were doing so to commit “Love Jihad” against Hindu women. Muslim youths were questioned about their religion and then attacked, with one man stripped, punched, and kicked by 6 men wearing saffron scarves.<sup>39</sup>

Similarly, in October, Bajrang Dal members attacked a young Muslim man in Mangaluru, Karnataka, for allegedly creating a fake Aadhar card (identity card). They said the card was being used as part of a Love Jihad plot to lure a Hindu girl to Mangaluru under the false pretenses that she was meeting a Hindu man. The Bajrang Dal beat the man up before the police took 4 members into

custody.<sup>40</sup> In November, Bajrang Dal men in Indore, Madhya Pradesh, thrashed a Muslim man for having coffee with a Hindu woman and accused him of attempting to commit Love Jihad. The man was dragged out of a café and subsequently arrested by the police.<sup>41</sup>

## Flood Jihad

Perhaps the most damaging, albeit overlooked narrative that has now found credence among the Hindu right-wing media was created in Assam, which suffered one of its worst floods in recent times. The term “Flood jihad” was coined by the media after it emerged that the embankments used to stop flooding were allegedly broken by Muslims in the vicinity. On Twitter, the term Flood Jihad began to trend after Nazir Hussain Laskar was arrested on the 3rd of July for allegedly damaging one of the embankments. Despite there being no evidence to connect him to this claim, the allegations went viral on social media and contributed to the creation of the



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conspiracy theory. Laksar also asserted that the media storm which led to the allegations of Flood Jihad was caused because of his religion, explaining “‘I was accused of ‘flood jihad’ because I am a Muslim. This is false. Those who are spreading this are doing something very wrong.’<sup>42</sup>

The police have continued to assert that allegations of Flood Jihad are completely unfounded. Superintendent Kaur from the Silchar Police remarked that “‘There is no such thing as ‘flood jihad’...In earlier years, the administration would make a cut in the embankment themselves to drain the water out. This year it wasn’t done, and some people took it into their own hands.’<sup>43</sup>”

Nonetheless, even after being released from detention, Laskar and his family fear for their lives, as people throughout Assam and the country continue to believe in the Flood Jihad conspiracy theory. He explained, “My family and I are still afraid to leave the house. My children have been skipping school. If I must leave the house, I sometimes wear a helmet to hide my face. I am afraid of being lynched by an angry mob.”<sup>44</sup>

## Role of the Media

The print media, television news, films and social media platforms have

all contributed to the spread of hate speech, conspiracy theories and helped to incite violence against religious minorities in India. Historically, rumor has always played a huge role in communal violence, especially revenge attacks. In the aftermath of Prime Minister Indira Gandhi’s assassination in 1984, Sikhs across the country were attacked after rumors spread that they celebrated her death by distributing and eating sweets.<sup>45</sup>

In the past few years, television channels have increasingly given platforms to those who seek to divide religious communities, propagating conspiracy theories as a means of inciting communal violence. In 2020, Zee News hosted an entire show on Jihad-based conspiracy theories. In the same year, the pro-Hindutva propaganda channel Sudarshan News televised a programme discussing Muslim ‘infiltration’ in civil services. These shows legitimized conspiracy theories as a real problem in India and openly became a platform for anti-minority hate speech.

The modern media has become a platform for conspiracy theories, rumors, and hate speech to spread, which then leads perpetrators to physical attacks against religious minorities. Social media has also been utilized by extremist Hindu nationalists as a means of organizing attacks through WhatsApp groups and



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spreading hate speech and conspiracy theories through fake accounts on Twitter and Facebook. Despite the continued criticism of social media platforms by civil society groups, these companies have continuously failed to act against those who use these platforms as a means of inciting genocidal violence. Whilst Facebook has seen the implications of its failures play out through the genocide of Rohingya Muslims in Myanmar, they continue to take ownership of its role in the rise of genocidal violence in India.

Upon its release in 2022, *The Kashmir Files*, a film directed by Prime Minister Modi supporter Vivek Ranjan Agnihotri, led to an intensification of Islamophobia, resulting in renewed anti-Muslim hate speech and calls for genocide against Muslims. The film claims to depict the “true story” of Kashmiri Pandits (Hindu community) who were targeted by militants and forced to flee their homes in the 1990s. The film specifically depicts the Nadimarg massacre, during which 24 Kashmiri Pandits were shot dead. However, it misrepresents the circumstances and scale of the violence committed against Kashmiri Pandits and falsely blames the mass exodus on Kashmiri Muslims and “the Congress party, liberals, human rights activists, Naxal sympathizers.” The film falsely asserts that 4,000 Kashmiri Pandits were killed and five hundred thousand

have been displaced since the armed conflict began, while official reports put the number of those killed at 399-650 and those displaced at 160,000-170,000. Consequently, the film implies that the “real history” of the Kashmiri Pandits and their exodus from the region was through “propaganda.”<sup>49</sup>

The film also paints all Kashmiri Muslims as “murderous” and complicit in the violence committed against Pandits whilst ignoring the fact that local Muslims were the main victims of the conflict. 50,000 Kashmiri Muslims have been killed since 1990 and 8,000-10,000 have forcibly disappeared. As a result, Muslim communities were also forced to flee en masse along with members of the Sikh community.<sup>50</sup> Several outspoken Kashmiri Hindus who were victims of the 1990 violence have denounced the film for its “sinister agenda” and “vilification of the Muslim community.”<sup>51</sup> Despite these denunciations from experts and the victim group itself, *The Kashmir Files* has received the praise and the support of Prime Minister Narendra Modi, BJP leaders, and the Rashtriya Swayamsevak



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Sangh (RSS). Viewers were incentivized to see *The Kashmir Files*, as it was made tax-exempt in BJP-controlled states such as Gujarat, Uttar Pradesh, Uttarakhand, Haryana, Karnataka, Goa, and Assam. Additionally, in Assam,<sup>52</sup> government employees were able to enjoy a half day leave for the purpose of going to see the film.<sup>53</sup>

The false narrative of the film and vilification of Kashmiri Muslims have led to renewed calls for mass violence and genocide against Muslims. A video of a man calling for the genocide of Muslims to avenge the killings of Kashmiri pandits in 1990 was circulated on social media. On his YouTube channel, the anonymous man asserted: “We will kill everyone [Muslims] from the youngest to the oldest. If we leave the young ones they’ll want to know who killed their father. They’ll grow spiteful and will want revenge...Our army will murder and finish them all at once. If you are a Hindu and want to avenge [the deaths] Kashmiri pandits, if you know a Muslim, trouble them... Trouble them so much that they cry, leaving them tormented. Create an atmosphere that forces them to leave the country. We won’t let them leave nor will we let them live in the country...”<sup>54</sup>

The film also contributed to the outbreak of anti-Muslim violence in Khargone, Madhya Pradesh, as Raju Sharma, district

president of the Shiv Sena, created a tableau of a particularly violent scene for the Ram Navami procession to walk past. Sharma recreated the scene where a Hindu woman was sawed alive by borrowing a mannequin and an electrical wheel to create the image. Besides the scene, there was a banner that read, ‘Wake up Hindus, lest other states in India become Kashmir.’ Sharma organized for a friend to create a special soundtrack for his installation, which combined the woman’s cries with the slogans ‘Jai Shri Ram’ and ‘Har Har Mahdev,’ a battle cry used by Hindu nationalists. The music was one of the songs blared outside of the mosque in Talab Chowk just hours before the violence began.

On the 5th of July, the term ‘Flood Jihad’ was used for the first time in mainstream media. NewsX held a debate over the flooding in Assam involving 4 panelists who all argued it was a case of ‘Flood Jihad.’ News Anchor Meenakshi Upreti asked if it was ‘more sinister’ than ‘innocuous mischief’ and if the highest levels of the government needed to be informed. In response, one panelist, Bhaswati Mukherjee, who was a former diplomat, called the breach of the embankment ‘a matter of internal sabotage’ and ‘an act of treason,’ and Madhav Nalapat, editorial director of NewsX’s parent company, said it was ‘a plan for mass murder.’ All the panelists

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argued it was part of a plan to destabilize the incumbent BJP state government.<sup>56</sup>

In December, the Editor in Chief of Sudarshan TV, Suresh Chavhanke, spoke at the Hindu militant group Hindu Janjagruti Samiti's event on Christmas Day, where he promoted conspiracy theories against Muslims and argued that 'Land Jihad' has taken place in various parts of India, where, he said, 'it feels like the train is passing through Pakistan.' He also argued that young Hindu boys need to 'go to the Madrassas where it is taught how to cheat our women.' Taking a dig at Christmas, Chavhanke also argued that 'the festival of these 2% [Indian Christians] is being imposed upon the 98% people.'<sup>57</sup>

Social media has also played a crucial role in the spread of conspiracy theories and genocidal speech. Since Narendra Modi came to power in 2014, hate speech has increased by 1,130 percent, reaching the highest spike in January 2022 when politicians were campaigning for state-level elections.<sup>58</sup> Politicians, religious figures and Hindu nationalists increasingly use social media as a means of spreading genocidal rhetoric, as it enables them to reach a larger audience and further the divisions between religious communities. Additionally, social media companies have failed to curb the use of their platforms to

target religious minorities. In July, Meta released its first Human Rights report, which included some details on India. They had previously agreed to publish a country-specific report on India but announced they did not 'have plans to publish anything further on the India HRIA [Human Rights Impact Assessment]'.<sup>59</sup> Meta, previously known as Facebook, has continuously been criticized by human rights groups for failing to crack down on those who use its social media platforms, WhatsApp, Instagram, and Facebook, to spread genocidal speech and conspiracy theories. At a grassroots level, viral videos on these platforms can lead to communal riots and attacks on religious minorities over allegations of Love Jihad, Flood Jihad, Corona Jihad or alleged forced conversions. Additionally, Hindu nationalist extremists use WhatsApp to communicate, send out calls to action, and often live stream their attacks on minorities on Facebook. Despite their knowledge of how their platforms are being used to spread genocidal speech and incite violence, Meta has continued to ignore calls to address these issues, instead highlighting the role of third parties who use their sites.

Two whistleblowers who previously worked for Meta have exposed how the company is aware that fake accounts are created to spread disinformation. Equally, Facebook knowingly failed to apply its

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own rules against hate speech when some accounts were flagged that were affiliated with the ruling BJP, even when these accounts were questioned within the company by its own employees.<sup>60</sup> By failing to take action against accounts that spread genocidal rhetoric, Meta is facilitating the incitement of violence against religious minorities in India. NGOs such as Human Rights Watch continue to highlight that Meta's lack of action 'is not in line with the United Nations Guiding Principles on Business and Human Rights,' but the company's failures to take action have precipitated the rise in hate crimes across the country.<sup>61</sup>

## Discriminatory Legislation

The ruling BJP has passed several discriminatory laws at the State and Union levels in order to erode the constitutional rights of Muslims. The unconstitutional and discriminatory Citizenship Amendment Act (CAA), National Register of Citizens (NRC), Anti-Conversion Laws, and Hijab Ban are all in violation of domestic and international human rights laws. Furthermore, the introduction of these laws emboldens those who commit acts of mass violence against minorities, as the legislation communicates to perpetrators that those

in power also share their anti-minority ideology.

In April 2022, the Union Government passed the Criminal Procedure (Identification) Bill. This allows the Police to collect biometric information, including fingerprints, retina scans, and other biological data from 'any person involved in a crime.'<sup>62</sup> The Bill is highly controversial, as religious minorities, in particular Muslims, are overly represented in prisons and often subject to arrest and detention on bogus charges. The law allows the police to therefore take the biometric data of people who were arrested but later released, which breaches data privacy and, essentially negates the basic democratic principle that everyone is innocent until proven guilty. Additionally, it is unclear how this data would be used and stored securely, and is vague about which measurements the police can take. Those who refuse to have their data collected would be committing a crime. Considering the disproportionate targeting of religious minorities and marginalized castes, and the established biases of the police officials in the country, the bill is disconcerting as it overextends the power of the security forces so that they could potentially be used to acquire extensive information on religious minorities.

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## Weaponizing Citizenship

The CAA was passed by the Indian parliament in 2019 and added religion as a clause for citizenship for the first time in the history of independent India. The CAA offers a provision whereby, “illegal migrants” can apply for citizenship if they originate from Bangladesh, Pakistan or Afghanistan and are Hindu, Sikh, Buddhist, Jain, Jewish, Parsi or Christian. The BJP was able to push through this amendment with their nationwide mandate under the guise of offering non-Muslim refugees protection from persecution. However, absent from this list were Muslims, despite making up a large number of refugees in the region after escaping persecution in Myanmar (Rohingya) and Pakistan (Ahmediya). Whilst the BJP publicly denounced any notion that Muslims with Indian citizenship would become stateless, the CAA is part of a larger citizenship policy. Modi also requested an update of the National Population Register (NPR), which holds information on all citizens in their residing state but has never included religious affiliation or biometric data. The new update is set to include this new information and to be used in order to inaugurate the National Register of Citizens (NRC), which will verify every resident’s citizenship status.

The update of the NRC was postponed

due to the coronavirus pandemic, however, a state-wide register was organized in Assam, which is a case study for understanding how a nationwide NRC would mostly affect Muslims. The Assam NRC demonstrates the flaws and inherent biases in the system as Muslims and Bengali-speaking Hindus were targeted throughout the process and made up the majority of the two million people excluded from the register. When the nationwide NRC is implemented, it is likely that Muslims will be the primary target of that exercise. In January 2020, a group of retired bureaucrats warned that it ‘has the scope to be employed in an arbitrary and discriminatory manner, subject to local pressures and to meet specific political objectives, not to mention the unbridled scope for large-scale corruption.’<sup>63</sup>

In combination with the CAA, the upcoming nationwide NRC has the capacity to turn Muslims into stateless citizens, as once they are deemed to be illegal through a deeply biased process, unlike other religious minorities, Muslims cannot obtain citizenship through the CAA.

In February 2022, scholars from across the world criticized the NRC and CAA in a global summit on preventing genocide against Muslims. British journalist Yvonne Ridley argued that ‘Under Modi and his

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Hindu nationalists party BJP, India is once again on the brink of genocide. There is fear of Muslims' existence, and millions of Muslims are facing the threat of losing their citizenship.'

The CAA has been used as a model to determine who can and can't apply for citizenship. In November, the Annual Report of Home Affairs explained how 31 District Ministers and nine State Home Secretaries had been given the power to give religious minorities except Muslims coming from Afghanistan, Bangladesh, and Pakistan Indian citizenship.<sup>65</sup>

Similarly, in December, the Union Government announced that the path to citizenship for Hindus, Sikhs, Parsis, Christians, Buddhists, and Jains from Pakistan, Afghanistan, and Bangladesh would be eased. These religious minorities can now apply for Indian citizenship using expired passports as long as they entered the country with valid documents, which enables these applicants to avoid having to pay to renew their passports, thus speeding up the process.

Recently, the Parliamentary Committee on Subordinate Legislation in the Rajya Sabha accepted the Ministry of Home Affairs (MHA) request for six more months to frame rules under the CAA.<sup>66</sup>

## Anti Conversion Laws

Eleven so-called 'Love Jihad' laws,<sup>67</sup> were introduced over the last few years in BJP-led states. These anti-conversion laws have not only affected the Muslim community but have also been designed to attack the Indian Christian population, as allegations of forced conversion, regardless of the lack of evidence, have led to many Christians being beaten by the Hindu vigilante mobs and has also led to detention and arrests by the police.

In 2022, both Haryana and Karnataka introduced anti-conversion laws.<sup>68</sup> Both laws are designed to stop Hindus from converting to a different religion either before or after marriage and give the state immense powers to nullify a marriage and stop inter-faith marriages. In both laws, those who wish to convert, as well as the person performing the conversion, must notify the District Magistrate before the conversion. Equally, in both states, if allegations are levied against a man that they are forcing their female partner to convert to a different religion, the burden of proof falls on him to prove that this is not the case.<sup>69</sup> This not only undermines the presumption of innocence inherent in any fair justice system but is problematic, as even false allegations have to be disproven.

In both cases, the laws have clearly



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been implemented to stop inter-faith marriages and religious conversions in such relationships. They also sought to deter lower-caste Hindus from converting to Christianity or other faiths; as the Karnataka version of the law states that those who convert from Hinduism and are part of a protected group or reservation will no longer be able to receive any benefits.<sup>70</sup>

On the 29th November 2022, Uttarakhand amended its anti-conversion law to target alleged mass conversions, interfaith relationships, and those who convert away from Hinduism before or after marriage. Similar to the laws in Haryana and Karnataka, this newly amended law not only criminalizes religious conversion before marriage but also reverts the burden of proof and allows interfaith marriages to be legally declared null and void if one party converts before or after the wedding. Additionally, the law cracks down on mass conversions, now defining the term as a conversion of two or more people.<sup>71</sup> The impact of the amended law was immediately clear, as a day before it received gubernatorial assent, 30 people attacked a Christmas programme in Uttarkashi, alleging the group of Indian Christians were attempting to forcibly convert Hindus en masse.<sup>72</sup>

In December 2022, the state government of Maharashtra set up a panel on

interfaith marriages and relationships. The panel is led by Mangal Prabhat Lodha, BJP state minister for women and child development. Lodha has previously argued that Hindus are threatened in Malvani, a Muslim-majority area of the state, and demanded capital punishment for cattle slaughter. The panel focuses on the impact of conversions on women and a woman's relationship with her family after she converts to a different religion.<sup>73</sup>

## **Impact of Anti-Conversion Laws on Christians**

In the year 2022, Christians have been increasingly targeted using these anti-conversion laws, as allegations of alleged forced conversion, no matter how false, have led many Christians to be attacked, arrested, and detained by the police. As many of them come from lower socio-economic backgrounds, these victims often spend years in prison awaiting trials and they cannot afford adequate representation to fight the charges levied against them.

In late January and early February 2022, there were 14 instances of anti-Christian violence and 12 cases in which Christians were arrested for allegedly forcibly converting Hindus in Madhya Pradesh.<sup>74</sup> These attacks continued in March when

a pastor in Jodhikapur village in Uttar Pradesh was forced to stay inside his home whilst a mob of Hindu nationalists gathered outside. The mob chanted “bring the traitor out” and “free India of Christian priests” while he was leading a prayer meeting.<sup>75</sup> Eventually, local police arrived and arrested the pastor and his wife for “unlawful conversion, criminal intimidation and intentionally insulting religion.”<sup>76</sup> Similarly, in Rajouti, Chhattisgarh, a Hindu nationalist mob broke into a Christian worship hall and attacked the congregation. The police subsequently arrested the pastor and a

congregation member for alleged forced conversions.<sup>77</sup>

In April, the VHP and Bajrang Dal in Karnataka demanded the suspension of Christian prison chaplains. They argued that after prisoners in Gadag Jail were given Bibles, the prison chaplains were attempting to convert prisoners to Christianity.

