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ANNUAL REVIEW

Weaponising Language
Duties over Rights
Bulldozer Politics
Hijab Controversy

JUSTICE AND EMPOWERMENT OF MINORITIES

(A Jamiat Ulama-i-Hind Initiative)



Contents

04	Executive Summary
07	2022: At A Glance
25	Statistically Speaking
40	Observations
72	Recommendations
73	Conclusion

Executive Summary

2022 was yet another year in which minorities, including Muslims, Sikhs and Dalits, experienced insurmountable levels of harassment in India. The continuous attacks ranged from verbal, physical and psychological. A novel innovation in the attacks was using language to criminalise the communities; in particular, the term 'Jihad' was exploited for its perceived negative connotations. Whilst attacks on Muslim women and property continued with traditional vigour.

The assaults, as sadly they have done for some time now, are a collaborative approach between the Far Right Hindu elements and the state machinery. This toxic yet powerful combination has wreaked havoc and fear amongst the minorities in India, further compounded by the apparent complicity of the media.

The media has exhibited the utmost irresponsibility in its obligation, consistently serving as a mouthpiece for the state and failing to challenge its inexcusable narratives. They are furthermore fabricating stories to the

detriment of minorities, particularly Muslims. In addition, minorities have suffered intolerable abuse and have been victims of misinformation via social media.

Weaponising language

The term 'Jihad' has been used liberally with all its negative connotations to attack the Muslim community via conventional and social media platforms. It is now synonymous with virtually all activities undertaken by Muslims. Below are just some examples:

Love Jihad: The act of allegedly entrapping an unsuspecting Hindu girl to fall in Love with you for the sole purpose of abandoning her faith and producing Muslim Children.

Biryani Jihad: The Moghul-inspired delicacy is being fed to Hindu men to induce sterility. Hindu men are advised not to eat Muslim-prepared Biryani for fear of not being able to have Hindu children.



Flood Jihad: Muslims being blamed for causing floods in India's north eastern states.

Population Jihad: Yet again, Muslims being blamed for causing a population explosion in the country.

Spit Jihad: The threat of spreading targeted diseases via sputum. This particular narrative took hold post-COVID.

The natural acts of falling in Love, procreating, eating food and even removing oral waste have been weaponised against the Muslim community.

Attacking dress

The freedom to wear what one likes has been severely infringed upon in the previous year. This infringement has been particular; the sole targets are young Muslim women or Muslim women in education. The attacks have been physically threatening, but the underlying sinister motive is far-reaching. They essentially want to

deprive women of education, thereby stripping a nation of its future.

Demolishing homes

State-sanctioned bulldozing of homes, of both Muslim and Dalits, has been a worrying yet frequent feature in the past year. Entire localities have been erased to the ground on, at best, a flimsy pretext of individuals living in these localities engaging in anti-Hindu sloganeering or any other anti-Hindu activity. The devastation of this destruction is further enhanced by the expediency with which these actions were undertaken, in many cases with no prior warning to the unsuspecting victims to salvage any of their meagre belongings.

Duties over rights

The unified message from the state and its machinery, including the media, has been of individual duty, superseding individual rights. This directly contradicts the Indian constitution,

which does not recognise such a notion. The idea is beginning to take hold that ordinary citizens should not demand rights as they are more obliged to execute their 'duties'.

Spreading fear

The number of hate crimes committed against minorities in modern-day India runs well into the hundreds of thousand. In its limited capacity and resources, JEM has verified a total of 507 cases (including online reported cases, location not verifiable). It must be emphasised that each case is far greater than the isolated incident it represents. Fear and polarisation ensure each crime is multiplied, magnified and mirrored across the nation; with social media spreading the news like a forest fire, these stories serve multiple purposes, including creating fear and panic amongst

the minorities, emboldening the far right and arguably most importantly warning the majority Hindu populous that if left unchecked they (Hindus) will again be subjugated by alien and minority forces (Muslims).

Hope

Despite the axis between the government, far-right groups and the media to propagate their vision of a 'Hindu Rashtra' by any means necessary, it is heartening to see the diverse and mainly tolerant Indian populace rejecting their message. In the last general elections, only 33% of the population voted for the ruling BJP party; for those that did, we do not know their primary motive for doing so. As we advance, we must ensure that this 33% is not utilised to divide and ultimately destroy our wonderful nation.



2022: At A Glance

The first quarter of 2022, saw a relative decrease in targeted anti-Muslim Hate Crimes, but it saw an increase in Hate Speech made by the right-wing extremist leaders against Indian Muslims, Christians and Dalits. The rising tide of targeted multi-pronged violent attacks continued on the Muslim community, and it also took new overt forms of direct and indirect violence, discrimination, exclusion and dehumanisation.

The past year started on an ominous note for many Indian Muslim women, who woke up on the first day of the new year to find their profiles listed for an 'online auction' at 'Bulli Bai' on the open-source platform GitHub. Photographs of more than 100 Muslim women including several journalists, scholars, activists and politicians were displayed on the app for auction as 'Bulli Bai' of the day.

These auctions displayed the moral degradation of some of the Indian public and betrayal of its constitutional values. But no stern action was taken,

against such rampant Islamophobic, misogynist and communal targeting by the authorities. Some alleged low-level perpetrators got arrested but they were released soon.

In the first month of the new year, six female Muslim students staged a weeks-long protest after they were told to either remove their Hijab (headscarves) or stop attending class at a government college in the Udupi district of Karnataka.

The right to freedom of religion of Muslim girls was violated and denied by educational institutions, which chose to impose a ban on Hijab, as the Karnataka state government directed schools and colleges to impose a ban on 'Hijab'. This illegal and unconstitutional ban was challenged in the state's High Court, but the court upheld the Karnataka government's ban order. These girls were even not allowed to appear for their final exams.

In the same time period, hate propaganda and incitement against minorities scaled a new high with the

release of the movie - *Kashmir Files*. The movie based on the exodus of Kashmiri Pandits from Srinagar and other parts of Kashmir to mainland India, during the 1990s, provided communal fodder to right-wing extremist leaders and organisations for further peddling the false and misleading narrative against Muslims.

The right-wing elements launched a 'Biryanis Jihad' campaign against Muslims, which claimed that eating Biryani causes infertility and it is a conspiracy against Hindus, especially the unmarried Hindus are the prime target.

On the positive side, Yati Narsinghanand, who has a history of giving Hate Speeches and inciting violence against Muslims, was arrested on 15th January 2022 by the Haridwar police in two separate cases, one for hate speech against Muslims and the other for his derogatory remarks against women made in August 2021, saying "The women you see in politics have or had been mistresses of at least one male politician."

What is 'Bulli Bai', the controversial app targeting Muslim women on social media?

India News

Published on Jan 02, 2022 09:48 AM IST

The app was allegedly found auctioning pictures of Muslim women, months after some unidentified persons created a similar app 'Sulli Deals' where photographs of hundreds of Muslim women were uploaded and auctioned.



Union IT minister Ashwini Vaishnaw informed that GitHub has confirmed blocking the user on Saturday morning (HT)

However, he was released on bail on 16th February, just a month after his arrest, and to date he continues spewing venom through his Hate Speeches.

Shortly after the *Dharm Sansad* in December 2021 where the Hindu Raksha Sena president Swami Prabodhanand Giri had called on the police and army to conduct a 'cleaning drive' (safai abhiyan) like Myanmar, he repeated his call at two more events. The first of these events was in Haridwar on 1st January 2022 and the second in Ghaziabad, the next day i.e 2nd January.

Addressing a crowd of mostly women in Haridwar, Giri said, "The way Myanmar had to pick up weapons to defend itself, Hindus must also pick up weapons and take action to defend themselves. Hindus should keep weapons in their homes in order to "kill



jihadis before they come to kill you,” he said.

Narsinghanand also spoke at the 1st January gathering in Haridwar where he called upon Hindu women to “produce more kids”, saying those who had one child were “snakes”.

In Ghaziabad, Giri said, “We will stand up against each ‘jihadi’ of India and will work towards cleaning them.”

Prabodhanand was giving a call for a “cleansing drive” like that of Rohingya Muslims in Myanmar thrice within a span of 15 days.

While Narsinghanand and Tyagi were in jail, other Hindu religious leaders gathered in Uttar Pradesh’s Prayagraj for a ‘Sant Sammelan Against Islamic Jihad and for the Creation of Hindu Rashtra’ on 29th January 2022. There were calls for violence, to pick up arms, to attack mosques and madrassas at this event where a resolution to declare India a ‘Hindu Rashtra’ was passed.

“One eye of the jihadi cat which needs to be attacked are masjids and madrassas, and the other eye are maulvis and mullahs, who are the ones responsible for creating jihadis,” Giri said.

This was the fourth instance of Giri giving a Hate Speech and calling for violence,

within a span of 40 days. The others were the Haridwar Dharm Sansad on 17-19 December 2021, the religious congregation in Haridwar on 1st January 2022, and the felicitation event for Prabodhanand in Ghaziabad on 2nd January 2022.

The shankaracharya of the Sumeru Matha in Varanasi Swami Narendranand Saraswati gave a call to kill “anti-national people”, saying, “Pick up weapons and go and stop anti-national people. Stop them, scold them, and if they don’t listen, kill them.”

Another Haridwar Dharm Sansad speaker and head of a Hindutva outfit ‘Kali Sena’ Anand Swaroop said, “If non-violence doesn’t get us to our goal, then we should take up violence.”

Swaroop threatened violence if Narsinghanand and Tyagi were not released within a week and threatened action like that of the “Bhagat Singh Assembly Bomb case”. This statement makes it evident that these right-wing elements used people and places to their advantage, though their past doesn’t provide any instance if they were associated with these people. Using our freedom fighters and other national heroes to their advantage has become a new tool in their hands.

A complaint was filed against the organisers and speakers of the Sant Sammelan at the Hazratganj police station in Lucknow seeking immediate action. But no FIR was registered.

“Nothing was done by the police of UP on our complaint. I tried to pursue it but all my attempts proved futile,” said Rooprekha Verma, one of the complainants and a former vice-chancellor of the Lucknow University.

While Narsinghanand and Tyagi were in jail, two other religious events were organised in Haridwar and Aligarh.

At Haridwar’s Sarvanand Ghat on 16th January 2022, Dharm Sansad (Religious Parliament) speaker and Kali Sena chief Anand Swaroop while addressing a “revenge meet” to protest against the arrests of Narsinghanand and Tyagi asked, “After the partition of India, what right do believers of Islam have to live in India? They have their own Islamic Republic of Pakistan,” and said that Dharm Sansads won’t stop until “Islam is finished”.

Another such protest meet was organised by Haridwar Dharm Sansad speaker and the mahamandaleshwar of Niranjani Akhada, Annapurna Bharti,

also known as Pooja Shakun Pandey in Aligarh on 16th January 2022.

The BJP MLA from Aligarh district’s Koil constituency Anil Parashar went to this event and sought blessings from Bharti, who had given a call to “eliminate their population” meaning Muslims, at the Haridwar Dharm Sansad and repeated her call saying, “We will definitely kill those who speak against our religion and our Hindustan” on a *Times Now* debate.

The Save India Foundation president Preet Singh who was out on bail in the August 2021 Jantar Mantar hate speech case, organised another hate event in Delhi’s Burari ground on 3rd April 2022.

The event known as the ‘Hindu Mahapanchayat’ was organised to demand Uniform Civil Code, population control law, law against religious conversions and had the support of 108 Hindu organisations including the Hindu Army president Sushil Tiwari and the Hindu Raksha Dal president Pinky Chaudhary - both out on bail in the Jantar Mantar hate speech case.

The event was addressed by Narsinghanand, who was granted bail in the Haridwar Dharm Sansad



'Prayer hall at platform a threat to the national security': Right wing group writes to rly officials

India News

Published on Feb 01, 2022 12:22 AM IST

Right-wing organisation Hindu Janajagruti Samiti (HJS) on Monday wrote to the Indian Railways regarding a Muslim prayer hall at the Krantiveera Sangolli Rayanna (KSR) Railway Station (Bengaluru central), calling it a 'threat to national security'



A senior railway official, pleading anonymity, said that they have received the letter from the organisation but the claims made by them are unsubstantiated. (Agencies)

equal rights and that Indian Muslims should get the same rights as Hindus in Pakistan. (The preamble of the Constitution of Pakistan says, "Pakistan would be a democratic state based on Islamic principles of social justice". It also

hate speech case with the instructions specifying his condition: "The accused is ordered to submit an undertaking before the learned magistrate that after this (bail) order he won't give speeches that would spread hatred in the society and would disturb communal harmony, neither will he be part of any such events whose aim would be to promote enmity between different groups and to disturb the communal harmony."

Violating both these bail conditions, Narsinghanand gave a call for Hindus to pick up weapons, saying, "In 20 years, 40% Hindus will be killed. If you want to change this, be a man. A man keeps weapons."

The event was also addressed by editor-in-chief of *Sudarshan News* Suresh Chavhanke who said that he is against

says, "Wherein adequate provision shall be made for the minorities freely to profess and practise their religions and develop their cultures.")

An FIR naming Narsinghanand, Preet Singh and Suresh Chavhanke was filed by Delhi Police invoking section 153A (promoting enmity between different groups) and Section 188 (disobedience to order duly promulgated by public servant) of the IPC.

The FIR stated that the Delhi Police denied the permission for the event but Preet Singh organised it without permission and that hate speeches were delivered against a specific religion.

However, the Delhi Police made no arrests, in this regard. A mob allegedly beat up seven journalists who went to cover this event. The Delhi Police said



Another ‘Hindu Mahapanchayat’ to decide “how to deal with terrorists, Rohingyas and Muslims who are a danger to Hindus”, scheduled for 27th April, was stopped before taking place after the Supreme Court said Uttarakhand’s chief secretary, home secretary and the inspector general of police would be held responsible if any “untoward incident” happens at this event.

they have registered two cases against unknown persons in relation to the manhandling and assault on journalists.

In a second FIR, Delhi Police also booked independent journalist Meer Faisal, who was one of the journalists reportedly attacked, and news portal Article 14 for their tweets about the attack on journalists under Section 505 (2) (statements creating or promoting enmity, hatred or ill-will between classes) of the IPC.

Section 144 of the Code of Criminal Procedure, 1973 (CrPC) was imposed in Roorkee. The main organiser, Kali Sena chief Anand Swaroop, who had threatened a day before of consequences if section 144 is imposed, was put under preventive detention.

Another organiser of this mahapanchayat and state convenor of Kali Sena, Dinesh Anand Bharti also known as Sagar Sindhu Maharaj was arrested



on 27th April 2022 in connection with his speech at the Haridwar Dharm Sansad in December 2021 where he had given a call for Hindus to pick up weapons. This was the third arrest in the Haridwar Dharm Sansad case. Bharti was granted bail by the Uttarakhand High Court on 19th May 2022.

On 18th April 2022, Bharti, while addressing his supporters, called Muslims “modern day demons” and gave an ultimatum of two days to the Uttarakhand Police to arrest the imam of the mosque from which they claim an announcement was made to attack the Hanuman Jayanti procession on 16th April in Roorkee’s Dada Jalalpur village.

“People were taking out Shobha Yatra on Hanuman Jayanti when the modern day demons, who are known as Muslims tried to stop it,” he said.

On 20th April 2022, Bharti organised a protest meeting with his supporters demanding the arrest of the imam, and raised the slogan, “We will wake up Hindus. We will make Hindu Rashtra”.

At this protest meeting organised at the Bhagwanpur toll plaza, Kali Sena’s Haridwar city convenor Rajiv Joshi threatened violence against the

administration and said, “Kali Sena has trained soldiers all across the country. If our demands are not met, then our soldiers will enter the Bhagwanpur border and you (administration) won’t be able to stop us. If the administration does not bulldoze the houses of criminal Muslims, then after a week our protest will turn so violent that you won’t be able to control it.”

Another three-day ‘Dharm Sansad’ was organised in Himachal Pradesh’s Una from 17-19 April 2022, where an oath was administered to do weapons training and kill Muslims. Narsinghanand also addressed this hate event, violating his bail conditions for the second time within two weeks.

Narsinghanad stoked the fear of “rising Muslim population” and called upon Hindus to give birth to more kids.

Another Haridwar Dharm Sansad speaker Annapurna Bharti, while addressing the Una Dharm Sansad, said that she is proud of being called “Lady Godse”, and said, “if needed I can even shoot.”

She went on to administer an oath to the people to train themselves and their families to “use weapons”

'Hindutva Forces Responsible for Planting Saffron Flag on Top of Mosque': PUCL Bihar

Mohd. Imran Khan | 18 May 2022

India

The report observed that the actions of the Hindutva mob show that they attempted to make Muslims feel emasculated, hurt their religious sentiments, and provoke them to retaliate with violence.



Image Courtesy: NDTV

any caste or community or they will be liable to strong legal action”.

After 21 days on 10th May, the Uttarakhand Police registered an FIR under Section 153 A (promoting enmity between different groups) of the IPC against unnamed persons in relation to this Dharm Sansad. However, no arrests were made despite

to “kill vidharmis” (those who they think are against their religion) as per Hindu religious texts like the Gita and shashtras. “We won’t hesitate to even take someone’s life if he attacks our soul,” attendees said, repeating the oath with her.

Another speaker who introduced himself as Popin Arya from Delhi, asked Hindus to “make gangs” and carry out “targeted killings”.

On 18th April, the second day of the Una Dharm Sansad, Una Police served a notice that said, “The organisers must ensure that no remark is made against

clear calls for picking up weapons and indulging in violence against Muslims.

Narsinghanand violated his bail conditions for the third time within a month when he addressed the ‘Sanatan Sant Sammelan’ in Aligarh on 2nd May 2022.

In his speech, Narsinghanand called on Hindu women to give birth to more and more kids in order to protect their religion.

Another speaker Kalicharan Maharaj, who was arrested earlier for using abusive language against Mahatma Gandhi in Raipur Dharm Sansad on



25-26 December 2021, asked the crowd “who will Indian Muslims support if Modi ji declares war on Pakistan”.

Mahamandleshwar of Niranjani Akhada Annapurna Bharti also addressed this event and exhorted Hindu women to give birth to more children. The event was also attended by the Aligarh BJP MLA, Mrs Mukta Raja and former MLA Sanjeev Raja.

Aligarh district administration served notice to the organisers of this event for “violating the terms of permission” and for giving “inflammatory speeches against a particular community”. However, no FIR was registered in connection with the hate speeches made at this event.

On 1st May 2022, editor-in-chief of *Sudarshan News*, Suresh Chavhanke, administered an oath in Ambala to make India a “Hindu Rashtra”.

The event organised by the ‘Samajik Chetna Sangathan’ on the Uniform Civil Code, taking the oath to “make or take sacrifice to declare India a Hindu Rashtra”, was attended by Ambala’s BJP MLA Aseem Goel, also.

On 16th May 2022, members of different communities took out a protest march

in Ambala demanding action against Goel. Media reports suggest no FIR was registered in relation to this event.

Another hate event against which media reports suggest police did not take action was organised in Rohtak on 1st May 2022 by a prominent priest of the Niranjani Akhada, Raghvendra Bharti. The event known as ‘Sanatan Dharm Sabha’ was organised with an aim to declare India a “Hindu Nation” and demand “population control law”.

However, the Police stopped two hate events planned in Uttar Pradesh in the first week of May.

The first of them publicised as ‘Hindu Samagam’ was to be held on 3rd May 2022 in Ghaziabad. The event, which was organised by ‘Hindu Raksha Sena’, had the photos of its president Swami Prabodhanand Giri and Uttar Pradesh’s Chief Minister Yogi Adityanath on its poster.

DCP Central Noida said on Twitter that no permission was taken to organise the event or to use the CM’s photo on the event’s poster.

The Police said an FIR was registered against Praveen Chaudhary, vice president of Hindu Raksha Sena,

In UP's Jalaun, names of Babar & Aurangzeb inscribed on toilet walls; images surface

The incident came to light after some users clicked photographs of these toilets and posted on social media.



Published 8 months ago on May 23, 2022
By Newsroom Staff



and Rajkumar Chaudhary, the general secretary.

A day before the event on 2nd May, Prabodhanand said in a Facebook post that both of them were detained by the Uttar Pradesh Police till the next day to stop the event from taking place.

The other hate event, to be held on 8th May 2022 in Ghaziabad, was organised by Narsinghanand and was to be attended by other Hindutva leaders. At the event they were planning to distribute the Bhagvad Gita, as well as bows and arrows to the people was stopped by the UP police.

On 3rd May 2022, an event was organised by the 'Rashtriya Parshuram Parishad' at the Constitution Club, New Delhi, on the occasion of 'Parshuram Jayanti', a Hindu festival for the craftsmen and skilled artisans, where traditionally the workers worshipped their tools of trade, but in the current atmosphere a completely different connotation has been

given to this Hindu tradition.

Repeat offender Anand Swaroop featured as a speaker on the event's poster. The New Delhi Municipal Corporation's (NDMC) vice chairman and BJP leader Satish Upadhyay featured as the chief guest of the event on the poster. U.P.'s minister of state for labour and founder of the 'Rashtriya Parshuram Parishad', Sunil Bharala featured as the event's head organiser.

At the event, while talking to the media, Swaroop gave a call to free India of 'Islam' and 'Christianity' and said,



“Our country is free. Now we have to free it from Islam and Christianity. For this we have formed an army of youth called ‘Kali Sena’ which will fight a war.”

“When the people working for religion will come forward to fight against the Supreme Court then it will be good,” said Swaroop. He said that India would be declared a “Hindu Rashtra” in the next four years and saffron flags would be hoisted on every mosque.

A detailed overview of the events during the first and second quarter of 2022 has been given to show the repeat offenders, the administration and police’s response to these activities and also identify the key phrases used by them, which found an echo throughout the year.

In the third quarter of the year, the Hate Crimes and Islamophobia in India touched a new

low. It added new narratives and acts of bigotry, injustice and repression.

The idea of “instant justice” is not new to the Indian society. Mob-justice, mob-vigilantism, mob-lynching, extra-judicial killings and other similar forms of repression have always been there in one form or another. A new addition was made to the series in the form of “Bulldozer

Hindu Mahasabha leader booked in UP for demanding ban on Friday prayers of Muslims

The weekly congregational prayer is a threat to India’s peace, alleged Pooja Pandey.

