

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	304
Land:	Indien
Kilde:	Center for Study of Society and Secularism & Minority Rights Group International
Titel:	A Narrowing Space: Violence and discrimination against India's religious minorities
Udgivet:	29. juni 2017
Optaget på baggrundsmaterialet:	28. august 2017

briefing

minority
rights
group
international



A Narrowing Space: Violence and discrimination against India's religious minorities

Center for Study of Society and Secularism & Minority Rights Group International





Friday prayer at the Jama Masjid, New Delhi.
Mays Al-Juboori.

Acknowledgements

This report has been produced with the assistance of the Swedish International Development Cooperation Agency. The contents of this report are the sole responsibility of Minority Rights Group International and the Center for Study of Society and Secularism, and can in no way be taken to reflect the views of the Swedish International Development Cooperation Agency.



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ISBN 978-1-907919-90-9. Published June 2017.

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A Narrowing Space: Violence and discrimination against India's religious minorities

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Key findings

Key findings

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| <ul style="list-style-type: none">Communal violence, long an issue in India, has remained at consistently high levels in the past five years. Official data shows more than 700 outbreaks of communal violence in 2016 alone, with 86 killed and 2,321 injured. However, the actual figures are likely to be considerably higher as many incidents go unreported. Religious minorities are especially vulnerable to the threat of communal violence. Muslims, in particular, while making up less than 15 per cent of the population, have typically made up the large majority of victims. | <ul style="list-style-type: none">In this environment, right-wing groups have been emboldened to escalate attacks against religious minorities. In many cases, these abuses mirror the country's political developments and include forced conversions, the dissemination of hate speech through social media and vigilante attacks on those suspected of transporting or consuming beef. The perpetrators have been further aided by the continued problem of official indifference and even complicity in these attacks. |
| <ul style="list-style-type: none">Since the 2014 election victory of the Bharatiya Janata Party (BJP), under the leadership of Narendra Modi, there has been a climate of rising Hindu nationalism. This has in turn seen the promotion of an increasingly exclusionary environment, reflected in the advancement of policies and legislation – such as more stringent anti-cow slaughter laws – that discriminate against religious minorities. Furthermore, this has been accompanied by an apparent escalation of rhetoric against minorities by many senior officials. | <ul style="list-style-type: none">The failure of authorities to prevent or investigate attacks against religious minorities has created a climate of impunity which, unless urgently addressed, is likely to encourage continued attacks. Consequently, the government must ensure existing legislation protecting the rights of all religious communities is enforced, and in some cases, strengthened, with the full commitment of police, judiciary and other actors. Ensuring accountability to the victims of attacks also requires more comprehensive documentation and prosecution of incidents, as well as broader efforts to address widespread discrimination across India towards its religious minorities. |

Introduction

India has experienced many instances of what is referred to as communal violence since independence in 1947. Such episodes, increasing in frequency and intensity in the 1980s and 1990s, have culminated more recently in a number of major incidents (such as in Gujarat in 2002, Orissa in 2008 and Muzaffarnagar in 2013) that have left thousands dead, many more injured and many more injured and displaced. Alongside these and other large-scale attacks are lower-intensity instances of communal violence – a continual occurrence in certain areas across the country, although many go unreported by either authorities or the media.

Communal violence disproportionately affects India's religious minorities – in particular Muslims, but also Christians and Sikhs. While often instrumentalized for political gains, communal violence draws on and exacerbates a climate of entrenched discrimination against India's religious minorities, with far-reaching social, economic, cultural and political dimensions. Such violence is frequently met with impunity and in certain instances direct complicity from state actors, ranging from inciting violence through hate speech to refusing to properly investigate communal incidents after they have occurred. This includes a significant number of state officials affiliated with the ruling Bharatiya Janata Party (BJP), but also other actors across the political spectrum.

It follows that communal violence further intensifies the marginalization of those affected, who frequently face high levels of insecurity alongside inadequate access to justice and reparations, often with particularly challenging implications for women. Religious minorities have long been the target of a range of different forms of persecution, such as hate crimes, threats, attacks on places of worship, and forced conversion. Nevertheless, in recent years there has been rising hostility against India's religious minorities, particularly since the current right-wing BJP government promoting Hindu nationalism took power at the national level after its election in May 2014.