A few days before Easter, local police in Hariharganj, Uttar Pradesh, detained 26 individuals under suspicion of unlawfully converting 90 people. A local VHP



Credit: Christianitytoday

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member also had an FIR filed against the Hariharganj Evangelical Church of India against 55 individuals alleging the group was breaking Uttar Pradesh's Anti-Conversion Law. This led to 26 arrests[70].

On the 14th April 2022, the Thursday before Easter Sunday, Hikshu Dikshit led a mob of Hindu nationalists to a church in Fatehpur, Uttar Pradesh. The mob confined 100 Christians inside the Church, whilst Dikshit claimed they were forcibly converting people inside. 36 members of the congregation were subsequently arrested by the police.<sup>78</sup>

On the 17th May in Geltua village, Odisha, local officials sealed a church after allegations were made it was being used to forcibly convert tribal peoples. Local Christians were not able to worship, as it was the only church in Geltua.<sup>79</sup>

On the 28th June, Four Hindu extremists entered the home of a Christian family in Mallenu, Karnataka, and set fire to a Bible. They questioned why the people in the home were praying and then proceeded to burn the Bible. The guests of the homeowner were praying for a Christian woman who was feeling unwell when the attack took place. The perpetrators of the attack belong to the Bajrang Dal and alleged the family who own the home have committed forced conversions.<sup>80</sup>

On the 30th of July, six Dalit-Christian women were jailed after being charged with forcibly converting Hindus. The women were arrested in Azamgarh, Uttar Pradesh after members of the VHP alleged they were using a birthday party as the pretext for the forced conversions. The women were not able to apply for bail, as the charges against them are non-bailable offences.<sup>81</sup>

On the 4th of October 2022, a bus carrying tribal children to a Catholic school event in Khandwa, Madhya Pradesh, was stopped by VHP militants who alleged the children were being taken to be forcibly converted. The children were heading to an event on career counselling and skill development, but the convention was shut down after the Bajrang Dal reported that the Hindu children were being taken to be converted. A priest later clarified that only Catholic children were being taken to the event. No charges were filed by the police, as there was no evidence



Credit: Vice World News

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of conversions taking place, however, the event was stopped. Father Babu Joseph, the former spokesman for the Catholic Bishops Conference in India, said: “Just because [Hindu nationalists] belong to some organizations of the majority community do they possess any extra-constitutional authority to prevent fellow citizens from exercising their personal and constitutional rights?” “It is high time that the state law-and-order machinery shows these lumpen elements their rightful place, or else they have the potential to create serious social disharmony. Every Indian, whether belonging to a majority or minority religious community, has the fundamental right to worship and participate in a religious gathering organized by their religious authority.”<sup>82</sup>

In Uttar Pradesh on the 30th October, 9 Christians, including 3 women, were booked by police in Meerut for allegedly forcibly converting 100 people. 2 people alleged that what started out as Covid relief aid during the height of the pandemic had become forced conversions, as the group was now allegedly trying to stop Hindu locals from worshipping their own Gods. The BJP city unit secretary helped the complainants to meet the police. However, local residents stated that there were no attempts to convert anyone, and the makeshift church which was set up was largely unpopular in the area. They

also stated that the land where the church stands has now become a prime location, and the anti-conversion law is being used as a bargaining chip to force Christians to vacate the land.<sup>83</sup>

On the 3rd November, the Catholic Bishops Conference of India (CBCI) opposed the creation of a central commission that will study the social status of lower caste Hindus who have converted to Christianity or Islam. The 3-member commission will be led by former Chief Justice KG Balakrishnan, who will be part of a team that will work to explore if Scheduled Caste status can be applied to SCs who convert to Christianity or Islam. SC status has previously been applied to SCs who converted to Sikhism and Buddhism. The CBCI has called the commission a ‘delaying tactic’, as the panel has been given two years to compile a report. In the meantime, Dalits who have converted to Christianity or Islam are unable to access free education, quotas for government jobs and other schemes to improve their social status.<sup>84</sup>

Police in Uttar Pradesh arrested two pastors for holding mass on Christmas day. They were arrested for allegedly ‘enticing’ people during two services held in Rampur and Sitapur, respectively. The complainant of the first case, Rajeev Yadav, is known to be a ‘right-wing



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activist', who alleged that the pastors committed conversions. A local villager who attended the service said the pastor talked about his religion, respect in society, and free education. The police who arrested the second pastor is yet to find any evidence of forced conversions.<sup>85</sup> Overall, 2022 witnessed a huge spike in hate crimes against Christian minorities with conspiracy theory of forced conversion being the main factor behind these attacks.

## Hijab Ban

The Karnataka Hijab Ban deliberately targets Muslim women by forcing them to choose between their constitutional right to freedom of religion and access to education. The ban was introduced in schools in February 2022 and immediately led to protests, as students were turned away from public schools for wearing a hijab. The ban has been used by the state to legitimize Islamophobic conspiracy theories which present Muslims as perilous to Indian society; the state of Karnataka argued that Muslim women were being forced to wear the Hijab, as part of a 'larger conspiracy' to propagate social unrest.<sup>86</sup> The ban was first appealed in the Karnataka High Court and later the Supreme Court of India, where it has been upheld. More than an issue over rights, the Hijab ban

demonstrates the failures of secular institutions, politicians and the judiciary to uphold the constitutional rights of Muslims.

The Hijab ban was first introduced when the BJP-ruled state government issued a directive prohibiting students from wearing clothes "which disturb equality, integrity and public law."<sup>87</sup> The order validated the growing pattern of state education institutions banning students from wearing the hijab to school. In the same month, a hijab ban was imposed on Muslims at Bhandarkar's Arts and Science Degree College, Mahatma Gandhi Memorial College, also in Karnataka. Outside of the state, Hijab wearing students were also barred from entering schools in Jaipur, Rajasthan, Uttar Pradesh, and other parts of India. The Karnataka High Court temporarily upheld the ban in February until the appeal could be heard, which meant that Muslim women across the state were forced to either remove their Hijab and thus lose their rights to freedom of religion or stop attending school. The impact of the ban was clear as early as March 2022, when the Government Pre-University College Uppinangady reported that 231 Muslim students (both boys and girls) were absent from sitting their exams in protest of the hijab ban.<sup>88</sup>

The Hijab ban in Karnataka prompted

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nationwide protests. Many women across the country joined peaceful protests in support of Muslim women who wish to wear a hijab to school. Conversely, viral videos spread of Hindu youths abusing Muslim women who were wearing the hijab. The youths were wearing saffron scarves and shouting slogans.<sup>89</sup> In Uttar Pradesh, policemen were seen beating burqa-clad women with batons.<sup>90</sup> Muslim women in Karnataka who were protesting the ban also faced a huge backlash from Hindu nationalists. The Karnataka BJP tweeted the identities and personal details of the six leading protesters, who were students at Udupi college, including their addresses.<sup>91</sup> The students and their families consistently received abuse after their private information was leaked online, and were afraid of being attacked. One of the students, Aliya Assadi, also spoke about how BJP legislator Raghupathi Bhat played a role in causing the protests to become a communal issue. Assadi explained 'He made our fight for hijab communal in nature, by supporting the saffron scarf protests. He instigated the [Hindu] students to wear saffron shawls. And now he has made, not just the college, but also our homes unsafe.'<sup>92</sup>

Students were turned away from school if they tried to enter whilst wearing a Hijab, and one teacher in a Karnataka government school was asked to remove

her hijab while teaching, resulting in her resignation.<sup>93</sup> Another Hijabi woman resigned from her position as the principal of VIVA College of Law in Maharashtra after experiencing harassment for wearing the hijab.<sup>94</sup> In Jamshedpur, a city in Jharkhand, female students wearing hijabs were not allowed to take their exams at a local Women's College.<sup>95</sup> Several Muslim students who went to appear for the National Eligibility Entrance Test (NEET) 2022 examinations in Rajasthan's Kota and Maharashtra's Washim faced trouble for wearing a hijab.

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In September, the People's Union for Civil Liberties – Karnataka, released an Interim Study Report about the impact of Karnataka's Hijab Ban on Educational Institutions. In March, many of the girls who wished to wear a Hijab to public school appealed to the Supreme Court after the Karnataka High Court upheld the hijab ban. As they awaited the verdict, they remained unable to go to public school whilst wearing their hijabs or were forced to transfer to Muslim private schools if they wanted to continue their education. The report found that the girls themselves believed they had to limit their interactions with students who belong to other communities, and in the long term this could 'potentially lead to the ghettoization of education.'<sup>97</sup> Equally, the report found that the basic



rights of the girls were eroded. Equally, the government's 'calculated silence'



Credit : Maktoob

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.<sup>98</sup>

The Supreme Court announced its decision over the constitutionality of Karnataka's Hijab ban on the 13th of October. The court panel, of two judges, was unable to come to a unanimous verdict, meaning the ban remains in place until the Chief Justice sets up a larger panel to determine the validity of the ban. Justice Hemant Gupta argued that the ban should be allowed to remain in place, stating 'secularism is applicable to all citizens, therefore permitting one religious community to wear their religious symbols would be the antithesis to secularism.' Conversely, Justice Dhulia believes that 'asking girls to take off their hijab before they enter the school

gates is first an invasion of privacy, then it is an attack on their dignity and then ultimately it is a denial to them of secular education.<sup>99</sup> The inability of the court to repeal the Hijab ban means that Muslim girls and women in Karnataka are still unable to exercise their freedom of religion whilst accessing state education.

## Role of the Judiciary

The Indian Judiciary, especially the Supreme Court, has historically been heralded as an independent body that has upheld its role to hold the executive and legislative branch of government to account and safeguard the constitutional rights of all Indian citizens. With the advent of the Modi administration, the independence of the judiciary has almost collapsed. This began when Modi was Chief Minister of Gujarat. After the Gujarat Pogrom in 2002, Modi personally intervened in multiple instances to ensure perpetrators were seen by appeasing judges to guarantee them bail and eventually reduced sentence or acquittal in the state courts. The then leader of the Gujarat Bajrang Dal, Babu Bajrangi, remarked that "Narendrabhai got me out of jail. He set it up so as to ensure my release... he posted a judge named Akshay Mehta. He never even looked at the file or anything, he just said [bail] granted."<sup>100</sup> Equally, in the aftermath of the pogrom, the judges chosen to lead the Godhra Inquiry Commission were

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known to be close associates of Modi's.

More recently, the lower courts, High Courts and the Supreme Court have continuously sided with the Hindutva agenda of the BJP governments, undermining the constitutional rights of Indians across the country. Additionally, the independence of the courts has been undermined, as the lines previously separating the legislative, executive, and judiciary branches of the government have become blurred through the appointment of former judges to executive positions



and fielded as electoral candidates. Former Chief Justice of the Supreme Court, Justice Gogoi, was appointed by the BJP to the Rajya Sabha, the upper house of the Indian parliament five months after retiring from his judicial position. Gogoi was instrumental in securing the BJP favorable judgments for the National Register of Citizens (NRC) in Assam and handed over the site of Babri Masjid, which was demolished by a Hindu extremist mob in 1992, to Hindus for the construction of the Ram temple. The president of the Supreme Court Bar

Association described the appointment as 'totally disgusting, a clear reward in quid pro quo.'<sup>101</sup>

The partisan nature of the judiciary was prevalent in 2022, as Justice GR Swaminathan of the Madras High Court was criticized for bringing his political beliefs into the courtroom. The justice is known to have been a member of the RSS, and his Hindutva ideology was prevalent in a number of rulings. In July, he referred to the Hindu God Rama in his judgement over virtual marriage registration, yet another example of his consistent references to Hindu mythology in court. Similarly, in July, he showered praises on Tamil Nadu BJP President K Annamalai.<sup>102</sup>

Human rights activists, whistleblowers, lawyers, and victims have repeatedly expressed apprehensions over the functioning of the courts, with former Supreme Court lawyer Kapil Sibal even going to the extent of saying that there was 'no hope left.'<sup>103</sup> Sibal added that the court is no longer an independent body, as judges are appointed through a process of compromise' and pro-government judges are able to hear cases which are a conflict of interest, meaning they can rule against activists.<sup>104</sup> Soni Sori, an activist, explained that 'I don't go to the court with any expectation of justice.'<sup>105</sup> Kavita Srivastava, national secretary of the People's Union for Civil

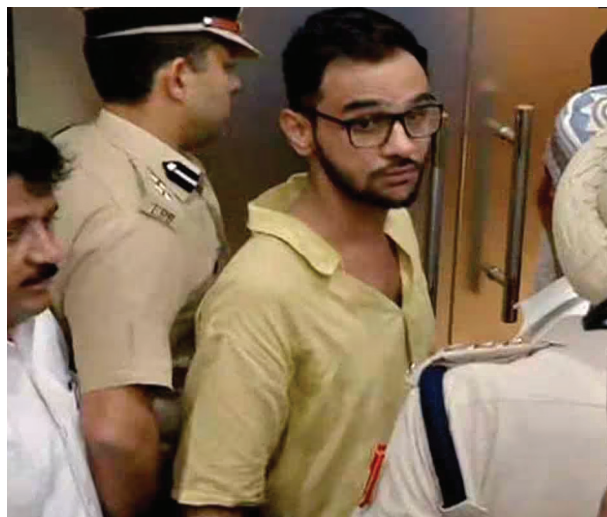
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Liberties, added that ‘the outlook of the establishment is that no one should raise any questions and that civil society is silenced. Until now, we fought the executive. Now the judiciary no longer exists. This is a dangerous time in India.’<sup>106</sup> Another activist with the Association for Protection of Civil Rights (APCR), Nadim Khan, explained that the biggest problem for victims is the court refuses to list or accept petitions; ‘The Supreme Court puts matters on hold for so long that the victims lose hope.’ He also asserted that the police have complete impunity and as ‘not answerable to anyone, the Supreme Court only maintains the facade of credibility.’<sup>107</sup>

In November, the quid pro quo relationship between the judiciary and BJP was exemplified when former Karnataka High Court Chief Justice Ritu Raj Awasthi was appointed as Chairperson of the Law Commission. Awasthi was part of the bench that upheld the controversial Hijab Ban in the state. As Chairperson, Awasthi will lead the Commission in carrying out research and advising the Union government on legal reforms.<sup>108</sup>

In 2022, judgements made by the Supreme Court and State High Courts have continued to undermine the constitutional rights of the citizens, as the courts have failed to guarantee religious freedom, freedom of expression, and

the right to housing to India’s religious minorities. Judgements of the court have not only led to backlash among minorities



but reinforced the fact that perpetrators of anti-Muslim violence receive impunity and fail to be held accountable even by the highest court.

The judiciary has failed to protect human rights activists and critics from arbitrary arrests and detentions by the government in the aftermath of the 2020 anti-Muslim pogrom in Delhi. Prominent Muslim activists Umar Khalid, Sharjeel Imam, Gulfisha Fatima and Khalid Saifi who were arrested in 2020, continue to languish behind the bars under bogus allegations of inciting violence. Judges in local and high court have repeatedly denied bail to the activists.

In addition to ineffective police action in response to the use of hate speech in election campaigns, the judiciary is also

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complicit in downplaying the criminality<sup>109</sup> of this rhetoric. The Delhi high court ruled that a “speech given during election time is different from one given during ordinary times and sometimes things are said just to create a ‘mahaul’ (atmosphere) without there being the intention” of wrongdoing or criminality. Justice Chandra Dhari Singh asserted that “if something is said with a smile, then there is no criminality but if something is said offensively, then there may be criminality.” The court not only completely disregarded hate speech which is deliberately used to create an ‘us versus them’ mentality during elections, but also insinuated that the criminal intent behind these speeches is unclear. In reality, hate speech has demonstrably incited genocidal violence, and by failing to acknowledge this the court sets a precedent that makes hate speech difficult to prosecute, thus putting the safety of religious minorities at risk.

The independence of both the supreme and state courts has come into question in the Bhima Koregaon case. In 2018, 16 human rights defenders were arrested for allegedly inciting violence between the Dalit and Maratha communities during an annual gathering at Bhima Koregaon in Maharashtra state. All of the activists were subsequently also accused of attempting to assassinate Prime Minister Narendra Modi, after Pune Police allegedly found incriminating evidence on their computers. Independent

forensic investigations by US security experts found that the ‘false incriminating evidence’ was planted into the devices of at least 3 of the defendants by the Pune police.<sup>110</sup> The relationship between members of the judiciary and the state was called into question, as five judges from the Bombay Court, and five from the Supreme Court have recused themselves from the hearings over the cases.<sup>111</sup> Judges only recuse themselves from proceedings if there is a conflict of interest, however, they do not have to disclose the reasons why they are unable to proceed in their judicial role. The high number of recusals in the case inevitably brought the judiciary under scrutiny, especially as the independence of this important institution of democracy continues to be questioned.

In July 2022, the Supreme Court refused to accept a plea to stop the demolitions of Muslim homes and properties across the country. The court instead discussed introducing an ‘omnibus order’ which would stop municipalities from committing the demolitions. However, the order would be ineffective against municipal action as the local authorities are able to manipulate the law so that they can continue to commit demolitions under the guise of properties being illegally built. The representative for the petitioner, Dushyant Dave, argued that ‘The question is what relief this court can give today to a poor man who will have nothing left if his house is demolished before the court hears the case on



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the next date.<sup>112</sup> The court's failure to intervene in the illegal demolitions of Muslim homes demonstrates how the rule of law is becoming insignificant in India.

The court continuously failed to protect the constitutional rights of Muslim women in 2022, by upholding the Hijab ban in Karnataka. Initially, the ban was upheld by the Karnataka High Court, after the petition filed by Muslim students was dismissed. The court argued that the ban was a "reasonable restriction, constitutionally permissible and which the students cannot object to", as it argued that wearing a Hijab is not an 'essential' religious practice in Islam.<sup>113</sup> In October, the Supreme Court heard the petitions but a two-person bench was unable to come to a unanimous verdict. Justice Hemant Gupta argued that the ban should be allowed to remain in place, stating 'secularism is applicable to all citizens, therefore permitting one religious community to wear their religious symbols would be the antithesis to secularism.' Conversely, Justice Dhulia believes that 'asking girls to take off their hijab before they enter the school gates is first an invasion of privacy, then it is an attack on their dignity and then ultimately it is a denial to them of secular education.'<sup>114</sup> As the court was unable to uphold a decision, the ban remains in place until another bench hears

the case again. Consequently, Muslim women in Karnataka have been forced to choose between their right to express their religion and their right to access education.