Scroll Staff

Jun 07, 2022 · 03:45 pm

Updated Jun 07, 2022 · 04:00 pm



Akhil Bharat Hindu Mahasabha leader Pooja Shakun Pandey | Twitter/do_puja

Justice". Bulldozer Justice has become a new normal in India. In reality, the very idea of the Rule of Law, following a due process, of being treated as "innocent until proven guilty" has been turned upside down. Through Bulldozer Justice, instant justice is being served against the minorities of the country at the behest of the right-wing elements and organisations. Indian law does not give the right to anyone individual, organisation or even the local administration and Police officials to demolish the home of anyone accused of a crime, however, this is what is happening in India repeatedly, further this pattern has been repeatedly observed across BJP-ruled states. There is an absolute sense of impunity and arrogance amongst the majoritarian power, which seems to be driving this utter disregard for the rule of law and the

constitution of the country, with central dispensation keeping mum. However, a silver lining in this regard emerged when some state high courts questioned the legal validity of these unlawful actions by the local administrations and police officials in their state.

The Indian **EXPRESS** 6/7 **Karnataka: Bajrang Dal workers barge into hall, stop play** **'Play portrayed Muslims in Hindu hall'**

DARSHAN DEVAIAH B P
BENGALURU, JULY 5

BAJRANG DAL workers in Karnataka's Shivamogga district barged into an auditorium and stopped a play because it portrayed Muslim characters, a theatre group said.

Sridhar Achar, a Bajrang Dal activist from Shivamogga, admitted the play was stopped midway Sunday. He said Bajrang Dal activists were outraged over the play with Muslim characters being enacted on stage at the marriage hall "belonging to Veerashaiva Hindus".

Demanding strict action against the "miscreants", Congress leader and former CM Siddaramaiah termed the incident an "act of cultural terror-

ism by RSS.

The play, Jotegiruvanu Chandira, written by lyricist Jayant Kaikini, is a Kannada adaptation of Joseph Stein's 'Fiddler on the Roof'.

Kotrappa G Hiremagadi, a senior member of the Rangabelaku theatre group said the play had been going on for nearly two hours when the Bajrang Dal activists had it stopped.

A senior police officer in Anavatti police station told *The Indian Express* no case has been registered over the incident.

The show has now been rescheduled for Wednesday. Hiremagadi said the group has decided to invite local MLAs and the MP to watch the rescheduled show. Hiremagadi said the artistes will also be filing a police complaint.



“Instant justice” is not the way of any civilised society. The tendency of the law enforcement agencies to pronounce verdicts and dispense instant punishment, at the behest of right-wing individuals and organisations without following the due process of law, signals a erosion of basic democratic system in the country and makes a mockery of the country’s judicial system.

The demolitions in Delhi’s Jahangirpuri locality have stopped - for now. Thanks to the timely intervention of the highest court of the land, the Supreme Court, acting on the petition filed by Jamiat Ulama-i-Hind. But this “Bulldozer Justice” still rages on.

Unless the judiciary at the highest

level steps in to intervene, swiftly, firmly and decisively, the entire edifice of constitutional governance that has been so carefully and meticulously constructed ever since our independence, is likely to face credibility crisis soon.

We also strongly condemn the offensive and deeply insulting comments made by now suspended ruling BJP’s spokespersons about our beloved Prophet Muhammad (peace be upon him).

The last quarter of the year 2022 saw a total of 145 ‘Hate Crimes’ cases in India. Out of these 44 cases took place in October, 52 in November, and 49 cases in December.

The states leading in such cases were Uttar Pradesh, Karnataka and Madhya

MAADRASA DEMOLISHED } 'QAEDA LINKS'


HINDUSTAN TIMES

Assam a hotbed of Islamic fundamentalism: CM

Utpal Parashar
letters@hindustantimes.com

GUWAHATI: Assam has become a hotbed for Islamic fundamentalism and five modules with links to Al Qaeda in Indian Subcontinent (AQIS)-affiliated terror outfits in Bangladesh have been busted in the past four months, chief minister Himanta Biswa Sarma informed on Thursday.

“We busted five modules of Ansarullah Bangla Team (ABT), a banned terror outfit of Bangladesh with links to Al Qaeda in Indian Subcontinent, in the past



Himanta Biswa Sarma

four months,” Sarma said at a press conference.

The briefing was held after a madrasa run by a terror accused in Morigaon district was demolished by the district administra-

tion. The madrasa, which was scaled on July 28, was demolished under the provisions of the Disaster Management Act as well as Unlawful Activities Prevention Act (UAPA) as “it was constructed without permission from local authorities, had an illegal electricity connection and it was unsafe”, said Himanta.

Sarma said that according to available intelligence, at least six ABT members from Bangladesh had entered India illegally around 2016-2017 and have been creating terror modules and sleeper cells by indoctrinating

local youth in Assam.

“It has now been proved beyond doubt that Assam has become a hotbed for Islamic fundamentalism. Of the six ABT members, we have nabbed just one and five are absconding. So, you can imagine the gravity of the situation,” said the CM.

The Assam government has already closed nearly 800 government-run madrasas in the state and converted them to regular schools. According to government data, at present there are around 1,500 private madrasas in the state.



oldest Islamic seminary in India, and one TV channel even aired a completely biased show with vitriolic headlines and captions demonising the Darul Uloom. In addition, a spurt against Muslim

Pradesh in addition to a Hate Campaign being run Online through different social media platforms.

The use of Hate Speeches to sow the seeds of animosity and hatred against the minorities in the country dominated the narrative during this period. Another modus- operandi adopted to harass the Muslim community was the use of 'Bulldozer Politics'. The right-wing elements in power in different states instructed the local administration and police officials to launch a demolition drive against the Muslims and Dalits, without any apparent reason or giving advance notice to the residents, who were punished just due to their identity and was a clear act of their opponents enjoying the spoils of power. Also during the month, demands were raised to demolish Darul Uloom, Deoband, the

men who were caught offering Namaaz at open spaces by the Police in various states was also noticed.

Additionally, the period saw a continuation of the 'Love Jihad' narrative, rise in cases of atrocities against Dalits, but it would also be remembered as the one in which the home minister of India and a state chief minister indulged in 'hate speeches' against the Muslim community, the home minister even went to the extent of saying that after 2002, Muslims in Gujarat have not dared to raise their voice against those who taught them a lesson in 2002.

Meanwhile, the 'Love Jihad' narrative continued to dominate the news in the month of December, but the month also saw a sharp rise in cases of demolition of Muslim homes, violence against Dalits and Christians, and the Hindu populace



being urged by a controversial BJP MP to keep sharpened weapons at home in order to teach them (Muslims) a lesson, if needed. We also witnessed a large number of cases where the majority community's various organisations under different names conducted open armed training sessions for the participants, participants walking down the streets with arms and ammunitions in their hands and these programmes being held in various schools to poison the minds of young school goers against the minorities of the country. The point to be noted here is that if the minority communities resort to such activities then they are termed anti-national and booked under various laws of the land, which doesn't allow an individual to possess arms or conduct arms training for others. In all, the various activities of the right-wing elements during the period contributed a lot of spreading an atmosphere of hate and viciousness against the minorities of the country.

A critical review of the happenings of 2022, makes it clear that the right-wing elements had a very clear script of instigating hate against the minorities and Dalits, the characters to peddle these were identified in advance and they were supported by the political

HINDUSTAN TIMES
Locals storm, damage mosque in Ggm village

Debashish Karmakar
debashish.karmakar@hindustantimes.com

GURUGRAM: At least 20 unidentified suspects were booked for allegedly breaking into a mosque in Bhora Kalan village in Bilaspur, assaulting four Muslims offering prayers, and then locking the mosque from outside on Wednesday night, police said.

The suspects, three of whom were identified, fled soon after the incident. No arrest has been made as yet, they said.

According to police, apart from about 20,000 Hindus, there are six Muslim families — including extended relatives, they number about 500 — in the village. They offer prayers at the small 35-year-old mosque, and a tussle between Hindus and Muslims over the mosque has been going on for several years.

The assailants were all ostensibly Hindus, and among the sections invoked by the police is 295A (deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs).

According to police, the incident took place around 8.30pm on Wednesday. They said the suspects, who did not cover their faces, allegedly assaulted the people offering prayers at the mosque, forced them out, and then locked the mosque from outside before fleeing the area. Those praying managed to identify three of the suspects.

Police said the suspects were armed with sticks and rods, and they damaged chairs and other furniture in the mosque.

The village is about 8km from Pataudi, and 30km from Gurugram.



Damaged chairs at the mosque. HIT PHOTO

Investigators said a police team reached the spot within 30 minutes and broke the lock to reopen the mosque.

Police said the injured were identified as Umeed Khan (80), his brother Jaggi Khan (75), their nephews Nasir (22), who is also the imam of the mosque, and Aas Mohammad (30). Police said they sustained bruises in the assault and were rushed to the government hospital in Pataudi.

On a complaint by Nazar Mohammad (66), a retired army subedar and the brother of Jaggi and Umeed, an FIR was registered against Rajesh Chauhan alias Babba, Anil Bhadauria and Sanjay Vyas and other unidentified suspects at Bilaspur police station on Thursday.

Police said the complainant has alleged that, since 2013, a group of Hindu locals have been protesting against namaz at the mosque. "The matter reached the district administration at that time. We agreed not to keep any maulvi at the mosque and also to not allow anyone from outside the village to gather there or offer prayers. However, such an attack is a first," he said.

He also alleged that the miscreants frequently threatened them to leave the village.

"We have been living peacefully. We have always listened to what other villagers said but still we face such problems," he said.

Harinder Kumar, assistant commissioner of police (Pataudi), said police conducted raids on the houses of the three identified suspects, but could not find them. "All of them are on the run but we will arrest them soon," the ACP said, adding that some miscreants were trying to disrupt the peace by instigating disharmony between communities.

Inspector Ajay Kumar, station house officer of Bilaspur police station, said a meeting was held at the village with elderly people from both communities on Thursday to ensure that law and order was maintained. "Both sides have agreed to keep the peace," he said.



Gujarat and Rajasthan and their biggest supporter emerged to be the various social media platforms from where these elements continued to spew venom and post often fake videos and narratives, accompanied with inflammatory and misleading messages.

The year also saw a flurry of anti-Muslim activity on various social media platforms. The most wrongly used Arabic word in this activity was Jihad. It was linked to various acts

and administrative machinery and to a certain extent even the judiciary.

During the last year they took to the route of mobilising anti-Muslim sentiments against the Muslims using 'Hate Speeches' at religious functions organised by various Hindu outfits in every nook and corner of the country, but they focussed more on three to five key states like UP, MP, Karnataka,

and new coinages spread like wildfire, Jihad was manifested through, 'Love Jihad', 'Biryani Jihad', 'Flood Jihad', 'Population Jihad', 'Thook (spit) Jihad'.

In addition, a yearlong campaign against the Hijab (headscarves) continued, targeting the young Muslim students, apparently in an effort to force them to withdraw from educational institutions and thus remain illiterate.

Another tactic to intimidate the Muslims and Dalit communities was to start demolition drives against whole localities or a selected few. In this instance making a mockery of the judicial system, the affected families or communities were not given any advance notice of the demolition and the reason given for demolishing their homes were mostly flimsy. In most cases the local administration and the police justified the action as allegedly these peoples were involved in either raising anti-Hindu slogans or allegedly indulging in an anti-Hindu activity.

2022 saw a total of 560 cases of Hate Crimes against Muslims, Dalits and Christians in India. The number relates to those cases, which have been verified by JEM. The numbers of unverified cases run into thousands.

The point to be noted here is that though 560 may sound a small number in a country of more than a billion people. But we have to understand that the

spread of polarisation through these Hate Cases using the electronic and social media, affects the mindset of millions of people across the country. With the help of this narrative building the right-wing Hindu elements wanted to convey, and indeed they were able to convey and convince, the millions of Hindus across the country that they are under threat, because if the minorities are not shown their right place in the country, then they'll ultimately again rule over the Hindus.

Apparently, all these efforts are towards making India a 'Hindu Rashtra'. Through these campaigns right-wing Hindu organisations were trying to



create an atmosphere of hate and create animosity amongst the largest majority and minority communities. Though by and large the Indian populace is not ready to buy these tactics of the right-wing Hindu organisations. This fact is further buttressed by the fact that 67% of the voters didn't voted for the Bharatiya Janata Party in the country's last general elections. Yet, by focussing on just 33% of the voters the right-wing elements are hell bent on creating a vicious and poisonous atmosphere in the country.

To spread this hate narrative they have captured the majority of the media particularly the electronic media, which through various news channels continue to spew venom and create a false narrative against the minorities of the country. In addition these right-wing organisations have established IT cells

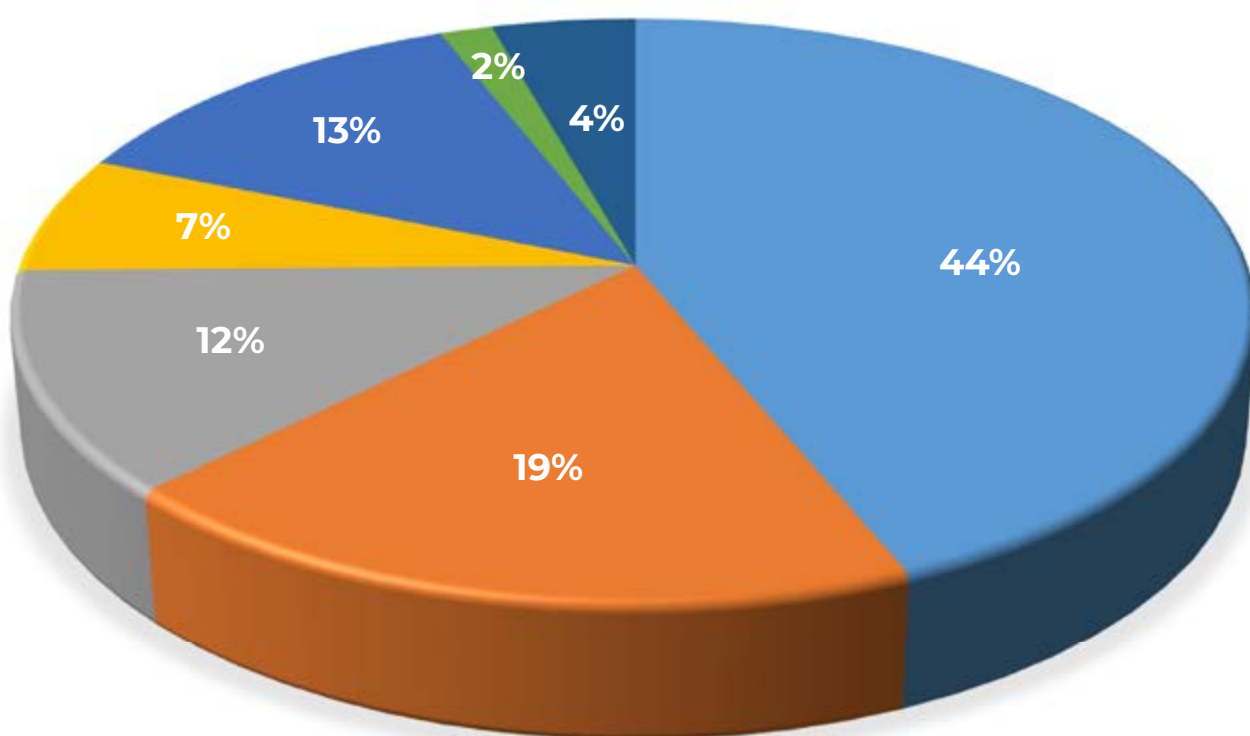
which pedal false news and incidents to further spread their hate narrative to polarise the country on communal lines. In addition, the media trolls of the right-wing Hindu organisations continued with harassing the sane voices through various social media platforms.

JEM's leadership on its part tried to raise these Hate Crime cases with the relevant authorities, by sending them letters asking them to take corrective legal and administrative actions. Director of JEM, Maulana Mahmood Madani, former-MP-RS sent 37 Letters to different state chief ministers, central home minister and police and administrative authorities. Only two letters were acknowledged or acted upon or a reply given by the relevant authorities, these replies could be termed as routine replies with no substantive action being taken.



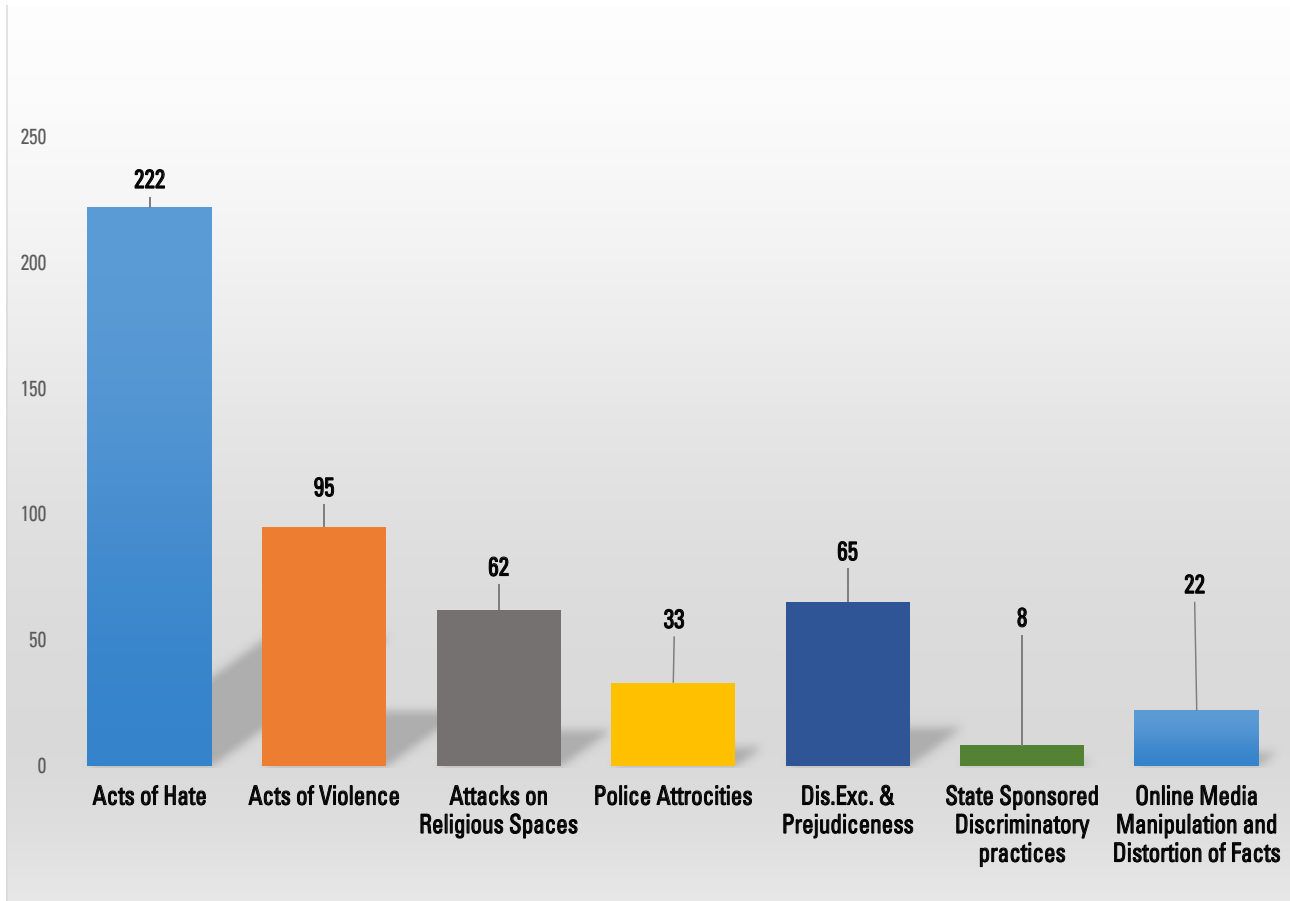
Statistically Speaking

507 Hate Crimes cases in various forms reported in 2022



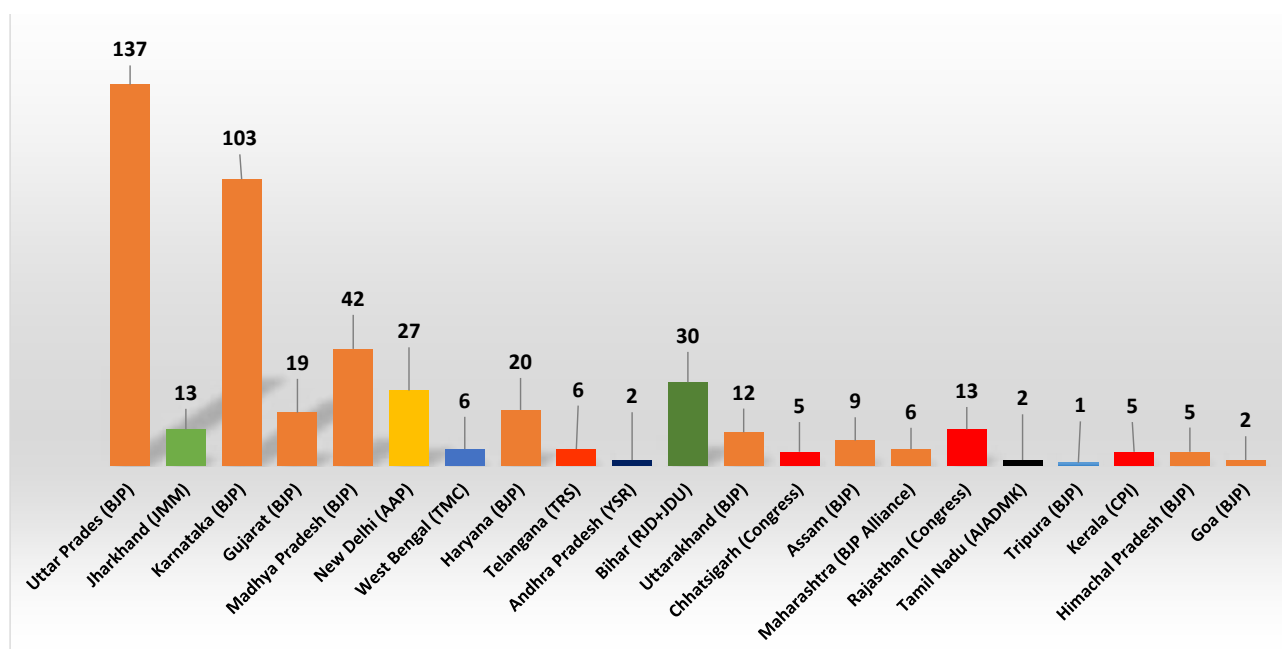
- Acts of Hate
- Acts of Violence
- Attacks on Religious Spaces
- Police Attrocities
- Dis. Exc. & Prejudiceness
- State Sponsored Discriminatory Practices
- Media Manipulation and Distortion of Facts

