



Submission: Advocacy of Hatred Based on Religion or Belief in India - Transformative Responses

October 2023

This memorandum offers a comprehensive overview of our organization's primary concerns regarding hatred based on religion in India. It is being submitted to the Special Rapporteur on freedom of religion aiming to contribute to the thematic report for the 55th session of the UN Human Rights Council. We have faith that this memorandum will support the Special Rapporteur in her evaluation of India's adherence to the Religious Freedom Mandate.

The propagation of hatred based on religion or belief is a matter of grave concern in India, with profound and far-reaching implications for its social fabric and the rights of its minority communities. This memo delves into the multifaceted dimensions of hatred rooted in religious or belief-based discrimination that is prevalent in Indian society. From legislative actions to on-ground manifestations, we examine the various forms of discrimination and violence that target religious minorities, with a particular focus on the Muslim community. These acts of hatred not only violate the principles of democracy and secularism enshrined in the Indian constitution but also undermine the social harmony that is essential for a diverse and pluralistic nation like India.

We begin by discussing some key legislative actions that have exacerbated religious tensions and discrimination, such as the Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC). These policies, while ostensibly framed to address issues of immigration, have had a disproportionately adverse impact on the Muslim population in India. The discriminatory nature of these policies becomes evident when non-Muslims are provided with a pathway to citizenship, while Indian Muslims are denied the same opportunity due to a lack of documentation, which is particularly challenging in rural India.

The Prohibition of Unlawful Conversion of Religion Act, enacted in several Indian states, ostensibly seeks to prevent forced religious conversions. However, in practice, these laws have been weaponized to target religious minorities, particularly Muslim men in interfaith relationships. The vague language in these laws allows for arbitrary interpretation and enforcement, leading to a chilling effect on interfaith marriages and conversions.

Hijab bans in the Karnataka state further exemplify the rising Islamophobia and targeted discrimination against Muslims. The ban on Muslim students wearing the hijab in educational institutions has raised significant controversy and tension, endangering the education and identity of Muslim women.

Cows, considered sacred by many Hindus, have become a source of controversy with stricter cow slaughter legislation in multiple states. These laws not only criminalize the slaughter of cows but also the transportation, possession, and sale of cattle and beef. This disproportionately affects religious minorities, particularly Muslims, and infringes upon their dietary choices.

To understand the perpetuation of religious hatred, we explore the role of broader prejudicial attitudes in society. These attitudes are fueled by a combination of factors, including political leaders exploiting religious differences for electoral gains, media amplification of divisive narratives, and the inflammatory rhetoric of Hindu nationalist religious leaders. The caste system in Hinduism, which segregates religious minorities like Muslims and Christians as "unclean," also plays a role in these prejudices.

Religious festivals in India, such as Ram Navami and Hanuman Jayanti, have increasingly become platforms for organized violence against religious minorities, particularly Muslims. The political patronage extended to these acts of violence exacerbates the situation.

Hate speech incidents have surged, especially in states with upcoming elections. The report highlights that more than half of the documented hate speech incidents in the first half of 2023 were orchestrated by the ruling Bharatiya Janata Party (BJP) and affiliated groups, which have ties to Hindu nationalist organizations like the Rashtriya Swayamsevak Sangh (RSS).

The submission further discusses notable actors who promote hate, including religious leaders, politicians, and media personalities. It also touches on the impact on Muslim Bollywood actors and filmmakers who face threats and intimidation for expressing concerns about growing intolerance.

The propagation of hatred in India is deeply rooted and complex, and it necessitates a comprehensive analysis of its various dimensions. This memo aims to shed light on the evidence of religious hatred and its consequences for religious minorities, primarily the Muslim community, in India.

The advocacy of hatred is defined in various Indian laws and policies, as defined below. Such laws directly lead to intolerance, discrimination, and violence based on religion or belief in Indian societies, particularly for India's Muslim minority population.

