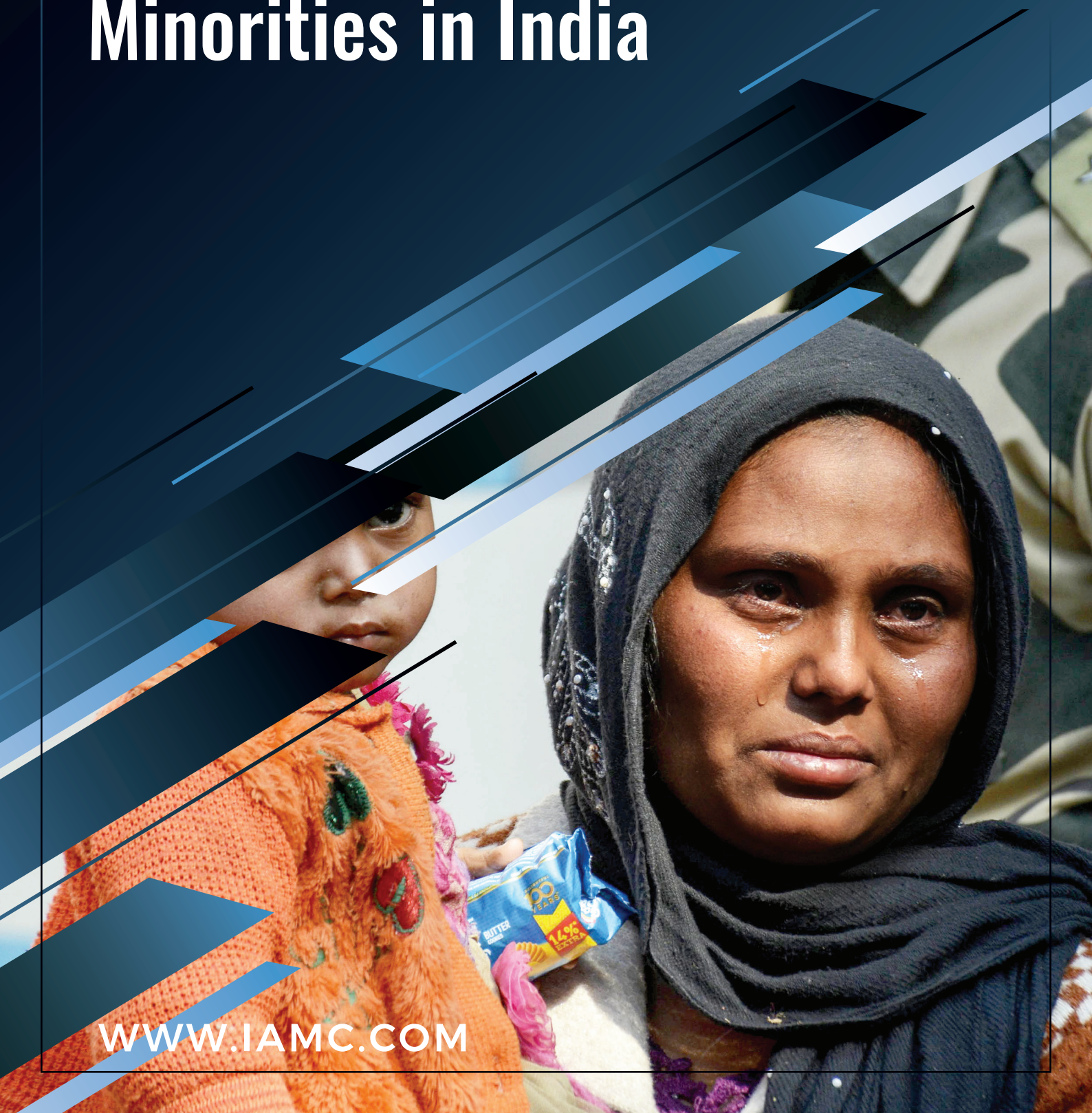


REPORT

NO. 3 / MAR-2022

State of Religious Minorities in India

WWW.IAMC.COM



Since Prime Minister Narendra Modi and his Bharatiya Janata Party (BJP) rose to power in 2014, Hindutva (Hindu nationalist) ideology, which seeks to turn India into a purely Hindu Rashtra (Hindu Nation), has been allowed to thrive. The influence of this ideology can be seen at every level of Indian government and society, including India's legislative, executive, and judiciary. As a result, non-Hindu religious minorities (Christians, Muslims, etc.) are considered to be an irreconcilable obstacle and threat to realizing this utopic majoritarian vision for Indian society, and are therefore targeted through polarizing and dehumanizing rhetoric (including genocidal sentiments), discriminatory legislation, harassment, and violence. Modi and the BJP condone and actively encourage these acts of hate speech, discrimination, and violence committed by right-wing Hindu nationalists. Local police and judiciary are also complicit through their inaction with regards to prosecuting perpetrators and their enforcement of discriminatory laws and policies that disproportionately target religious minorities.