Category wise Hate Crimes cases against Minorities reported in 2022

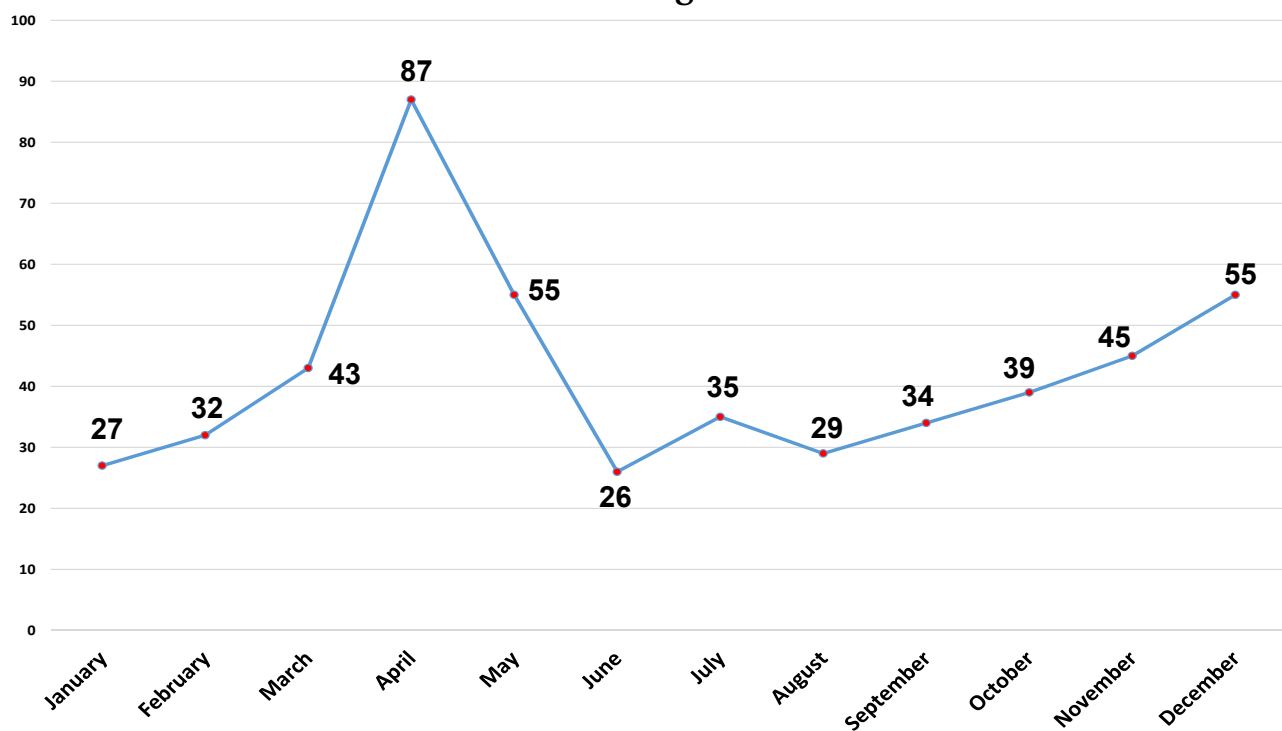




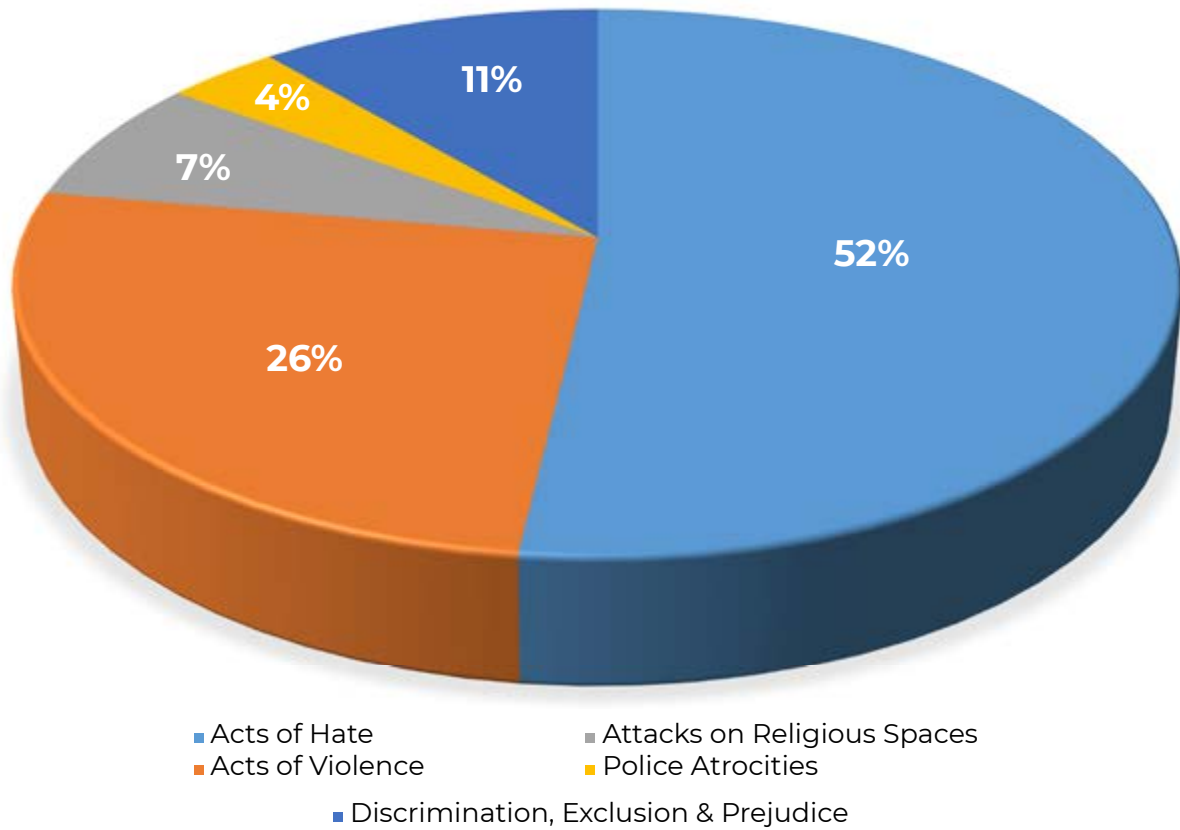
Statewise Hate Crimes cases against Minorities reported in 2022



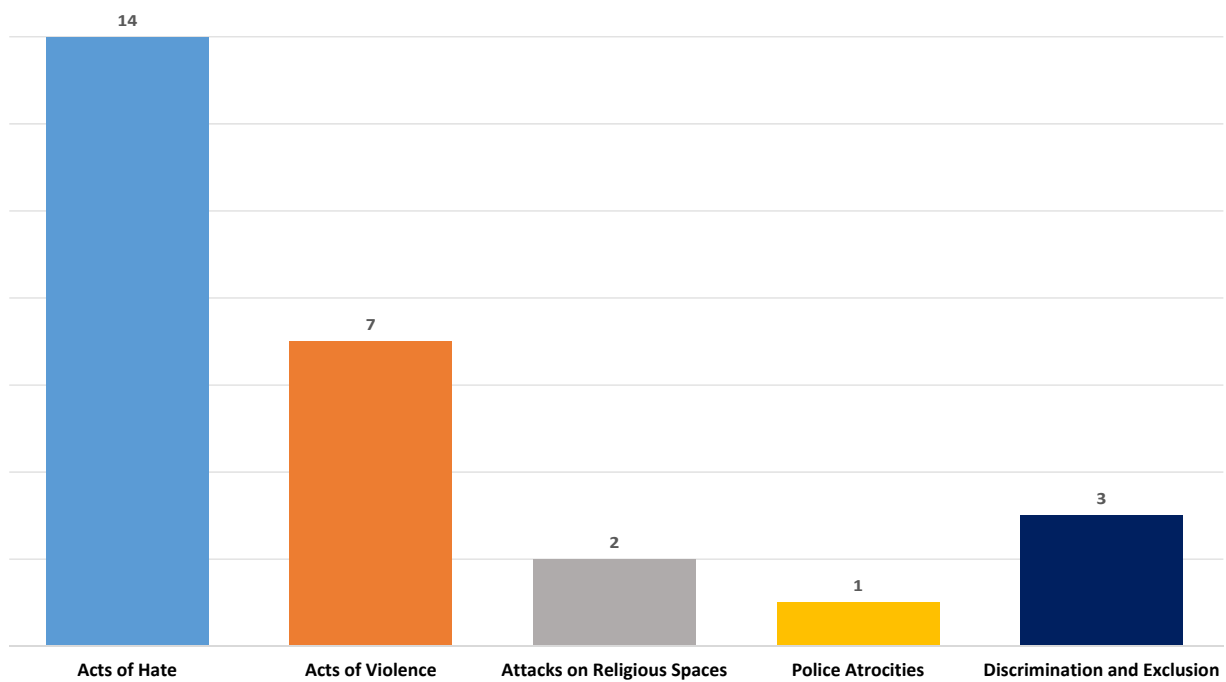
Trend of Hate Crime cases against Minorities in India



Hate Crime cases reported in January 2022

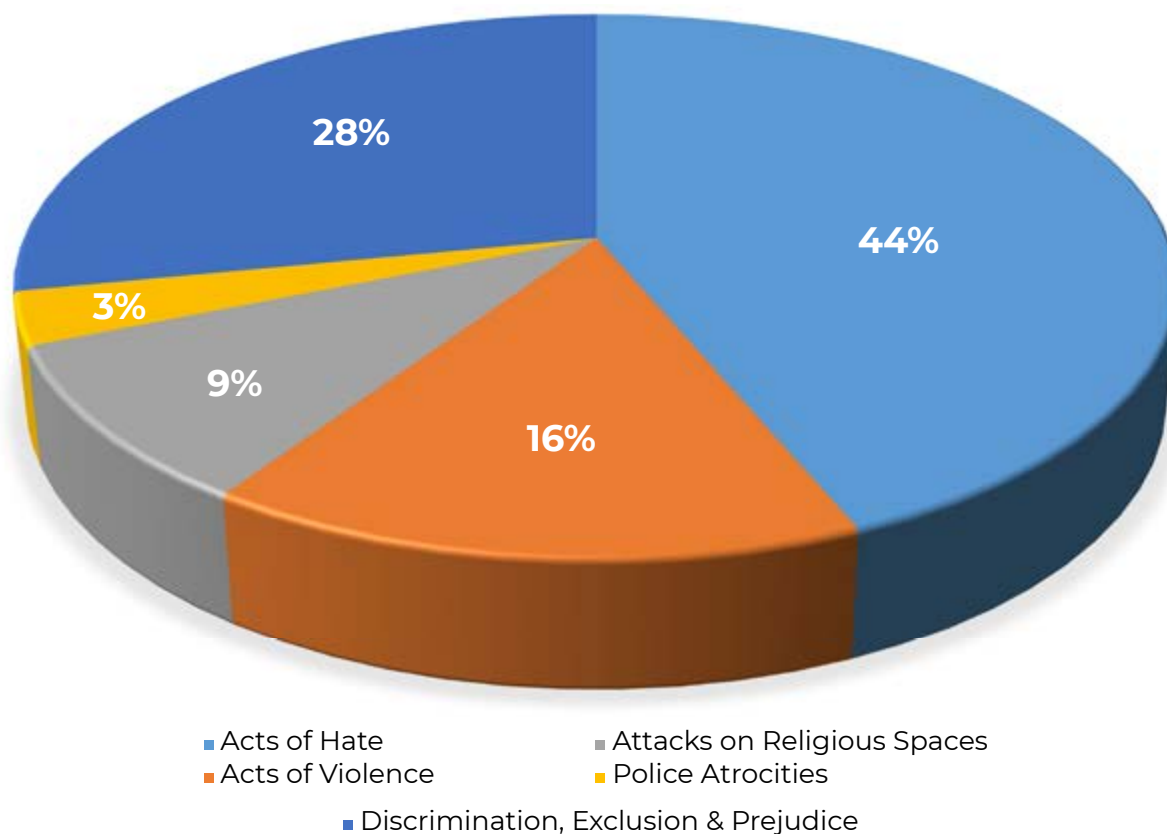


Hate Crime cases reported in January 2022

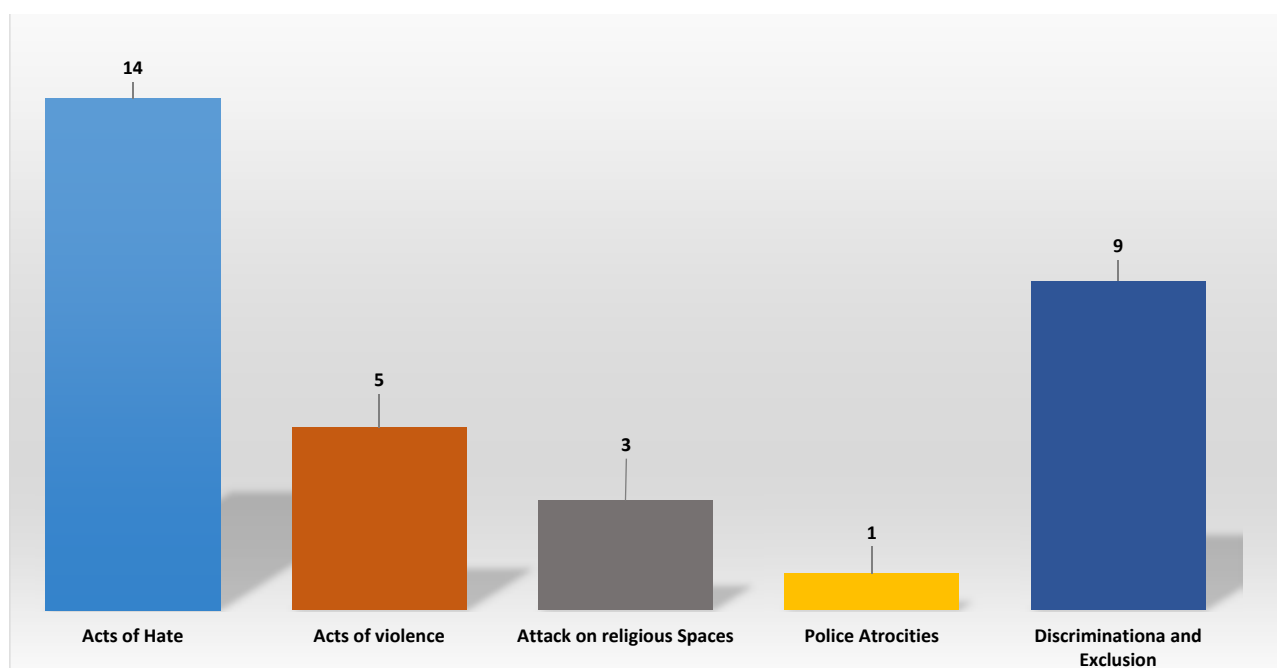




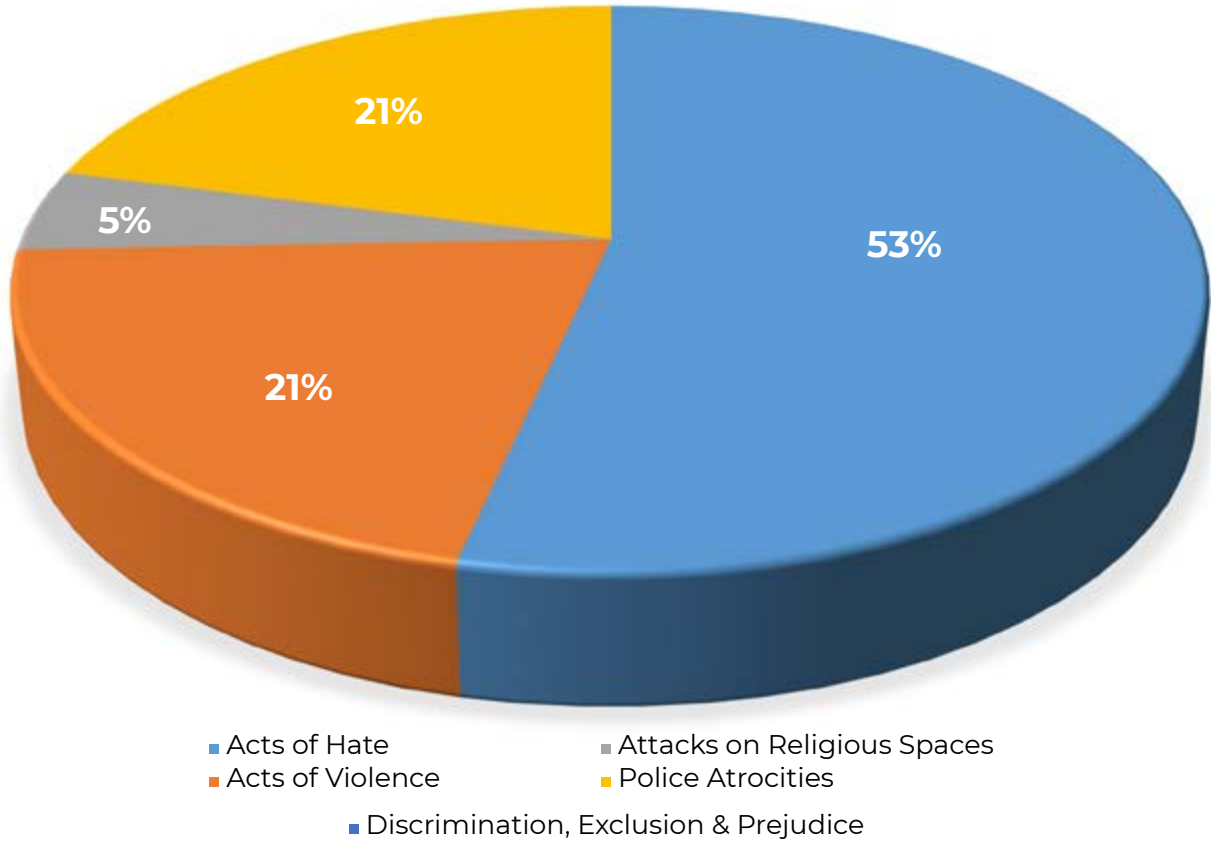
Hate Crime cases reported in February 2022



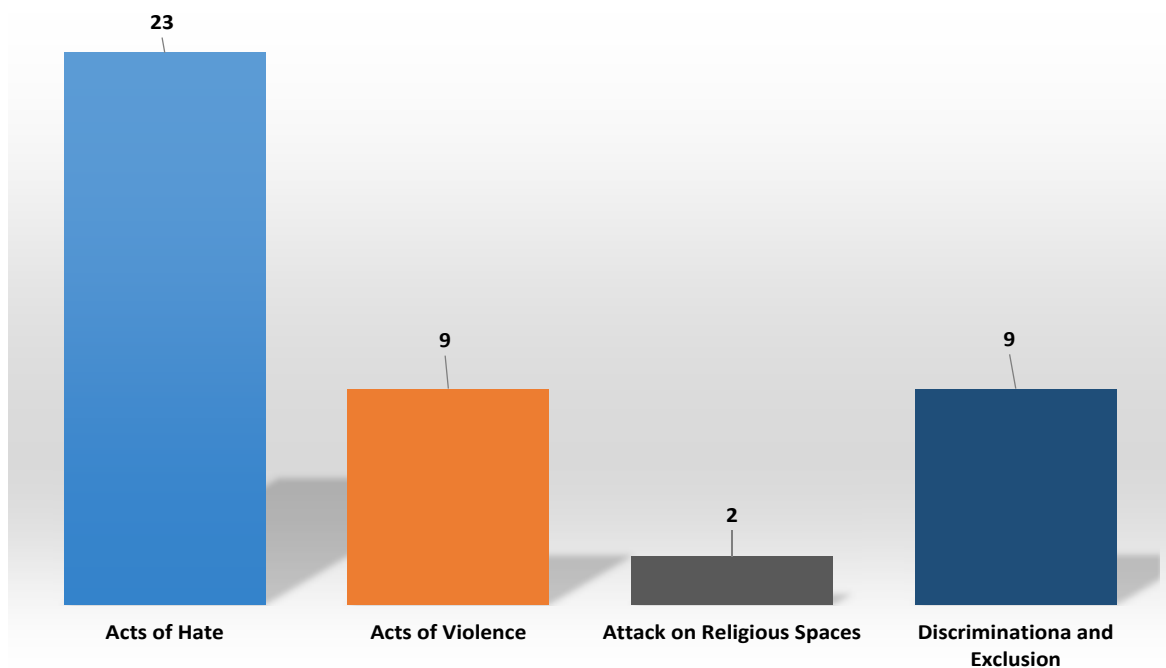
Hate Crime cases reported in February 2022