In December, the Court set a precedent to give perpetrators of religious pogroms impunity from even the most heinous of crimes. Despite the national backlash over the release of 11 perpetrators of the Gujarat Pogrom on Indian Independence Day, the Supreme Court refused to hear the victim's plea to review the judgment.<sup>115</sup> Bilkis Bano was gang raped by the 11 men who were released early from life sentences. The men also killed multiple members of her family in anti-Muslim attacks during the Gujarat pogrom in 2002. The early release of the perpetrators did not follow federal guidance on the Remission Policy, as ordinarily, those convicted of rape or murder cases are not considered for early release. Equally, the 11 perpetrators did not qualify for remission under the current Gujarat Remission Policy, as it excludes those who have been convicted of gang rape and murder. Nonetheless, the perpetrators were released and received as heroes back in their villages. Bano, however, was not consulted on their release and explained she continues to live in fear of repercussions. The Supreme Court, however, refused to listen to her plea against the early release



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of the men, thus endorsing the impunity the perpetrators of the pogrom receive in the country.

In the same month, the Uttarakhand High Court, while hearing a petition filed by Rashtriya Swayamsewak Sangh (RSS) sympathizer ordered the authorities to evict and demolish 4,365 buildings that the court claimed were “illegally” built on the railway land. Most of the inhabitants were Muslims. In the midst of protests against the controversial order, Dr.

Nayyar Kazmi, State President of the All India Majlis-E-Etihad ul Muslimeen, wrote to the BJP Chief Minister, Pushkar Singh Dhami and argued that 4,500 families lived there for 78 years and had residential credentials.<sup>116</sup> The court order not only fails to uphold the basic rights to the shelter that all Indians are guaranteed in the constitution, but also sets a precedent to allow so-called bulldozer justice to continue against minority communities.

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<sup>3</sup><https://www.hindustantimes.com/cities/kapil-mishra-warns-cops-clear-road-in-3-days-after-that-we-won-t-listen-to-you-story-Ppd9qPXknizVMsaLSFIFTI.html> .

<sup>4</sup><https://theprint.in/india/riots-changed-hindu-muslim-dynamics-in-ne-delhi-for-some-its-hateful-beyond-repair-now/609664/>

<sup>5</sup><https://www.ushmm.org/genocide-prevention/blog/countries-at-risk-for-mass-killing-2021-22> .

<sup>6</sup><https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/> .

<sup>8</sup><https://theprint.in/india/communal-slurs-people-beaten-at-delhi-hindu-mahapanchayat-police-say-they-gave-no-permission/900791/> .

<sup>9</sup><https://thewire.in/communalism/muslims-should-be-set-ablaze-just-as-hindus-burn-ravana-effigies-on-dussehra-bjp-mla> .

<sup>10</sup><https://www.boomlive.in/news/hindu-rashtra-convention-bengaluru-muslims-are-cancer-land-jihad-17829> .

<sup>11</sup><https://english.newstracklive.com/news/assam-cm-himanta-biswa-sarama-statement-on-madarsa-mc25-nu764-ta334-1229979-1.html> .

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Credit : Reuters

## Genocidal Violence

The 1948 Genocide Convention was created by the United Nations General Assembly in the aftermath of the Holocaust, in order to formally recognize genocide as a crime, and detail punitive measures for those who committed it. The Convention explicitly defined genocide and codified it into international law for the first time, so that it could be prosecuted. India signed the Genocide Convention in 1949 and ratified it 10 years later, thus agreeing to abide by the Genocide Convention and recognise that 'genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world.'<sup>177</sup> Despite India's ratification of the Genocide Convention, in recent years, the government of India,

under the leadership of Bharatiya Janata Party (BJP) Prime Minister Narendra Modi, has acted against the Convention, with the Union Government, State Government and grassroots violent Hindu supremacist organizations (collectively called the Sangh Parivar) committing genocidal acts, and failing to protect Indian minorities, especially Muslims and Christians. The United States Commission for International Religious Freedom (USCIRF) has recommended India to be designated as a Country of Particular Concern (CPC) for three consecutive years, and Genocide Watch, founded by Dr. Gregory Stanton who predicted the Rwandan Genocide, lists India at stage 8 of his ten-stage genocide model. This section of the report explores the



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genocidal violence that was committed in India in 2022 against the Muslim and Christian communities.

## Mob Lynchings

Mob lynching attacks against Muslims have increased since the Modi administration was first elected in 2014, as Hindu nationalist politicians and religious figures have incited vigilantes to commit atrocities against Muslims through hate speech. Additionally, the introduction of discriminatory legislation has emboldened members of Hindu militant groups to attack religious minorities. Combined with the fact that perpetrators are rarely held to account, and are often heralded as heroes, mob lynching attacks against religious minorities have continued this year.

One of the most common causes of lynching attacks is allegations of cattle transportation, slaughter of cows or



Credit : The Wire

storing/consuming beef. As cows are sacred in Hinduism, a multitude of BJP states have recently made it illegal to transport or kill cattle. Even those who do have permission, but are Muslim, are often attacked over allegations of transporting cows with the intention of killing them for consumption purposes. In 2017, the Hindustan Times reported that 97% of cow lynching cases took place after Prime Minister Modi took office, and 86% of the victims of these cases were Muslims.<sup>118</sup>

Some states have been 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, a BJP appointee, 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. Both the Rajasthan and Manipur Bills were returned by the Union Government, 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<sup>119</sup> were clear throughout the year, as Muslims



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have continued to be lynched throughout the country and perpetrators continue to act with impunity.

In February in Bihar, a Muslim man was kidnapped by Hindu extremists, who demanded a ransom before they repeatedly assaulted, killed him and burned his body. On the 19th of February, a video circulated on Instagram showed the kidnappers berating the victim with accusations that he consumed beef and killed cows, revealing that the kidnapping was motivated by anti-Muslim sentiment.<sup>120</sup> Allegations of cattle smuggling also led to a Muslim man being lynched in March 2022. A group of Hindu nationalists attacked the man in Sepahijala, Tripura. Similarly, 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 other men 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.<sup>121</sup>

Mob lynching attacks were also caused by perpetrators' anti-Muslim ideology and demand for revenge. On the 25th February in Gujarat's Bharuch district, a mob of 9 right-wing Hindu nationalists pelted stones at and beat a Muslim man while they forced him to chant the nationalist slogan "Jai Shri Ram."<sup>122</sup> The

mob also pulled the man's beard and called him a "terrorist", demonstrating how they viewed his Muslim identity as a threat.<sup>123</sup>

In Karnataka on the 30th July, a Muslim man, Mohammed Fazil, was murdered as revenge for the murder of a BJP worker. The lynching attack demonstrates the power of genocidal hate speech, as after Fazil was murdered, Hindu nationalist Rishikumar Swami addressed a crowd, "If that was (murder of Fazil in Mangalore) done by our people, then I'm happy. Nine heads will be pending. There must be ten heads against 1 head."<sup>124</sup>

In Saharanpur on the 8th of September, a 19-year-old Muslim labourer was shot dead. The victim, Shahrukh was a labourer from Muzaffarnagar, Uttar Pradesh and was returning home from work when 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 that he was targeted for his religion, as the mob was already armed and started abusing the victim and his friend before 2 members opened fire and killed him.<sup>125</sup>

On the same day, in Uttar Pradesh, BJP member and local party chairman Ashok Kumar Jaiswal was charged along with 21 others with lynching a Muslim man. Jaiswal was part of a Hindu nationalist

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mob that beat Mustqueem Alam to death after an earlier dispute with a neighbour.

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On the 12th October in Prayagraj, Uttar Pradesh, a 32-year-old Muslim man, Zaheer Khan, was lynched by a mob. Another man, Yusuf Khan, was also badly injured in the attack. The mob believed the men were robbers in the area and attacked them with sticks. The police filed an FIR against an unidentified person, and have identified 4 people involved, but have not yet proceeded with arrests.<sup>127</sup> The lynching is yet another case of extrajudicial killings of Muslims in the state, where Hindu militias are often given impunity before the law.

## Pogroms and Riots

Communal pogroms between members of different religious communities have broken out in India throughout the decades. In 1992, after the demolition of the Babri Masjid by Hindu nationalist militants, Muslims across the country were subjected to genocidal violence, killing thousands. In 2002, just a year into Narendra Modi's Chief Ministership of Gujarat, more than 2000 Muslims were killed, raped and butchered by Hindu militants in one of the worst pogroms in independent India. In 2013, 42 Muslims were killed and 50,000 people were



Credit : CNN

displaced during the anti-Muslim pogrom in Muzaffarnagar, Uttar Pradesh. More recently, in 2020, 53 people, mostly Muslims, were murdered on the streets of New Delhi, India's capital city, revenging the months-long Muslim protest the discriminatory Citizenship Amendment Act (CAA).

Anti-Muslim pogroms, incited by Islamophobic rhetoric and conspiracy theories, broke out in 2022. Violence was also used as a pretext to arbitrarily arrest and detain Muslims, as well as to destroy Muslim property as retribution for alleged participation in so-called riots.

On the 27th February 2022, in the Shivmogga District, Karnataka, anti-Muslim violence broke out. At the time, the Hijab ban and subsequent backlash had led to anti-Muslim sentiment. After a Bajrang Dal activist was murdered, there was a procession from the Segehatti area where the victim lived. Police believe he was killed by 3 Muslim men

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who were arrested almost immediately. The national secretary of the BJP, B.L.Santosh, contributed to the eruption of violence, tweeting that 'Harsha was brutally killed by jihadi elements' even though no motive had been established by the police. As the procession went through different parts of the city, Muslim property and cars were ransacked, and anti-Muslim violence spread throughout the city. At least 10 people were injured in the attacks, including two Muslim journalists who remarked that 'we were out there doing our jobs. But reporters and photojournalists were attacked, their bones were broken and their cameras were smashed.' Witnesses to the violence noted how the police played a 'passive role' and failed to stop the procession, which led to anti-muslim violence break out out throughout the city.<sup>128</sup>

On the 11th April, Muslims were attacked in a pogrom in Khargone, Madhya Pradesh. A Ram Navani procession passed through Talab Chowk as Muslims were assembling for evening prayers at the neighboring mosque. Some members of the religious procession threw stones at those going to evening prayers at the mosque. The police then responded to the violence with a lathi charge and dispensed tear gas. However, despite attempts to break up the riot, the communal violence spread so that neighbors began to attack one another's

property. After the implementation of a curfew, communal tensions continued, with Muslim-owned shops and homes being attacked and, in some cases, burned down. One man was killed, 20 people were injured in the violence, and 30 buildings and vehicles were burned.<sup>129</sup> In the aftermath of the violence, Muslim homes and shops were demolished in retribution by the BJP State Government, and Muslims were arrested, even if they were not involved in the violence but just lived in the vicinity.

In the same month, communal riots broke out in the Jahangirpuri area of Delhi, after a Bajrang Dal organized religious procession stopped outside of a mosque during Iftar (the end of daily fasting during Ramadan). Members of the procession, who were holding swords and trishuls (tridents) began to play loud, provocative music and threw stones. Eyewitnesses also reported that some members tried to breach the mosque and hoist saffron flags, which then led to an outbreak of violence between the 2 communities. The police failed to intervene and subsequently arrested mostly Muslims for their alleged role in the violence.<sup>130</sup>

On the 1st July, protests erupted after a former BJP spokesperson, Nupur Sharma, made defamatory comments about the prophet Muhammad. Sharma's words not only led to national outrage,

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with the Supreme Court arguing that ‘her loose tongue has set the entire country on fire’, but also led to protests from other countries, including the UAE, Saudi Arabia and Qatar.<sup>131</sup> In Prayagraj, Uttar Pradesh, protesting Muslims were attacked by the police after the Friday prayers. The protests turned violent, with some throwing stones and bricks, causing multiple altercations with the police and injuries to the protestors. The riots were then used as a pretext to demolish the homes of notable Muslim activists and human rights defenders. The family home of human rights activist Afreen Fatima was demolished in response to the riots in what many regard as retribution for her outspoken criticism of the persecution of Muslims in India.

## Extra-judicial killings and Torture in Police Custody

This year, state and union police forces have continued to commit extra-judicial killings against religious minorities. The police have also used their powers to arrest and detain protesters as a means of retribution against those who speak out against the BJP regime and its ideology of Hindutva. Those who are brought into Police custody have in many cases been tortured by the police. In both instances, the Police unlawfully act as judge, jury,

and executioner, and instead of relying on the criminal justice system to take due course, deny victims their constitutional rights as well as their right to life.

Extra-judicial killings against Muslims have increased since the BJP came to power in multiple states, as they rely on the local, state and union government for promotions, and have thus become a paramilitary-style force that works for the party in power. This is most prevalent in Uttar Pradesh, where the ascent of Yogi Adityanath to Chief Minister in 2017 has led to a huge increase in what is colloquially known as ‘encounter killings’ against Muslims. Adityanath was elected as the BJP candidate for the state and has worked to implement Hindutva ideology into practice since coming into office. The UP police have become a militia-style force that works at the behest of the ruling party, attacking Muslims through extra-judicial killings, by supporting cow vigilantes who attack and murder Muslims and by failing to hold perpetrators to account. The phrase



Credit: The Wire

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‘thok denge’ or ‘shoot them’ has become an unofficial policy, former police officers have alleged.<sup>132</sup>

Police commit extra-judicial killings against Muslims by firing at the victims. They legitimize the attack by alleging there was a shootout, which means they can portray the event as following protocol. Two former officers have also confirmed that ‘encounters’ are falsified by the police, and in many cases evidence showed victims died after being tortured in police custody.<sup>133</sup> Human rights organizations have continued to highlight how extra-judicial killings completely undermine the rule of law and are used to deliberately attack minority communities. One report estimates 146 people had been killed by the police in Uttar Pradesh alone, 37% of whom were Muslims.<sup>134</sup> Equally, encounters have increased in Assam since May 2021, where 25 people have been killed, and 39 injured.<sup>135</sup> In 2021, Constitutional Conduct, a group made up of former civil servants, politicians, members of the judiciary and the police, wrote an open letter with 230 social activists explaining ‘There have been more than 6,000 “encounters”, including both serious injuries and extra-judicial killings, which are eulogized as achievements by top bureaucrats, their main targets being Muslims, Dalits and other backward castes.’<sup>136</sup> The group has called for the government to ‘restore

constitutional norms’ by ending the practice of extra-judicial killings.

In a multitude of cases, the killings are premeditated, as police are bribed to commit crimes, either through financial bribes or to receive promotions. Nonetheless, the Islamophobic ideology behind their actions is also clear: One 2019 poll found that 50% of police nationwide feel that ‘Muslims are likely to be “naturally prone” towards committing crimes.’<sup>137</sup> Additionally, 36% of Police across the country believe that police punishments against the accused were better than waiting for a trial<sup>138</sup> judgment. In Bihar, Chhattisgarh, Jharkhand and Karnataka, this number was much higher, with 60%, 57% and 59% of police officers favoring police brutality over trial. Despite these murders, no police officers have been held accountable for the unnecessary use of force and no charges have been filed against any police officials for the killings.<sup>139</sup>

On the 18th of February, four men barged into the house of social activist and student leader Anish Khan in the Howrah district of West Bengal. The men held Khan at gunpoint, forcing him upstairs, where they killed him. Khan had been outspoken against the discriminatory Citizenship Bill and had previously written to local police seeking protection last year. Local police were slow to respond, and after an initial probe into the handling of the case, three policemen were suspended.<sup>140</sup> Two of these officers were later arrested,



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however, the chief minister refused to hand the case over to the Central Bureau of Investigation, effectively giving them complete impunity.

On the 16th March March, police shot and killed two men (one Muslim, one Adivasi) shortly after their arrest, claiming that these persons of interest were trying to flee custody.<sup>141</sup>

In May, in Madhya Pradesh's Guna district, three Muslim men accused of poaching were killed in multiple police encounters. Naushad, Shahzad, and Chotu Pathan, alias Zaheer Khan, were killed by the police in encounters on May the 13th, 14th, and 17th, respectively. A fact-finding report by the human rights group, the National Confederation of Human Rights Organisations (NCHRO) on May the 24th raised questions over the police version and termed the encounters as fake. The report said that these encounters were carried out to "take revenge and protect the real culprits of the poaching."<sup>142</sup>

In Ranchi, the capital of the eastern state of Jharkhand, two Muslim youths, including teenager Mudassir Alam, were shot dead by police on the 10th June. More than 18 people sustained severe injuries after police opened fire when Muslim protesters had gathered at the Ranchi Main Road near Daily Market. The protesters had assembled after Nupur Sharma made deeply offensive remarks about the Prophet Mohammad. In order to

break up the protest, Police commenced a lathi charge and subsequently opened fire on the protesters. The family of one of the victims, 15-year-old Mudassir, also accused Hindu extremist Bhairon Singh of opening fire from the terrace of a nearby temple, which caused the death of their son. They also alleged that police have been shielding those who killed the boy by refusing to file an FIR.<sup>143</sup>

## Arbitrary Arrest and Custodial Torture of Muslims

Alongside extra-judicial killings, the police have continued to use arbitrary detention and torture as a means of retribution against those who criticize the discriminatory policies of the BJP government and the persecution of religious minorities. Torture and detention have increasingly been used by the police since the BJP came into office in order to limit the capacity of members of civil society to hold the government to account. The Public Safety Act (PSA), Unlawful Activities Prevention Act (UAPA), National Security Act (NSA) and sedition have continuously been used by the Police to arrest and detain protesters, journalists and members of civil society. Allegations of sedition, terrorism, or causing public disorder leads to arrests, and the draconian

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legislation suspends habeas corpus for months, meaning protesters and journalists remain languishing in prison awaiting trial for years and sometimes decades. In many cases, especially after pogroms, charges are brought against Muslim victims. They are arrested by the police and held in custody regardless of the lack of evidence. This has not only created a culture of fear as the police seek to detain Muslims regardless of their actions but have also limited the capacity of Indian citizens to exercise their right to protest and hold their government to account.