The events of March 2022 demonstrate the multilevel complicity of Indian government and society in the cycle of systematic and widespread persecution of religious minorities. Modi and his BJP still have not effectively condemned the calls for mass violence against Christians and the genocide of Muslims at the dharma sansads (Hindu Religious Parliament) held in Haridwar (Uttarakhand), Delhi, and Raipur in December 2021. Unchecked and recent renewed calls for mass violence and genocide against Christians and Muslims by right-wing Hindu nationalists coupled with continual and escalating discrimination and violence suggest that these genocidal sentiments are at risk of escalating into genocidal action.

Intensifying Islamophobia and Genocidal Rhetoric

Upon its release, *The Kashmir Files* film directed by Vivek Ranjan Agnihotri, a supporter of PM Modi caused an intensification of Islamophobia, resulting in renewed anti-Muslim hate speech and calls for genocide against Muslims. The film purports to depict the “true story” of the targeting of Kashmiri Pandits (Hindu community) by militants in the 1990s, forcing thousands to flee the region. The film specifically depicts the Nadimarg massacre during which 24 Kashmiri Pandits were shot dead.¹ However, the film misrepresents the circumstances and the scale of the violence committed against Kashmiri Pandits and falsely blames the mass exodus on Kashmiri Muslims and “the Congress party, liberals, human

rights activists, Naxal sympathizers.”² The film falsely asserts that 4,000 Kashmiri Pandits were killed and five lakh displaced since the armed conflict began, while official reports put the number of those killed at 399-650 and those displaced at 160,000-170,000.³ These official numbers are discredited by the film which insinuates that the “real history” portrayed by the film is willfully suppressed through “propaganda.”⁴ The film also paints all Kashmiri Muslims as “murderous” and complicit in the violence committed against Pandits, while ignoring the fact that local Muslims were the main victims of the conflict with 50,000 Kashmiris killed since 1990 and 8,000-10,000 enforcedly disappeared. As a result, Muslim communities were



1 <https://scroll.in/article/1019863/here-are-five-things-the-kashmir-files-gets-wrong-about-kashmir>

2 <https://thewire.in/film/the-kashmir-files-manipulative-propaganda-vehicle-rouse-emotions-vivek-agnihotri-bjp>

3 <https://thewire.in/film/the-kashmir-files-manipulative-propaganda-vehicle-rouse-emotions-vivek-agnihotri-bjp>. See also <https://scroll.in/article/1019863/here-are-five-things-the-kashmir-files-gets-wrong-about-kashmir>

4 <https://scroll.in/article/1019863/here-are-five-things-the-kashmir-files-gets-wrong-about-kashmir>

also forced to flee en masse along with Sikh community.⁵ Several outspoken Kashmiri Hindus who are victims of the 1990 violence have denounced the film for its “sinister agenda” and “vilification of the Muslim community.”⁶ Despite denunciations of the film from experts and the victim group itself, The Kashmir Files has received the praise and support of Modi, BJP leaders, and the Rashtriya Swayamsevak Sangh (RSS). As an incentive for people to go see the film, the film has been made tax exempt in BJP-controlled states such as Gujarat, Uttar Pradesh, Uttarakhand, Haryana, Karnataka, Goa and Assam.⁷ In Assam, government employees can also get half-day leave for the purposes of going to see the film.⁸

The film has resulted in renewed calls for mass violence and genocide against Muslims. A video of a man calling for the genocide of Muslims to avenge the killings of Kashmiri pandits in 1990 has circulated on social media.⁹ On his YouTube channel, this unnamed man wearing a saffron mask asserts:

*We will kill everyone [Muslims] from the youngest to the oldest. If we leave the young ones they'll want to know who killed their father. They'll grow spiteful and will want revenge...Our army will murder and finish them all at once. If you are a Hindu and want to avenge [the deaths] Kashmiri pandits, if you know a Muslim, trouble them... Trouble them so much that they cry, leave them tormented. Create an atmosphere that forces them to leave the country. We won't let them leave nor will we let them live in the country...*¹⁰