Hate Crime cases reported in March 2022

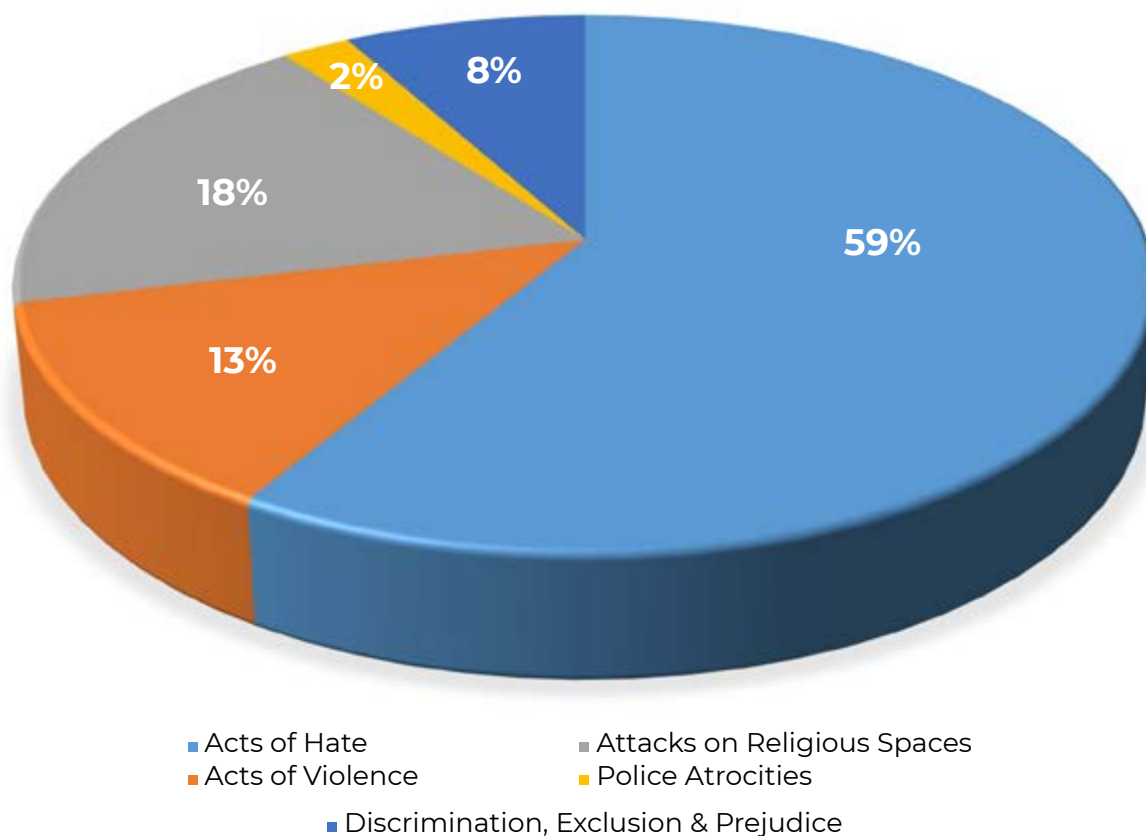


Hate Crime cases reported in March 2022

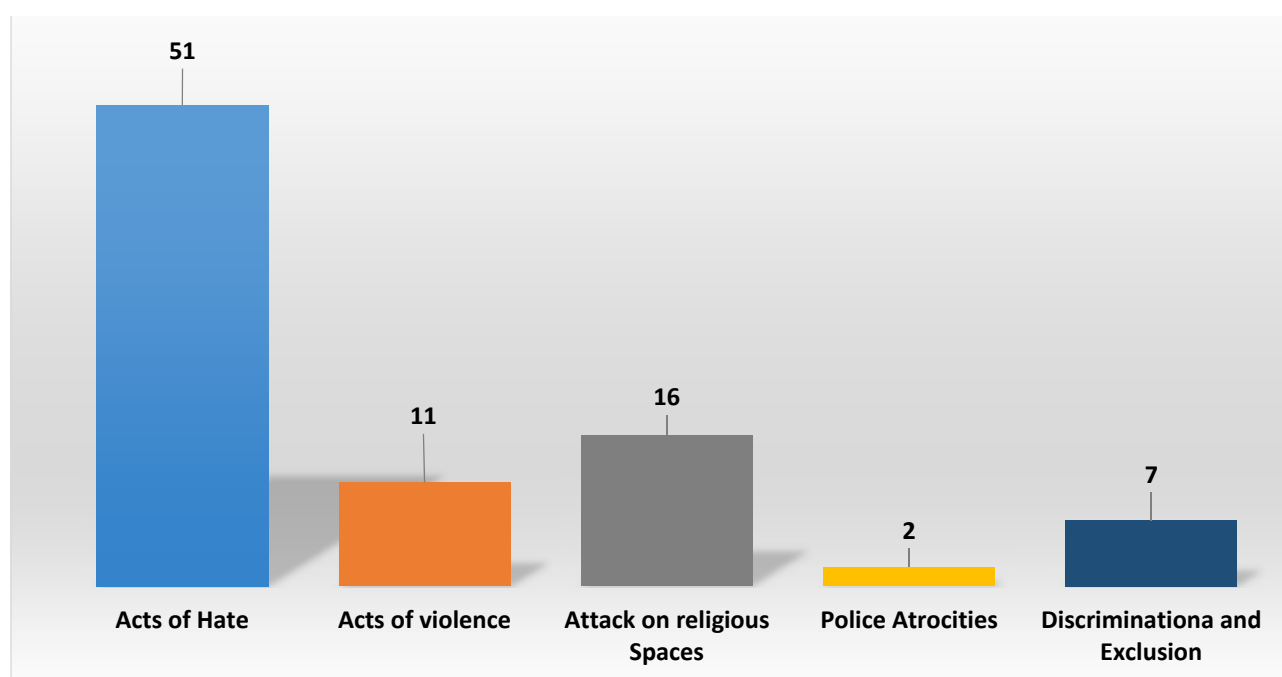




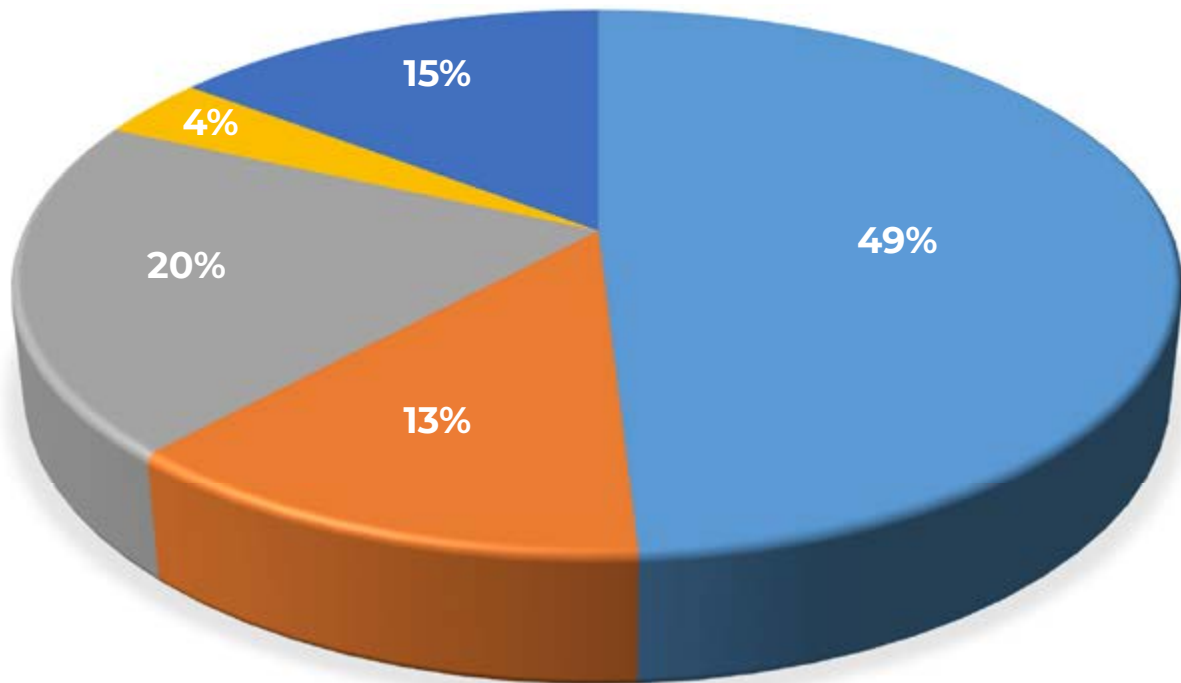
Hate Crime cases reported in April 2022



Hate Crime cases reported in April 2022

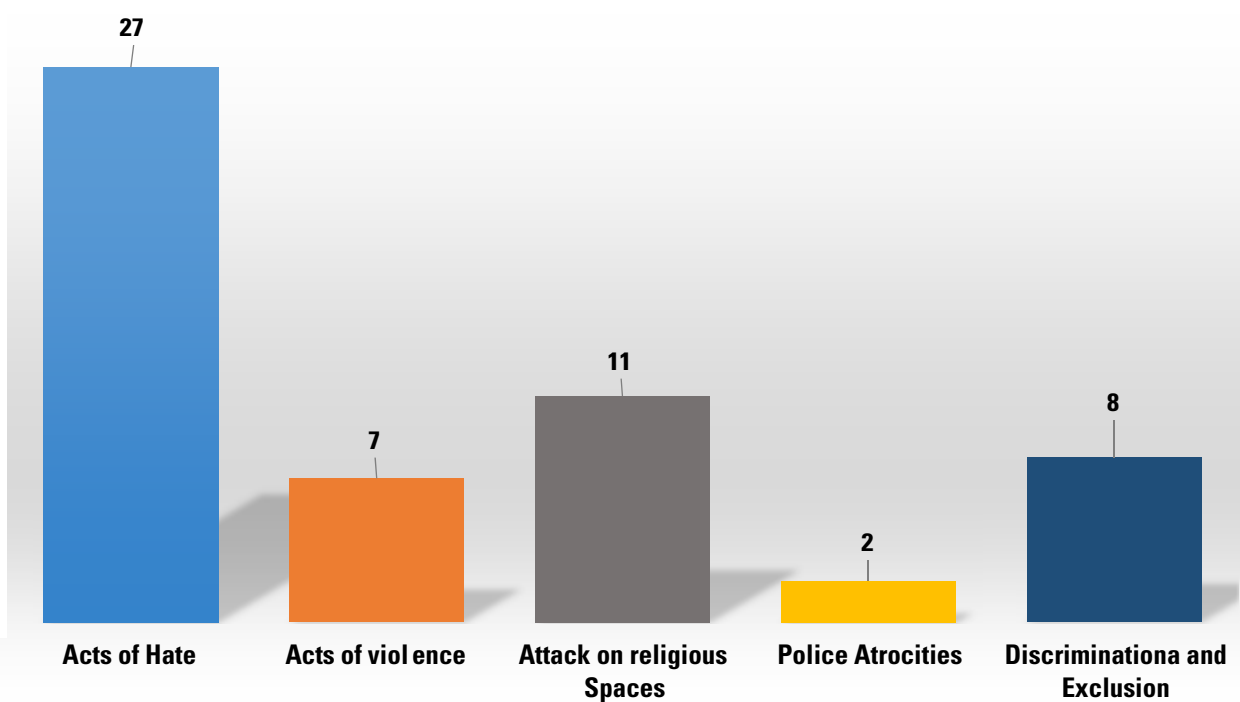


Hate Crime cases reported in May 2022



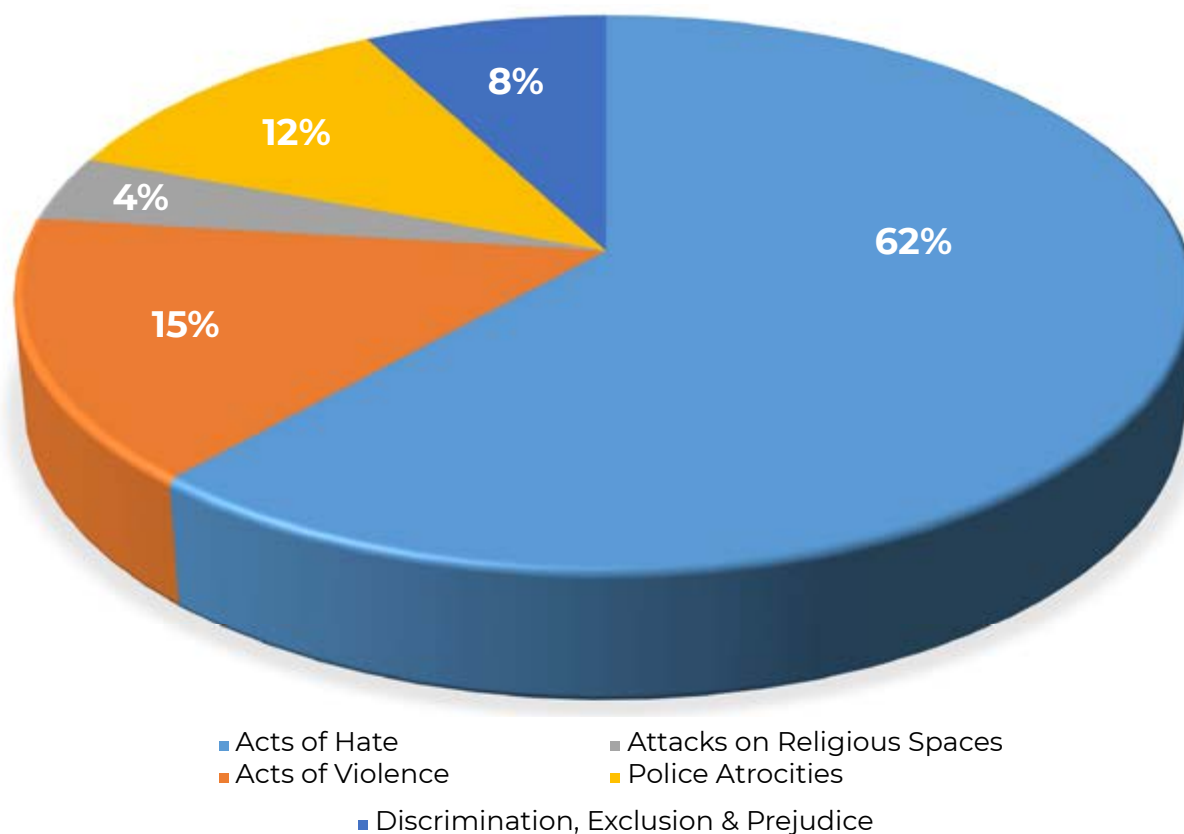
- Acts of Hate
- Acts of Violence
- Attacks on Religious Spaces
- Police Atrocities
- Discrimination, Exclusion & Prejudice