In 2020, despite the coronavirus pandemic, lockdowns, curfews and a reduction in the crime rate, Pew Research Centre reported that India had the highest levels of religious hostility in the world, worse than Afghanistan and Pakistan. Consequently, the number of people who died in police custody did not decrease, with 46% dying due to torture. Additionally, 60% of those who died were from marginalized communities, including Muslims. Perhaps the most notable cases of torture<sup>144</sup> took place during the anti-CAA protests when peaceful protesters were arrested, held in custody and tortured by the police. One activist, Sadaf Jafar described how the police beat her and called her 'Pakistani'.<sup>145</sup> In Nagina, Uttar Pradesh, five Muslim minors were tortured and a Muslim lawyer who was

trying to help protesters was subjected to verbal abuse and electric shocks from the police.<sup>146</sup> Similarly, Khalid Saifi and Ishrat Jahan, two human rights activists



with United Against Hate were illegally arrested and subsequently tortured in police custody over their activism against the CAA. Saifi was brought to a court hearing with his hands and legs in casts.<sup>147</sup> In Uttar Pradesh, Muslim students aged 8-18 at an orphanage and school were subjected to sexual violence by the police. Many students suffered from rectal bleeding and were forced to chant nationalist slogans whilst they were assaulted.<sup>148</sup> Additionally, a Muslim man was assaulted by the Delhi police and forced to sing the national anthem and Vande Mataram during the Delhi pogrom of 2020. The man, Faizan, subsequently died, and his mother has argued the police's failure to provide him with access to health care following their assault on him led to this death.<sup>149</sup> In March 2022, the Delhi High Court ordered an independent investigation into the cause of the death. Despite the large number of Muslims tortured and

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killed in police custody, so far no police personnel have been held accountable. In some cases, they were only charged and never convicted of their crimes.

On the 14th April, after the anti-Muslim pogrom in Khargone, Madhya Pradesh, twelve Muslim minors were arrested in connection with the violence, detained in a juvenile correctional facility and tortured by the police. They were physically abused, beaten and denied food and water. The police also questioned them about their cultural practices, such as Namaz (daily Muslim prayers), and forced them to sing Hindu devotional songs and read from the Bhagavad Gita, (Hindu scripture).<sup>150</sup>

On June 1st, an FIR was filed against 6 Muslim journalists and Alt News co-founder Mohammed Zubair at a police station in Uttar Pradesh's Khairabad after he called Hindu extremists Yati Narasinghanand, Mahant Bajrang Muni, and Anand Swaroop "hatemongers" in a tweet. All three have a long history of making violent Islamophobic remarks and calling for genocidal violence against Indian Muslims. Narsinghanand is a Hindu militant leader who organized a Hindu religious Parliament in December 2021, where calls for genocide and to arm Hindus against Muslims were given.<sup>151</sup> Mahant Bajrang Muni is a priest of the Badi Sangat Ashram in Uttar Pradesh's

Sitapur district. He previously threatened Muslim women with mass rape.<sup>152</sup> After Zubair's tweet, an anonymous Twitter user complained to the police and on the 28th of June, he was arrested for allegedly hurting religious sentiments. Zubair was continuously detained by the police in Uttar Pradesh, and they continued to file FIRs against him to stop him from being released from custody. On July 20th, India's Supreme Court granted him interim bail in all FIRs lodged by the Uttar Pradesh police.<sup>153</sup>

Overall, in 2022, thousands of Muslims were arrested under bogus charges across India. After Nupur Sharma, the former BJP spokesperson made blasphemous remarks about the Prophet Muhammad, the police in several BJP-run states used security laws to arbitrarily arrest and detain Muslims. In Kanpur, Uttar Pradesh, 36 Muslims, were booked under draconian laws such as the National Security Act (NSA).<sup>154</sup>

On the 25th August in Shah Ali Banda, a Muslim majority area of Hyderabad, Telangana, the police attacked Muslims after they organized a protest against the hateful rhetoric of BJP leader T Raja Singh, in August 2022. 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

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and resignation. The police responded with lathi charge against the peaceful protesters. Eighty men were detained by the police and only released after a Muslim parliamentarian from Hyderabad Asaduddin Owaisi intervened. One person who was assaulted by the police was Hussain, who was eighteen 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.<sup>155</sup>

On the 8th September, communal clashes erupted in the Siwan District, Bihar, after Hindu nationalists shouted nationalist slogans whilst marching past a mosque. Despite being inside the mosque at the time of the riots, local police arrested a seventy-year-old man and an eight-year-old boy. The boy's birth certificate stated he was eight years old at the time of the arrest however, the local police recorded his age as thirteen, and children over the age of twelve can be booked under an Indian Penal Code and held in custody for juveniles.<sup>156</sup>

On the 28th of September, India banned Popular Front India (PFI) for five years. The PFI describes itself as a 'non-governmental social organization whose stated objective is to work for the poor and disadvantaged people in the country to oppose oppression and exploitation.'<sup>157</sup> The Indian government maintains that the PFI is "involved in serious offences, including terrorism, its financing, targeted gruesome killings".<sup>158</sup> However, Mohammed Tahir, counsel for the organization, has argued that the government has failed to present any evidence that the organization is involved with terrorist groups, and the political wing, the Social Democratic Party of India (SDPI), which was not banned stated that 'the regime is misusing the investigation agencies and laws to silence the opposition.'<sup>159</sup> This is particularly pertinent, given the PFI was originally set up in 2006 to directly counter the influence of Hindutva ideology and the 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.<sup>160</sup>

The ban was announced just a few days after one-hundred PFI leaders were booked under the draconian anti-

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terror law UAPA and multiple PFI offices and the private property of state and district PFI leaders was searched. Amongst those arrested were the national chairman Oma Salam and vice chairman E.M Abdul Rahiman, who were both taken into custody in Kerala.<sup>161</sup> The second round of raids took place on the 27th of September, and 247 people were arrested across eight states. Some of the charges against those arrested included 'indulging in unlawful activities, promoting enmity among communities, and waging war against the country.'<sup>162</sup> 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, the Social Democratic Party of India (SDPI).<sup>163</sup> However, a Delhi University student, Shaoib Ahmed, who was also arrested and had no links with the PFI. Ahmed often posted about the National Confederation of Human Rights Organisations (NCHRO) on social media, and the NCHRO was also banned alongside the PFI.<sup>164</sup>

On the 8th December, Siqqique Kappan, an Indian journalist, who was arrested in October 2020 for reporting on discrimination against religious minorities, had more charges framed against him by an Uttar Pradesh court. Kappan's arrest was controversial, as

he was on his way to cover a story of a Dalit woman who had died after being raped in Hathras, Uttar Pradesh. He was arrested under the Unlawful Activities Prevention Act, as UP Police claimed he was associated with the PFI. Kappan was granted bail by the Supreme Court in September 2022 but remained in prison as a money laundering case was subsequently registered against him. In December, a Lucknow Court framed further charges against Kappan and 6 others. The FIR in the case states that part of the money they allege was obtained through criminal activity was used to fund anti-CAA protests which they claimed led to the Delhi riots.<sup>165</sup> As in Muhammad Zubair's case, these charges have been used to ensure the police and security forces are able to continuously detain Kappan, so that even if he is bailed in other cases, he cannot leave custody. The use of the law to ensure Kappan's ongoing detention undermines his basic rights and is reflective of how Muslims are arbitrarily arrested and detained throughout the country.

## Housing Discrimination

To have shelter is a natural requirement for human survival. It offers security, protection, and social stability. Not only that, but the Right to Adequate Housing is a fundamental right in the Indian Constitution which lists necessities: *roti, kapda aur makaan* (food, clothing and shelter) for a person's life and dignity on



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the Indian subcontinent. Thus, to deny any one group of people the right to have shelter not only goes against the Indian Constitution but also the basic human rights.

Before he became the 14th Prime Minister of India in 2014, Narendra Modi was the Chief Minister of Gujarat from 2001 till 2014. It was in this role that he introduced legislation that was designed to discriminate against Muslims. The most prevalent being an amendment to the 'Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas', which was originally introduced after the 1985/6 Ahmedabad Riots to stop homeowners from being forced to sell their houses during times of civil unrest. The amendment Modi made in 2009 came to be known as the 'Government-Gujarat Disturbed Areas Act', which was designed to discriminate against Muslims. The amendment gave collectors special powers to hold inquiries into property sales in areas deemed to be 'disturbed' and allowed them to take possession of such properties. In 2011, Modi ensured this new law was enforced with full force, giving the collectors power to review and stop house sales. This essentially legalized the ghettoization and segregation of Muslims in the city, as Muslims often had their transactions reversed if they

were buying a home in a Hindu-majority neighborhood.<sup>166</sup> In combination with the rise in Islamophobic hate speech, conspiracy theories and discriminatory legislation, private citizens have been emboldened to discriminate against Muslims in the private sphere, explicitly saying they do not want Muslim tenants. Since there was now a legal way in which Muslims could no longer buy properties in Hindu areas in Gujarat state, 2022 (and since 2011) witnessed a rise in housing discrimination as Hindu landlords do not now want Muslim tenants. You can see here how Modi's policies of segregation and Islamophobic rhetoric have led to division and prejudice. It has now led to the ghettoization of Muslim communities as they are forced to live together away from majority Hindu communities. This has not only increased the social divisions in the city but also makes the Muslim community an easier target for violence, bulldozer drives and arbitrary arrests.

In 2022 several measures were taken by individuals and political groups in India with the aim of denying or preventing Muslims from accessing shelter or housing. Religious discrimination against tenants, systematic segregation and ghettoization and threats against Muslim homeowners are just some of the themes seen to be increasing over the last year.

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In August, Haifa, a Muslim woman from Bengaluru, Karnataka, shared screenshots of a WhatsApp conversation that she had with a realtor in which she was told that the landlord would only accept a Hindu tenant. She was explicitly denied housing based on her religion and this prompted a debate over housing discrimination in India and encouraged many other Muslims and religious minorities to share their experiences of housing discrimination across the country.<sup>167</sup> In Noida near New Delhi, a similar situation also occurred in which Syed Lareb Alvi, who tried to rent a home there, said, “The owner had no issues in accepting me as the tenant, but the society secretary and body members didn’t allow me, a Muslim to live in their society.”<sup>168</sup> Similarly, Asif Ali, a researcher at the Centre for Policy Research, explained that through his research, he has found Muslim tenants are often forced to vacate their accommodation with no notice if landlords find out they are Muslim.

The impact of Modi’s discriminatory legislation, as well as the rise in Islamophobic rhetoric, is visible in the rise in segregated housing. One housing broker from New Delhi explained, ‘it used to happen before as well, but in recent years I’ve seen a drastic change in owners’ behavior towards Muslims tenants.’ Ali reiterated this, explaining how this has

led Muslim tenants to ‘agree to bizarre rules’ simply in a bid to find housing. One such tenant, Sarah Khan, explained how when she told a broker her religion, they explained, ‘if you wear a hijab, you will have to remove it.’<sup>169</sup>

Ultimately, these discriminatory acts contradict the constitutional rights of Muslims as many cannot now live where they would like to freely and without fear of repercussions.

In denying Muslims a place to live, private discriminatory policies have forced this community to look elsewhere for shelter. Tanvir Aejaz, an associate professor at Delhi University, explained that it is a consequence of community-specific residential complexes that Muslims are forced to live in Muslim areas: “Ghettoization happens because of discrimination of this kind and not because Muslims want to live in Muslim-only areas.” PhD scholar at Rabindra Bharati University, Bengal, Arjun Mukherjee



Credit : The Wire

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says that this housing phenomenon is in distinct contrast to Article 21 of the Constitution, which recognizes the Right to Adequate Housing as a fundamental right stemming from the Right to Life. They said that “We are presented with a distinct phenomenon pertaining to housing and accommodation. This whole exercise of systematic segregation limits the cultural interaction between communities, as a result, social prejudices are not challenged, and populous stereotypes are reinforced and reproduced through everyday discourse.”<sup>170</sup>

## Economic Boycotts

As with housing discrimination, genocidal rhetoric from politicians, religious figures and Hindu extremists have led many to discriminate against Muslims in the economic sphere. Economic boycotts have been called for at the local level by these extremists, as they view them as a means of suppressing the Muslim community. This year, more and more Muslims have not been allowed to run stalls at Hindu temples and areas, despite having done so for years. There have been calls to only go to Hindu-run businesses by politicians who seek to divide the religious communities and reinforce the idea that Muslims cannot be trusted, as they are an internal threat. These economic boycotts not only hurt

the Muslim community financially but as with housing discrimination deepen the fissures in Indian society which have continuously led to further discrimination and genocidal violence.

On the 24th March, members of the Karnataka BJP, Bajrang Dal and VHP pressured organisers of a Hindu festival to ban Muslim vendors from continuing their businesses. Organizers of the Kote Marikamba Jatra festival subsequently banned Muslim shopkeepers and vendors from doing business during the festival. This was made possible under a 2002 Karnataka law, which Law Minister JC Madhuswamy explained, states “that no property including land, building or site situated near the institution shall be leased to non-Hindus.”<sup>171</sup>

Economic boycotts continued in the state in April, when Hindu nationalists called for a blanket ban on the sale of all halal meat throughout the year. Members of Bajrang Dal thrashed a Muslim chicken shop owner for selling halal chicken in the Shivamogga district of the state. The organization had launched a state-wide campaign against halal-certified products. Hindu extremist groups claim that a boycott of halal products is a matter of faith, not discrimination. Similarly, Chandru Moger, coordinator of Hindu Janajagruti Samiti in the state, took to Twitter to urge Hindus to purchase fruit

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from Hindu vendors, arguing that “There is a monopoly on the fruit business by Muslims. We are also seeing that they are spitting on fruits and breads before selling them”, later calling this “spitting Jihad”. Another Hindu right-wing leader, Prashanth Sambargi, also called for the boycott of Muslim fruit vendors, framing Muslim vendors as stopping Hindu farmers from profiting. He said “The hard work is done by Hindu farmers and benefit is taken by intermediate Muslim vendors. We’ve done research on this business cycle and understood that the Hindu farmer is at the mercy of this unorganised particular group. To remove this intermediate in the business, we have created this campaign.”<sup>172</sup>

In Madhya Pradesh’s Khargone district, Hindu nationalists circulated a list of 40 Muslim run shops, and asked Hindu women to boycott them. The local leader of the extremist group Sakar Hindu Samaj said, “They (Muslims) will go hungry. We have told Hindu vendors to put a tilak or a god’s photo on their shop. And now we are putting out messages for people to know which Hindu businessmen to contact to buy flowers for party decorations, electricians and even scrap dealers.”

In Manesar, Haryana, a village council assembled at a local temple and called for a boycott of Muslim vendors and shopkeepers. The panchayat (village

council) issued an ultimatum to the administration and urged members to create village-level committees to enforce the boycott. More than 200 people participated in the panchayat, including members of Hindu militant groups Bajrang Dal and Vishwa Hindu Parishad (VHP). Participants also included people from the nearby villages of Manesar, Kasan, Dharuhera, and Gurgaon.

On the 2nd of October, Muslim merchants were forced to remove their stalls from a temple in Indore, Madhya Pradesh. At the Bijasan Hindu temple, members of the Hindu Jagaran Manch, a far-right group, started to check the identity cards of the shopkeepers, before finding Mohammed Saleem. Upon learning Saleem’s name, he was asked to leave. Shortly after, other Muslim shopkeepers followed Saleem out of the temple.<sup>173</sup>

Former UP BJP politician Vikram Saini, who was jailed in October 2022 for his role in the anti-Muslim riots in Muzaffarnagar, Uttar Pradesh,<sup>174</sup> delivered hate speech to urge Hindu women to avoid going to Muslim-owned shops to have their mehndi applied.<sup>175</sup> Saini argued that the mehndi shops were used as a cover for ‘Love Jihad’, saying ‘There is no need to go to the awaaras [vagabonds].’ His speech followed posters put up by the VHP and Bajrang Dal at ‘mehndi camps’

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they organized so that only Hindu women would apply the body art. The posters read ‘Our festival, employment for our people and attack on Jihad.’<sup>176</sup>

In Delhi, BJP leaders demanded a boycott of Muslim businesses in retaliation for the murder of a Hindu man. Speakers at the event urged Hindus to boycott Muslim businesses to ‘teach them a lesson.’ Delhi BJP Member of Parliament (MP) Pravesh Verma said, ‘Wherever you see them [Muslims], this is the only solution to ‘cure them’ an absolute boycott.’<sup>177</sup>

## Forced Conversions

Anti-Christian and Muslim hate speech, along with the implementation of the Anti-Conversion Laws, has led to a counter-campaign by Hindu-nationalists extremists who are forcibly converting Muslims and Christians to Hinduism. Colloquially known as ‘Ghar Wapsi’, or ‘homecoming’, Bajrang Dal militants and other Hindu far-right groups have forced Muslims and Christians across the country to convert to Hinduism in public ceremonies they conduct. Those who refuse to convert are often persecuted in their communities, sometimes denied access to water and food or forced to leave their homes.