Other videos have also circulated on social media where genocidal slogans such as “When mulle [slur for Muslim] will be cut into pieces they will shout Ram, Ram [Hindu deity]” can be heard.¹¹ Modi, BJP leaders, and law enforcement remain silent on condemning or prosecuting those who make these statements. In fact, many of the videos in which genocidal sentiments were expressed were videos made in favor of the BJP, portraying Modi and BJP leaders as the “saviors” and “protectors” of Hindus.¹²

These same genocidal slogans

⁵ <https://scroll.in/article/1019863/here-are-five-things-the-kashmir-files-gets-wrong-about-kashmir>

⁶ <https://muslimmirror.com/eng/kashmir-files-watchers-give-call-for-killing-muslims-even-bjp-govts-pm-promoting-to-keep-ratcheting-up-politics-of-divide/>

⁷ <https://muslimmirror.com/eng/kashmir-files-watchers-give-call-for-killing-muslims-even-bjp-govts-pm-promoting-to-keep-ratcheting-up-politics-of-divide/>

⁸ <https://muslimmirror.com/eng/kashmir-files-watchers-give-call-for-killing-muslims-even-bjp-govts-pm-promoting-to-keep-ratcheting-up-politics-of-divide/>

⁹ <https://www.siasat.com/hindutva-youtuber-calls-for-genocide-sexual-assault-of-muslims-2293594/>

¹⁰ <https://www.siasat.com/hindutva-youtuber-calls-for-genocide-sexual-assault-of-muslims-2293594/>

¹¹ <https://muslimmirror.com/eng/kashmir-files-watchers-give-call-for-killing-muslims-even-bjp-govts-pm-promoting-to-keep-ratcheting-up-politics-of-divide/>

¹² <https://muslimmirror.com/eng/kashmir-files-watchers-give-call-for-killing-muslims-even-bjp-govts-pm-promoting-to-keep-ratcheting-up-politics-of-divide/>

continue to be utilized by BJP candidates in their 2022 election campaigns. A video has surfaced of BJP candidate Raghvendra Pratap Singh leading a rally



of hundreds in Dumariyaganj, Uttar Pradesh where anti-Muslim genocidal slogans were raised. The crowd chanted: “When Muslims will be killed, they will shout Ram’s name!” There has been no police action in response to this genocidal rhetoric.¹³ In addition to ineffective police action in response to the use of hate speech in election campaigns, the Indian judiciary is also complicit in downplaying the criminality of this rhetoric. The Delhi high court ruled that a “speech given during election time is different from one given during ordinary times and sometimes things are said just to create a ‘mahaul’ (atmosphere) without there being the intention” of wrongdoing or criminality.¹⁴ Justice Chandra Dhari Singh asserted that “if something is said with a smile, then there is no criminality but if something is said offensively, then

there may be criminality.”¹⁵ Without being assured of an explicit intent to harm religious minorities as a result of said hate speech, the court insinuates that the speaker has a freedom to this speech and criminal intent cannot be determined for certain.¹⁶ This ruling establishes a court precedent that hinders the prosecution of those who express genocidal sentiments against religious minorities, allowing this rhetoric to continue and escalate.

Discriminatory Legislation and Policy

A key development this month in discriminatory legislation and policies towards religious minorities is the



¹³ <https://thewire.in/communalism/dumariyaganj-bjp-mla-raghvendra-singh-muslims-genocide>

¹⁴ <https://indianexpress.com/article/cities/delhi/hate-speech-case-if-said-with-smile-no-criminality-says-hc-7836774/>

¹⁵ <https://indianexpress.com/article/cities/delhi/hate-speech-case-if-said-with-smile-no-criminality-says-hc-7836774/>

¹⁶ <https://indianexpress.com/article/cities/delhi/hate-speech-case-if-said-with-smile-no-criminality-says-hc-7836774/>

decision of the Karnataka State high court to uphold the ability of schools to ban students from wearing the hijab. The high court dismissed a set of petitions filed by Muslim students denied entry to schools across the state and determined that the hijab was not an “essential religious practice in Islamic faith” clearly stated in the Quran.¹⁷ Therefore, schools

stand with the hijab-wearing students also face harassment. Two hotels in Udupi, Karnataka were demolished for not having a proper license and the owners allege that this was due to their support of Muslim students.²¹