Hate Crime cases reported in May 2022

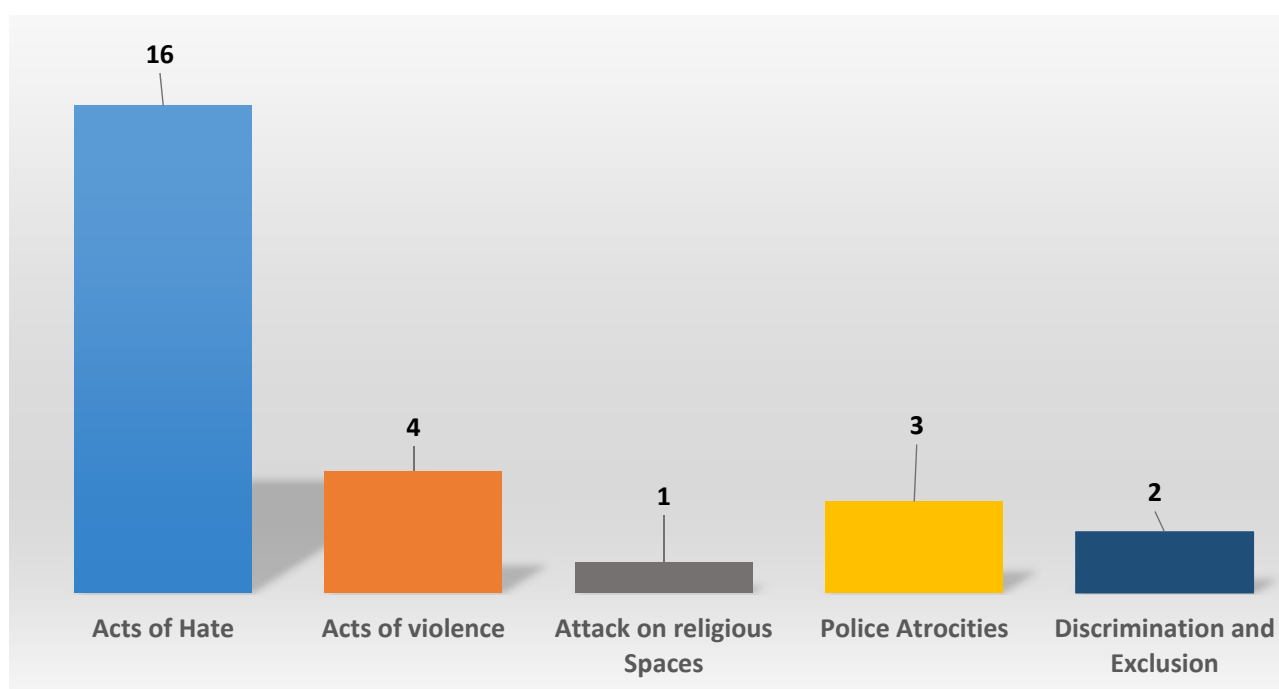




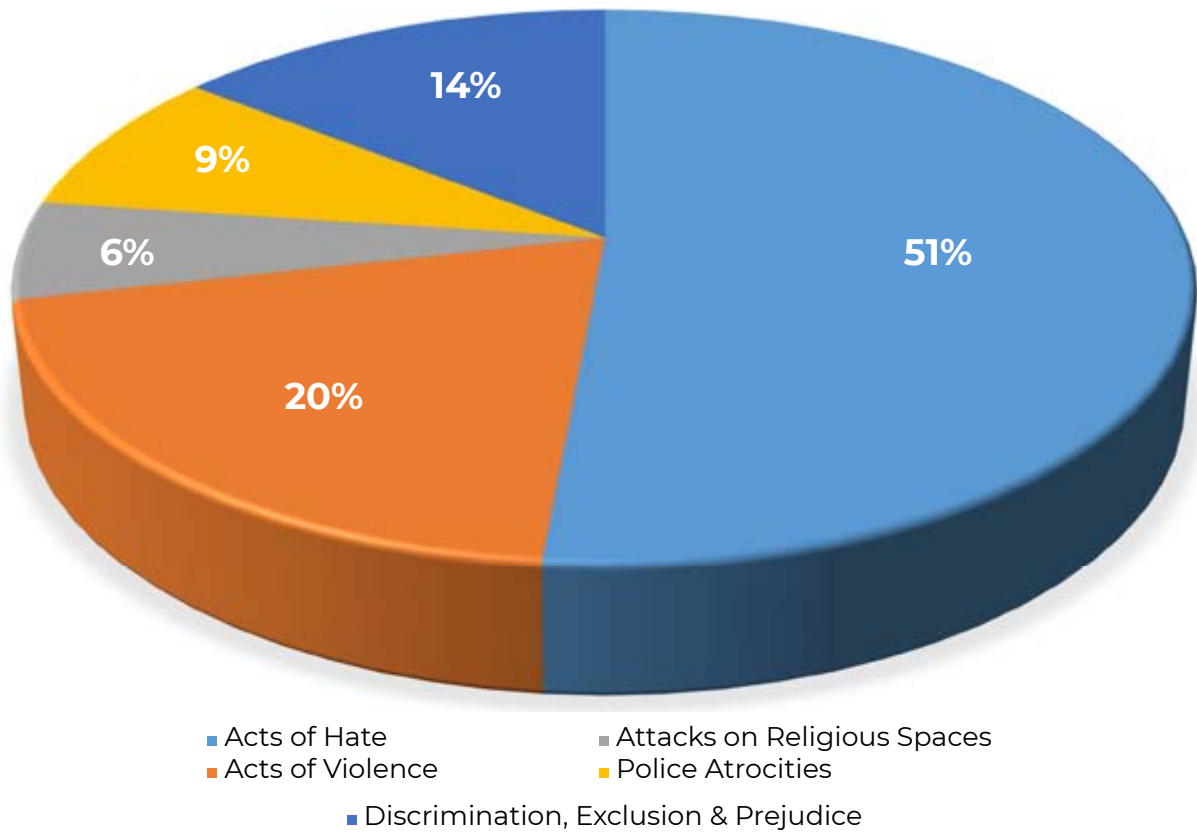
Hate Crime cases reported in June 2022



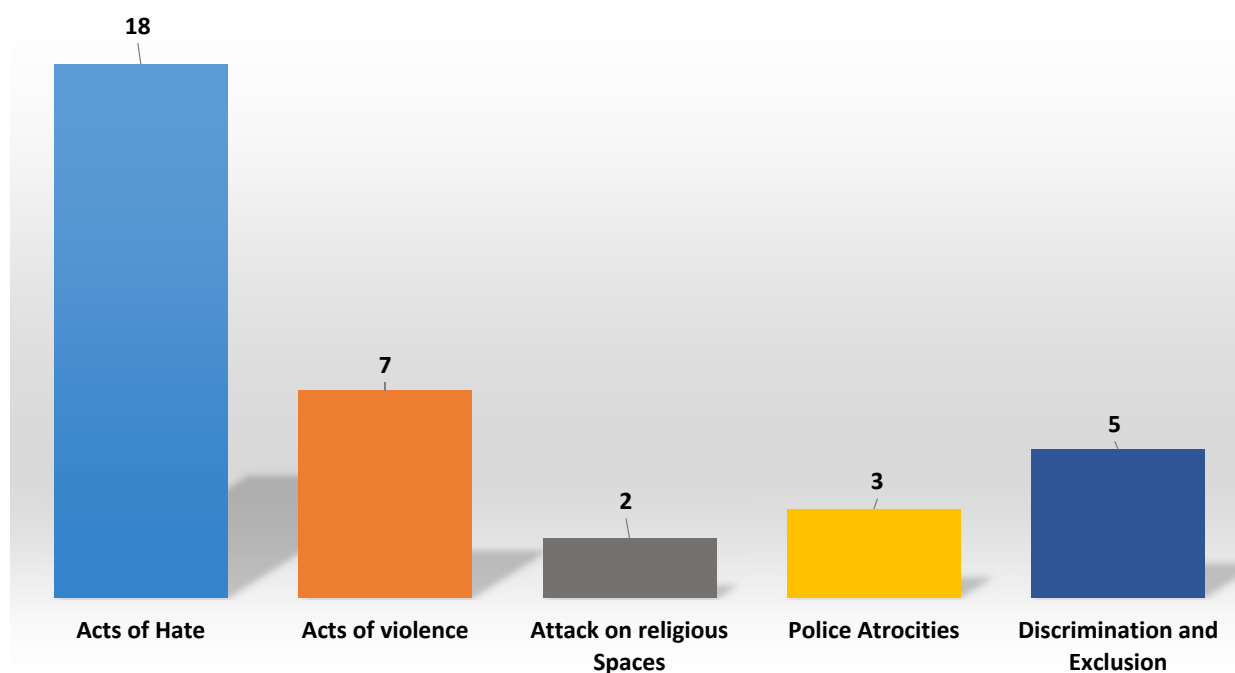
Hate Crime cases reported in June 2022



Hate Crime cases reported in July 2022

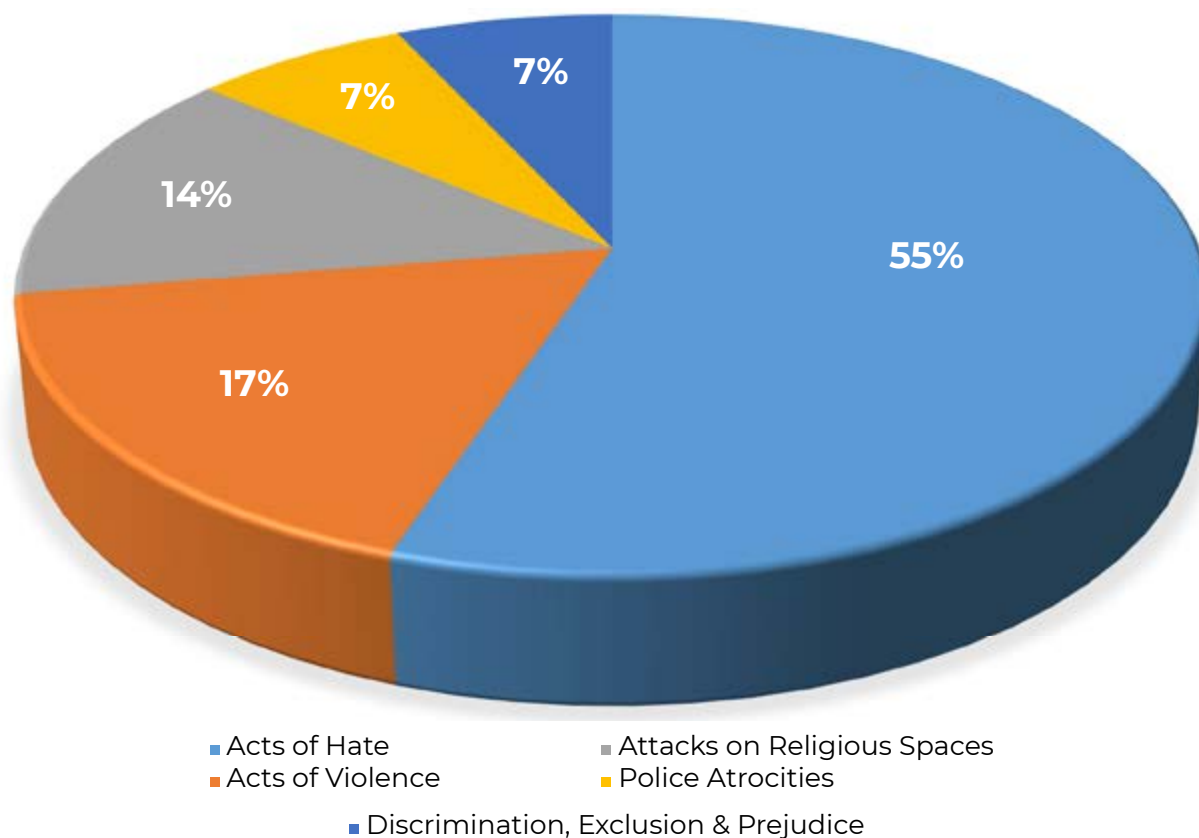


Hate Crime cases reported in July 2022

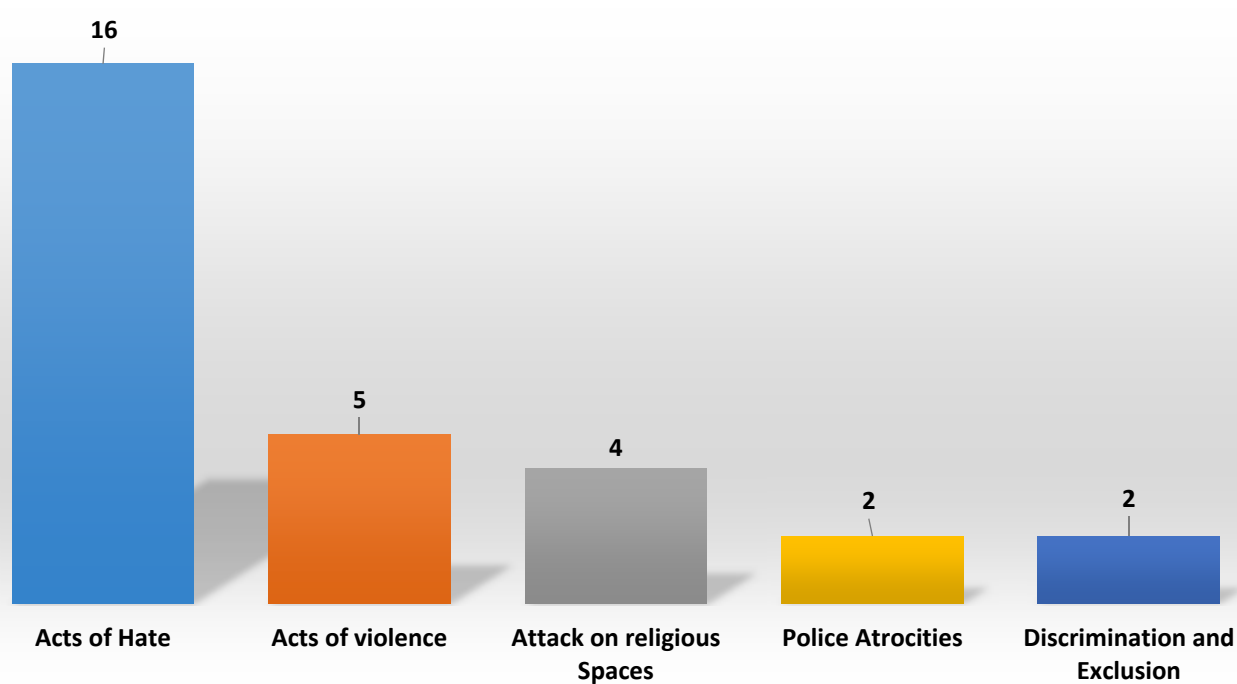




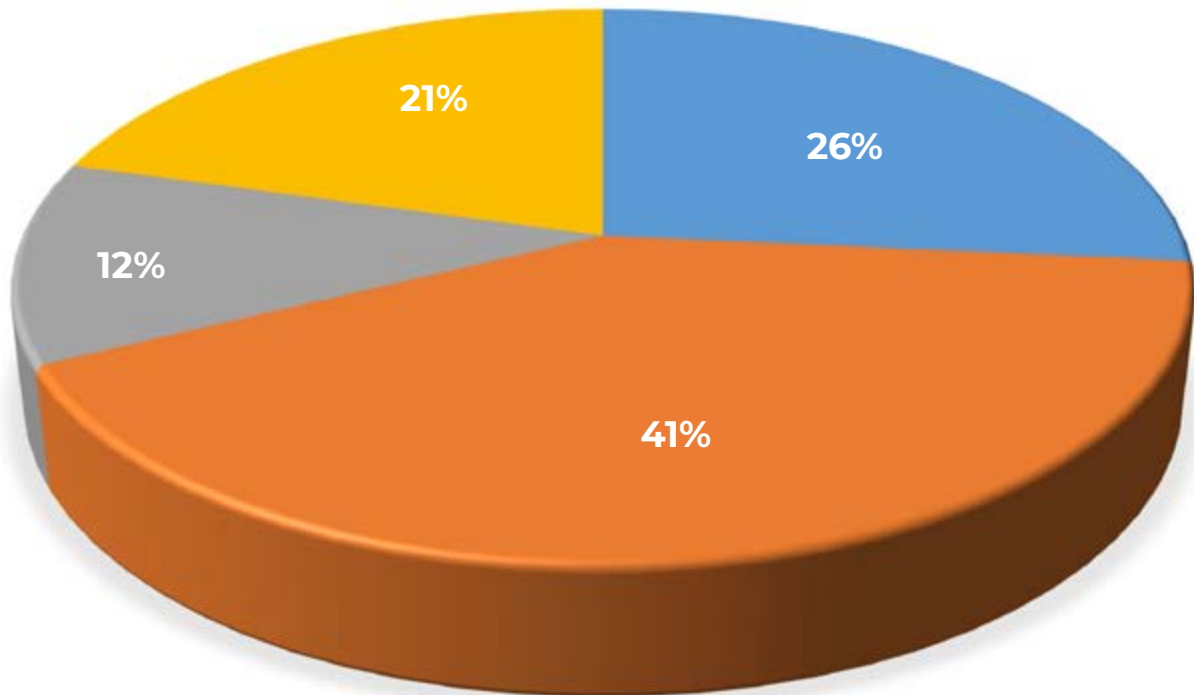
Hate Crime cases reported in August 2022



Hate Crime cases reported in August 2022

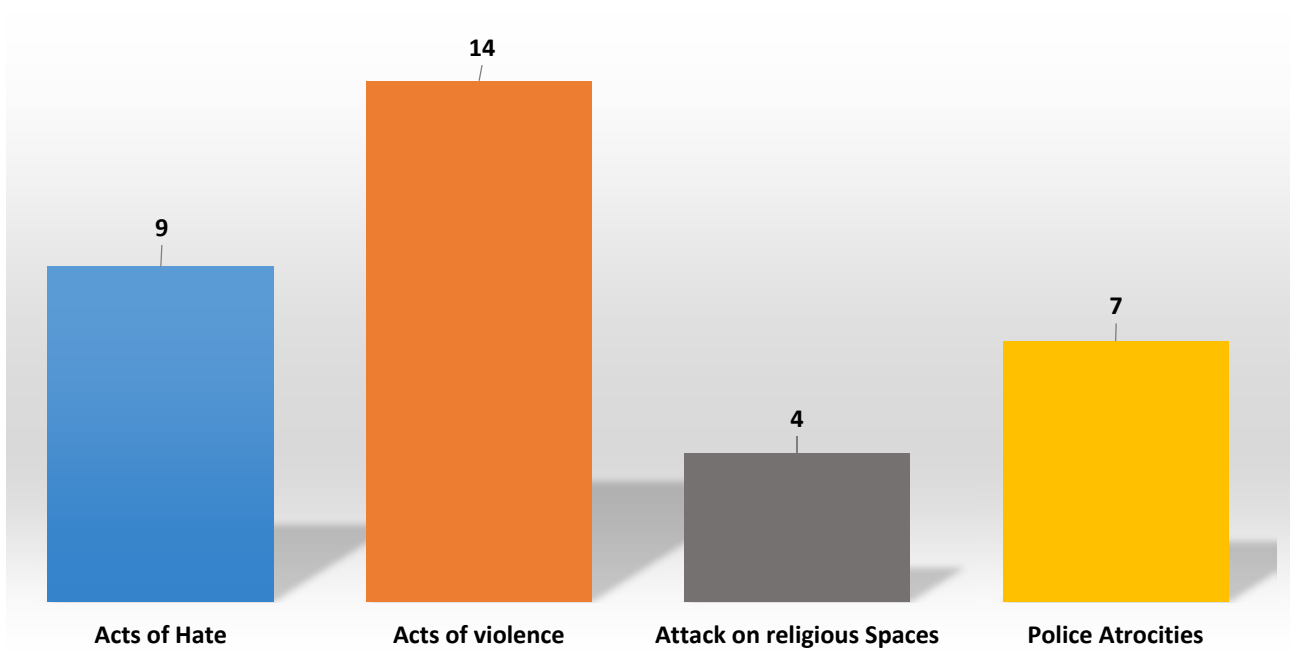


Hate Crime cases reported in September 2022



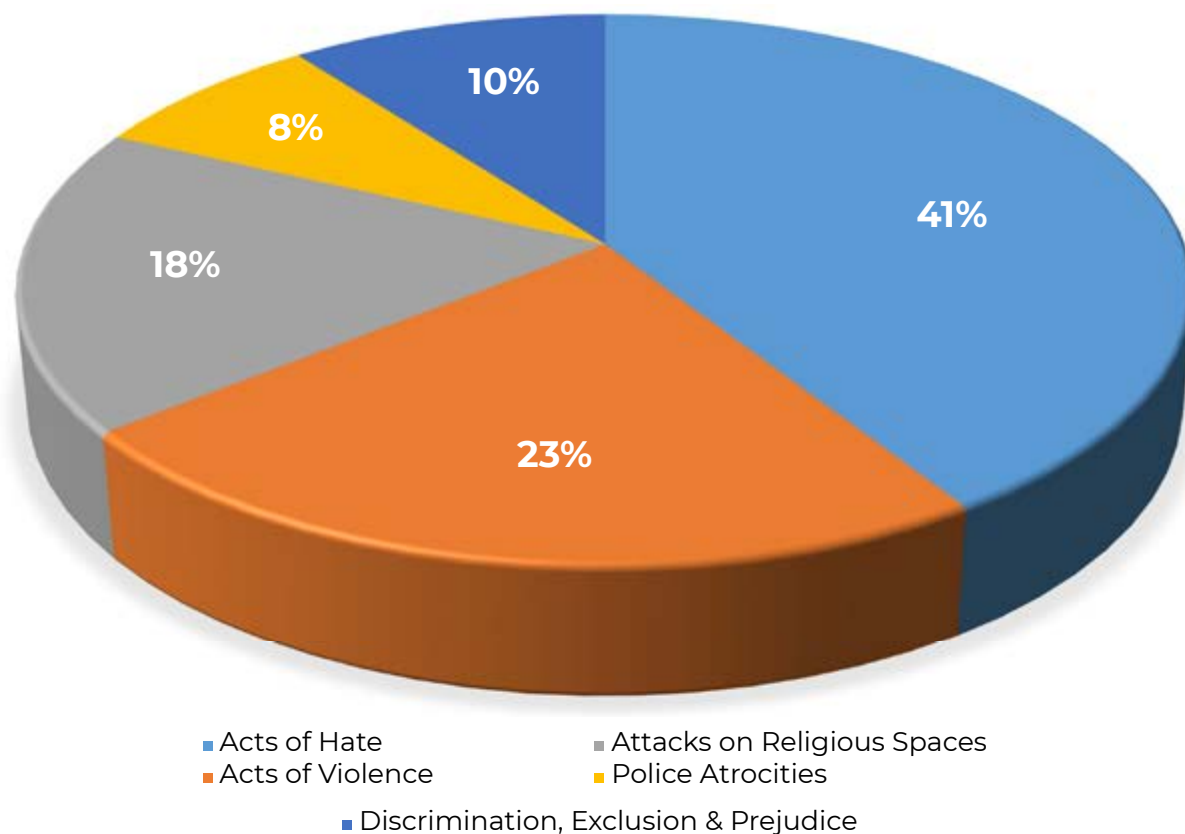
- Acts of Hate
- Acts of Violence
- Discrimination, Exclusion & Prejudice
- Attacks on Religious Spaces
- Police Atrocities

Hate Crime cases reported in September 2022

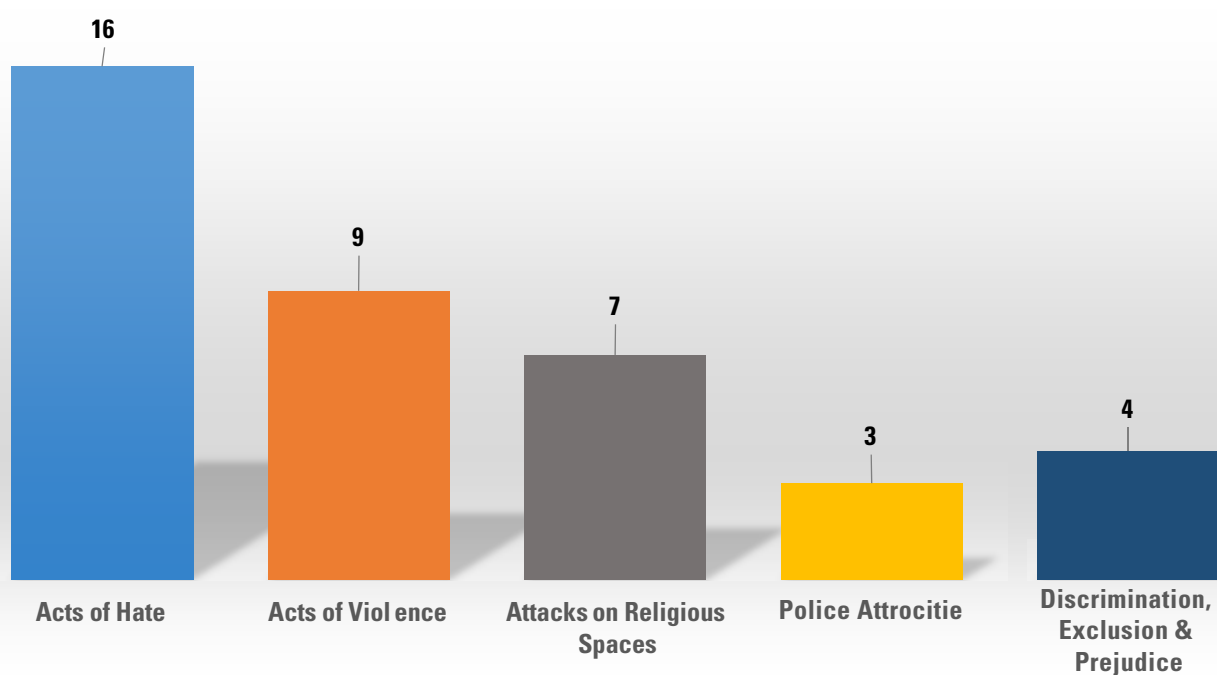




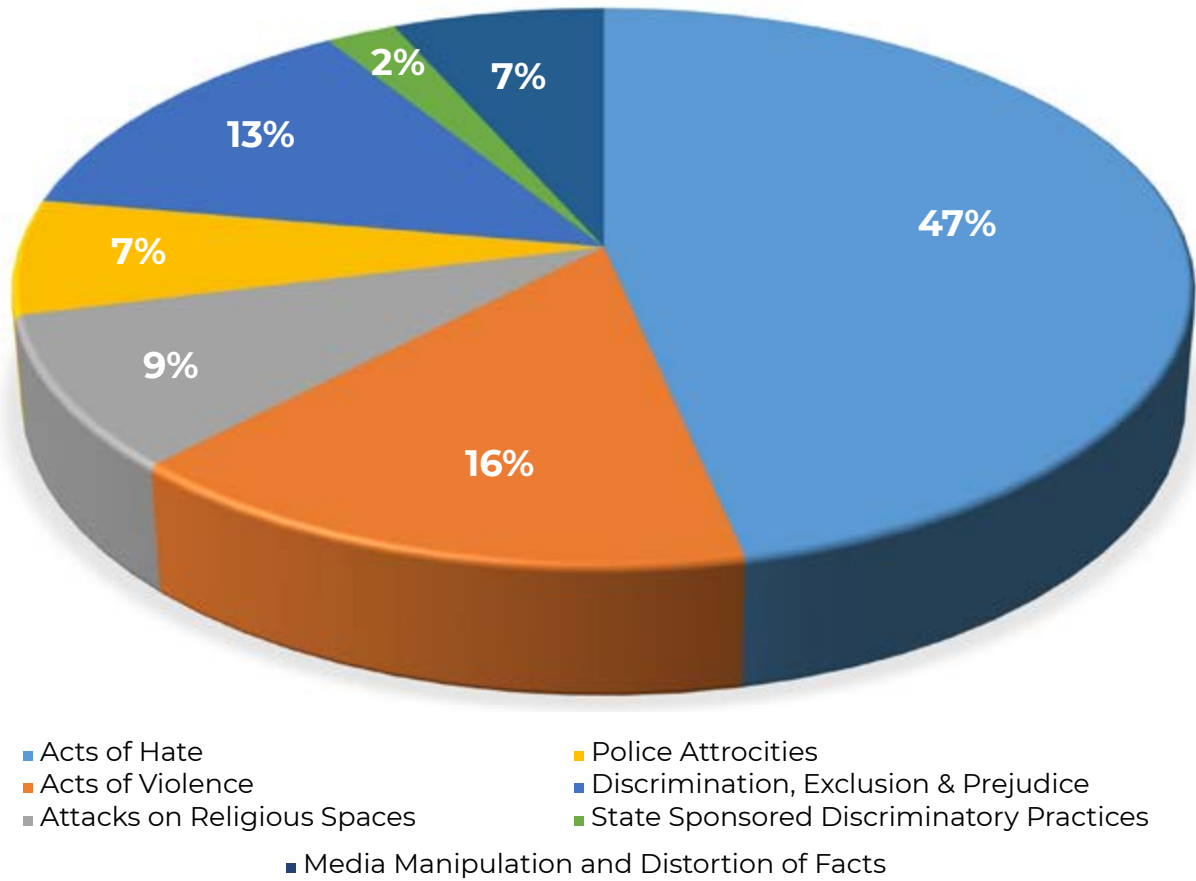
Hate Crime cases reported in October 2022