Citizenship Amendment Act (CAA) and National Register of Citizens (NRC)

The Citizenship Amendment Act (CAA) offers expedited Indian citizenship to religious minorities (Hindu, Sikh, Buddhist, Jain, Parsi, and Christian) from Pakistan, Bangladesh, and Afghanistan, excluding Muslims, marking the first instance of religious-based citizenship criteria in India. Simultaneously, the CAA introduced the National Register of Citizens (NRC), which requires citizens to furnish pre-1971 Indian identity documents; those unable to do so face detention. The NRC was initially implemented in Assam, where 1.9 million individuals, predominantly Muslims, were rendered stateless. The lack of documentation poses a significant challenge for many, particularly in rural India, where about 70% of the population resides.^{1 2}

Prohibition of Unlawful Conversion of Religion Act

Several Indian states, including Uttar Pradesh, Madhya Pradesh, Himachal Pradesh, and Uttarakhand, have implemented the Prohibition of Unlawful Conversion of Religion Act to oversee religious conversions. These laws ostensibly aim to prevent

¹https://www.washingtonpost.com/world/asia_pacific/why-indias-citizenship-law-is-so-contentious/2019/12/17/35d75996-2042-11ea-b034-de7dc2b5199b_story.html

² <https://www.genocidewatch.com/single-post/islamophobia-in-asia>

conversions achieved through force, fraud, or inducement and necessitate government authorization before changing one's religion.

However, in practice, these laws have been misused to target and intimidate religious minorities, particularly Muslim men involved in Hindu-Muslim relationships. False accusations of forced conversions have led to arrests and detentions, often citing interfaith marriages as evidence. The laws' vague and broad language has allowed arbitrary interpretation and enforcement, leaving the discretion to the police, who may exhibit biases against religious minorities. This has created a climate of fear, hindering individuals from freely practicing their religious beliefs, as they risk legal prosecution or harassment by Hindu nationalist groups.

In this context, these laws infringe upon the fundamental rights of Indian citizens, notably their right to freedom of religion and choice, contravening United Nations Universal Declaration of Human Rights (Article 18) which India is a signatory and mandates promoting regional freedoms.

Hijab Bans

The state of Karnataka in India has implemented a contentious policy that bans Muslim students from wearing the hijab in schools and colleges, even during classes and exams. This action jeopardizes the education of numerous Muslim women, while other religious identity markers are still allowed. Freedom of expression and the right to manifest one's religious beliefs, including the way they choose to dress (or not) should not be impeded or used as a means of discrimination and denial of a right to education. Additionally, there are reports of teachers harassing and forcibly removing hijabs from students, creating tensions and concerns about religious freedom in educational settings, which is against United Nations principles.³ The Karnataka hijab ban is a prime example of Islamophobia and targeted discrimination against Muslims in India.

Cow Slaughter Legislations

Cows are considered as sacred animals by upper caste Hindus. Laws preventing the slaughter of cows are not new in India and have been in place in some states since as early as 1932. However, recently, several states, including Gujarat, Uttar Pradesh, Karnataka, Haryana, Sikkim, and Madhya Pradesh, have made amendments to these laws. These amendments include stricter punishments for cow slaughter and in some cases also criminalize the transportation, possession, and/or sale of cattle and/or beef.⁴

There is no constitutional mandate to prohibit beef consumption, not on its transportation, sale or purchase.⁵ By deviously making a legitimate economic

³<https://www.southasiantoday.com.au/article-10221--muslim-women-face-trauma-as-hijab-ban-in-india-continues-details.aspx>

⁴ https://www.hrw.org/sites/default/files/report_pdf/india0219_appendix_1.pdf

⁵ <https://cjp.org.in/cow-slaughter-prevention-laws-in-india>

activity a crime, that is, by making transportation, sale and possession of beef a serious offense, these laws have caused many religious minorities to lose their livelihood and effectively criminalized the consumption of beef in the pretext of banning cow slaughter. Once the consumption of beef is criminalized, the consumers of beef become cast as criminals; mainly Muslims but also Dalits, Christians and tribals. These laws also call into question the Government's right to dictate what religious minorities consume, particularly since beef is at times more accessible and affordable than other meat products. It is the protection and sanctity provided by laws against cow slaughter that have resulted in a close nexus between the local police and cow vigilantes, resulting in most of the lynching murders all over country.

Muslims denied homes for rent or sale

Muslims are often denied rental properties in upscale areas of cities. In many cases, renters advertise that Muslims should not apply. The same is true in sales of homes or property, where Muslims are denied access on various grounds. Often a developer flatly refuses to sell to Muslims.⁶

Economic Boycott of Muslims

Muslim owned businesses and shops are boycotted by the majority Hindu community. On Twitter hashtags such as #BoycottHalal, #EconomicJihad, and #SayNoToHalal trend frequently in order to target Muslims and their consumption of halal food. In another troubling example, a smear campaign was launched in which it is claimed that Muslims spit in their food to make it halal. The campaign was called #ThookJihad (meaning "Spit Jihad"), which went particularly viral during the Covid-19 pandemic as Muslims were blamed for spreading the virus. Many Muslim businesses were affected by this propaganda, and even faced economic boycotts.⁷