The high court’s decision carries serious consequences for Muslim



were not violating the religious freedom of its students by banning the hijab.¹⁸ The court asserted that the ban was a “reasonable restriction, constitutionally permissible and which the students cannot object to.”¹⁹ Protests against the ban continue as do clashes with Hindu nationalist counter protestors. On March 17th, parts of Karnataka shut down in protest as Muslims took to the streets and closed down their stores.²⁰ Those who

students. During court deliberations, 250 Hijab-wearing students stopped coming to school due to the ban, and after the court upheld the ban, it is expected that many more will not attend school.²² On March 18th, the Government Pre-University College in Uppinangady reported 231 Muslim students (both boys and girls) absent from sitting their exams in protest.²³ Muslim activist groups have begun organizing online classes

17 <https://www.cnn.com/2022/03/15/india/india-karnataka-hijab-ruling-intl-hnk/index.html>. See also <https://apnews.com/article/india-islam-religion-education-f374a2653e6194f5fa96a20828e97c44>

18 <https://www.cnn.com/2022/03/15/india/india-karnataka-hijab-ruling-intl-hnk/index.html>. See also <https://apnews.com/article/india-islam-religion-education-f374a2653e6194f5fa96a20828e97c44>

19 <https://www.cnn.com/2022/03/15/india/india-karnataka-hijab-ruling-intl-hnk/index.html>.

20 <https://clarionindia.net/partial-shutdown-in-karnataka-as-muslims-protest-hijab-verdict/>

21 <https://maktoobmedia.com/2022/03/26/revenge-for-protesting-hijab-ban-sdpi-leaders-hotel-demolished-by-karnataka-authorities/>

22 <https://www.washingtonpost.com/world/2022/03/15/india-hijab-ban/>

23 <https://www.thenewsminute.com/article/hijab-ban-aftermath-over-400-muslim-girls-udupi-colleges-stay-out-class-162127>

for affected students. After harassing a hijab-wearing student at Mangaluru college, the student wing of the BJP, the Akhil Bharatiya Vidyarthi Parishad (ABVP) leaders, filed a complaint against the student with local police.²⁴ Not only are students affected, but teachers as well. One teacher in a Karnataka government school was asked to remove her hijab while teaching, resulting in her resignation.²⁵ Another Hijabi woman resigned from her position as the principal of VIVA College of Law in Maharashtra after experiencing harassment for wearing the hijab.²⁶ The decision of the Karnataka high court has also prompted other right-wing Hindu-nationalists groups to push for similar hijab bans in their own states. The Vishva Hindu Parishad (VHP), a Hindu militant group has already begun demanding a hijab ban in Modi's

home state of Gujarat.²⁷ Pressure has also been put on education officials in Uttar Pradesh.²⁸

The religious freedom of Muslims and Christians was also brought into question this month by the announcement by Uttarakhand's Chief Minister, Pushkar Singh Dhami, that a committee will be formed to implement a Uniform Civil Code (UCC) in the state. Currently, Muslims and Christians are governed by their own personal laws. An implementation of a UCC in Uttarakhand would mean one set of "equal laws on subjects such as marriage, divorce, land, property, and

inheritance issues for people, irrespective of their faith and religion." This is a cause for concern among religious minorities who see this movement as an opportunity of the Hindu majority to impose laws that reflect their religious customs while



24 <https://clarionindia.net/fir-against-hijabi-student-harassed-by-abvp-mob-for-appearing-for-exam/?fbclid=IwAR3NDVdKm8s60ObavLEgIUzqBDtH8YA-MFuyQ2XO-qLhMjkr1C3Ek1Qb3g>

25 <https://www.washingtonpost.com/world/2022/03/15/india-hijab-ban/>

26 <https://muslimmirror.com/eng/law-college-principal-resigns-after-harassment-over-hijab-in-maharashtra/>

27 <https://www.usnews.com/news/world/articles/2022-03-16/hindu-hardliners-seek-wider-india-ban-on-hijab-in-class-after-court-verdict>

28 <https://www.usnews.com/news/world/articles/2022-03-16/hindu-hardliners-seek-wider-india-ban-on-hijab-in-class-after-court-verdict>

purposefully erasing the culture and customs of religious minorities.

Additionally, this March, discriminatory policies have threatened Muslim places of worship and businesses.