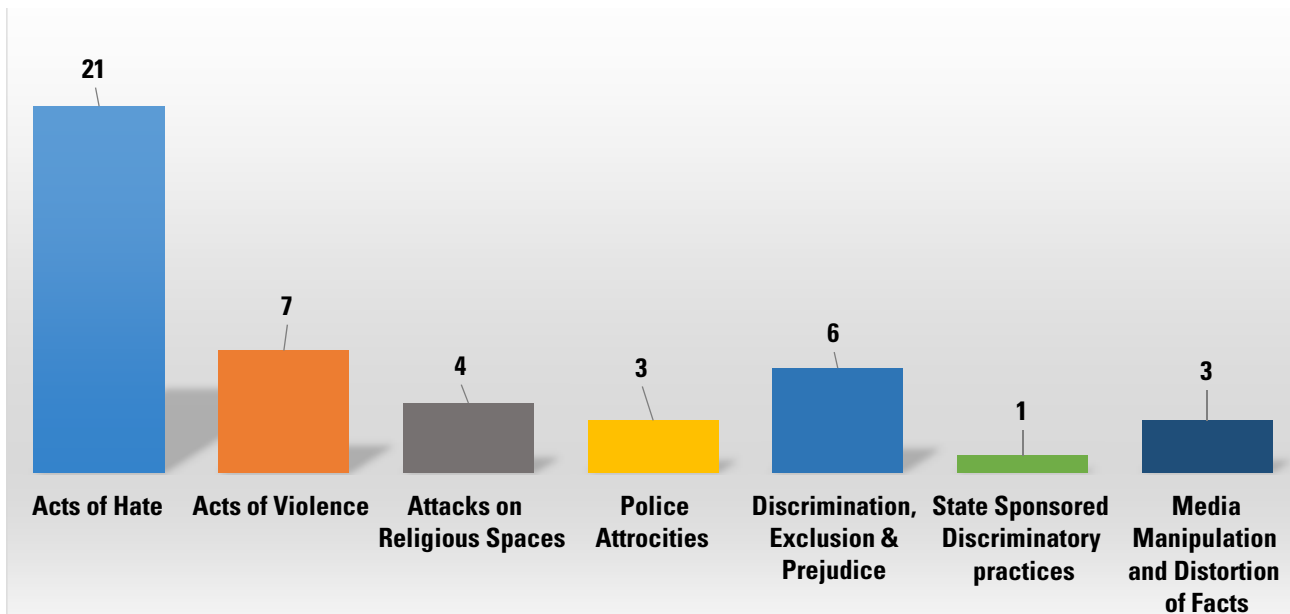
Hate Crime cases reported in October 2022



Hate Crime cases reported in November 2022

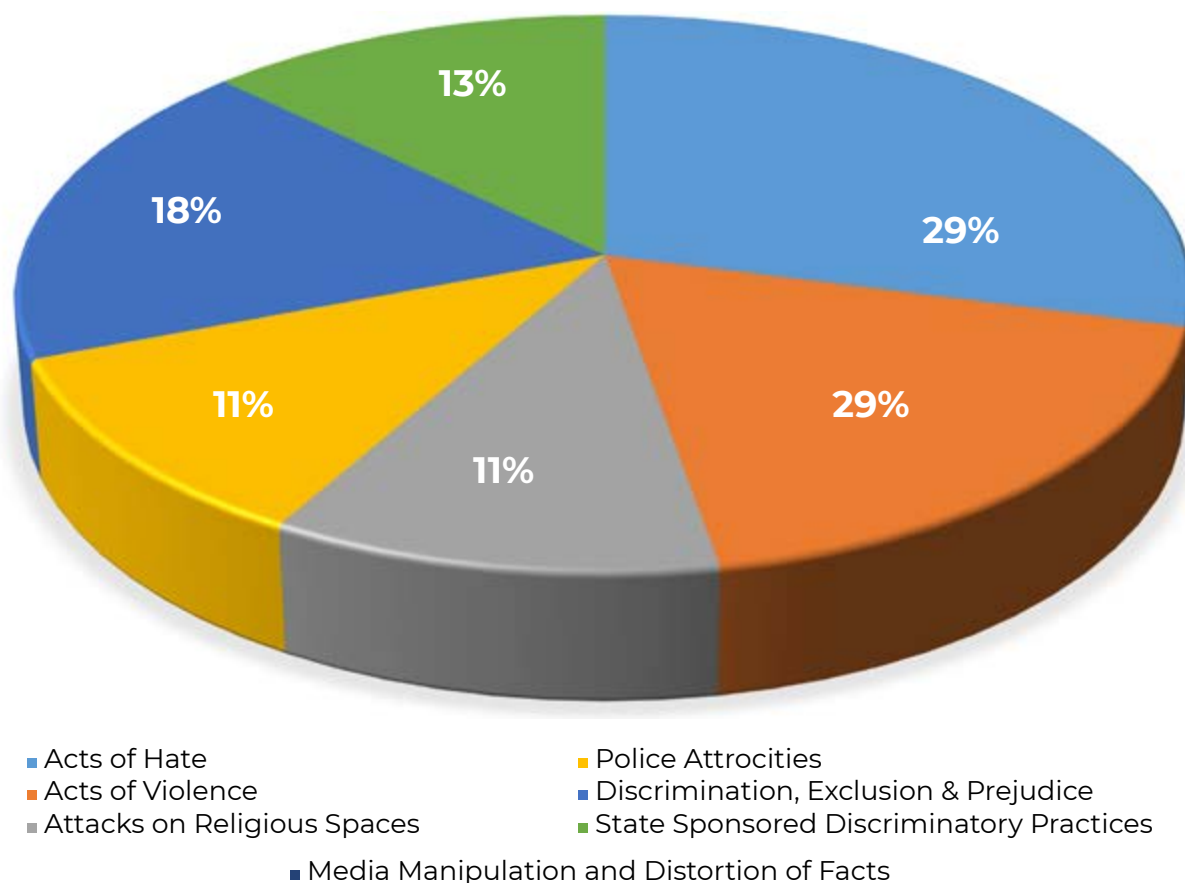


Hate Crime cases reported in November 2022

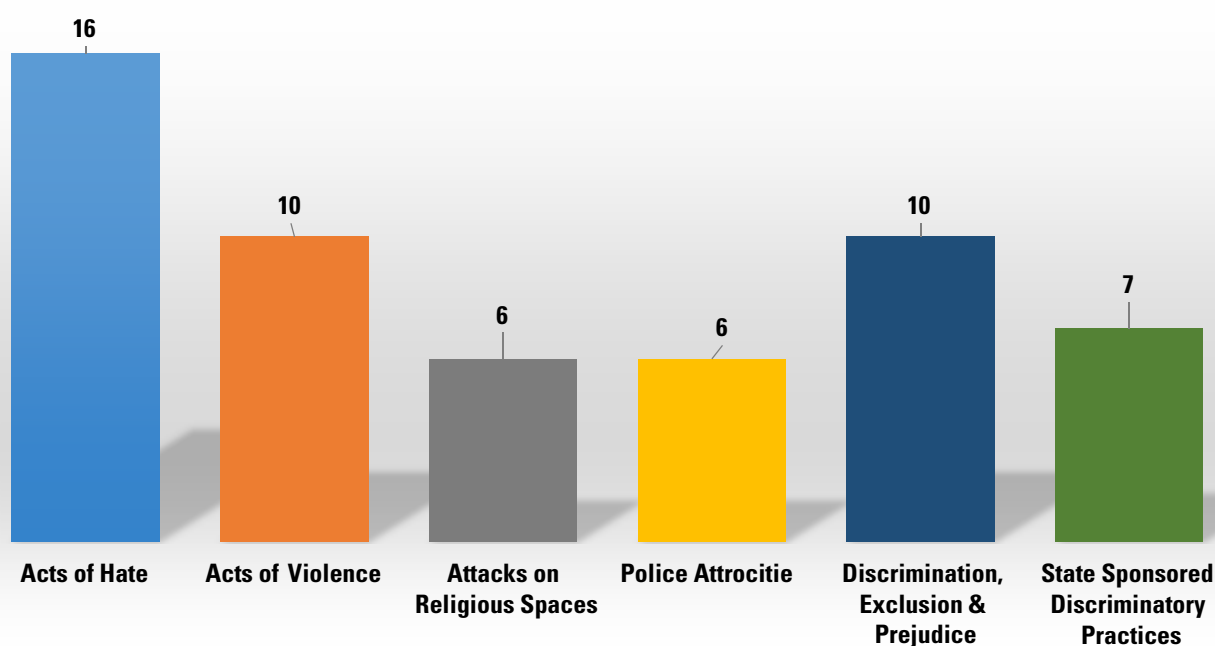




Hate Crime cases reported in December 2022



Hate Crime cases reported in December 2022



Observations

This section gives a glimpse of articles written by eminent academics, civil society activists and lawyers on different themes, which were used by the right-wing organisations to paint a false and polarising narrative in the country. These articles have been published earlier in various newspapers, magazines and web portals, and JEM is thankful to them to reproduce it.

1

Interview by Amartya Sen, Nobel Laureate and economist

Nobel laureate economist Amartya Sen on Sunday, January 8, said an “atmosphere of intolerance” currently prevailing in India will not last long and that people will have to unite to fight against it.

“This situation will not last long. People are being beaten up if they don’t agree or simply do not listen to others. People will have to work together. Differences must be sorted out. We need to reduce the distances between us,” he said, the Indian Express reported.

Responding to a question by a class 7 student on the “benefits of a combined pursuit”, he said, “Is diversity always good? Of late, India has had diversity which was not there before. There is a need to look at both advantages and disadvantages of diversity.”

When asked by a teacher as “how can we retain the country’s diversity”, the Nobel laureate reminded the audience of what Mahatma Gandhi had said. “Gandhi said during the initial phase of the struggle for Independence that we should reduce the distances between ourselves. Our ability to respect others is decreasing. And this is one of the reasons we are lagging behind,” he said.

Trinamool Congress’s Rajya Sabha MP Sukhendu Sekhar Roy said, “We



welcome his [Sen's] statement. He is actually criticising the situation wherein the BJP is dividing the entire country on the basis of religion, caste, gender and language.”

Communist Party of India (Marxist) state secretary Mohammad Salim said, “He expressed his understanding as a true thinker. He is a torchbearer of the tradition of pluralism and unity that India has carried from the likes of Rabindranath Tagore.”

The economist had been stressing on the need for Indians to work hard to preserve the tradition of tolerance and plurality. In February 2016, he had said that India has become too tolerant towards intolerance.

Ahead of the 2019 Lok Sabha elections, he had said that India’s “democracy is in danger” and that all non-communal, non-BJP forces should join hands to fight communalism, which is the biggest threat in the country.

(Courtesy: The Indian Express)

2

A recap of a few significant cases of 2022 and how the judiciary responded to them.

The year 2022 witnessed a myriad of human rights violations – from pushing young Muslim female students out of school for wearing hijabs to marking perhaps the worst jail overcrowding in the history of Independent India.

While some of these violations attracted sharp judicial responses, the judiciary’s role in others left much to be desired.

States’ ‘bulldozer justice’ and judicial interventions

The government agencies in Assam, Delhi, Madhya Pradesh and Uttar Pradesh came up with the highly questionable approach of razing houses and concrete structures, predominantly belonging to the Muslim community, on

flimsy grounds like “fighting terrorism” and “encroachments”. The fact that these decisions were unconstitutional and were taken without following any due process of law was pointed out by more than one High Court.

While hearing a suo-motu PIL, the Chief Justice of Guwahati High Court, R.M. Chhaya, in November, asked the state counsel to show him from any criminal jurisprudence “that for investigating a case, the police, without any order, can uproot a person, apply a bulldozer?”

The Supreme Court, Delhi high court and Patna High Court too came down heavily on states’ administrations for “wrecking houses and lives” of people and making them shelter less unlawfully.

Gujarat’s selective remission policy and Bilkis Bano’s unending struggle

In August this year, all 11 convicts sentenced to life imprisonment for the 2002 Bilkis Bano gang rape and murder of 14 members of her family were released under the Gujarat government’s remission policy. The Gujarat government’s order for release came after one of the convicts, on spending over 15 years in prison, moved the Supreme

Court for premature release. On the court’s direction the Gujarat government formed a committee that “unanimously decided in favour of the remission of all the 11 convicts in the case”.

What Bilkis Bano had endured in 2002 was the worst communal hate crime. The return of her rapists and murderers of her family members back to the city where she lived made her and her family vulnerable. This, however, was overlooked both by the state and the judiciary.

Bilkis continued to fight back and filed a review petition in the SC against the Gujarat government’s decision. She contended that since the case was tried in a Mumbai court, the decision to release the convicts prematurely should also be taken by the “appropriate” Maharashtra government. The apex court, however, dismissed her plea.

Pay the price for fighting for human rights

Extrajudicial killings in the name of “anti-Naxal operations” are a common phenomenon in Chhattisgarh’s Bastar region. These killings, however, are seldom investigated. Human rights



activist Himanshu Kumar had moved the Supreme Court in 2009 in a case of one such killing of a tribal youth – allegedly by the state and central armed forces.

The Supreme Court, in July 2022, ruled against Kumar’s petition, and termed the killings of 10 tribal men as “false charges”. The court didn’t stop there. It also instructed the Chhattisgarh government to act against Kumar and other petitioners not just for “false charges” under Section 211 (false charge of offence made with intent to injure) of the Indian Penal Code but also for “criminal conspiracy”.

In another case, again from Chhattisgarh, the Solicitor General of India, Tushar Mehta, wanted similar action to be initiated against human rights activist Degree Prasad Chouhan – for “perjury and fabrication of evidence.”

The initiation of action against petitioners began with a controversial judgement in June this year in the petition filed by the 2002 Gujarat riot victim Zakia Jafri’s case. Following the top court’s order, activist Teesta Setalvad and former DGP R.B. Sreekumar were imprisoned and released on bail only after spending several weeks in Gujarat

jail. The top court, while granting bail, had observed that “an individual’s liberty is sacrosanct”.

Supreme Court and EWS quota for Savarnas

In 2019, Narendra Modi government brought in the 10% quota for the economically weaker sections (EWS) among the ‘upper’ caste. In November, this year, the Supreme Court upheld the decision, thereby legitimising a quota-based reservation for those who haven’t suffered historical discrimination.

In a 3:2 verdict, a constitution bench comprising of the then Chief Justice of India U.U. Lalit, and Justices Dinesh Maheshwari, J.B. Pardiwala, Bela M. Trivedi and Ravindra Bhat, delivered the verdict on a batch of pleas challenging the EWS quota in government educational institutions and employment.

Judges Maheshwari, Pardiwala and Trivedi along with upholding the 103rd Constitution Amendment Act, claimed that the amendment does not violate the basic structure of the constitution because the reservation is based on economic criteria and the state has the right to do so.

Justice Bhat authored the dissenting

judgment, which Justice Lalit concurred with and held that the amendment is “deluding us to believe that those getting social and backward class benefit are somehow better placed.”

Justice Pardiwala’s judgment had dwelled on the constitutional safeguards meant for the Scheduled Castes, Schedules Tribes and the Other Backward Classes.

In his observation, he claimed, “Baba Saheb Ambedkar was to bring social harmony by introducing reservation for only 10 years. However, it has continued for the past seven decades.” This claim has been proved factually incorrect by scholars and it has been established that the 10-year limit was accepted in the Constituent Assembly only with reference to political reservation for SCs and STs and not for reservation in jobs and education.

Justice Trivedi too rued over “the whole concept of reservation” and said it may need to be re-examined.

“It cannot be gainsaid that the age-old caste system in India led to the introduction of reservations and so that SC ST gets a level playing field. At the end of 75 years, we need to take a re-look

at reservations in general in the spirit of transformative constitutionalism,” her verdict said.

Supreme Court’s split verdict in the Karnataka Hijab case

On December 28, last year, six girls in Udupi’s Government PU College were denied permission to wear the hijab in classrooms. The matter soon escalated, leading to widespread protests across the coastal town.

The Karnataka government imposed a ban on hijab in classrooms, pushing many female Muslim students to abruptly drop out of schools and colleges. As the Muslim students continued their protests, the right-wing forces too entered the college premises shouting slogans and disrupting the normal functioning of several educational institutions.

At the end of January, a student moved Karnataka high court against hijab curbs, seeking a declaration that wearing a hijab is a fundamental right guaranteed under the constitution of India. Failing to get a favourable order, a petition was moved before the Supreme Court.

In October 2022, the SC delivered



a split verdict on the batch of pleas challenging the Karnataka government order empowering the state to prevent students from wearing “religious clothes” to an educational institute.

Since, the pair of judges could reach no consensus, the matter will be referred to the CJI for appropriate directions.

Targeting of the Christian community in the country

Meghalaya’s leading Christian organisations expressed concern over the “increased targeting of the Christian community in the country“, and lamented over Prime Minister Narendra Modi’s “deafening silence” on the matter, *The Telegraph* reported.

The concerns raised by Christian organisations come in the wake of the recent vandalisation of a church in Chhattisgarh’s Narayanpur district, and the December 16 letter issued by the Assam Police’s to districts in the state to obtain data on the number of churches and religious conversion, among others.

Shillong-based Khasi Jaintia Christian Leaders Forum (KJCLF) in a statement said, “The deafening silence of the Prime Minister on atrocities against Christians

over a long period of time in different parts of the country is significantly notable.”

The Forum, in particular, flagged the attack on a church inside Vishwa Dipti Christian School premises on Monday, January 2, in Narayanpur of Chhattisgarh. Several, including the superintendent of police of Narayanpur district, sustained injuries. Five people, including a local Bharatiya Janata Party (BJP) leader, were arrested on Tuesday, 3 January. The Congress party is in power in Chhattisgarh.

The Narayanpur incident was the latest in a series of attacks on the Christian community over alleged conversion in Chhattisgarh.

The developments concerning the Christian community in the country have drawn reactions from Meghalaya, which is a Christian-majority state. They have also brought about an unease in the National People’s Party-led coalition government of which the Bharatiya Janata Party is a constituent party.

Meghalaya’s overwhelming Christian majority is dominated by Catholics and followed by Baptists, Presbyterians, and of other denominations.

The Forum's secretary Rev. Dr Edwin H. Kharkongor said that the Forum had hoped that those in the seat of authority would have "strongly disapproved" of the adverse actions perpetrated by certain organisations against Christians and people who exercise their individual choice of faith and religion.

Extending its solidarity to the Christian community across the country which "continues to experience aggression and injustice", the Forum exhorted the authorities in the states and Union government to "protect the lives and properties of Christians and other minority groups" all over the country and to rein in the perpetrators of violence and hatred.

The Catholic Association of Shillong, for its part, urged Union home ministry to ensure exercises "targeting Christian minorities are stopped once and for all" while seeking "steps to enhance the space of communal harmony".

(Courtesy: The Wire)

3

Prof. Apoorvanand takes a look at rewriting history and the role of media

"What are the concerns that you carry in the new year from the old one and what are the challenges that you'll face? Most importantly, is there any hope, anything that we can expect from this new year?" a friend asked.

Usually people talk about new year resolutions. What could they be for us as a people, as Indians? For them to be sincere, it will be necessary to take stock of our condition with honesty.

What is the biggest worry we have today? Some people point at the growing schism between communities in the society, mainly between Hindus and Muslims. It is only superficially true but not the right description of reality.

The real problem is the production of a Hindu mind in India which is supremacist and suffers from a sense of exceptionalism. A supremacist mind is also an insecure mind: narrow and closed for external influences. This closed mind has become soft because of



this inwardness. It sounds bad but it is true that today's average Hindu mind is full of hatred: hatred towards foreigners and outsiders.

There can be different types of outsiders. They are definitely Muslims but also Christians. The relationship of this mind with these 'externals' can only be of enmity. Hinduism or Sanatan Dharma (what this term really means, the self-declared Sanatanis cannot tell you even when they are proud of it) is the best, most generous and non-violent in the world! How can then the Sanatanis Hindus accept that they have become isolationist and hateful people? When told about this they get furious.

Another concern is that in the name of finishing the incomplete task of history – that is taking revenge for the defeat of their ancestors at the hands of the Mughals or for the Partition – these 'Sanatanis' justify their hate and violence. These hate-filled Hindus take pride in calling themselves 'awakened Hindus'. Hindus have woken up now and you cannot take them for granted, they say.

This Hindu supremacism considers other religious communities as inferior

and as outsiders in India. Along with this, the return of caste supremacism is another concern.

We are witnessing counter-violence against social justice by the so-called 'upper castes'. It is leading to another kind of violence. The Hindu society, which looks united only against Muslims and Christians, is badly fragmented and riddled with mutual caste hatred and competition, which does not take long to turn into violence.

The birth and mushrooming of various cadre organisations, new ferocity in caste-based celebrations is the feature of our times. Caste had never gone but there was some hesitation in making it your identity marker. Now it is done with pride. And we are talking about our youth.

Thus, our country and the society are victims of unprecedented fragmentation. It has made it difficult to imagine a common social or national interest. Any concept like 'The People of India' seems impossible. For this reason, when the farmers took to the streets with their interests, the government and the media tried to prove that they are not farmers but Khalistanis.

To an extent, it was successful in sowing the seeds of suspicion against these farmers among the Hindus of north India.

Hindu caste supremacy and the role of media

Another big concern is that the Hindu society, with the intoxication of supremacism and filled with the false sense of responsibility to correct the past, is now losing its comprehension. In a way, this Hindu society is a victim of cognitive dissonance.

Another concern which is bound to deepen in this new year is the gradual elimination of the idea of knowledge in society. Knowledge has been replaced with singing the paean of the great knowledge that our ancestors had produced. What we now learn is that “the history of India is the oldest in the world, it has a 12,000 years long history, India is the mother of democracy, Sanskrit is the mother of the world’s languages, etc.”

It was necessary to destroy the sense of modern knowledge to paint the intellectual community as enemies of the people. Intellectuals try to wake this

society up to reality. That is a crime now.

By resorting to this supremacism, the Bharatiya Janata Party has made Hindutva the driving force of public opinion and appointed itself as its spokesperson and protector. Other political parties are unable to challenge this majoritarian mindset. Because of this, Indian democracy itself has been hijacked.

This majoritarianism is the disease of north India. Due to its sheer population size, it has the maximum number of parliamentary seats, which helps it control the rest of India.

The media is no longer the carrier of information. Information has been replaced with anti-Muslim hatred. The media is proactively fabricating an anti-Muslim, Hindu. This Hindu is essentially opposed to Dalits and the poor and against any mass movement.

Muslims are friendless in India – barring the intellectuals. Not only the BJP, the entire state apparatus is against Muslims. They are being denied rights in Kashmir, being pushed into the corner in Assam and are being persecuted by the nexus of law enforcement agencies and goons across the country.



Can it go on forever? Premchand had warned a century ago that any community with self-respect couldn't tolerate this insult and torture for long. Muslims are still hopeful about the democratic possibility of India, but the way constitutional institutions are turning majoritarian; this belief will not last long.