On the 28th January, a mob of 12 men led

by a member of Bajrang Dal, attacked 2 pastors in Ambala Cantonment, Haryana, over false allegations that they accepted foreign money to lure people into converting to Christianity. The mob beat the 2 pastors, forced them to recite a Hindu prayer, and then burned one of the pastors’ Bibles.<sup>178</sup>

On the 24th January, Shrimad Bhagwat Katha and BJP leader Prabal Pratap Singh Judev organized an event in the Mahasamund district of Chattisgarh state and converted 1250 Christians to Hinduism.<sup>179</sup>

On the 16th February, 40 members of the Shalom Kalashya Church in Phuldavidi village, located in the Jhabua district of Madhya Pradesh, were forced by Hindu nationalists to convert to Hinduism. Members of the VHP and Bajrang Dal led a “Ghar Wapsi” reconversion ceremony where Christians were forced to partake in the rituals of breaking the coconut and eating food offered to deities.<sup>180</sup>

Similarly, in Jharkhand on the 28th of March, Tribal Christians have been forced to convert to Hinduism. Perpetrators use threats of rape and selling the daughters of Christians to pressure Christians into renouncing their faith. If the victims refuse, Christians refuse, and they carry out these threats. Gangs of vigilante Hindu women in the area also have gone



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into villages to identify and intimidate Christians into converting.<sup>181</sup>

In November, the Global Hindu Heritage Foundation, a US-based Hindu supremacist organization, claimed to have forcibly converted hundreds of Muslims and Christians throughout India. The group made a claim at a fundraising event in Texas, where they were raising money to demolish churches, and to organize forced conversions.<sup>183</sup>

Throughout December, 33 villages in the Narayanpur district of Chhattisgarh, were attacked. 50 Christians were assaulted, and 1000 Christians were displaced after being forced to choose between their religion and staying in their villages, and some were forcibly converted. The Christians were forced to camp outside of the District Collectorate in order to exert pressure on local authorities to file charges against the attackers and instigators of the violence.<sup>183</sup> The campaign of violence was instigated by Hindu extremist politicians, including the BJP district president, Rupsai Salam, who used hate speech to call for attacks and economic boycotts on the Christian community. In the complaint made to local officials, the Christian community wrote that ‘The leaders of the villages incited others to threaten us, abuse us and physically assault us by destroying and stealing our crops

and products. There were also calls for a social boycott, accusing Christians of occult activities.’ Local activist Birendra Kap, who is working in the area stated ‘The RSS is inciting these people to lead attacks against Christians, stating that no Christian should become part of largely tribal-dominated areas... It was absolutely a coordinated campaign.’<sup>184</sup>

## Targeting the Education Sector

Various states have begun saffronising education, a policy first inaugurated under the BJP government in 2004 and then Chief Minister Narendra Modi during his time in office in Gujarat. The Union Government also has limited religious minorities’ access to education by cancelling scholarships specifically designed to enable them to continue their education. These policies are inspired by Modi’s time as Chief Minister of Gujarat, where he made the saffronisation of education a key part of his agenda. Modi introduced a new programme called Kanya Kleavani, where children received bags with images of Modi and Hindu extremist Vivenkanada printed on them.<sup>185</sup> The Gujarat government added new books to the curriculum which were largely written by Hindu nationalists and focused on Hindu mythology. Some books added to the Gujarati curriculum advised students to take a Hindu pilgrimage to ‘cleanse

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themselves', others focused on 'inspiring Indians' none of whom were Christian or Muslim. As study completed by the National Council of Educational Research and Training (NCERT) found that 'While communal perspectives have been present in textbooks in earlier periods too, studies done of textbooks rewritten from this perspective, for example in Gujarat, highlight their ready potential to contribute to a culture of divisiveness between religious communities.'<sup>186</sup>

In September 2022, the Karnataka government announced that the most revered of all Hindu texts, the Bhagavad Gita would be added to the moral education syllabus from December 2022 onwards. Senior congress leaders have long opposed the introduction of religious texts into state education. Speaking in March 2022 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 the BJP. He went on to say that the 'New Education Policy is a cover to bring Hindutva policy in the syllabus, nothing else.'<sup>187</sup> 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.'<sup>188</sup> Rather than deny these claims of saffronisation, Union Vice President Venkaiah Naidu remarked 'what

is wrong with saffron'. He urged Indians to give up the 'colonial mindset', adding 'Yes we want to go back to our roots, to know the greatness of our culture and heritage, to understand the great amount of treasure in our Vedas, our books, our scriptures... they don't want us to know our greatness; they want us to suffer from an inferiority complex... they say we are saffronising.'<sup>189</sup>

The Union Government also cancelled several scholarships aimed at improving minority access to education. On the 25th of November, the Union Government cancelled pre-matric scholarships for minority students in classes 1 to 8. The scheme will now only include minority students in classes 9 and 10 for the academic year 2022-23. The decision was met with a huge backlash, as it will hinder those from a lower socio-economic background who belong to minority groups to continue with their education. One such student is Chohan Isha from Modasa, Gujarat, who will now have to give up her education and aspiration to become a teacher, as without the scholarship, her family cannot afford for her and her brother to study. The decision to cancel the scholarships also harks back to Modi's time as Chief Minister of Gujarat. When this policy was initially launched, Modi argued in the Apex Court that the Union Government did not have the right to compel states to implement this scholarship. The Gujarat Government also appealed the State Court's decision

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to uphold the constitutionality of the scholarships in the Supreme Court.<sup>190</sup>

Another scholarship programme that the Union Government discontinued this year was the Maulana Azad National Fellowship (MANF). The scholarship was launched in 2006 after it was recommended by the Sachar Committee, who had produced a report advising the government on how

to close the ‘development deficit’ for the Muslim community.<sup>191</sup> Union Minority Affairs Minister Smriti Irani said in the Lok Sabha that the scheme was overlapping with other such scholarships that provide minority students with scholarships for higher education.<sup>192</sup> This series of cancelled scholarships will force many Muslim students to drop out of schools and colleges.

<sup>112</sup><https://www.hindustantimes.com/india-news/supreme-court-denies-blanket-stay-on-demolition-drives-101657738672057.html> .

<sup>113</sup><https://www.hindustantimes.com/cities/bengaluru-news/karnataka-hc-uploads-hijab-ban-says-practice-not-an-essential-part-of-islam-101647322378808.html> .

<sup>114</sup><https://www.reuters.com/world/india/panel-indias-top-court-split-decision-allow-hijab-classrooms-2022-10-13/> .

<sup>115</sup><https://www.thehindu.com/news/national/supreme-court-dismisses-bilkis-banos-plea-challenging-remission-to-convicts/article66273852.ece> .

<sup>116</sup><https://muslimmirror.com/eng/uttarakhand-over-4000-houses-to-be-demolished-in-the-name-of-railway-encroachment-majority-of-inhabitants-muslim/> .

<sup>117</sup><https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-prevention-and-punishment-crime-genocide>

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<sup>119</sup><https://www.hindustantimes.com/india-news/jharkhand-guv-returns-anti-lynching-bill-asks-state-to-revisit-definition-of-mob-101647542130365.html> .

<sup>120</sup><https://thewire.in/communalism/bihar-muslim-man-kidnapped-and-killed-family-alleges-communal-motive> .

<sup>121</sup><https://thewire.in/rights/bihar-man-lynched-on-suspicion-of-stealing-cattle>

<sup>122</sup><https://maktoobmedia.com/2022/02/24/called-terrorist-muslim-man-beaten-in-gujarat/> .

<sup>123</sup><https://maktoobmedia.com/2022/02/24/called-terrorist-muslim-man-beaten-in-gujarat/> .

<sup>124</sup><https://www.siasat.com/9-heads-pending-karnataka-godman-incites-violence-against-muslims-2379587/> .

<sup>125</sup><https://maktoobmedia.com/2022/09/08/19-year-old-muslim-boy-shot-dead-in-up/> .

<sup>126</sup><https://www.independent.co.uk/asia/india/india-bjp-ashok-kumar-jaiswal-goat-row-b2162506.html> .

<sup>127</sup><https://maktoobmedia.com/2022/10/13/up-muslim-man-lynched-another-muslim-seriously-injured-as-mob-attacks-them/> .

<sup>128</sup><https://thewire.in/communalism/karnataka-protests-over-shivamogga-bajrang-dal-mans-murder-turns-violent> .

<sup>129</sup><https://www.siasat.com/mp-muslims-targeted-following-ram-navami-rally-in-khargone-2306726/> .

<sup>130</sup><https://www.newsclick.in/Witnesses-Narrate-Jahangirpuri-Hanuman-Jayanti-Rally-Turned-Communal>

<sup>131</sup><https://www.bbc.com/news/world-asia-india-61716241> .

<sup>132</sup><https://www.theguardian.com/global-development/2022/feb/22/uttar-pradesh-elections-hindu-nationalist-yogi-adityanath-police-accused-unlawful-deaths-muslims-dalits> .

<sup>133</sup><https://www.theguardian.com/global-development/2022/feb/22/uttar-pradesh-elections-hindu-nationalist-yogi-adityanath-police-accused-unlawful-deaths-muslims-dalits> .

<sup>134</sup><https://economictimes.indiatimes.com/news/politics-and-nation/nearly-37-of-those-killed-in-encounters-by-up-police-in-past-3-years-are-muslims/articleshow/77511147> .

<sup>135</sup><https://yhrd.in/documents/wp-content/uploads/2021/10/up-final-export.pdf> .

<sup>136</sup><https://www.counterview.net/2021/07/up-ex-civil-servants-protest-extra.html>.

<sup>137</sup>[https://www.lokniti.org/media/upload\\_files/SPIR%202019.pdf](https://www.lokniti.org/media/upload_files/SPIR%202019.pdf) .

<sup>138</sup>[https://www.lokniti.org/media/upload\\_files/SPIR%202019.pdf](https://www.lokniti.org/media/upload_files/SPIR%202019.pdf) .

<sup>139</sup><https://thewire.in/government/caa-protests-uttar-pradesh-killing-nhrc> .

<sup>140</sup><https://twocircles.net/2022feb25/445151.html> .

<sup>141</sup><https://scroll.in/article/1019938/as-police-shootings-continue-in-assam-the-state-government-openly-backs-them> .

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<sup>143</sup><https://thewire.in/communalism/ranchi-one-suspected-to-have-died-10-injured-as-protests-over-remarks-on-prophet-turn-violent>.

<sup>144</sup><http://www.uncat.org/wp-content/uploads/2021/03/IndiaTortureReport2020.pdf> .

<sup>145</sup><https://thewire.in/rights/anti-caa-protests-reveal-torture-remains-at-the-heart-of-indian-policing> .

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<sup>148</sup><https://feminisminindia.com/2020/01/09/up-police-rape-in-custody-vengeance/> .

<sup>149</sup><https://www.hindustantimes.com/cities/delhi-news/delhi-riots-probe-without-fear-or-influence-death-of-man-forced-to-sing-national>

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<sup>151</sup><https://thewire.in/communalism/hindutva-leaders-dharma-sansad-muslim-genocide> .

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<sup>158</sup><https://www.aljazeera.com/news/2022/9/28/india-bans-muslim-group-pfi-for-alleged-terror-links> .

<sup>159</sup><https://www.aljazeera.com/news/2022/9/28/india-bans-muslim-group-pfi-for-alleged-terror-links> .

<sup>160</sup><https://www.newslaundry.com/2022/09/27/shaheen-bagh-protest-leader-detained-in-crackdown-on-pfi> .

<sup>161</sup><https://maktoobmedia.com/2022/09/22/nia-arrests-100-pfi-leaders-tall-muslim-figures-among-booked-under-uapa/> .

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<sup>169</sup><https://www.fairplanet.org/story/indias-discrimination-against-muslims-expands-to-housing/> .

<sup>170</sup><https://maktoobmedia.com/2022/12/06/minorities-upset-by-housing-apartheid-in-indian-cities/> .

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<sup>172</sup><https://www.indiatoday.in/india/story/after-halal-loudspeakers-ban-hindu-outfits-call-for-end-muslim-monopoly-in-fruit-business-spitting-jihad-1934076-2022-04-06> .

<sup>173</sup><https://www.siasat.com/mp-muslim-shopkeepers-forced-to-remove-stalls-from-indore-temple-2425705/> .

<sup>174</sup>The Muzaffarnagar Riots were an anti-Muslim pogrom which took place in 2013 in Muzaffarnagar, Uttar Pradesh.

<sup>175</sup>Mehndi is body art applied to the hands, feet and/or arms with henna paste.

<sup>176</sup><https://thewire.in/politics/sangeet-som-bjp-call-to-arms> .

<sup>177</sup><https://www.siasat.com/bjp-leaders-call-for-boycott-murder-of-muslims-at-event-in-delhi-2430566/amp/> .

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<sup>179</sup><https://sabrangindia.in/article/chhattisgarh-1100-christians-converted-hinduism-ghar-wapsi-ceremony-bjp-sec> .

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Credit: UCA News

## Retribution by the State

The Indian government has responded to dissent from religious minorities, human rights activists, and journalists by using its powers for ‘retributive justice.’ Christians, Muslims, activists, and journalists have been targeted by the Union and State governments and had their homes and places of worship demolished. Equally, NGOs, who crucially document human rights abuses, have been shut down in an effort to silence those who seek to hold the government to account. A wide variety of BJP-led state governments have also saffronised their education policies, weaponizing education to indoctrinate children into believing Hindutva ideology, and punishing religious minorities who are less able to

continue their education without scholarships. The focus on retribution demonstrates how the BJP government no longer seeks to uphold the rule of law or the constitutional rights of citizens, but continues with its own agenda reducing minorities to second class citizens.

### Bulldozing of Muslim Homes

Throughout 2022, the BJP governments in various states have demolished Muslim homes and businesses as retribution for protests, alleged participation in riots and in random attacks. ‘Bulldozer justice’ first came to prominence in Ut-



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tar Pradesh, as Chief Minister Yogi Adityanath used it to punish protesters. Despite bulldozer justice undermining the basic tenets of the Indian constitution, including the right to shelter, equality before the law, and the assumption of innocence, it has continuously been used in BJP-led states as a form of retribution against the Muslim community.

The pretext through which the police and politicians organize the bulldozer drives are that homes and businesses are illegally constructed or built on government land. Nonetheless, the drives originally came to prominence as part of a retributive justice policy in the aftermath of the anti-CAA protests in Uttar Pradesh and the surrounding northern Indian states. Consequently, the act of bulldozing Muslim property has increasingly been associated with the term ‘cleansing’, which further reinforces the genocidal idea that Muslims are an internal threat and must be removed from Indian society.

This continual threat of bulldozer drives has created a deterrent against Muslims protesting, creating a culture of fear. Additionally, there is no legal recourse for Muslims whose homes are listed for demolition, as Union and State Governments fail to provide the opportunity to appeal in court, as the demolition notice is often posted a few days earlier or in some cases hours before the buildings are demolished. Additionally, the demo-

litions ignore the Supreme Court orders from June 2022, which stated that Uttar Pradesh could not continue with demolitions without following the law- notice must be given. Demolitions in Delhi also break the Delhi High Court’s decision that homeowners must be given the opportunity for a hearing. Equally, in *Sudama Singh and Others vs Government of Delhi* 2010, the high court ruled that the state must survey all those who will be evicted from their homes and plan their rehabilitation. In Delhi, this ruling has not been followed, as with other bulldozing drives, homeowners are not served adequate notice and are left homeless, often living in the rubble of their former homes in the aftermath of the destruction.<sup>193</sup>

Overall, this leaves Muslim and minority communities in a position from which they must face possible home demolition with little room to fight against it.

In the aftermath of the pogrom in Khar-gone, Madhya Pradesh, at least 50 Muslim-owned houses and shops were demolished. The BJP-led government ordered the properties to be razed over allegations that homes were encroaching onto government-owned land, but a fact-finding team argued that the demolitions took place due to ‘political pressure’ as many homes and businesses were demolished despite ‘having nothing to do with the incident’. Additionally, the Hindu shopkeepers who were renting space in the now demolished business-

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es ‘were allowed to empty their shops before the demolition while their Muslim counterparts were shouted at and sent away’, demonstrating how the demolition drive was a deliberate attack on the Muslim community. In the aftermath of the demolitions, Muslim residents of the area who want to rebuild their livelihoods have faced difficulties in receiving municipal approval. This is a revenge tactic to ensure the victims withdraw their cases against those who demolished the buildings. One victim, Alim Sheikh explained that “When we had gone to get permissions, they told us that the petition we had registered against them... we should take back... If we did that, she would give us all the permissions that were needed.” Clearly, the demolition drive is another instance of retributive justice against the Muslim community<sup>174</sup> for the violence in Khargone and attempts to hold law enforcement accountable.<sup>195</sup>

Similarly, in Jahangirpuri, Delhi, the BJP-controlled Municipality was accused of discriminating against Muslims by demolishing only Muslim-owned properties in the aftermath of the anti-Muslim violence. Law enforcement once again legitimized the demolition drive by arguing it was to stop encroachment onto government land, but the fact that it took place just days following the violence, as in Khargone, indicates it was politically motivated. The former resi-

dents of the demolished homes in Jahangpuri have lived in the resettlement colony for decades, many growing up in the colony from the 1970s onwards after their parents or grandparents were settled there by the state. Nonetheless, they were given no notice of the demolitions of their homes and businesses and have now lost the income they relied upon to take care of the families.<sup>196</sup>

Similar retributive demolitions continued to take place throughout the year. In May, the South Delhi Municipal Corporation ordered a demolition drive in Shaheen Bagh, which is a Muslim-dominated area. The area is colloquially called ‘mini-Pakistan’ by Hindu nationalist leaders, and the demolition was retribution for the anti-CAA protests Muslim women led en masse in 2020.

On June 10th, in Saharanpur city, Uttar Pradesh, 2 homes belonging to Muslims were demolished in response to state-wide protests. Muslims were protesting former BJP spokesperson Nupur Sharma’s blasphemous remarks about Prophet Muhammad. Nonetheless, the homes were demolished as part of ongoing fear tactics designed to stop protests.<sup>197</sup>

On the 12th of June, Afreen Fatima’s family house in Prayagraj was demolished by authorities on the grounds that it was an illegal construction.<sup>198</sup> The legality of the

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home was not questioned for decades, until police accused her father, Javed Mohammad, of allegedly orchestrating protest against Sharma's remarks against the Prophet Muhammad. Bulldozing Afreen's home was a collective punishment to a family who had been leading a fight for the rights of religious minorities. At just 25, Muslim activist Afreen Fatima has shaken India's Hindu nationalist regime to the core. Since the passage of the discriminatory citizenship law, Afreen has been at the forefront of protests against the Hindu supremacist policies that seek to erode India's secular fabric.

On the 4th October of 2022 in Madhya Pradesh, 3 Muslim men had been booked by the police following a fight near Sitamau. They were also accused of throwing stones at a Garba venue. Subsequently, the police razed their homes under the pretext that they had been illegally constructed. The homes were bulldozed just 24 hours after being served official notice and 2 days after the initial dispute; before the men were tried by a judge for their alleged involvement in the attack on the Garba venue. The demolitions are not only illegal but also undermine the basic legal premise that the accused is innocent until proven guilty. Subsequently, five more Muslim families were served eviction orders, again due to the alleged lack of 'building permission' for their homes. They were also

fined Rs 5000 for building homes that are 'encroaching on government lands'. One of those whose family was served a notice, Amjad Pathan, stated that the notices were served to them on Friday afternoon, 'with an intention to stop us from going to higher courts or appeal to senior officials...We can only reach out to the court on Monday, but by then the administration may demolish our homes.'<sup>199</sup>

Whilst the BJP administrations throughout the country continue to argue that the demolitions are a consequence of illegal builds, remarks made by one Uttar Pradesh police officer demonstrate the fact that bulldozing has become a means of retributive justice against the Muslim community. The unidentified police officer was filmed promising a group of Hindu men that those who attacked a Durga Puja rally would be sent to their graves, and he would 'bulldoze their houses.'<sup>200</sup> The policeman made the comments after communal violence broke out during a Durga Puja immersion procession which was deliberately playing loud music during the call to prayer.

Demolition drives were also organized against Muslim homes even when no communal violence had taken place. Rather than retribution for alleged involvement in violence, these demolitions were organized as part of the ongoing campaign to frame Muslims, particularly

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in the Northeast, as ‘infiltrators’ and ‘illegal migrants’. This has also reinforced the image of the bulldozer and cleansing, which has genocidal connotations.