The Allahabad high court restored a petition that seeks to demolish the Shahi Idgah Mosque near a Krishna temple in Mathura.²⁹ In Karnataka, after being under pressure from the BJP, the Bajrang Dal, and the Vishva Hindu Parishad (VHP), organizers of the Kote Marikamba Jatra festival have banned Muslim shopkeepers and vendors from doing business during the festival. The Karnataka government eventually made a ruling that non-Hindus cannot do business around annual temple festivals.³⁰ Law Minister JC Madhuswamy claims, “While framing rules to Karnataka Hindu Religious Institutions and Charitable Endowments Act in 2002, Rule 12 states that no property including land, building or site situated near the institution shall be leased to non-Hindus.”³¹ Additionally,



Hindu-nationalists have called for the boycott of halal meat products during Karnataka's Ugadi celebrations.³²

This month, Muslims as well as Christians have also been put at risk of legal harassment by the expanding number of states with anti-conversion legislation. These anti-conversion or “Freedom of religion” laws give authorities legal justification to disproportionately



target non-Hindu religious minorities for their religious identity by claiming that they are responsible for forcibly converting Hindus. With the passing of its Prevention of Unlawful Conversion of Religious Bill, Haryana joined the ranks of states with anti-conversion legislation, such as Odisha, Madhya Pradesh, Arunachal Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Uttar Pradesh, Uttarakhand, and Karnataka. The bill seeks to prohibit

²⁹ <https://thewire.in/law/allahabad-hc-restores-petition-seeking-removal-of-mathuras-shahi-idgah-mosque>

³⁰ <https://thewire.in/communalism/under-pressure-from-hindutva-groups-karnataka-festival-bans-muslim-traders>

³¹ <https://www.thequint.com/news/india/karnataka-govt-says-non-hindus-cannot-do-business-around-hindu-institutions-cites-rule#read-more>

³² <https://www.thequint.com/news/india/hindutva-group-calls-for-boycott-of-halal-meat-during-karnatakas-ugadi-festival#read-more> See also <https://www.siasat.com/karnataka-bajrang-dal-asks-hindus-not-to-buy-meat-from-muslim-vendors-2299368/>

“religious conversions which are effected through misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means or by marriage...”³³ The bill also states that “whoever converts or attempts to convert a minor, a woman or a person belonging to the Scheduled Castes or Scheduled Tribes, shall be punished with imprisonment for a term which shall not be less than four years, which may extend to 10 years and liable to fine not less than Rs 3 lakh.”³⁴

Violence Against Christians

Along with discriminatory



legislation and policies, right-wing Hindu-nationalist groups continue to target Christians with mob violence for

allegedly “forcibly” converting Hindus to Christianity. In Vyaspur village in Uttar Pradesh, a group of Hindu nationalists broke into a pastor’s house and choked and beat him with wooden sticks before slitting his wife’s throat.³⁵ The pastor survived the attack and reported the crime to Shahupuri police, but they refused to register his complaint and released the two assailants they had in custody.³⁶ Another pastor in Jodhikapur village in Uttar Pradesh had a mob of Hindu nationalists gather outside his home and chant “bring the traitor out” and “free India of Christian priests” while he was leading a prayer meeting.³⁷ Eventually, local police arrived and arrested the pastor and his wife for “unlawful conversion, criminal intimidation and intentionally insulting religion.”³⁸ The couple was held for five months and released only a few weeks ago.³⁹ In Hassan in Karnataka, a group of right-wing Hindu nationalists attacked a young Christian man for handing out booklets related to Christianity on a college campus.⁴⁰ The police have not taken action against the young man’s assailants.⁴¹ In Angampalli village in Chhattisgarh, a group of five Hindu nationalists broke into a pastor’s house

33 <https://indianexpress.com/article/explained/explained-haryana-govts-anti-conversion-bill-its-provisions-and-oppositions-objections-7801281/>

34 <https://thewire.in/communalism/haryana-assembly-passes-anti-conversion-bill-amid-walkout-staged-by-congress-lawmakers>

35 <https://www1.cbn.com/cbnnews/cwn/2022/march/targeted-because-we-are-christians-indian-pastor-wife-survive-violent-attack-by-hindu-extremists>

36 <https://www1.cbn.com/cbnnews/cwn/2022/march/targeted-because-we-are-christians-indian-pastor-wife-survive-violent-attack-by-hindu-extremists>