Another concern is the end of the idea of justice. Bulldozers have become a symbol of justice. The apathy of the judiciary in making corrections to this trend has worsened the situation. Apart from this, the majoritarian inclination is becoming evident in the judiciary itself. The judgments about hijab, economic reservation, Gyanvyapi or Mathura controversies et al. are very telling.

These are the concerns with which we enter the new year. Unemployment and economic inequality are also a cause of concern, but do they concern the Hindu society? So long as it remains in the grip of the Hindutva nationalist propaganda, it seems no temporal reality would be able to shake it.

The challenge is to liberate the Hindus from this toxicity. For this to happen, the walls that the media have created between the average citizen

and reality must be demolished. There is a challenge to create a new network of information and knowledge. The challenge of keeping the idea of knowledge alive is huge. When all the centres and means of knowledge have been captured, how will it be done?

Will political parties be able to fight the majoritarian temptation? Will they accept the political agency of Muslims and Christians? Are they aware that it is no longer the time of the old competitive parliamentary politics? Their task is now not just to get power for themselves, but to rescue institutional democracy. Recognising the 'extraordinariness' of this political moment and determining their duty accordingly is a challenge for them.

Is there any hope then? There is no alternative to hope. But what does hope look like? Only struggles can be the real source of hope.

Muslims are fighting for justice despite lacking resources and remaining friendless. One has to realise the risk that they are taking when all the institutions are either indifferent or antagonistic to them. In a way, they are also giving courage to the courts.

(Courtesy: The Wire)

4

Chander Uday Singh, a Senior Advocate looks at the myth of ‘Love Jihad’, which slayed repeatedly and supposedly laid to rest, rises yet again

A hydra-headed monster that’s revived time and again by a not-so-subtle conspiracy between Hindutva forces, the executive, and the judiciary, it is making yet another come back at the close of 2022.

This time its a multi-pronged effort, starting in March with a new anti-conversion law in Haryana, followed by Karnataka on September 30 with its Protection of Freedom of Religion Act, 2022, and wrapping up the year with the Uttarakhand governor’s assent to making the draconian Uttarakhand Freedom of Religion Act, 2018 even more stringent, the Maharashtra Cabinet’s notification to snoop on interfaith marriages and relationships, and the Supreme Court eagerly trying to wade in on the wings of a fourth-attempt petition by a serial litigator from the BJP.

Currently the tally of states with ‘love jihad’ laws is 11, but keeping count is becoming difficult.

Some, like Himachal in 2019 and Gujarat and Madhya Pradesh in 2021, have enacted stringent new replacements for their old ‘Freedom of Religion’ Acts, aimed especially at preventing Hindu women from marrying outside the faith.

Orissa (1967), Chhattisgarh (1968), Arunachal Pradesh (1978) and Jharkhand (2017) have statutes to control religious conversions, but those Acts do not enter the private sphere of marriage.

The newcomers to the party, Uttarakhand (2018), Uttar Pradesh (2020), Karnataka (2021), and Haryana (2022) unabashedly made laws with the avowed purpose of fighting what they described as a “growing trend of love jihad.”

And of course, there are other BJP-ruled states like Maharashtra, testing the waters with a notification to pry and snoop and unleash the police force on hapless young people wanting to marry outside their faith, and extending this intrusion to “relationships” also.

This spate of legislation is sought to be justified on grounds of allegedly



increasing, or even rampant, instances of Muslim men marrying Hindu women.

The Statement of Objects and Reasons accompanying the Uttarakhand Bill informed legislators that “there have been umpteen cases of religious conversions, both mass and individual”.

Early cases

The phrase ‘love jihad’ was coined in 2009 at the Catholic Bishops Council in Kerala, when a Bishop claimed without evidence that a large number of Catholic girls were being lured into marriage by Muslim boys. But it gained currency due to two unconnected cases in the Kerala and Karnataka High Courts, each arising from police complaints filed by the fathers of girls who claimed that their daughters had been kidnapped and then forced to marry Muslim youths.

Dealing with a plea for anticipatory bail by two Muslim boys, Shahan Sha and Sirajuddin, accused of converting and then marrying a Christian and a Hindu girl, Justice K.T. Sankaran of the Kerala high court passed a lengthy order on September 29, 2009, rejecting bail on grounds that it was, “Well known that

there was a movement known as Love Jihad or Romeo Jihad.”

Almost simultaneously, on October 21, 2009, a bench of the Karnataka High Court passed an interim order on a habeas corpus petition filed by C. Selvaraj, alleging that his daughter Silja Raj had been abducted by a Muslim boy and taken from Chamrajnagar to Kerala to study Islam at a madrasa, convert, and get married. Though Silja Raj appeared and informed the court that she had converted and married of her own free will, the division bench set up a Special Investigation Team supervised by the DGP of Karnataka to investigate “the larger conspiracy of the love jihad movement”, and directed Silja Raj to stay with her parents until the SIT made its report to the court.

Kerala

The Union home ministry also filed its affidavit on December 1, 2009, in which it declared that there was no ‘love jihad’ movement or organisation in existence.

Himachal Pradesh

Adding another dose of sanity from North India, a division bench of the Himachal

Pradesh High Court in its August 30, 2012, judgment in *Evangelical Fellowship of India v. State*, held that those provisions of the Himachal Pradesh Freedom of Religion Act, 2006 and Rules of 2007, which required persons wishing to convert to give prior intimations to the District Magistrate, and to face a prior police scrutiny, were grossly violative of the right to privacy.

Justice Deepak Gupta, speaking for a bench which included Justice Rajiv Sharma, struck down Section 4 of the HP Act as well as Rule 3 and part of Rule 5 of the Rules as violative of Article 14 and unconstitutional. Significantly, Justice Gupta noted in Para 41:

“No material has been placed on record by the State to show that there has been any adverse effect on public order by conversion in the State whether prior to or after the enactment of the Himachal Pradesh Act. In fact, till date only one case has been registered under this Act”.

Uttar Pradesh

The story of Uttar Pradesh’s ‘love jihad’ law, though not instigated by judicial pronouncements, is equally intriguing.

Since the cry of ‘love jihad’ was said to have resulted in the disastrous

Muzaffarnagar riots of 2013, Cobrapost and Gulail carried out a year-long investigation culminating in a print and television report released on October 4th, 2015. The investigation, titled “Operation Juliet: Busting the myth of love jihad”, was based on televised stings of leading members of the Rashtriya Swayamsevak Sangh, Vishwa Hindu Parishad, Bharatiya Janata Party, and Bajrang Dal, including Union minister Sanjeev Kumar Balyan, MP from Kairana Hukum Singh, MLA from Sardhana Sangeet Som, and the Muzaffarnagar heads of the RSS and the VHP.

Cobrapost and Gulail captured them admitting on camera that they had filed fake rape and kidnapping cases, had faked documents to show that the women concerned were minors, and that they used their clout with the police to convert routine marriages into ‘love jihad’ cases.

Importantly, the investigation revealed that not a single ‘rescued’ woman had sought the help of the Hindutva forces, nor had any of them claimed that she was a victim of kidnapping or ‘love jihad.’

Despite the comprehensive debunking of this myth by Cobrapost and Gulail, on November 21, 2019,



Justice Aditya Nath Mittal of the Uttar Pradesh Law Commission presented a draft anti-conversion Bill to chief minister Adityanath. Taking a cue from the Law Commission, the CM got the IGP of Kanpur Range to set up a Special Investigation Team to investigate the phenomenon of ‘love jihad.’

March continues

The relentless march of ‘love jihad’ laws continues even where courts have been vigilant in protecting citizens’ rights.

While striking down certain provisions of the Himachal Pradesh Act of 2006 in *Evangelical Fellowship of India*, Justice Deepak Gupta noted that only one case had been registered in the six years since it was enacted. Yet in October 2019, the 2006 Act was repealed and re-enacted as the Himachal Pradesh Freedom of Religion Act, 2019; and with brazen insouciance, the provisions struck down by the high court have been brought back, multiplied many times over.

Without a shred of evidence, the Statement of Objects and Reasons with the Bill stated “It has been observed that there is a rise in conversions by

fraudulent means...” and further, that a complete revamp of the 2006 law was found necessary as:

“The punishments provided in the Act are not as sufficient as to have a deterrent effect and therefore, adequate punishments are required to be provided on the analogy of some other States like Uttarakhand. There is also no provision to check the marriages solemnized only for sole purpose of conversion. Besides, the Act also does not provide punishment to an institution or organisation involved in conversions”.

Coming full circle, while the judiciary has time and again acted like the B-team of communal zealots in playing up the fiction of ‘love jihad’, there has also been a marked pushback by some.

In a scathing judgment dated 19.10.2017 in *Anees Hameed v. Kerala*, Justices V. Chitambareesh and Sathish Ninan of the Kerala High Court recorded that they were “appalled to notice the recent trend in the State to sensationalise every case of inter-religious marriage as either ‘love jihad’ or ‘ghar wapsi’, even if there was platonic love between the spouses before”.

The Supreme Court has also weighed in strongly in favour of freedom to choose faith and partner, though not in the context of these anti-conversion laws. Having cemented the right to privacy as a fundamental right in Puttaswamy (2017), the court held that the right to choose a partner or to change one's faith were essential elements of privacy and equality in Shafin Jahan (2018), and in Shakti Vahini (2018) it held that the right of adults to marry persons of their choice could not be interfered with by parents, communities, khap panchayats, or the authorities.

It can only be hoped that when serial litigators try to raise this bogey yet again, the Supreme Court will have learnt from the past.

(Courtesy: The Wire)

5

A look at the prevailing anti-Christian narrative by Prof. Apoorvanand

As Christmas approaches, news of violence against Christians also increases. It has now become a pattern and we read about it just as we read about the fall in temperature in December. Nothing unusual. In a large country of subcontinental measure, such incidents are minor. We are told that as bad as they are, they don't change the nature of this country fundamentally. That despite such attack, India remains secular – how can it not be as this is a country where Hindus form a majority? It is natural that they define our national character. Since they are by nature tolerant and secular, there is no question of India not being secular, irrespective of the number and frequency of this violence against Christians.

But the insistence of India being secular does not change the reality for the violated Christians. Their houses have been broken if not demolished, their belongings looted or destroyed and they have been driven out of their



habitats. They have been turned into internally displaced people pleading for relief. They want to return to what was and continues to be their homes.

Authorities ask for time. They say that they have to talk the villagers who are tribals and persuade them to let these Christian tribals live in their villages. The fact of tribals being the attackers and tribals being the victims is used to portray this violence as less serious or different than that in which Hindus attack Muslims or Christians.

We are told that tribals feel enraged that their fellow villagers who have become Christians have given up the age old community practices. It disturbs the cultural harmony of the village. Simple folks that they are, they get upset by this division and change in the common life of the village. It is this primal instinct, which drives them when they beat, up the converted tribals and break their houses.

They use Panchayat (Extension to Scheduled Areas) Act (or PESA), 1996, to justify it. The law gives the villagers the right to decide how life within the village functions. A law with a noble intent of devolution of power to the people themselves. This law is being

used to disallow the converts to use the burial ground, to drive them away from the village with the claim that they are guilty of violating the traditional norms. Dr B.R. Ambedkar had rightly warned against having too much trust in traditional rural institutions. They are essentially against the concept of human rights, he meant. The original tribals have earlier issued diktat to those non-tribals who are Christians not to enter the villages or not establish any church etc. As we know church in such areas are not what we imagine them to be. They can be simple huts. But the original, pristine tribal sensibility gets violated by it.

Then there is the Rashtriya Swayamsevak Sangh and the Bharatiya Janata Party, and their relentless campaign to vilify Christian tribals, portray them as betrayers and convince the non-Christian tribals that they are the original and real owners and that the converts are polluting them.

Where does the government stand? As we can observe, its sympathies lie with the originals. They also see conversion as unnecessary disruption. A nuisance. So, they never try to pre-empt violence.

They firstly don't use their authority to implement the constitutional order. Tell tribals that they don't have the right to dictate how some people choose to live.

Chhattisgarh is a Congress-ruled state. But the reluctance of the government in performing its role of ensuring security to the Christian tribals shows how difficult it is even for secular parties to rule in a secular fashion. They allow violence, they allow displacement and they resist any attempt to provide support to Christians.

This is what we wanted to say through our protest. We wanted to tell the chief minister of Chhattisgarh that he has to walk the talk and prove that the walk to unite India means what it says. Uniting India takes a lot of unpopular courage. It requires you to speak a constitutional language. If you don't do that, if you don't practice what you have been preaching for 2,000 kilometres, the path of unity then remained uncharted.

As the day of a protest that could not be registered ebbs, I sit to write what we wanted to say. I return, seeing markets decorated for Christmas. As I write, I read that a man dressed as Santa was beaten in Baroda in Gujarat,

and that a Sunday prayer was disrupted somewhere in Delhi and Uttar Pradesh.

How many protests we should plan and how many would be abandoned?

(Courtesy: The Wire)

6

Sukanya Shantha, takes a look at the increasing mental health related cases amongst the human rights abuses victims across the country

When violence, discrimination and humiliation are ongoing, their impact cannot be fully understood just through established clinical terms like post-traumatic stress disorder (PTSD). The trauma responses are also ongoing and cyclic and need a newer lens and approach to redefine the meanings of mental health, selfhood, resilience, and survival, says social activist and researcher Hasina Khan, in recent research co-authored along with Sudeeti G.M and Umara Zainab. In a new study published by her organisation 'Bebaak Collective', the researchers have



interviewed Muslims from different classes and castes, with differing levels of education, across different states to examine the impact a communally charged environment has on the lives and mental health of the community.

The study, touted as one of its kind, was meticulously carried out over a period of six months starting in February this year. Thematically, the report covers the social, emotional and financial burden that the Muslim community has had to face in the country due to the dramatic rise in communal polarisation and hate crimes over the past few years. “We kept the circle wide and spoke to activists who have been imprisoned, friends of activists, families of men who have been lynched, therapists who treat Muslim patients, families of riot victims, and several family members of imprisoned men, among others,” the research methodology states.

Among the many causes of trauma, the *Bebaak Collective*’s report starts with a close look at the violence inflicted “by the law”. The role of the law in systematically isolating and alienating Indian Muslims can be seen in its emboldening of both the Hindu majoritarian imagination and its grassroots efforts, the report says.

Laws are introduced with the intention to reinforce the idea that “Muslims pose a national and existential threat to the majoritarian conception of India as a ‘Hindu’ nation”, it observes.

In recent years, more particularly, in the wake of the protests against the Citizenship (Amendment) Act, and two other imminent countrywide exercises, the National Register of Citizens (NRC) and the National Population Register (NPR), the Unlawful Activities (Prevention) Act was used indiscriminately against the community leaders, activists and even journalists belonging to the Muslim community. “Mujhe raat mein neend nahi aati. Court website hi dekhta rehta hoon poori raat. (I am not able to sleep at night. I just keep checking the court’s website),” says young Bilal, whose brother was allegedly falsely implicated in a case after the February 2020 pogrom in Delhi.

The continuous nature of trauma, the researchers say, often changes the victims’ everyday lives and interactions, reproducing its effects in how they interact with the world, primarily through their religious identity and their decisions about where and how they

choose to travel, whom they sit down with, and how much and with whom they speak. In the case of the women, who were collected from different houses and locked away in one place during the riot in Khamaria, Madhya Pradesh this vigilance takes the form of closing themselves off and restricting where they travel, while still grappling with the pressing concerns of money and caring for their children and relatives.

Similarly, the loss of opportunities due to a riot not only limits the economic prospects of families but also changes people's aspirations, dreams, and hopes for social mobility, the report finds. In one of the interviews, 22-year-old Bilal in Delhi says he had planned to pursue a career in medicine in Delhi, but due to the pogrom, he had to miss his class 12 board exams. He is 22 years old now and trying to finish school while also planning to pursue a computer course to support his family.

Many interviewed in Karnataka after the government imposed a ban on students wearing the hijab shared the painful experience of losing friends and support in the neighbourhood. "People talk about the disappointment with friends, losing relationships, and not even having the space to grieve that

relationship because the people that they had to end relationships with are avid hate mongers. I have also lost so many friends because of this," shares Shamima Asghar, a mental health practitioner based in Bangalore who works with communities that face discrimination.

She argued that "mental health in its clinical practice can be extremely individualistic". She points out that mental health practice, as a way of dealing with trauma and suffering, does not investigate the root of violence but instead aims to mitigate its ill effects on those impacted by it. "It is a way of saying that the violence you endure will remain; you simply need to learn to live with it," she says.

The loss of community, the study says, severely affects one's sense of confidence and surety about navigating a difficult situation in legal cases or simply rebuilding one's life after a violent incident. "An all-pervading sense of being made to feel powerless in front of a fascist state and hateful ideology, which has forced several Muslim victims of communal violence to change how they live their lives, is the most important point that has emerged from our work," the report concludes.

(Courtesy: The Wire)



7

Flavia Agnes a women's rights lawyer takes a look at the controversy surrounding Interfaith marriages

The move to set up a panel to monitor and probe interfaith marriages appears to be a sinister one – it has the possibility of dovetailing into an anti-conversion law such as the ones passed by nine other states already.

The panel, named 'Interfaith marriage-family coordination committee (state level)', will be headed by the women and child development minister, who is a vocal Bharatiya Janata Party leader from Mumbai's rich constituency of Malabar Hill, Mangal Prabhat Lodha, who is well known for his anti-Muslim views. Initially the panel was to probe both inter-caste and interfaith marriages, but the government resolution (GR) was amended quickly due to opposition from various political parties as Maharashtra has a policy of encouraging inter-caste marriages. So the word 'inter-caste' was dropped and now the panel will probe

only interfaith marriages (read: Hindu women marrying Muslim men).

Deputy chief minister Devendra Fadnavis commented: "It is alarming that there has been an increase in cases of cheating in interfaith marriages in some parts of the state. Therefore, fraud in the name of love jihad has to be stopped." 'Love jihad' is an unproven conspiracy theory used by Bharatiya Janata Party leaders and Hindutva groups to accuse Muslim men of converting Hindu women using the lure of marriage.

The panel will collect information about such marriages through the registrar's office and stamp duty offices, and not only marriages registered under the Special Marriage Act but those performed in temples or other informal forums will be scrutinised too. Even live-in relationships will come under the scanner.

It is obvious that the motive of such monitoring is to prevent Hindu women from marrying Muslim men. However, it has put Hindu women who wish to marry men from another faith out of their own choice at great risk and endangered their lives. Most parents oppose such marriages and inflict a

great deal of violence to prevent such marriages from taking place. The stated motive of bringing about 'reconciliation' between the parents and the woman in question seems to be a hoax. It will only strengthen patriarchal control over women and prevent women from exercising their autonomy in the matter of choosing a life partner. In this panel, state power will coalesce with patriarchal power to choke women's choices.

The ruse for this move is the recent gruesome murder of Shraddha Walker by her live-in Muslim partner, Aaftab Poonawala. Right-wing groups have refused to view this as a case of domestic violence against women in general and have turned it into a communal frenzy, as though all murders and violence takes place only in inter-faith relationships. Most of the women who face domestic violence are in same-faith marriages/relationships and are subjected to an unspeakable degree of cruelty. However, their plight does not seem to be of concern to this panel. This alone exposes the government's hidden motive. The panel will not be concerned with addressing issues of violence against women within marriage or in

marriage-like relationships, and will not make any effort to address it or provide remedies. That's not the aim of this committee.

The entire move is directed towards infantilising young women and disregarding their agency. This will also place Hindu women at great risk from vigilantes' groups who might attack them and threaten their lives. It will normalise interference in people's personal lives and violate their right to privacy, which is a fundamental right. It will expose young women to newer ways of harassment and blackmail.

It appears to be a short-sighted move driven by a single, one-point agenda of preventing Hindu women from falling in love or marrying Muslim men, and giving a boost to the entire bogey of 'love jihad' propaganda and fanning Islamophobic tendencies in society.

There has been some opposition to this move by the Nationalist Congress Party (NCP). Party MLA and former minister Jitendra Awhad tweeted, "What's this rubbish of committee to check inter-caste/religion marriages? Who is the government to spy on who marries whom? In liberal Maharashtra,



this is a retrograde and nauseating step.” Party spokesperson Clyde Crasto said that the panel should be available to women irrespective of any religion, caste or faith. “If they do not, then it will be clear that this panel is set up with mala fide intentions,” he added.

There has been opposition to this move from women’s organisations as well. The *Stree Mukti Andolan Sampark Samiti*, along with over 20 other women’s organisations, criticised the government for the GR, which facilitates the collection of “detailed information” about couples who are in interfaith marriages and information of the women’s maternal families. They have also called for publicly burning a copy of the GR that set up this committee.

But it appears that Catholic Bishops have failed to see the deeper agenda beneath this move and have hailed the move. They believe that the ‘counselling’ will help women to ‘reason’. It almost appears as if Islamophobic tendencies prevalent among them run as deep as in right-wing Hindu fundamentalist groups. In fact the term ‘love jihad’ (as well as ‘narcotic jihad’) was used by some Christian churches in Kerala who, relying

on false data, spread the rumour that there is a sinister move to lure Christian girls into marrying Muslim boys.

In their short-sightedness, the Catholic bishops have failed to see that there may be a possibility of this move dovetailing into introducing anti-conversion laws in Maharashtra, which will adversely impact not just Muslims but also the Christian community.

(Courtesy: The Wire)

8

Shambhavi Madan takes a look at the ‘Love Jihad’ narrative

On December 1, the Vishwa Hindu Parishad launched a nationwide campaign against ‘love jihad’ and forced religious conversion, seeking a national law against these alleged activities and accelerating its efforts as a vigilante group and self-styled paramilitary force to fight it. This comes alongside the central government taking a formal stance (in an ongoing Supreme Court petition) denying any incongruence between Article 25 and the enactment of anti-conversion laws.

Within days, the Gujarat government also filed an affidavit in the Supreme Court supporting stricter regulation of conversions.

This concerted push for a nationwide law to govern conversion – and consequently, marriage and family – is happening despite several Bharatiya Janata Party-led states already having passed anti-conversion marriage laws since 2020.