On September 3rd, the BJP government in Assam approved the eviction and demolition of 330 acres of land in Sonitpur. The areas had been classified as ‘encroached land’, and 600 families were given 8 months to move. The majority of those living in the area are Bengali-speaking Muslims, with the remainder belonging to the Bengali-speaking Hindu and Gorkha communities. The residents had lived in the area for decades and initially moved from areas that were uninhabitable due to flooding and erosion. One woman stated ‘we have no jobs and live off the fields here. We don’t know where we will go.’<sup>201</sup> The demolition drive was just one of many organized by the BJP administration in Assam against Bengali speaking Muslims, who are already portrayed as ‘infiltrators’ by the Union and State Governments and face statelessness after the Assam-wide National Register of Citizens, which excluded 700,000 Muslims.

On the 21st October, 25 Muslim homes were demolished during Friday prayers in Delhi. Again, the police claimed the buildings had to be demolished as they were built on private land, but one activist, Anupradha, remarked that ‘No survey

has been conducted so far. No process was followed.’<sup>202</sup> There was no legal recourse for appeal as the demolitions were carried out on a Friday and demolished before a court could rule if the homes were in fact built on private land.

On the 12th December 2022, over 1,000 Muslim families were left displaced after their homes were demolished in Bhopal, Madhya Pradesh. The families had lived within 500 metres of the Union Carbide factory in Bhopal for the past 30 years in illegal housing. In the aftermath of the Bhopal Gas Tragedy in 1984, they were supposed to be rehabilitated to a different area. The state government had received Rs 40 Crore (\$5 Million approx) in 2010 but the families were not moved or given housing. They now face homelessness after the demolitions.<sup>203</sup>

In the same month, 1000 families were evicted from their homes in 4 Assam villages. The government started the eviction drive, which was one of the BJP government’s major poll issues in the recent assembly elections. The media reported the drive as part of a campaign to remove ‘illegal migrants’ from the area, an allegation that has not been proven.<sup>204</sup>

In a similar demolition drive, more than 50,000 people, mostly Muslims, were at the verge of being kicked out of their homes in Haldwani, Uttarakhand. The

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state high court, while hearing a petition filed by an RSS sympathizer passed an order to demolish nearly 4500 buildings over the accusations that they were built on state land. According to the local Muslims, their ancestors had lived in the colony since 1940, before India was an independent country. Whilst Uttarakhand's high court allowed the demolition to go ahead, the Supreme Court announced in early January 2023, that the colony could not be demolished, stating 'there cannot be uprooting of 50,000 people overnight.'<sup>205</sup>

## Targeting of Muslim places of worship

In 1992, the Bajrang Dal, Hindu extremists led by the Rashtriya Swayamsewak Sangh (RSS), demolished Babri Masjid, a 16th century mosque in Ayodhya, Uttar Pradesh. This site, throughout history, has been a contested space. Alongside being steeped in Islamic history, many Hindus also believe it to be the birthplace of the deity Rama. Controversially, the Supreme Court in 2019 passed an order paving the way for the construction of a Hindu temple on the site of the demolished Masjid. This set a precedent, as since this decision was made, Hindutva groups have been falsely claiming sites, where Mosques are standing, as Hindu sacred sites.

Erasing Muslim places of worship not only allows Hindu extremist groups to effectively wash them off the map, but it is also a part of an ongoing policy to present India as a purely Hindu country, thus exhibiting Muslims as a foreign force. This is primarily done through the presentation of the Muslim community as 'infiltrators', putting the history of the Mughal empire on par with the British empire. Removing Mosques over allegations, they were built hundreds of years ago by external 'aggressors' on Hindu sites reinforces this idea and removes the contribution that Muslims have made to the nation.

Political groups, local authorities, courts and police, in 2022, played a fundamental role in the demolition and targeting of Muslim places of worship. One senior BJP leader has argued that the Mughals destroyed 36,000 temples, and that the party will 'reclaim all those temples one by one.'<sup>206</sup> This shows how the subjugation



Credit : The Wire



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tion of Muslim and minority groups is a national political agenda as opposed to a purely extremist grassroots scenario. There have been instances where even the High Courts have been involved, for example, in March of 2022, the Allahabad high court restored a petition that sought to demolish the Shahi Idgah Mosque near a Krishna temple in Mathura, Uttar Pradesh, showing that the upper echelons of the political and judiciary system are complicit in these attacks. Another prominent Hindu supremacist that has had some influence over this issue is Vishnu Gupta, National President of Hindu Sena, a far-right group that filed a suit seeking the possession and demolition of the Shahi Eidgah Mosque. In his suit, Gupta falsely claims that the mosque was constructed by Aurangzeb (the sixth emperor of the Mughal Empire), on the land of Shri Krishna's birthplace after demolishing Sri Krishna Temple. Other Hindu nationalists have reiterated their claims to the Mosque, Anand Singh, the regional leader of the Bajrang Dal, argued that 'It is a Shiva temple and the current structure is an illegal structure. This is a very important moment for Hindus reclaiming their history and ancient glory.'<sup>207</sup> Civil Judge III Sonika Verma sided with the petitioner and passed an order for Ameen (court staff), to do a survey on the Shahi Eidgah Mosque.

Another political instance pertaining to

the demolition of Muslim religious spaces happened over the course of 2022, in which three notable madrasas (Islamic seminary/educational institutions) were destroyed on flimsy pretexts. In May 2022, a fifty-year-old madrasa building in the Ghatampur area of Uttar Pradesh's Kanpur district was demolished without officials giving any prior notice. Madrasa Islamiya had been functioning for fifty years on the land before it was demolished. To everyone's shock, students were still in their classrooms taking lessons at the time of demolition and had to escape with incredible difficulty. The administration justified its actions by saying the madrasa was built on governmental land.<sup>208</sup> Two more of these institutions were demolished the following August. The first of these two, Masjid-e-Khajja Mosque in Shamshabad, Telangana, was demolished at 3 am 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 then remained silent over questions from the community. One local resident, Amedullah Khan, believed that this was connected to an 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 Rash-

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tra Samithi (TRS) came to power in the state.<sup>209</sup> The third madrasa to be affected by this ongoing onslaught of destruction occurred later in August. The state government of Assam ordered the demolition of the third madrasa claiming that the Markazul Ma-Arif Quaraina Madrasa did not comply with earthquake and fire protocols.<sup>210</sup> Therefore, all the buildings except the mosque were to be demolished. The madrasa taught 224 pupils. The demolition of all these madrasas are part of a wider state policy to increase fear among the Muslim community.

Whilst it has been shown how the year 2022 saw a lot of top-down political support for the demolition of Islamic places of worship, it also must be noted that many Hindu extremist groups and individuals also took it upon themselves to vandalise, deface and destroy such sites of religious importance too.

In some cases, during 2022, individuals participated in smaller isolated incidents of vandalization, but sometimes it happened on a larger scale, essentially forming into a mob or rally. On February 9th 2022, four to five unidentified people vandalized the Jamia Masjid in Hampapur village, Karnataka by pelting the building with stones, and breaking the windows.<sup>211</sup> A similar instance occurred in Madhya Pradesh's Narmadapuram district when a Muslim shrine

was defaced by Hindu nationalists. The doors of the shrine were torn off and dumped in the river and the entryway and tomb were painted saffron. The police only acted on the case after locals protested and blocked a nearby highway

Whilst both the aforementioned examples are horrific and a direct consequence of the ongoing governmental segregationist and derogatory policies, even more damage can be caused when likeminded people band together to form a mob or a rally. For example, in April of 2022, in Madhya Pradesh's cities of Sendhwa and Khargone, an extremist rally marched into Muslim neighborhoods whilst playing Islamophobic songs. The rally soon turned violent, leaving more than fifty properties and twenty-five vehicles belonging to Muslims damaged and burnt to the ground. Three mosques, five shrines and two graveyards were also vandalized and burnt. The violence left fifty injured and one dead – all Muslims. Several videos surfaced on social media platforms where Hindu rioters were filming and live-streaming while throwing stones at Muslim properties. Muslim graveyards were also not safe from Hindu extremism in July 2022, in Agartala, Tripura, (a Hindu-majority state in Northeast India and under the BJP rule), when the Nandan Nagar area on the outskirts of the city saw tension after Muslim residents claimed that members of a

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Hindu far-right group Hindu Yuva Vahini brought in a bulldozer, cleared parts of a graveyard and installed a makeshift ‘temple’ in the area. Banners and flags of the organization, along with photos of Uttar Pradesh’s chief minister Adityanath, were installed around the makeshift temple.<sup>211</sup>

Similarly, in Delhi’s Jahangirpuri, the Ram Navami rally stopped in front of a local mosque and raised communally charged slogans. A few from the mob tried planting a saffron flag on the mosque, followed by resistance from Muslims. This was followed by large-scale violence, leaving dozens injured.<sup>213</sup> Lastly, in March of 2022 Hindu nationalists held a “Aland Chalo” rally supporting the push to build a temple in the Hazrat Ladle Mashaikh Dargah (Muslim shrine) in Aland, Karnataka after claims that a Shiva Linga (representation of the Hindu god Shiva) was spotted on the premises. Hindu nationalists were met with more than three-thousand Muslims who gathered in front of the shrine to protect it. That night, the police conducted raids, arrested 167 Muslims, and filed five FIR reports against the Muslim protestors.<sup>214</sup>

## **Demolition of Christian Homes and Places of Worship**

Christian homes and places of worship

have also been on the target of the BJP governments across the country. These demolition drives are similar to the attacks on Muslim homes and religious buildings, as the destruction of Christian property is also legitimized by the fact it was allegedly built illegally. These demolition drives are part of ongoing attacks against religious minorities in India, as states continue to persecute Indian Christians. As with the Muslims, the bulldozer has come to symbolize cleansing, the removal of ‘foreign’ peoples from Indian and thus the Hindu land. Like Muslims, Indian Christians do not have any legal recourse against these demolition drives, as the police often work with Hindu nationalist militias to destroy the property.

On the 3rd of February 2022, Christians in Kistaram, Chhattisgarh, accused the police sub inspector of disrupting a church service and burning the church. Sub-inspector Bhavesh Shende also threatened Christians who were gathering for mass, telling them they would be charged with being Naxalite rebels if they continued to do so.<sup>215</sup>

On the 15th of February 2022, the Kolar district administration of Karnataka organized for over 400 police to remove a 20-foot Jesus statue in Gokunte village.<sup>216</sup> The statue was installed in 2004 in the majority Catholic village. The Archbishop of Bangalore, Peter Machado has argued

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that the demolition violates a court order, and that no warning or notice was given before the statue was removed.

A Christian Prayer Hall in Gomati, Tripura, was dismantled by the police on the 3rd of October 2022, as they alleged it was built on holy land. The building was demolished as the Hindu residents of the area argued it was constructed on government land, and had to be removed for the upcoming Ker Puja, a purification festival. Those of different faiths were advised to practice their religion outside of the area where the holy Ker [purification] has been performed. JD Mawia, head of the Jampui Hills Baptist Christian Union expressed his frustration, saying ‘We are very concerned about the incident, and in any civilized society, such kinds of conflicts in the name of religions should be avoided.’<sup>217</sup>

Christian homes have also been attacked and demolished by private citi-



Credit : The Wire

zens, as part of ongoing attacks against religious minorities. The homes of three Christian families in Ejarida village, Odisha, were destroyed on Easter Sunday, after a mob of over 100 tribal villagers attacked the houses. The families are the only Christians in the village and have been threatened with death if they attempt to return to the village.<sup>218</sup>

## Crackdown on Non-Profits

The union government has used the Foreign Contribution Regulation Act (FCRA) to stop human rights and minority rights Non-Governmental Organisations (NGOs) from being able to operate in the country. The Act was initially introduced in 1976 in order to regulate foreign donations to NGOs, in order to stop those outside of India from being able to influence the government through contributions. Under the Modi government, the Act has been misused and in fact weaponized to target groups that report and investigate violations of human rights and religious freedoms in the country. Many non-profits involved in this work have been denied FCRA licenses by the Home Ministry to receive foreign donations. In 2020 Amnesty International was forced to close its India offices due to consistent government harassment, and the government’s decision to freeze the NGO’s bank accounts.<sup>219</sup>



In 2022, more NGOs that work to expose human rights abuses against religious minorities in India were closed as their licenses were not approved by the government. Throughout the year, the union government cancelled the registrations of 1,900 NGOS, including that of Oxfam and the Centre for Policy Research. Whilst the NGOs have launched appeals, they were recently subjected to an investigation by the Income Tax department, which officials remarked means it is unlikely their licenses will be renewed.<sup>220</sup>

In October 2022, the Rajiv Gandhi Foundation and the Rajiv Gandhi Charitable Foundation, both had their FCRA licenses cancelled.<sup>221</sup> The Foundation was named after former Congress Prime Minister Rajiv Gandhi and seeks to realize his vision for India and to create 'a country that enshrines the democratic principle of equality and blends progress with rich cultural traditions.'<sup>222</sup> The move to cancel the Foundations licenses have widely been seen as political, demonstrating how the FCRA is being weaponized by the government.



Amnesty International shut its India office in 2020 after immense pressure from the Indian government. Credit: Aijaz Rahi/Associated Press



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## Adivasis and Dalits

The historical discrimination and marginalization that the tribals (Adivasi) and the Scheduled Castes (Dalit) in India have faced has compounded in the form of biases and prejudices that re-enact the oppression and marginalization blocking upwards social mobility of the community. Atrocities against the Adivasi and the Dalit communities continue to this day and takes several forms – some forms are more overtly present in the society and some take more subtle forms. The Adivasi and the Dalit communities constitute about 25% of India's population.<sup>223</sup> Historically considered as “untouchable” and “savage”, the two communities remain worse off than other social groups and live under disproportionate levels of poverty. Their discrimination and social ostracization is a result of the Brahminical

Caste system that excludes them and sees them as impure. The caste Hindus (Upper Caste) have historically been responsible for using brutal means to ensure this stringent hierarchical system remains in place. It is often argued that post-independence, Caste hierarchy has declined while the reality is that the phenomenon of caste continues to dominate social, political, and economic relations and resistance to the system is met with brute force.

The two communities have also undergone systemic dehumanization, at the hands of non-state actors as well as state actors. This has led to the criminalization of their population and the normalization of the use of excess brute over them. The laws along with the police, bureaucracy, administration, and

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the courts create an attitude of structural discrimination. The denial of educational, economic, social, and political rights to the Dalit and the Adivasi communities is the reason for the low literacy rate, poverty, and overall backwardness of the communities.

The Constitution of India prohibited caste-based discrimination and untouchability; such practices have persisted and are widespread in Indian society. The SC/ST Act of 1995 or the Prevention of Atrocities Act was also enacted to prevent discrimination, harassment, assault and similar actions against these communities. The SC/ST Act has, on many fronts, failed to prevent violence and discrimination against these communities. The disproportion seen in the number of allegations made in comparison to the number of cases charged substantiates that the Act has failed to garner the results it was made to achieve.

## **Scheduled Castes or the Dalits**

Dalit is a term used for those that were considered to be outside of the traditional Hindu Caste hierarchy.<sup>224</sup> The Hindu caste hierarchy or the Varna system, where Varna means type, order, colour, or caste, classifies people into four groups where each of these groups have roles

in society according to their social order. Previously referred to as “untouchables”, Dalits were excluded in the Varna system (caste system) of Hinduism. They are officially termed as Scheduled Castes as per the Constitution of India. The Scheduled Caste communities can be found across India and comprise 16.6% of India’s population according to the 2011 census.<sup>225</sup> However, the true figures would be much higher as the Dalit Christians and Dalit Muslims are not included in the numbers as they are not recognized as Dalits. The Dalits or formerly the untouchables have faced oppression at the hands of Caste Hindus who exhibited superiority over them. Traditionally, the community has had the lowest social status in the Hindu social structure, which has put them at a historical disadvantage and has disempowered them. Post-Independence in 1947, the reservation system (affirmative action) was introduced to empower the abilities of Dalits to obtain jobs, education, and Political representation. The Dalit community has not just faced the brunt of a violent caste hierarchy but has also been seen as lesser humans, which legitimizes the oppression and discrimination they are subjected to.

## **Scheduled Tribes or the Adivasis**

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The ethnic forest-dwelling or tribal minorities in India, also collectively known as Adivasis, have lived in Indian forests for millennia. According to the 2011 census, the Adivasi community make up a substantial minority population in India,<sup>226</sup> comprising up to 8,6% of the country's population or 104.2 million people in India. They have witnessed colossal injustices and land theft in the name of development and conservation. The denial of their rights and the violent history of their marginalization continues to this day. The Adivasis have been excluded from the mainstream Indian Society because of the caste system as they are understood to be outside the structure and are believed to be completely impure within the Brahminic caste order. The Adivasis have always considered themselves outside of the dominant Hindu identity. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, also known as the Forest Rights Act (FRA), was enacted in 2006 as a result of a long fight with the Indian government to recognize Adivasis and forest dwelling communities' rights to land and other resources. The Forest Rights Act is seen as a progressive forestry law that seeks to correct the "historic injustice" meted out to these communities by acknowledging forest dwellers as the land's rightful inhabitants and ecological guardians. The forest dwelling communities have seen

massacres, carried out by state agents in compliance with orders from corporate-forest department-government nexus, carefully hidden in the forests where the world cannot see the denial of rights and the splashes of their blood .

## **Adivasi and Dalit Women**

Their intersectional identity of being an Adivasi or Dalit and a woman makes the women who belong to these identities a target of systemic violence. Their caste and gender identity places them at an even more disadvantageous position which is a result of social, political, and economic power equations. Women from the Adivasi and the Dalit communities are more likely to be subjected to sexual violence and other forms of institutional discrimination, than women from other communities.

Violence, physical and verbal, against Dalit and Adivasi women appears routinely. The Hathras Gang rape case is an example of how caste and gender contours create an impossible and deathly situation for women from these discriminated communities. The perpetrators of rape against the Dalit girl were four Thakur (upper caste) men who were granted impunity at the hands of law enforcement officials as well the Uttar Pradesh state government. The

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structural and systematic erasure of crimes by upper caste men against Dalit and Adivasi women lie at the backdrop of inaccessibility of proper redressal and denial of their humanity. The ways in which Dalit and Adivasi women are denigrated and violated is a result of the Hindu social order and these experiences cannot be tallied with that of women from other caste communities. The violence that women from these communities are subjected to elicits anger but is heavily normalized. Sexual violence against Dalit and Adivasi women is only seen as a crime against their gender identity and the contours of their caste identity is completely disregarded or easily overlooked.