37 <https://www.telegraph.co.uk/world-news/2022/03/10/want-exterminate-us-indias-christians-fear-rise-violence-hindu/>

38 <https://www.telegraph.co.uk/world-news/2022/03/10/want-exterminate-us-indias-christians-fear-rise-violence-hindu/>

39 <https://www.telegraph.co.uk/world-news/2022/03/10/want-exterminate-us-indias-christians-fear-rise-violence-hindu/>

40 <https://maktoobmedia.com/2022/03/18/karnataka-hindutva-men-assault-christian-youth-police-arrest-survivor-not-attackers/>

41 <https://maktoobmedia.com/2022/03/18/karnataka-hindutva-men-assault-christian-youth-police-arrest-survivor-not-attackers/>

and stabbed him to death.⁴² Also in Chhattisgarh, a Hindu nationalist mob broke into a Christian worship hall and attacked its congregation in Rajouti village.⁴³ Police arrived on the scene, however, they arrested the pastor and a congregation member presumably for alleged forced conversions.⁴⁴ In addition to violence, Christians also face the threat of social boycott. Earlier this month, two Christian families in Chhattisgarh were prohibited from shopping, fetching drinking water, or seeking employment in their village by the village Hindu community.⁴⁵ Out of fear of social boycott, other Christians in the village stopped attending prayer services and the number of Christians shrank from 40 to 12.⁴⁶

Violence Against Muslims

Over the past month, right-wing Hindu nationalists have also continued to target Muslims through vigilante mob violence because of their religious identity. In Uttar Pradesh's Kaushambi district, an unidentified mob lynched a Muslim man.⁴⁷ In Assam, a man was attacked by a mob with machetes



and sticks before being set on fire for allegedly killing a minor.⁴⁸ Another Muslim man was lynched this month in West Bengal's Midnapore.⁴⁹ In Gurgaon, two Muslim men were beaten after having religious slurs thrown at them.⁵⁰ One of the men also had a white powder-like substance shoved down his throat.⁵¹ In Uttar Pradesh's Saharanpur, a man was allegedly assaulted and had a trishul carved into his forehead with acid during Holi celebrations.

In Uttar Pradesh where the sale of meat and alcohol in areas significant to Hindu worship (such as Vrindavan and Mathura) has been outlawed since 2017, Muslims have experienced harassment and violence due to allegations of selling or slaughtering cattle. In Raal village, a Muslim man disposing of animal remains was beaten up by a right-wing

⁴² <https://www.persecution.org/2022/03/19/christian-pastor-murdered-central-india/>

⁴³ <https://www.persecution.org/2022/03/28/two-pastors-jailed-central-india/>

⁴⁴ <https://www.persecution.org/2022/03/28/two-pastors-jailed-central-india/>

⁴⁵ <https://www.christianitydaily.com/articles/15275/20220316/two-christian-families-in-central-india-ostracized-over-beliefs.htm>

⁴⁶ <https://www.christianitydaily.com/articles/15275/20220316/two-christian-families-in-central-india-ostracized-over-beliefs.htm>

⁴⁷ <https://maktoobmedia.com/2022/03/22/up-villagers-beat-muslim-brothers-one-died-another-critical/>

⁴⁸ <https://www.india.com/news/india/man-lynched-set-on-fire-by-mob-in-assam-for-allegedly-killing-minor-5284239/>

⁴⁹ <https://clarionindia.net/13-days-on-midnapur-police-evasive-on-breakthrough-in-muslim-mans-lynching/>

⁵⁰ <https://maktoobmedia.com/2022/03/08/gurgaon-two-muslim-men-beaten-up-say-faced-religious-slurs/>

⁵¹ <https://maktoobmedia.com/2022/03/08/gurgaon-two-muslim-men-beaten-up-say-faced-religious-slurs/>

cow vigilante mob.⁵² Another Muslim man near Mathura was beaten by two Hindu nationalists due to allegations that he was transporting beef and smuggling cattle in his van.⁵³ During the 2022 election campaign, members of the right-wing Hindu nationalist group, the Bajrang Dal, harassed locals living near



slaughter houses in Manoharpur, West Bengal to get them to confess to harming cattle.⁵⁴ Additionally, in Tripura's Sepahijala district, a Muslim man was lynched by a mob of right-wing Hindu nationalists due to allegations that the man was smuggling cattle.⁵⁵ To date, only two men have been arrested in connection to this crime.⁵⁶