Destruction of Muslim Homes and Establishments

In April 2022, city municipalities in northern Indian cities of Delhi, Lucknow and Kanpur demolished shops and homes of Muslims, claiming them to be 'illegal'. In some cases, cranes ran over the structures even after the Supreme Court of the country ordered them to stop. Anchor Anjana Om Kashyap of Hindi news channel Aaj Tak sat in the bulldozer and said, "You are now watching live images from the crane that is going to demolish illegal construction". Not only did the anchor not question whether the structures were legal, but by riding the bulldozers, she became a visual endorsement of the government's actions.⁸ In fact, bulldozers have become a symbol of Islamophobia in India.⁹ For example, the BJP's Uttar Pradesh Chief Minister

⁶<https://www.cnbctv18.com/views/muslims-not-allowed-the-stereotypes-of-mumbais-rental-property-market-6970051.htm>

⁷ <https://thewire.in/communalism/thook-jihad-is-the-latest-weapon-in-hindutvas-arsenal-of-islamophobia>

⁸ <https://reutersinstitute.politics.ox.ac.uk/news/how-indian-tv-news-became-theatre-aggression-fanning-flames-populism>

⁹ <https://religionnews.com/2022/10/06/indias-hindu-nationalism-is-exporting-its-islamophobia>

Yogi Adityanath intentionally places bulldozers at his rallies as a show of force and intimidation, and has been granted the nickname “Bulldozer Baba”.¹⁰

Anti-Muslim violence during Hindu festivals

India’s Hindu festivals are increasingly being used by Hindutva mobs to spread hate speech and terrorize Muslims through premeditated and organized violence. These mobs are emboldened by a sense of political patronage that affords them impunity.¹¹

A report released by the Citizens and Lawyers Initiative, “Routes of Wrath: Weaponising Religious Processions” provides deeply researched documentation of the weaponization of Ram Navami and Hanuman Jayanti in 2022, which resulted in two deaths and more than a hundred injuries that year.¹²

The events of Ram Navami 2023 mirrored the synchronized attacks of April 2022. Several instances of violence were reported in the states of Delhi, Maharashtra, Gujarat, Karnataka, Madhya Pradesh and West Bengal. Large mobs of Ram worshippers took to the streets with swords and firearms, raising genocidal slogans, setting fire to Muslims’ properties and places of worship, and proclaiming India’s status as a Hindu nation. The devastation left several people injured and three dead in Dalkhola, West Bengal; Bihar Sharif, Bihar; and Aurangabad, Maharashtra.¹³

Muslim residents of Bihar Sharif and Sasaram in Bihar suffered perhaps the worst Ram Navami violence this year. Homes, shops, vehicles and even a graveyard were set on fire. An armed mob vandalized and threw petrol bombs into the Murarpur mosque and Madrasa Azizia and its 22 classrooms – a 110-year-old library housing 4,500 books was reduced to ashes.

Spike in hate speech around elections

Anti-Muslim hate speech incidents in India averaged more than one a day in the first half of 2023 and were seen most in states with upcoming elections, according to a report by Hindutva Watch. There were 255 documented incidents of hate speech gatherings targeting Muslims in the first half of 2023, said the report. A concerning 33% of all the gatherings explicitly called for violence against Muslims.¹⁴

Hate Speech by Ruling BJP Leaders

A report by Hindutva Watch found that more than half of the documented hate speech incidents in the first half of 2023 were orchestrated by the ruling Bharatiya

¹⁰ <https://www.nccm.ca/wp-content/uploads/2022/08/BJP-Files.pdf>

¹¹ <https://www.hrw.org/news/2023/04/05/indias-hindu-festivals-bring-increasing-anti-muslim-violence>

¹² https://www.livelaw.in/pdf_upload/routes-of-wrath-report-2023-2-465217.pdf

¹³ <https://thewire.in/communalism/the-wrath-yatras-of-ram-navami>

¹⁴ <https://hindutvawatch.org/hate-speech-events-india/>

Janata Party (BJP) and affiliates including the Bajrang Dal, Vishwa Hindu Parishad and Sakal Hindu Samaj. Those groups have ties to the Rashtriya Swayamsevak Sangh (RSS) which is the ideological parent of the BJP.¹⁵ The RSS is a Hindu nationalist and paramilitary organization inspired by the Nazis, whose members tend to come from the higher “castes” in the Hindu society.¹⁶