As for Adivasi women, the brutalities they face are an outcome of the conflict areas that they reside in where the state and its entities are the offenders. Their assertion of rights over their forests, resources, and land puts them at the receiving end of state violence. Adivasi



women face sexual violence and rape by police personnel, Special Forces, and para-military forces that are deployed in the forests. The Verma Committee's (committee to suggest changes to various criminal laws regarding offences against women) recommendation had certain key recommendations for women in border areas and conflict zones which were never translated into legislative amendments.<sup>227</sup> The case of Soni Sori is an important example of the barbarism that Adivasi women continue to endure. It also is a prime example of how the criminal justice system operates differently and disproportionately for women from marginalized communities.<sup>228</sup>

## Crimes against Adivasis and Dalits

The National Crime Report Bureau of India (NCRB) records crime/atrocities against Scheduled Castes and Tribes. In 2021, the crime/atrocities increased by 1.2% with 50,900 recorded cases as opposed to 50,291 cases in 2020. Similarly, crime/atrocities against Scheduled Tribes witnessed an increase of 6.4% with 8,802 cases as opposed to 8,272 cases in 2020. The NCRB report of 2019 on crimes/atrocities against Adivasis and Dalits highlights that a major proportion of crimes committed against these



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communities involves crimes against women. Crimes against SC/ST shows an upward trend if one analyses the existing reports and data available.

Members of the communities that are involved social and political movements aimed at identity assertion and emancipation are attacked and even jailed. The Bhima-Koregaon political prisoners are a prime example of this. The criminalization of Adivasis and Dalits has been possible only because they are seen as potential criminals and encroachers, because it is convenient to do so. Christian and Muslim Dalits and Adivasis are also attacked often as they don't have the protection of the SC/ST Act and also don't fall under the communities that the Hindu far-right is persistently trying to Hinduize.<sup>229</sup>

Hate crimes against Adivasis and Dalits persist and are a real predicament despite constitutional prohibition of discrimination against them and legislations. The Prevention of Atrocities Act or the SC/ST Act is the only legal provision in India that deals with hate crimes and allows for the victims to be able to seek redressal. Though, Dalit Christians and Dalit Muslims are not able to use the provisions of the said act for caste motivated hate crimes committed against them.

The following documentation has been created from informal sources such as reports by rights organizations. The incidents reported are not sporadic and reflect the discrimination and assaults that the Adivasi and Dalit communities face on a daily basis. The NCRB record of crime/atrocities against Adivasi and Dalits has not been accounted for in this particular report as the NCRB is yet to release its report for the year 2022. These incidents of hate driven by bias against caste and tribal identity are only representative of the violence that these communities are subjected to.

In December 2022, A minor Dalit girl was gang raped multiple times at a coffee estate in Karnataka's Hassan district by five men.<sup>230</sup> A Dalit family of six was attacked in Ukeri village in Alwar district of Rajasthan. The family included three women who were beaten with sticks and rods.<sup>231</sup> A Dalit youth, 18 years old, was allegedly abused and beaten for touching food at a marriage ceremony in Wazirganj, Uttar Pradesh.<sup>232</sup> Six Dalit students in the fourth grade were allegedly forced to clean water tank and toilet by headmistress in Perundurai, Tamil Nadu.<sup>233</sup>

In November 2022, after a Dalit woman drank water from a tank, upper caste residents of Heggotara Village, Karnataka used 'cow urine' to purify the tank.<sup>234</sup>

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In October 2022. Sixteen members of the Dalit community were confined for days and assaulted, one of the survivors, Arpitha, , lost her baby after being assaulted in Chikkamagaluru, Karnataka.

In September 2022, A Dalit teen, Nikhit Dohre, died after facing a brutal assault by his teacher in Auraiya, Uttar Pradesh.<sup>236</sup> In another brutal violation, two Dalit sisters were raped, strangled, and hanged to a tree in Lakhimpur, Uttar Pradesh.<sup>237</sup> Several violations have been reported from Yogi Adityanath's state, Uttar Pradesh. Apart from the ones mentioned above, additionally a Dalit minor was also beaten up by his headmaster after he touched the headmaster's bike in Balia, Uttar Pradesh.<sup>238</sup> A Dalit girl suffered severe burns on her arm after a headmaster threw a hot meal on her in Barabanki, Uttar Pradesh.<sup>239</sup>

A Dalit teacher of Sanskrit alleged discrimination by principal and upper-caste teachers in Barabanki, Uttar Pradesh.<sup>240</sup> In August 2022, A 9- year-old Dalit boy died after being beaten by his teacher for touching a pot of water in Surana village, Rajasthan.<sup>241</sup> In Uttara Pradesh's Firozabad, an 8- year -old Dalit girl was physically abused by her teacher who broke her hand.<sup>242</sup>

The spate of violence has seen a similar trend against Adivasis. In December 2022, Christian Tribals were forcefully converted to Hinduism by vigilante groups, they were also assaulted

and displaced by the same groups, in Kondagaon, Chhattisgarh. In November 2022, a 46-yr-old Tribal man was lynched for drawing water from tube well in Jodhpur, Rajasthan. In Anjedbeda village, Chattisgarh tribals from Chaibasa were allegedly assaulted during Naxal search operation by paramilitary forces.<sup>244</sup> In October 2022, Senior Police officials physically assaulted and verbally abused an Adivasi Christian cop in Sukma, Chhattisgarh.

In August 2022, an Adivasi chieftain was attacked and assaulted for objecting towards the sale of marijuana in Kulamankuzhi, Kerala. In May 2022, two Adivasi men were lynched on suspicion of killing a cow in Seoni, Madhya Pradesh. In April 2022, forty Malasar Tribal families were evicted from their ancestral land in Navamalai village of Tamil Nadu.<sup>245</sup> In another violation, a tribal woman was stripped naked and assaulted in Dakshina Kannada district of Karnataka.

In March 2022, an Adivasi woman was sexually assaulted by a mob in Alirajpur, Madhya Pradesh

In February, Latehar, Jharkhand, police officials physically assaulted a 42 - year - old tribal man.<sup>246</sup>

To sum up, the social exclusion lies at the core of Caste discrimination that

manifests in the form of violent hate crimes. The daily re-enactment of caste hierarchies influences the daily routine and social relations of the Dalit and Adivasi communities, which is a crucial dimension that gives a clear message of social inferiority. There is enough evidence of caste-based violence and discrimination in all spheres of life in India, whether political, social, economic, or religious. The violence that is subjected to Dalit and Adivasi bodies curtails the possibility of improving social relations prevailing in the society and indicates rampant unevenness. With presence mostly in informal sectors, the Dalit and Adivasi communities face severe blockades for upward social mobility where caste-hate crimes remain one of

the biggest blockers.

Entrenched in historical discrimination, Dalits and Adivasis are at a distinct disadvantage. The promising discourse of International Human Rights has been received and acknowledged by constitutions across the world, where special emphasis is on reforming laws relating to indigenous populations. However, India's criminal justice system continues to fail persons belonging to socially and economically marginalized communities, especially its indigenous population.

Against the backdrop of judicial and legislative safeguards, lies an anomaly, where the Dalits and Adivasis of India are subjected to inherent biases and ongoing structural discrimination.

<sup>215</sup><https://c.thealabamabaptist.org/villagers-threaten-lives-of-christian-families-destroy-their-homes/> .

<sup>216</sup><https://thewire.in/communalism/violation-of-court-order-bengaluru-archbishop-on-demolition-of-jesus-statue-in-kolar> .

<sup>217</sup><https://www.eastmojo.com/tripura/2022/10/03/tripura-christian-prayer-hall-on-restricted-holy-land-dismantled/> .

<sup>218</sup><https://thealabamabaptist.org/villagers-threaten-lives-of-christian-families-destroy-their-homes/>

<sup>219</sup><https://www.nytimes.com/2020/09/29/world/asia/india-amnesty-international.html> .

<sup>220</sup><https://economictimes.indiatimes.com/news/india/tough-for-cpr-and-oxfam-to-get-fcra-licence-now/articleshow/94083183.cms?from=mdr> .

<sup>221</sup><https://www.hindustantimes.com/india-news/congress-slams-action-against-rajiv-gandhi-foundation-recycled-old-charges-101666538440954.html> .

<sup>222</sup><https://rgfindia.org/about-the-foundation-rgf/> .

<sup>223</sup><https://cordis.europa.eu/project/id/313664> .

<sup>224</sup>Lochtefeld, J. G. (2002). *The Illustrated Encyclopedia of Hinduism*: A-M. United States: Rosen.

<sup>225</sup><http://archive.indianexpress.com/news/scs-sts-form-25--of-population-says-census-2011-data/1109988/>

<sup>226</sup><http://archive.indianexpress.com/news/scs-sts-form-25--of-population-says-census-2011-data/1109988/>

<sup>227</sup>[https://adrandia.org/sites/default/files/Justice\\_Verma\\_Amendmenttocriminallaw\\_Jan2013.pdf](https://adrandia.org/sites/default/files/Justice_Verma_Amendmenttocriminallaw_Jan2013.pdf)

<sup>228</sup><https://sonisori.wordpress.com/aboutsoni/>

<sup>229</sup><https://www.outlookindia.com/website/story/ativasi-vs-vanvasi-the-hinduization-of-tribals-in-india/217974>

<sup>230</sup><https://www.sabrangindia.in/article/dalit-minor-allegedly-gang-raped-multiple-times-karnataka-4-booked>

<sup>231</sup><https://www.sabrangindia.in/article/dalit-family-attacked-women-beaten-rajsthans-alwar>

<sup>232</sup><https://www.sabrangindia.in/article/dalit-youth-thrashed-touching-food-wedding>

<sup>233</sup><https://www.sabrangindia.in/article/tn-six-dalit-students-allegedly-made-clean-toilet-govt-school-headmistress>

<sup>234</sup><https://www.sabrangindia.in/article/ktaka-cow-urine-used-purify-tank-dalit-woman-drank-water-it>

<sup>235</sup><https://www.sabrangindia.in/article/dalit-workers-assaulted-confined-days-pregnant-woman-loses-baby-karnataka>



Credit : The Global Post

## Kashmir

On 5th August 2022, residents of the Indian-administered Kashmir reflected on the 3rd anniversary of the removal of special status from the region. Kashmir's autonomous status was guaranteed in the Indian constitution, as well as in a 1954 Presidential order, giving the Muslim majority state a separate constitution, flag and autonomy over internal administration. Article 35A of the constitution, which empowered the state legislature to define its permanent residents and confer special privileges and rights to them, was also rescinded. With the removal of both guarantees, the BJP-led Indian government has undermined the constitutional rights of residents of Kashmir and begun a campaign of taking full control of the region by removing basic rights from its citizens. This year, the Union government has expanded voting rights

to non-permanent residents as part of its ongoing campaign to change the demography of the region. Additionally, the government has continued to use security forces in the state, as well as the draconian Public Safety Act (PSA) and Unlawful Activities Prevention Act (UAPA), to silence those who criticize the government. Kashmiri journalists, politicians, and religious leaders continue to face arbitrary arrest and detention under the guise of terrorism allegations, as the Union government attempts to silence those who highlight the ongoing human rights abuses in the valley.

### Changing Demography of the Region

The BJP has continued to increase Union

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control over Kashmir throughout 2022, introducing electoral and land ownership reforms to attempt to change the demography of this historically Muslim-majority state. By allowing those who are only temporary residents of the state to be added to the electoral register, the BJP government is effectively gerrymandering by ensuring more people who support the Union government's Hindutva vision can vote in the region. Combined with the crackdown on civil society, the use of draconian legislation to arrest and detain those who are critical of the regime, and the continuation of extra-judicial killings by security forces, the Union government is denying basic human rights to Kashmiris.

Following the abrogation of Article 370, a delimitation panel was formed in March 2020 in order to redraw the electoral boundaries of the state. The panel submitted and signed the final draft on the 5th of May 2022. Six additional constituencies in Jammu and one in the Kashmir Valley have been included in the plan, published in the Gazette of India and the Gazette of Jammu and Kashmir. It also proposes dividing the territory into seven scheduled castes and nine scheduled tribal constituencies. The Congress party's Jammu and Kashmir unit has expressed strong opposition to the final draft of delimitation, claiming that it is "dissection, not delimitation,"

and that it "completely ignores ground realities."<sup>247</sup>

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 voters in the region, meaning around 25% of voters will come from this newly enfranchised group of people.<sup>248</sup> The news was met with fury, and People's Conference Chairman Sajjad Lone said '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.'<sup>249</sup>

In November 2022, 772,000 voters were added to the electoral role in Jammu and Kashmir. The increase of 10.19% solidifies Union control over the state, which was previously protected from demographic changes in the Constitution.<sup>250</sup>

## Crackdown on the Media

Since India removed Kashmir's autonomous status in August 2019, the Union government has implemented



a crackdown on the media in order to silence those who seek to hold the state accountable. Journalists have consistently been arbitrarily arrested, as the administration seeks to shroud court sessions, prisons, and detention centers in secrecy.

Under pressure, notable newspapers, such as Greater Kashmir, Rising Kashmir, and Kashmir Monitor, which have traditionally reported on human rights abuses, have toed the government line. Instead of holding the government to account, these newspapers now produce government-approved narratives which focus on lieutenant governor Manoj Sinha and his administration. Archives only date back to 2019, and many newspapers

have employed writers sympathetic to the state.<sup>251</sup> This is a response to the 2020 policy that government adverts—the source of revenue for most news outlets in the valley—would not run in any publications that ‘propagate any information prejudicial to the sovereignty and integrity of India.’ A police officer remarked that the government is actively screening stories that run against the official narratives of “peace and development.”<sup>252</sup> One newspaper editor, who chose to remain anonymous, argued that ‘There was a written media policy launched in 2020 and an unwritten one which nobody shared with us. The unwritten media policy is to stop thinking like a Kashmiri journalist, that newspapers shouldn’t look like they are published in



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Kashmir, but in any other city of India.’<sup>253</sup>

The strangulation of the media in 2022 began in January when the government shut down the Kashmir Press Club, which was not only a place for journalists to work but provided them with a community where they could come together in the face of government pressure against them. The Editors Guild of India called the shutdown ‘the worst kind of state heavy-handedness.’<sup>254</sup> Journalists have continued to face intense background checks, and multiple reporters have been arrested and detained under Public Safety Act (PSA) which allows for detention without charge or bail for up to 2 years. In January, Sajad Gul, a 26-year-old trainee and journalism student, was arrested under PSA. In February, Fahad Shah was arrested after reporting about a gunfight and later re-arrested after securing bail.<sup>255</sup> Both continue to languish behind bars for just doing their job as journalists.

Additionally, 4 journalists have been banned from traveling outside the country. One such journalist was Sanna Irshad Mattoo, a Pulitzer Prize winner, who was invited to the international photography festival Arles Rencontre. She was stopped by the immigration officials at New Delhi airport and told she could not fly.<sup>256</sup> Similarly, Aakash Hassan, an independent journalist, was stopped

from flying to the Sri Lankan capital Colombo by immigration officials at the Indira Gandhi International (IGI) Airport. The immigration officials, Hassan alleged in a series of tweets, did not provide any reason for stopping him from traveling to Colombo to cover the ongoing political-economic crisis.<sup>257</sup>

## Communication Blackouts

Since the abrogation of Article 370, when Kashmir’s special status was removed, the government has continuously suspended the internet in order to control the information coming into and out of the valley. Since 2019, internet outages have drastically increased, and the government introduced the longest internet blackout on record in a democracy from August 2019 to January 2020. After 2G internet was restored in January 2020, it took a further 18 months, until July 2021 for 4G internet to be made



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available again. The United Nations has criticized the Indian government for its use of internet shutdowns, stating in 2019 that ‘the blackout is a form of collective punishment of the people of Jammu and Kashmir, without even a pretext of a precipitating offence.’<sup>258</sup>

Despite the United Nations defining access to the internet as a human right, the Indian government continues to enforce communications blackouts in order to silence dissenters in the region. In 2022 alone, there were 24 internet disruptions, accounting for more than 20% of global internet shutdowns.<sup>259</sup> Internet blackouts in the state made up 70% of the total outages in India, demonstrating how the valley continues to be under siege by the government.<sup>260</sup>

## Arbitrary Arrests and Detentions in Kashmir

In Kashmir, the Union government continues to use draconian laws in order to arbitrarily arrest and detain protesters, journalists, religious leaders, and politicians. The Unlawful Activities Prevention Act (UAPA), sedition, and Public Safety Act (PSA) have consistently been used by the regime to arrest and detain those who seek to hold the government accountable. Allegations of terrorism or sedition are often used to silence protesters and increase

government control over Kashmir. Religious leaders have also been targeted in what is an ongoing assault on the religious freedoms of Muslim organizations and institutions. These draconian laws suspend habeas corpus for longer than regular other charges, which means those arrested are often left waiting in detention for years before their first hearings. Additionally, those who are bailed are often re-arrested on other charges, to ensure they remain silenced by the regime indefinitely.