This month, Muslim places of worship have been threatened and defaced by right-wing Hindu nationalist

groups. On March 1st, Hindu nationalists held a “Aland Chalo” rally supporting the push to build a temple in the Hazrat Ladle Mashaikh Dargah (Muslim shrine) in Aland, Karnataka after claims that a Shiva Linga (representation of the Hindu god Shiva) was spotted on the premises.⁵⁷ According to local police, the 200 person Hindu nationalist rally was met with more than 3,000 Muslims who gathered in front of the shrine.⁵⁸ That night, the police conducted raids, arrested 167 Muslims, and filed five FIR reports against Muslim protestors.⁵⁹ In Madhya Pradesh's Narmadapuram district, a Muslim shrine was defaced by Hindu nationalists. The doors of the shrine were torn off and dumped in the river and the entryway and tomb were painted saffron.⁶⁰ The police only took action on the case after locals protested and blocked a nearby highway.⁶¹



⁵² <https://thewire.in/communalism/mathura-hindutva-cow-muslims>

⁵³ <https://scroll.in/latest/1020069/>

⁵⁴ <https://thewire.in/communalism/mathura-hindutva-cow-muslims>

⁵⁵ <https://maktoobmedia.com/2022/03/29/26-year-old-muslim-lynched-by-hindu-mob-in-tripura-two-men-arrested/>

⁵⁶ <https://maktoobmedia.com/2022/03/29/26-year-old-muslim-lynched-by-hindu-mob-in-tripura-two-men-arrested/>

⁵⁷ <https://maktoobmedia.com/2022/03/08/aland-chalo-hindutva-rally-167-muslims-being-arrested/>

⁵⁸ <https://maktoobmedia.com/2022/03/08/aland-chalo-hindutva-rally-167-muslims-being-arrested/>

⁵⁹ <https://maktoobmedia.com/2022/03/08/aland-chalo-hindutva-rally-167-muslims-being-arrested/>

⁶⁰ <https://muslimmirror.com/eng/muslim-shrine-vandalised-painted-saffron-in-madhya-pradesh-hj/>

⁶¹ <https://muslimmirror.com/eng/muslim-shrine-vandalised-painted-saffron-in-madhya-pradesh-hj/>

In addition to a lack of effective action of police to apprehend and prosecute perpetrators of aforesaid discrimination and violence targeting Muslims, police are themselves complicit in said discrimination and violence. Since late December 2021, police in Dadri, Uttar Pradesh have blocked a 100-year-



old route by building a concrete wall. This route was predominantly used by Muslims who live in the nearby Nai Abadi neighborhood of Dadri, and its blocking has essentially locked these residents in their homes.⁶² This road closure has prevented Muslims from reaching shops and school in addition to a mosque where the community worshiped.⁶³ On March 18th, an auspicious day for Muslims and Hindus as both the communities celebrated Juma, Shab-e-Baraat and Holi, Delhi police stopped Muslims from offering prayers at the Panchsheel

Enclave Purani Masjid.⁶⁴ This month, police shot and killed two men (one Muslim, one Adivasi) shortly after their arrest, claiming that these persons of interest were trying to flee custody.⁶⁵

Jammu and Kashmir

Over the month of March, the Muslim majority region Jammu and Kashmir continues to experience human rights abuses as a result of an increased presence of Indian military forces. These forces continue to target journalists and human rights defenders with the draconian laws, like sedition, Public Safety Act (PSA) and the Unlawful Activities Prevention Act (UAPA), which allow authorities to detain those critical of the Modi government and the Indian administration of the region. Fahad Shah, a Kashmiri journalist and editor of



⁶² <https://muslimmirror.com/eng/dadri-up-police-blocks-lone-route-connecting-muslim-village-to-rest-of-localities-hundreds-left-locked-in-their-homes/>

⁶³ <https://muslimmirror.com/eng/dadri-up-police-blocks-lone-route-connecting-muslim-village-to-rest-of-localities-hundreds-left-locked-in-their-homes/>

⁶⁴ <https://maktoobmedia.com/2022/03/22/delhi-police-stopped-friday-prayer-16-mosques/>

⁶⁵ <https://scroll.in/article/1019938/as-police-shootings-continue-in-assam-the-state-government-openly-backs-them>

The Kashmir Walla is currently behind the bars under the UAPA and the PSA for his reporting.⁶⁶ Under the PSA, Shah could be detained without a trial for up to two years without formal charges brought against him.⁶⁷ According to