Genocidal Speech by Hindu Religious Leaders

It is not uncommon for Hindu religious leaders to work in conjunction with BJP politicians to promote hatred. For example, in December 2021, several prominent BJP leaders, religious figures, Hindutva organizations, right-wing activists, and hardline fundamentalist militants convened in India’s pilgrimage city, Haridwar, for the “Dharma Sansad” event, or “Hindu Religious Parliament”. Mass events are organized where an extraordinary quantity of anti-Muslim hate speech and direct calls to violence and genocide against Indian Muslims took place. Leaders announced plans to exterminate 2 million Muslims of India by following Burma’s model of Rohingya genocide, to offer arms training to youth, and to award 10 million rupees to Hindu suicide bombers for their genocidal mission.¹⁷ Sadly there has been a lack of condemnation of these events by Prime Minister Modi, as well as inaction by his government and the police in preventing these events or arresting the organizers.

Other Notable Actors are Spreading Hate

There are several notable actors in India who are spreading hate. Some examples include Yati Narsinghanand Giri, the head of a Hindu monastery and outspoken supporter of far-right nationalists, also known for calling for the genocide of Indian Muslims.¹⁸ Pinky Chaudhary is a close associate of Narsinghanand, who claimed responsibility for attacks on students at the renowned Jawaharlal Nehru University in Delhi on Jan 5, 2020.¹⁹ Another example would be Kapil Mishra, who is known for making an insightful and provocative speech in February 2020 when he amassed a crowd and gave an ultimatum to the police to clear the streets of protestors who were protesting the CAA, which subsequently led to mob violence. Strikingly, Mishra has now been appointed as the BJP Delhi unit vice president.²⁰ These are but a few examples of many who are spreading hate and Hindu supremacy in India.

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<https://www.deccanherald.com/india/modis-bjp-linked-with-most-hate-speech-in-india-report-2700882>

¹⁶ <https://www.counterview.net/2020/09/rss-founders-endorsed-nazis-its-well.html>

¹⁷ <https://www.aljazeera.com/news/2021/12/24/india-hindu-event-calling-for-genocide-of-muslims-sparks-outrage>

¹⁸ <https://aljazeera.com/news/2022/1/18/india-hindu-monk-yati-narsinghanand-genocide-muslims-haridwar>

¹⁹ <https://theprint.in/india/who-is-pinky-chaudhary-hindu-raksha-dal-leader-owning-up-to-jnu-attack-was-bajrang-dal-man/346523/>

²⁰ <https://scroll.in/latest/1053853/kapil-mishra-who-gave-provocative-speech-before-2020-riots-made-bjp-delhi-unit-vice-president>

Filmmakers

Since Prime Minister Modi rose to power in 2014 Muslim Bollywood actors have been routinely subjected to BJP-backed hate speech in efforts to silence them. For example, BJP senior leadership has compared Muslim Bollywood icon Shahrkuh Khan to a terrorist for expressing concern about growing intolerance, which is a common tactic to portray Muslims as violent and disloyal to India. Filmmakers and producers are also forced to exercise caution in the themes they choose for fear of hurting Hindu sentiments, and unleashing a mob against them for not being in line with Hindu supremacists tastes.²¹

News Anchors

Indian TV channels spread anti-Muslim propaganda. Sudharshan News anchor and founder Suresh Chavhanke, who is regularly known for anti-Muslim statements, gave a call to “fight, die and kill” in order to make India a Hindu nation. Chavhanke invites his viewers to take action.²²

Social Media Content Creators

The Bharatiya Janata Party and its Hindu nationalist allies have built a massive propaganda machine, with tens of thousands of content creators spreading disinformation and religiously divisive posts via WhatsApp, Facebook, Twitter, Instagram and other social media platforms. In fact, the RSS has a dedicated Information Technology department, entitled “IT Cell”, which is used to spread propaganda and its ideology while suppressing opposition.²³ Beyond the party’s official online accounts there are “third-party” or “troll” pages which specialize in creating incendiary posts designed to go viral.²⁴

²¹ <https://time.com/6250414/bollywood-hindu-supremacists/>

²² <https://thewire.in/communalism/suresh-chavhanke-hindu-rashtra>

²³ <https://thewire.in/politics/rss-bjp-hindutva-communal-misinformation>

²⁴ <https://www.washingtonpost.com/world/2023/09/26/hindu-nationalist-social-media-hate-campaign>