On the 4th of February, Kashmiri journalist and editor of The Kashmir Walla Fahad Shah was arrested by police for his coverage of a violent police raid in January, which police have labelled “anti-national content.” He remains in detention under the UAPA and the PSA for his reporting. Under the PSA, Shah could be detained without a trial for up to two years before formal charges are brought against him. According to Kashmir police, Shah is wanted in three cases from 2020, 2021, and 2022 “for glorifying terrorism, spreading fake news and inciting the general public for creating law and order situations.”<sup>261</sup>

On the 17th April, a Kashmiri student was arrested for writing what officials termed a “highly provocative and seditious” article. Abdul Aala Fazili was arrested from his home as the State Investigation

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Agency (SIA) conducted searches at several locations in the city as a part of its crackdown on “terror and anti-national networks” as per the official sources.<sup>262</sup>

The same month, media groups were shocked by the rearrest of Kashmiri journalist Aasif Sultan, who had been in prison for almost 4 years on charges of allegedly “aiding” militants. He was granted bail in the second week of April but was rearrested on similar charges under a different law. Human rights activists say Aasif Sultan’s case is the latest instance in which the Indian authorities have weaponized the legal system to limit free speech and harass journalists, particularly those in Kashmir. Activists argue that the stringent Jammu and Kashmir Public Safety Act, which has been used to rearrest Sultan, violates international human rights standards.<sup>261</sup>

Shahid Tantray, a multimedia journalist who works for The Caravan magazine, accused the Jammu and Kashmir Police of issuing threats and consistently harassing him and his family in retaliation for the articles he had written about the state since the Union government stripped Kashmir of its special status. In a statement released on Twitter, Tantray, explained how a Police sub-inspector, who had previously been in contact with him, called him the day after the release of Tantray’s article on the crackdown

of the press. The sub-inspector asked if the story could be removed. Tantray was subsequently asked to visit a police post, where officers met him, asked him to reveal his anonymous sources and was told by the police ‘this is not Europe, where you can write anything.’ The sub-inspector then threatened Tantray, saying ‘the police have several open FIRs related to drugs cases’ and they would be able to easily implicate him in them as ‘every security agency is after you.’ They then explained he could stay in Kashmir and provide a written agreement that he would no longer write investigative stories on law enforcement. Alternatively, he could write as he was but would be shot or sent to prison. Or he could leave the state immediately.<sup>264</sup>

Religious leaders have also been arrested and detained by the government. In September, seven clerics were arrested under the Public Safety Act. Two of those arrested are religious scholars, and the remaining five are affiliated with Jamaat-e-Islami. One of those who was arrested under the act was Sarjan Barkhati, an Islamic preacher who is colloquially known as ‘azaadi chacha’ or ‘freedom uncle’ and was at the forefront of mass protests in 2016. Since then, he has not taken part in any protests, and his wife Akhtar explained he ‘had stopped leading prayers in the local masjid.’<sup>265</sup> Police continue to claim that Barkati,



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along with the others arrested, were ‘fuelling extremists in Kashmir’ through their cultural and religious group Jamaat-e-Islami, which was banned in February. Whilst the police maintain that innocent preachers will shortly be released, they have frequently used these draconian laws to arrest, release and then re-arrest those alleged to be ‘provoking people.’ Additionally, the Indian Express reported that 954 people were being held under the PSA in August 2021, demonstrating the overzealous ways in which the law is being used.<sup>266</sup> The arrests have largely been viewed as part of the wider crackdown on religious freedom and civil society in the state.<sup>267</sup>

In November 2022, Amnesty International, Human Rights Watch, and other NGOs called for the release of Khurran Parvez, who was arrested on the 22nd of November 2021 on terrorism charges. Parvez was the coordinator of the Jammu Kashmir Coalition of Civil Society (JKCCS) and Chairperson of the Asian Federation Against Involuntary Disappearances (AFAD). He had been investigating human rights violations in the region for the past 20 years. He was charged under the UAPA and has been in jail since his arrest. Amnesty International has called for Indian Authorities to release him ‘immediately and unconditionally, and all charges against him must be dropped as they are a reprisal for his peaceful human

rights work.’ They also remarked that ‘his arbitrary detention is part of a long-standing list of human rights violations committed by Indian authorities against human rights defenders, civil society organizations, journalists, and activists in Jammu and Kashmir. Rather than working towards accountability for these violations, authorities have targeted and arrested those who have exposed and sought justice for such violations. These measures have caused a chilling effect, further shrinking civic space in a region that is already facing an increasing clampdown on dissent since the Indian Parliament revoked Kashmir’s autonomous status in August 2019.’<sup>268</sup>

## Extra-judicial killings

Extra-judicial killings, committed by the police, army and security forces, have been an ongoing human rights concern in Kashmir. Indian security forces arbitrarily kill civilians, often alleging them of being involved in terrorist or secessionist activities, and are protected from any legal repercussions through the Armed Forces Special Powers Act (AFSPA), which grants them impunity.

The Indian government’s failure to protect the rights of Kashmiris has been criticized by international human rights watchdogs. This year, Amnesty International called



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for the government ‘to take urgent steps for the protection of the people of Kashmir...The sheer impunity with which the human rights of the people of Jammu and Kashmir have been systematically disregarded by the Indian authorities must end if we are to fulfil the rights of victims and help ensure that such abuses against civilians are not repeated.’<sup>269</sup>

Despite repeated calls for the security forces to end extra-judicial killings, in 2022, more civilians were murdered. Furthermore, the security forces have continued to receive impunity for these murders, even on the rare occasions when investigations explicitly state they are responsible for these deaths.

At least 20 civilians were killed throughout 2022, 12 of whom were Kashmiri Muslims. Those killed included government employees, a schoolteacher, daily worker and shopkeeper.<sup>270</sup>

In January, Stoke White, a law firm based in London, filed an application with the Metropolitan Police, seeking the arrest of senior Union government officials and Indian Army General Naravane, for their roles in committing war crimes in Kashmir. The law firm submitted a report to the War Crimes Unit, proving how the General and Home Minister Amit Shah are responsible for the kidnapping, torture and killing of Muslim activists and journalists in the valley. The report states

‘There is strong reason to believe that Indian authorities are conducting war crimes and other violence against civilians in Jammu and Kashmir,’ and is based on more than 2,000 testimonies collected between 2020-21. Additionally, the report accuses eight senior officials from the Indian Army of direct involvement in these crimes in Kashmir.<sup>271</sup>

On the 9th of July 2022, Muslim Muneer Lone, a 21-year-old Muslim man, was detained by the police. His mother, Shafiq, was later collected by the police in a private car from her home and taken to see Muslim, who was unconscious and unable to talk. The police then forced her to sign papers and gave her 400 rupees and returned her and Muslim home. When she took Muslim to the hospital, he was declared dead. The family then launched a protest and argued that Muslim was tortured to death by the police. Whilst the police have continued to argue that Muslim died from a drug overdose, his family have insisted he did not take drugs, and questioned why the police failed to take him to hospital when he initially lost consciousness.<sup>272</sup>

On the 15th December, two labourers were shot and killed outside an Indian army base in Rajouri district by army guards. The men were known to have worked at the base for over 10 years. Whilst the army alleges they were killed

by ‘unidentified terrorists’ outside of the base, residents of the area have insisted they were ‘killed by the army without any reason.’<sup>273</sup>

In the same month, Abul Rashid Dar was detained by the Indian Army. He subsequently went missing, which led to protests in the state capital Srinagar. The Army has maintained that Dar ‘fled’, but his family have continued to fight to know what happened to him whilst he was in custody. Dar is just one of 8000-10000 Kashmiris who have been forcibly disappeared by the security forces since the 1990s during the ongoing conflict in the region.<sup>274</sup>

## Cultural Cleansing in Kashmir

The government has increasingly encroached upon Muslim traditions, in order to increase control over the religious lives of the Muslims. Combined with the arbitrary arrest and detention of Islamic clerics, Muslims across the state feel under threat and continuous surveillance.

On the 29th April, the state disallowed prayers at Srinagar’s historic Jama Masjid on Shab-e-Qadr and Juma-Tul-Wida, which are two days considered to be holy by Muslims. However, no official reason was provided for disallowing the



prayers.<sup>275</sup>

Another instance in 2022 when a Muslim religious cultural ceremony was disrupted was when the BJP-led Waqf board banned the Sufi Dastar Bandi (or the turban-tying ceremony) in Kashmir. The Waqf Board 'legitimised' this move by arguing that the ceremony was being misused to honour political leaders when it should only be used to honour religious figures. The board had also previously issued an order banning 'unethical practices',

including the removal of Mujavir<sup>276</sup> donation boxes. The Kashmir police have since removed the donation boxes from shrines, as the board has claimed that the donation was being used to exploit shrine visitors. This removal of donation boxes, combined with the banning of the Dastar Bandi, presents a growing concern that the board is a means through which the union government is increasing its control over Muslim religious and cultural practices.<sup>277</sup>

<sup>236</sup><https://www.sabrangindia.in/article/death-dalit-teen-boy-after-assault-teacher-sparks-angry-protests>

<sup>237</sup><https://www.sabrangindia.in/article/lakhimpur-kheri-bodies-two-sisters-found-hanging-tree>

<sup>238</sup><https://www.sabrangindia.in/article/uttar-pradesh-headmaster-allegedly-throws-hot-meal-dalit-girl-burns-her-arm>

<sup>239</sup><https://www.sabrangindia.in/article/uttar-pradesh-headmaster-allegedly-throws-hot-meal-dalit-girl-burns-her-arm>

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## Conclusion

The year 2022 represents a new low for the minority and marginalized communities in India, who continue to face unabated discrimination and persecution. At the grassroots level, the Hindu militia groups and vigilantes attacked religious minorities, whilst nationwide the BJP government, and law enforcement agencies at the state and union level incited and instigated mass violence. Furthermore, the judiciary's apparent lack of independence has continued to foster a culture of impunity for the perpetrators.

This report has presented evidence to demonstrate the scale and magnitude of religious persecution in India from a range of perpetrators. At a national scale, it is evident that Hindu extremist religious leaders and BJP politicians instigate anti-Muslim and anti-Christian violence through genocidal hate speech. These groups have also been seen using conspiracy theories, notably, Love Jihad and Population Jihad, to vilify and demonize Muslims. The guffle of several mainstream media outlets, with few notable exceptions to the ruling establishment has also been instrumental in spreading and amplifying hate speech,

which in turn, has precipitated violent attacks against religious minorities.

Hopes for any kind of legislative relief against discriminatory practices were also quashed in 2022, with the introduction of various prejudicial legislations by BJP governments at the state level. This report has presented several cases in which Muslim and other minority groups have been subjected to discriminatory laws. One such example seen in 2022 was the introduction of anti-conversion laws, which reinforced baseless fears over Love Jihad and forced conversions and empowered vigilantes, notably members of the Bajrang Dal, to commit atrocities. Another example that had a profound effect on the Muslim community specifically was that of the Hijab Ban in Karnataka, which undermined the constitutional rights of Muslim women. It was used to reinforce communal tensions, leading to more religious attacks.

In 2022, the introduction of discriminatory legislation against Muslim and other minority groups not only affected these communities in public but in the private sphere as well. This report shows



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that in the last year, hate speech and discriminatory legislation normalized anti-Muslim and anti-Christian sentiments, leading to widespread economic boycotts of Muslim vendors and housing discrimination.

Hopes of retribution for this discrimination withered this year in the face of a national judicial system that continues to fail to protect the rights of minorities and hold the government accountable for unconstitutional legislations. The Supreme Court's failure to explicitly denounce hate speech set a precedent that has given hate-mongers complete impunity, inevitably leading to the proliferation of such rhetoric. The court also failed to guarantee the basic constitutional rights of Muslim women, by failing to pass an order on the Hijab ban, demonstrating how a once revered and independent judiciary has been severely compromised by a hateful ideology and the ruling establishment.

This report has highlighted that in 2022, discriminatory laws and hate speech disseminated by political and religious leaders emboldened Hindu extremists, who have continued throughout the last year to commit violent anti-Muslim attacks in the form of mob lynchings and pogroms. The rapid push for "saffronizing"

education is another worrying trend being observed nationwide. This wholesale falsification of history includes presenting only Hindu culture as Indian culture, through the exclusion of Muslim history and contributions. Such indoctrination is often a premeditative step in any impending genocide. It teaches the next generation an extremist worldview and inculcates hate at a young age. The cancellation of scholarships for religious minorities has also enabled the BJP to weaponize education so that religious minorities from poorer socio-economic backgrounds are not able to continue their education. Therefore, not only are children from the majority community educated with a politicized agenda against Muslims and minorities, but such marginalized communities are now unable to access education as easily, causing them a greater societal disadvantage.

The research in this report also shows that on a grassroots level, the police have been influenced by the legitimization of aggression against Muslim and Christian communities. Not only have the police used their powers to shield perpetrators from arrest, but they are also, in many cases, complicit in communal and vigilante violence, including extra-judicial killings. Law enforcement has



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been increasingly used as a weapon of the state in suppressing dissent, through arbitrary detention of protesters, human rights activists, and journalists. The police in various states consistently used their powers to limit the capacity of members of civil society to hold the government to account. Additionally, the use of torture during detention and draconian anti-terror laws to jail critics have robbed India of a once thriving civil society.

In 2022, police, along with local authorities, also carried out widespread demolitions of Muslim businesses and homes, as part of the retributive justice policy against protesters, human rights activists, and critics, who were mostly Muslims. These demolitions are not only illegal but undermine the constitutional right to safe housing outlined in the Constitution. This report has also shown that Muslim communities are not the only target of discrimination in the obsessive drive to establish a Hindu state. Christian homes and places of worship have also been attacked and demolished by police, authorities, and vigilantes in widespread attacks on this minority community. It underlines how the police and authorities are becoming a part of the nationalistic Hindu state infrastructure.

For Dalits and Adivasis, 2022 was no

different than the preceding years, as they continue to be subjected to mass atrocities, resulting from the systematic discrimination and violence they face in India. The members of the both the marginalized groups were assaulted by dominant caste Hindus and members of the police and security forces. Dalit and Adivasi women, who have historically been attacked due to their intersectional identities, were also victims of sexual violence.

Within this report, Kashmir was studied in depth to highlight the unique situation there. In Kashmir, the BJP state government continued to implement policies as part of the party's ongoing agenda to transform what was previously a semi-autonomous region into a state under the complete control of the BJP. PM Modi-led union government passed various orders to expand voting rights in the region so that members of the security forces, seasonal workers, and those who have traditionally been excluded from voting in Kashmir can now vote in regional elections. This manipulation of the electoral system threatens to change the demographics of the region and was implemented in order to ensure Kashmiri politics comes under the complete control of the Indian government.

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The security forces in Kashmir have also continued their crackdown on civil society, using the UAPA, PSA and NSA to detain human rights activists, journalists, and religious figures. The regime's consistent attempts to not only silence dissent but also control information leaving the region, through internet blackouts and media censorship, demonstrates how the humanitarian crisis in Kashmir continues to worsen. Over the course of 2022, security forces also carried out random, extra-judicial killings against the majority Muslim population in the state, and due to Armed Forces Special Powers Act (AFSPA), perpetrators of these murders remain completely immune from prosecution.

In summation, this report concludes that the Hindu far right state actors and

non-state actors have scaled up their full-scale assault against Muslims and Christians. Human rights and religious freedoms have entered a black hole, with no end in sight.

In addition to this, the failures of law enforcement and the judiciary to uphold the constitutional rights of minorities and prosecute Hindu extremists who commit genocidal acts indicate that the country's important democratic institutions have been compromised by the Hindu supremacist ideology. Under the leadership of Prime Minister Narendra Modi, India continues to move towards becoming a Hindu fascist enterprise, while bringing its minorities, especially Muslims and Christians, to the brink of a genocide.

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# Recommendations

## For United States Government

- The US 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.
- 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 persecution of religious minorities, including politicians and elected officials from India's ruling political party, the BJP, at the federal level and in the states of Uttar Pradesh, Assam, Madhya Pradesh, Karnataka, and Uttarakhand; the elite Indian Administrative Service (IAS) and the Indian Police Service (IPS); the Indian security agencies, including the Indian military for their decades-long persecution of religious minorities and dissenters, especially in Jammu and Kashmir, the northeastern states of Assam, Manipur, Nagaland, Tripura, and Arunachal Pradesh, and the eastern states of Chhattisgarh and Jharkhand, Odisha.
- The US government should use its diplomatic channels to express concern over the issue of religious persecution in India and publicly condemn any acts of violence or discrimination against religious minorities.
- The US State Department must include human rights and religious freedoms as an integral part of the US-India Strategic Dialogue.
- The US government must also make defense relations and the sale of US weaponry and systems conditional on an improvement of human rights in India
- The US government must use its trade

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and economic leverage to encourage the Indian government to take action to protect the rights of religious minorities. This can include linking trade agreements and economic aid to improvements in human rights.

- The US government must provide support to civil society organizations in India that are working to promote religious tolerance and protect the rights of religious minorities. This can include providing funding and resources to these organizations, as well as partnering with them to promote their work.
- The US government must support international human rights monitoring in India to ensure that the issue of religious persecution is being monitored and addressed. This can include supporting the work of the Human Rights Watch, Amnesty International, and other international organizations working to promote human rights in India.

## **For India's Union and State Governments**

- As state parties to the 1948 Genocide Convention, the Union government is

obligated to take the repeated calls for genocide and mass violence against Muslims and Christians throughout India seriously, condemn the genocidal sentiments, and hold those who made the speeches responsible.

- As signatories of the UN Declaration on the Elimination of All Forms of Intolerance and of 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 Union government has a responsibility to ensure that police effectively investigate, prosecute, and prevent instances of harassment and violence committed against religious minorities, especially Muslims and Christians.
- The Union government must ratify the Convention Against Torture, to which India has been a signatory since 1998, and ensure that comprehensive legislation to prevent, prosecute and punish torture is enacted in line with India's international obligations. Furthermore, it must be ensured that the 2015 DK Basu Guidelines issued by the Indian Supreme Court for the prevention of torture are

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implemented, and action is taken against the erring officials.

- The Union government must reformulate the existing guidelines and Standard Operating Procedures (SoPs) for police and other forces coming under the ambit of the Ministry of Home Affairs regarding their conduct in dealing with protesters.
- The Union government must form an emergency response team to track and register complaints against the excesses committed by the police and other security forces during the protests led by members of minority communities.
- The Union government must repeal the Citizenship Amendment Act (CAA) and stop using the National Register of Citizens (NRC) to disenfranchise Muslims.
- The Union government, state governments, and municipal authorities must uphold every citizen's right to a safe home and immediately stop bulldozing Muslim homes, livelihoods and places of worship in the name of anti-encroachment

drives.

- The Union government must pass a national anti-lynching bill to protect religious minorities from Hindu militias and cow vigilante groups.
- The Union government must stop using the Foreign Contribution Regulation Act to target human rights NGOs from being able to operate in India.
- The Union government must stop using draconian laws, including the UAPA, PSA, and NSA, to arbitrarily arrest and detain activists, journalists, and dissenters.
- The Union government must devise means to bridge the gaps in the existing legislation that result in the persistence of sexual violence against women from the Adivasi and Dalit communities.
- The Union government must reinstate Kashmir's special status and stop its attempts to alter the region's demography by changing the electoral register.



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- The Union government must give NGOs such as Human Rights Watch and Amnesty International full access to court hearings, jails, and detention centers to ensure complete transparency and allow NGOs to report accurate information on the human rights situation in the region.
  - The Union government must stop using internet blackouts to censor the people of the state of Jammu and Kashmir. They must ensure that citizens are able to access the internet.
  - The Union government and state governments must stop weaponizing education. BJP-ruled state governments must ensure education is secular. The Union government must reinstate scholarships for religious minorities to ensure they are able to continue accessing education.
  - The BJP ruled state governments should repeal their beef ban laws which are used as a pretext by the Hindu militias and cow vigilante groups to commit atrocities against Muslims over allegations of selling, transporting, slaughtering, or consuming beef.
  - The BJP-ruled state governments should ensure that all citizens have the right to freedom of religion, as guaranteed under the Indian Constitution. They should repeal the anti-conversion laws, which have been used to disproportionately target Muslims and Christians and justify harassment and violence.
  - The state government of Assam must acknowledge the Miya peoples not only as a distinct group but as rightfully belonging to the state of Assam as Indian citizens. They must also stop repressing Miya culture and cultural institutions.
  - The BJP-ruled Karnataka government should repeal the ban on hijab in schools and ensure that all students are allowed to wear religious attire as per their beliefs.

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# Persecution as State Policy


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