Objections from Christians and Muslims across India reflect patterns of harassment and wrongful incarceration that derive legitimacy from these laws. At least 302 attacks against Christians took place in the first seven months of 2022, according to the United Christian Forum. Uttar Pradesh reported the highest tally of 80 incidents, many of which invoked forced conversions as justification. Fatehpur, for example, where local VHP and Bajrang Dal chapters have accused Christians of “conversion rackets” for several years, saw unprecedented levels of police action on these claims throughout 2022.

The anti-conversion laws are reconfiguring RSS cadres and Hindu right wing organisations’ fight against

conversions and interfaith relationships, into spaces of legitimate action. Recent activities include demanding data from the government regarding how many Hindus have converted under the Act (mandatory public notices are trespassing on privacy), openly conducting ward/district level drives to make regions ‘conversion-free’, increased mobilisations against the construction of churches and mosques, even demolishing these structures if deemed necessary, and accelerating coercive drives to convert Muslims, Christians and Adivasi communities to Hinduism.

The regime is formalising its hostility towards converts. The Union government just acceded on principle, betraying the Constitution; Uttarakhand’s recently-amended, more stringent law is based on the UP law; Madhya Pradesh is set to move Supreme Court to challenge the high court’s interim order calling the state’s law unconstitutional; demand for a ‘love jihad’ law in Maharashtra disingenuously invokes the Shraddha Walkar case. The on-ground project of solidifying boundaries between religious groups is well underway.



Inter-religious and inter-caste marriages in India are minuscule: the National Family Health Survey 2015-16 listed 12.6% of marriages as inter-caste and only 2.6% interfaith, meaning that social dynamics have been essentially frozen in place. India does not structurally favour inter-religious marriage but it must now consider conversion for marriage a crime. This is not simply an extension of conservative control over gender and intimacy, it is a process of racialising different religious communities, freezing them as separate ethnic groups. Regimes fixated on ethnic purity invoke 'traditional religious values' to disguise their need for racialised citizens, not dissimilar to Israeli apartheid – here, arguments based on fear of demographic change are already making their way into judgements related to the 'love jihad' laws.

According to the Union government, this legislation is necessitated by the menace of organised, sophisticated and large-scale illegal conversions, targeting women and backward classes. The state-wise laws are claimed to be necessitated by the same massive-scale

conversions, which is unsupported by data. In reality, women are important sites of battle for the Hindu right, vessels for the nurturing of a pure Hindu race. On the other hand, criminalising 'mass conversions' targets Dalit communities, whose conversions to escape caste oppression directly threaten Brahminical order, not just racialised boundaries between citizens.

Colonial governments essentialised religious practices and communities to create governable populations, and the present-day regime remains just as ignorant of the fluidity of faith and faith-based practices in India. Should these laws be allowed to continue to exist, let alone be strengthened by a nationwide policy, both institutions and everyday practices of faith will be micromanaged by state administrations and vigilante groups – two forces with increasingly collapsed distinctions, both of whom have taken up the cause of naturalising the Hindu patriarchal family. Even now, no political party openly advocates for inter-community marriage because the submerging of caste identity in particular would be damaging to electoral strategy.

This stage of Hindutva statecraft has strategic density – the various anti-conversion laws read as though formed through legal mimicry of each other, and are the consequence of years of work by right wing groups. Resisting religious hegemony must then not only happen in courtrooms, but also at neighbourhood and the community level, against segregated housing, in building family and kinship networks, and it must account for protecting Dalit peoples' right to convert.

(Courtesy: The Wire)

9

A look at why an educational scholarship was discontinued by the government, by Mehtab Alam

In a deplorable yet unsurprising move, the Union government recently decided to discontinue the Maulana Azad National Fellowship (MANF) that was provided to researchers from minority communities at universities falling under the University Grants Commission (UGC).

Announcing the decision to discontinue the fellowship, the Union government has said, “Since the MANF scheme overlaps with various other fellowship schemes for higher education being implemented by the government and minority students are already covered under such schemes, hence the government has decided to discontinue the MANF Scheme from 2022-2023.”

If that is the real reason, then one should be ready to hear a similar argument about fellowships to research scholars from other marginalised communities – such Dalits, Adivasis, OBCs and persons with disabilities. After all, the government can very well assert that students from these groups are already covered under the UGC's main fellowships, Junior Research Fellowship and Senior Research Fellowship. However, that is unlikely to happen; I sincerely hope it does not.

More importantly, it would be a grave mistake to see the latest decision in isolation. It follows the Bharatiya Janata Party's exclusionary vision and agenda, which was first implemented in Gujarat under the leadership of Narendra Modi.



In fact, it would not be incorrect to argue that the latest decision to scrap the MANF is nothing but an extension of the ‘Gujarat Model’.

It is worth recalling that under Modi’s chief ministership, the Gujarat government had refused to implement the pre-matriculation scholarship scheme for students of minority community launched in the country in 2008, calling it discriminatory. It was only after a high court order in 2013, followed by the Supreme Court’s refusal to stay the high court order, that the then state government headed by Modi decided to implement the scheme.

It is also not surprising that despite the longstanding demand by activists and groups like the Minority Coordination Committee (MCC) Gujarat, the state has neither a Minority Welfare Department/Ministry nor a Minorities Commission. Notably, like the Union cabinet, the state government also does not have a single Muslim minister. In fact, in the recently concluded state election, the BJP did not give ticket to a single Muslim candidate, despite the community making up nearly 10% of the state’s population.

Though the government has denied

claims that it has any plans to scrap the Union Ministry of Minority Affairs, it would be only in line with the vision of current dispensation if they decide to get rid of the ministry. Notably, the rationale purportedly furthered to justify scraping the Central minority affairs ministry is very similar to what has been stated while discontinuing the MANF scheme.

“The BJP-led NDA government is of the view that there is no need for an independent ministry for minority affairs. It believes the ministry was created as part of UPA’s appeasement policy. Now, the Modi government wants to bring it back under the Ministry of Social Justice and Empowerment as the ‘Department of Minority Affairs’,” one source told Deccan Herald, which broke the story about the government’s alleged plan to scrap the minority affairs ministry.

Apart from the impact of discontinuing the MANF scheme on students from minority communities interested in research and academics, the decision will serve at least two more purposes of the current regime and all those aligned to its ideology. First,

it will further help Hindutva activists participate in victim blaming. Since the discontinuation of the MANF scheme will force a considerable number of students from the Muslim community to shelve their plans to pursue higher education, it will become easier for anti-Muslims elements to argue that students from the community have no interest in higher education and academics.

The MANF scheme was launched post the Sachar Committee report (2006), which had noted that the gap between Muslims and other Socio Religious Categories (SRCs) increases as the level of education increases, and that unemployment rates among Muslim graduates is the highest among SRCs both among the poor and the non-poor. There will be no surprises if there is a steep fall in higher education enrolment amongst Muslims, as not many from the community are in a position to continue their education and research interests without financial support. This is also true for students from other minority communities, especially women.

Secondly, decisions like these will normalise the further exclusion of minority communities, especially

Muslims, because no party or government would like to be seen as 'appeasing' the minority. After all, it is deemed perfectly normal if there are no Muslim ministers in nearly half of the state governments, including Odisha and Punjab, which are considered opponents of Hindutva politics. It would be interesting to see if the newly formed Congress government in Himachal will have any Muslim ministers. The state has a more than 2% Muslim population.

Notably, in the recently concluded Gujarat elections, while the BJP decided to give no tickets to any Muslim candidates, the Congress gave only six tickets out of 182 to Muslims and the Aam Aadmi Party (AAP) gave just three tickets to Muslims, which is very low in proportion to the community's population in the state. That is because if they give more tickets, the so-called secular parties will be accused of appeasing the minority, a risk that they do not want to take – despite knowing that the bogey of 'minority appeasement' is simply another tool to deny constitutionally guaranteed rights to India's minorities.

(Courtesy: The Wire)



10

Prof. Apoorvanand and Alishan Jafri take an insightful view into the Muslim students' psyche

We are writing about a Muslim student feeling insulted in her classroom. You'll say that it sounds familiar. We had talked about it only last week. Why repeat the same thing again and again? We agree. We felt the same before deciding to write about it. Had we not talked about a student feeling insulted in his classroom just last week?

You must have noticed that even if the act remains the same, that is, the act of feeling insulted, those who feel it are different people. One is a he and the other a she. The classrooms also belong to two different places. One in an upmarket elitist institution called the Manipal Institute of Technology in Mangalore, Karnataka, and the other in MBR College, situated in a mofussil town called Balotra in the Barmer district of Rajasthan. But the act remains the same: of feeling insulted.

The first stage of action

You may want to object. How can feeling insulted be called an act? Those who were insulting were definitely acting, but these two students were being acted upon. We would like you to rethink. Feeling is also acting. Even if we don't take into account the fact that both the students reacted, they acted. Because there could be many who would just not feel the insult. Which means they are passive.

Feeling is the first stage of action. Or the first action. Which can lead to other actions. The consequential actions may not be the same. Their nature may depend on their contexts. For example, in the first instance, the student, a young man, studying at the elite Manipal Institute of Technology, challenges his teacher in his classroom after being called Kasab, the name of a convict hanged for a terror act. He does not silently receive the jibe. He refuses to accept the clumsy lie and excuses of the teacher and rejects the attempt to patronise him. He is surrounded by fellow students who look slightly embarrassed. What exactly embarrasses them? Is it the 'outburst' of their batchmate or the

obnoxious remark of the teacher? One is not sure. Would not they have felt relieved had their fellow student let go of the moment? Not persisted with it? Not made their teacher look small and also not made the situation awkward? Could he not have done without it?

He acted. They did not. Because they did not feel the humiliation of their classmate. These people who are supposed to be his fellow classmates.

The act is repeated in the college in Balotra, Rajasthan. Here the student is a young woman. Her gender makes her doubly vulnerable. Here, she is not insulted directly. The teacher, in a class on Buddhism, digresses and talks about the killing of Shraddha by Aaftab. Tells his class how people with such names are brutal by nature. Then he gets cautious and wants to make sure that there is no student with the same name or a similar one in the classroom. She remains silent. Does not reveal her identity. Is she scared? Or is she feeling somehow responsible for the violence by Aftab? Or is she made to feel accountable for his cruelty? When the teacher goes ahead with his diatribe against Muslims, she tries to

leave. She cannot take it anymore. You can see that she cannot afford to be as courageous as the Manipal student and just wants to escape the humiliation.

Is this an action? We think it is, as the teacher and her fellow students feel threatened by her act of withdrawal from that collective. The teacher demands to know why she is leaving. It is then that she tells him that she is a Muslim and what he is saying is irrelevant to the classroom topic. Then he claims that all that he said was written in the Quran. She then challenges him to prove it.

This withdrawal is seen as an act of defiance. They know that if she moves out of the college and enters the field of law, it might mean trouble for them. She overcomes her initial discomfort, reveals her identity while attempting to leave and tells the teacher that what he was doing had made her uncomfortable. He had violated his brief, he had gone beyond his mandate and indulged in hate speech.

A nation as a battlefield

Unlike the student at MIT, the student here is at a greater risk. She is a Muslim



woman. She is also physically not equal to many others. She is not as free as the MIT student. She is forcibly confined to her college. For two hours. You can see in the video her fellow students surrounding her and threatening her. One of them reportedly crushes her feet under the wheel of his vehicle. They say that the teacher had done nothing wrong and she will face consequences if she goes to the police with her complaint.

She is not so naïve as to not understand the consequences of speaking up. Yet she resists. Knocks at the doors of the keepers of the law. It is extremely dangerous for her. Should we also applaud her courage?

Why has this case not been discussed as widely as the MIT one? Is there a class bias? Or since a similar case was reported and discussed only days before, does talking about it look like a repetition? It might bore the readers. There is definitely a fatigue in the reporting of hate crime. But those who indulge in it keep repeating the same act.

We applauded the students for their courage. But should we have said more about the silence of their classmates? Ideally, the classroom is not supposed

to be a battlefield where Dalit, Muslim and Christian students need to display exemplary courage for their presence. That even many progressives engaged in polarising debates about the lone hijab-clad school student – Muskaan – chanting Allah-hu Akbar at a mob of over a dozen boys heckling her for being a Muslim tells you something. Even in the resistance of these completely cornered young people, we explore the possibilities of customising their outrage against their abuse. The hyper-focus is on the victim's response, the action of the perpetrators is forgotten, the silence of the onlookers is forgiven. It doesn't matter if we glorify Individual courage or scrutinise it, what matters is starting a conversation on the collective cowardice of the onlookers.

This home-grown bigotry of Muslim-baiting and the public humiliation of the entire community is a sure-shot cheap success hack. It has now been incentivised and mainstreamed. We see politicians and leaders of the Sangh Parivar compete with each other daily to establish themselves as more anti-Muslim in the public eye. The same formula has been adapted by TV

anchors chasing TRPs and filmmakers breaking box office records with vulgar propaganda.

Let's not be so naive as to think that words inside these classrooms won't reflect the psyche of the outer society, or that these are the only classrooms where we've seen this happen. It may not come as a surprise if the humiliating experiences of the two Muslim students we just discussed were actually a routine part of the teachers' pedagogy, a means to make the topics they were teaching more engaging. The teachers were confident that no one would object to their bigotry.

These are not isolated incidents. Some come to light but most don't. It can be an incident in Delhi University or in a progressive school. It can happen to teachers as well. Recall the bullying of a Muslim teacher for praying inside the campus, protests against another, and the public disrobing of another one by her colleagues during the hijab protests in Karnataka.

These incidents have made many more Indian Muslims recall their own experiences. It is casual, routine, unthinking. Recently, when I spoke

to a Muslim student after the two classroom incidents, she recalled an incident of her own. The occasion was a cricket match. Children were getting the tricolour painted on their cheeks and hands. She also extended her hands. Her friend painted the tricolour on one hand and the Pakistani flag on the other hand. When she asked why she did that, the friend innocently responded, are you not a Pakistani too?

I recall another story from nearly 15 years ago. A colleague told me about what had happened to her child at school. The children were asked to draw the flags of different countries. Her classmate, and this was in class 5 or 6, told her that she could easily draw the Pakistani flag as she was a Pakistani.

Such stories abound. A Muslim woman recounted an experience during a train journey. She was travelling with her husband. A child sitting next to them asked him if he was a Muslim. When he said yes, the child reflexively said that he should be shot. The couple was shocked. It was so unsettling that they decided to avoid train journeys in future.



The solidarity of fellowship

One can say, why can't Muslims take it in a sporting spirit? After all, there are jokes about Sikhs and they laugh at their own cost! Why can't Muslims do the same? Why do they make a fuss about it?

Mocking Muslims, insulting them is an integral part of our popular culture. Non-Muslims, most of them, who don't indulge in it or don't relish it, tolerate it. Allow it. It is left to the Muslims to challenge it. There are Muslims who do it. Sometimes spontaneously, as the student at MIT did. At times, after some hesitation, as the young student at Balotra did. Its price can be very high for them.

Would a student be able to learn in a classroom that robs them of their dignity? Even if we discount the huge material risks, the loss of a young person's innocence, excitement and curiosity, and the fact the person's heart is being filled with bitter hopelessness should be

enough to shake us as a people. Is it too much to expect that the young people in the classrooms will stand up and say no to the bullying of their friends? This is not the first time that such a video has gone viral and certainly it won't be the last.

Since there is relentless repetition of anti-Muslim bigotry, we should also not feel tired in repeating our opposition to it. We also need to act. As we said earlier, the first thing we need to do is to feel it. Feel the insult that is hurled at your neighbour. Then the other action starts. The young Muslim woman of Balotra should feel that she has fellows among her college mates, her town, her state and her country. This is the fellowship that Dr Ambedkar was seeking when he introduced fraternity as a constitutional duty or goal. It is also a right. Your solidarity, fellowship is my right. This alone makes us one people. We can start even now.

(Courtesy: The Wire)

Recommendations

As a civil society organisation we would like to impress upon the central government to enact laws or take action on the following:

- i) Enact a law to make Mob Lynching a punishable offence
- ii) Guarantee laws which don't interfere in Interfaith marriages
- iii) Develop a mechanism to ensure effective implementation of existing laws on guaranteeing rights of minorities, right to free speech and expression, religious practices
- iv) Setting up an Equality Opportunities Commission (EOC) on the pattern of those established in several European Countries
- v) Central government's organisations like National Integration Council (NIC) and National Foundation for Communal Harmony (NFCH) should be reconstituted and tasked to promote national integration, communal harmony, coexistence and pluralism in the country
- vi) Role of Muslim religious seminaries and their leaders like Darul Uloom, Deoband and Maulana Hussain Ahmad Madani should be incorporated in the history of the freedom movement of India.



Conclusion

India is a multi-faith democracy, with a majority Hindu population. According to 2011 census data, 79.80% of the population of India is Hindu, 14.23% Muslim, 2.30% Christian, 1.72% Sikh, 0.70% Buddhist, and 0.37% Jain.

India's constitution defines the nation as secular and protects freedom of religion or belief. However, there are concerns that religious minorities and other minority groups are suffering from persecution and discrimination, and that conditions have deteriorated in recent years.

Despite all these facts and realities of the Indian society, which could be described as tolerant, coexistent and pluralist, the country's right-wing forces in order to grab power have purposefully tried to drill new values amongst the Indian populace guided by the new Hindutva principles, which are certainly not based on the teachings of Hinduism. These values belie the teachings of the Vedas, Puranas and Hindus religious saints and leaders.

All this indeed paints a very bleak picture of India, a country that has always been known as a beacon for coexistence, tolerance and pluralism.

We hope that the Government of India, taking note of the grim picture of India being painted globally, will take steps that might bring it back to its earlier status. This could be achieved by reigning-in the fundamentalist, hardline, right-wing elements in the country, not playing a majoritarian religion game, and safeguarding its minorities. Indeed the lead in this has to be taken at the highest level, only then we'll be saved from the current hegemonistic designs of the right-wing elements.



Reporting Hate Crimes by JEM

JEM Team pursues a verifiable and fact-based checking of the Hate Crimes in India, based on its past data collection and analysis it can deduce that anecdotal evidence, as well as its experience of verifying Hate Crimes, would suggest that most incidents of Hate Crimes go unreported - both at the local administration (Police complaint, FIR, etc.) and the public level.

Media reporting of Hate Crimes is heavily tilted towards covering the more shocking and gruesome cases of violence, thereby ignoring the more everyday forms of violence. The lack of a legislative and legal framework to specifically address violence against religious minorities further discourages reporting and increases the lack of credible official data.

Despite our best efforts to cull reports from the national and regional news platforms, the numbers shown here are, at best, representative of the scale of the problem. The JEM Data is a fair accounting of all reported incidents of hate crimes against religious minorities in India, but it is by no means a complete accounting of all such hate crimes happening in the country. Here we also have to understand that through the total number of cases reported may seem miniscule in a country of over a billion people, but we have to understand the amplification of these Hate Crimes through various social media platforms and TV channels, which plays a considerable active role in reporting and painting a false narrative.

Methodology for Data Collection and Publication: **JEM Team** relies on online news portals, which are widely trusted and considered credible. These include websites of national dailies, local dailies, and other credible online news portals of Urdu, Hindi and English languages only. e.g. *The Hindu*, *The Times of India*, *The Hindustan Times*, *The Indian Express*, *The Wire*, *The Wire (Urdu)*, *The Print*, *News18*, *India TV*, *NDTV*, *India Today*, *FirstPost*, *The Scroll*, *The Quint*, *Free Press Journal*, *News18* etc.

JEM Team also analyses newspapers reporting and uses newspaper clippings, in addition to form a archives. These include national dailies and local dailies, both in English, Hindi and Urdu languages. These clippings are collected, scanned, and archived.

JEM Team also takes into consideration various civil society and fact-finding reports done by various organisations like CJP, HindutvaWatch, CHRI etc.

Issues covered in the quarterly reviews: The subjects of the database are the affected individuals/class/group of people who belong to religious minorities (Christians, Muslims, Sikhs, Jains, Zoroastrian (Parsis) and Buddhists), besides the Dalits or the backward communities.

Entry and Publication Process: Identification: Every potential entry is identified and fact checked from various places including news web portals, Internet searches, Social Media Platforms and Offline archives.

Fact-checking/Source: The input received from the previous step is crosschecked from various platforms and in some cases verification is also done from local sources like local activists and community leaders and Jamiat cadre from across India.

Scrutiny by the Editorial Team: Once an incident is reported, it is recorded and managed by the Editor. The entry at this stage faces scrutiny and the incident may or may not be approved depending on the veracity and accuracy of the entry made. The entry made can be checked for its status (approved, rejected, or pending) by the person who has made the entry.

Approval: In continuation with the previous step, if the Editorial Team finds the entry to be credible, it gets approved and is used for the Quarterly and Annual Reviews. The rejected entries are also recorded and remain with the Editor.

Limitations: **JEM Team** only takes secondary Source Reports gathered from secondary sources into consideration, as it does not have its own staff collecting reports from the ground.

JEM Team records violence only against religious minorities. Hate crimes against SCs/STs/OBCs for their caste identity and targeted violence against women for their gender identities do not form a separate part of the database. Political vendetta and/or personal attacks on politicians are also excluded from the subject matter of the database.

Justice and Empowerment of Minorities (JEM) is an initiative of Jamiat Ulama-i-Hind, the country's oldest and largest socio-cultural organisation of Indian Muslims.

JEM's mission is to safeguard the human rights of country's minorities while countering hate speech targeted against them. It endeavours to collect, collate and present cases of harassment, in any form, perpetrated against the minorities by right-wing elements. Its aim is to promote Rule of Law and access to justice, equal rights, citizen's security and human rights, in addition to defending and empowering religious minorities, marginalised and persecuted individuals, groups and communities through Advocacy.

JEM's aim is to empower and provide justice and judicial assistance to the victims of such crimes, which could be categorised under 'Hate Crimes'. It further aims to strengthen the constitutional edifice of the country, which guarantees the rights and dignity of minority groups, apart from helping to build a vibrant, thriving and affluent India.

JEM publishes four Quarterly Reviews and an Annual Review every year, highlighting the hate crimes against minorities, and additionally responding to marginalisation and persecution of minorities, in addition to ensuring implementation of equal rights, justice and peace, religious tolerance and coexistence in the country.



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