Kashmir police, Shah is wanted in three cases from 2020, 2021, and 2022 “for glorifying terrorism, spreading fake news and inciting general public for creating law and order situations.”⁶⁸ Shah’s case is emblematic of a strategy often used by Kashmiri police to detain journalists and human rights defenders long-term by re-arresting and bringing new charges against an already accused individual released on bail to circumvent

said bail.⁶⁹ In addition to arrests, Indian security forces have also harassed and intimidated journalists through interrogations and raids during which security forces reportedly have seized journalists’ laptops.⁷⁰

In addition, this month, Indian administration in the region has been arresting, detaining, and deporting Rohingya refugees back to Myanmar. Fleeing genocide in Myanmar, thousands of Rohingya refugees have settled in Jammu. One jail superintendent stated that there are over 200 refugees (including families with children) detained and slated for deportation and that “when more deportation orders come in, we shall send them back too.”⁷¹ One Rohingya explains, “235 refugees have been detained by the government since last year. This includes women and men. They are innocent and have had no criminal record. They have children back in Jammu who have been left without support...Following that, 235 more were arrested. They did not do any crime at all.”⁷²

66 <https://maktoobmedia.com/2022/03/12/kashmiri-journalist-fahad-shah-booked-under-uapa-for-second-time/>

67 <https://scroll.in/article/1019465/rearrested-after-getting-bail-how-the-law-is-abused-to-keep-dissidents-in-jail>

68 <https://scroll.in/article/1019465/rearrested-after-getting-bail-how-the-law-is-abused-to-keep-dissidents-in-jail>

69 <https://scroll.in/article/1019465/rearrested-after-getting-bail-how-the-law-is-abused-to-keep-dissidents-in-jail>

70 <https://thewire.in/media/journalists-in-jk-harassed-for-not-toeing-govt-line-press-councils-fact-finding-report>

71 <https://indiaaheadnews.com/india/india-reportedly-begins-process-of-deporting-over-200-rohingyas-fear-grips-refugees-in-jammu-122672/>

72 <https://indiaaheadnews.com/india/india-reportedly-begins-process-of-deporting-over-200-rohingyas-fear-grips-refugees-in-jammu-122672/>

Recommendations

The developments of March 2022 demonstrate the influence of Hindutva ideology, leaders, and groups on India's government, bureaucracy, judiciary, and the society. PM Modi, the BJP, and their candidates have profited off of and condoned calls for mass violence and genocide. India's judiciary (from local courts to high courts) continue to be complicit in cementing Hindutva ideology's hold by not effectively holding perpetrators of genocidal calls, discrimination, and violence responsible and upholding discriminatory laws and policies which target religious minorities. The multilevel complicity of actors from the local to the national level across civilian, judicial, and governmental sectors of society in upholding Hindutva ideology and persecuting religious minorities demonstrate that the mechanisms for mass violence and genocide are in place. In order to de-escalate the current situation and prevent an impending genocide, the following recommendations should be implemented:

Recommendations for the international community (including India):

- As state parties to the 1948 Genocide Convention, the international community and the Indian government are obligated to take the recent calls

for genocide and mass violence against Muslims and Christians seriously, condemn the genocidal sentiments, and hold those who made the speeches responsible.

- As signatories of the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the international community as well as the Indian government has a responsibility to ensure that police effectively investigate, prosecute, and prevent instances of harassment and violence committed against Muslims and Christians. In addition to ensuring individuals' physical safety, law enforcement should ensure the safety of the businesses, homes, and places of worship of religious minorities. The economic freedom to conduct business and the freedom of movement of these groups should also be protected.

- In particular, the President of the United States has the ability to place sanctions on individuals who have committed, directly aided, ordered, or are complicit in gross human rights violations through the Global Magnitsky Human Rights Accountability Act. These sanctions include barring entry to the US or blocking any transactions relating to property or interests held in the United States. With regards to recent calls for

genocide at events like Haridwar, the President could place sanctions on those responsible. These sanctions could also be applicable to those responsible for or complicit in the ongoing human rights violations in Jammu and Kashmir, including the recent violations of freedom of speech and press.

Recommendations for Indian state governments:

- Haryana, Odisha, Madhya Pradesh, Arunachal Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Uttar Pradesh, Uttarakhand, and Karnataka should repeal their “Freedom of Religion” or anti-conversion laws which have been used to disproportionately target religious minorities and justify harassment and violence.

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

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

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