The BJP has long been associated with right-wing Hindu extremist groups such as the Rashtriya Swayamsevak Sangh (RSS), and involved with the exploitation of communal elements, contributing to its electoral victory in 2014. While as Prime Minister Modi himself has attempted to reorient his political image around business and economic development, critics have

argued that extremist groups have been emboldened under BJP's rule. Also highlighted has been his reluctance to condemn a spate of recent incidents targeting minorities, including hate speech, threats and a wave of attacks around cow slaughter that have particularly targeted Muslims as well as Hindus belonging to lower castes. This context has been further legitimized by policies and legislation introduced or strengthened at the state level in recent years, such as Gujarat's announcement in March 2017 that cow slaughter would be punishable with a life sentence.

Recent violence is often led by vigilante groups affiliated with the Sangh Parivar, a broader group of organizations promoting an exclusionary form of Hindu nationalism, of which the ruling BJP is the political wing. These include, for example, those involved in *ghar wapsi* ('homecoming') campaigns engaging in mass conversions of religious minorities to Hinduism and so-called *gau rakshaks* ('cow protectors'). The increasing presence of the latter, in particular, has seen the deliberate targeting of Muslim cattle traders, dairy farmers and others, with recent incidents including the lynching of 55-year old dairy farmer Pehlu Khan to death in Alwar, Rajasthan in April 2017. In other cases, accusations of cow slaughter or beef consumption have incited mob violence against Muslims and Dalits in a given locality, as was the case in Dadri (Uttar Pradesh) in 2015 and Una (Gujarat) in 2016.

Although these are the most well-known cases, many other cow-related incidents have taken place in recent years and have become increasingly common since 2015, with the frequency of reported attacks rising from one every few months to multiple attacks every month, including several reported during May 2017 alone in different parts of the country. Moreover, between January 2010 and April 2016, cow-related communal incidents accounted for almost a fifth of all those reported to police in Uttar Pradesh, India's largest state, accounting for the highest figures of communal violence.¹

Recently, this violence has led to greater insecurity amongst religious minorities, in particular Muslims, some of whom have recently fled areas of Uttar Pradesh on account of rising hostility. Yet Christians have also recently faced violence at the hands of vigilantes, who have stormed churches, armed with false accusations of forced conversion; reports of minor cases of violence against Sikhs have recently emerged as well.

The BJP's promotion of Hindu nationalism is not only exclusionary towards India's minorities, but has contributed to an overall climate of intolerance in India. This has been accompanied by the recent selection of figures widely acknowledged to spread communal tensions to prominent positions, from the Chief Minister of Uttar Pradesh to the recently selected chairman of the Indian Council of Social Science Research, who has

expressed the view that educational textbooks should not contain information about caste-based discrimination or violence against religious minorities. Human rights activists and organizations meanwhile have increasingly been labelled 'anti-nationals', have been accused or charged with sedition, or have had their operations curtailed, with sections of the media and political actors contributing to rising hostility.

Scope and methodology

The aim of this short briefing is to contextualize these recent developments, drawing attention to the ways communal violence is linked to wider discrimination against religious minorities, and infringes upon their enjoyment of minority rights. Developed by the Centre for Study of Society and Secularism (CSSS) and Minority Rights Group International (MRG), it analyzes the current situation of religious minorities, with reference to the latest available data provided by the Ministry of Home Affairs (MHA) and the National Crime Research Bureau (NCRB), as well as media reports.

While there will be a specific focus on the six-year period from January 2011-December 2016, the briefing also provides historical background, including details of key incidents of communal riots preceding this period. Relevant constitutional guarantees and legislation regarding communal violence and minority rights are also outlined, with brief analysis of where such measures require strengthening. The remainder of the briefing centres on detailing the frequency and nature of recent communal violence, and how it impacts religious minorities – especially Muslims, who are particularly targeted. The briefing concludes with a set of recommendations to policymakers and others, informed by this context in an effort to support a more inclusive, secure society.

This briefing has been released alongside an online interactive map entitled *Mapping Communal Violence in India 2013-2016*. This map depicts levels of communal violence across India during this period, based on official statistics from the MHA. Including disaggregated statistics by state – number of incidents, and related deaths and casualties per year – as well as information regarding

demography and relevant legislation, the map provides a visual representation of recent trends and developments, with figures spanning two different national governments.

There are limitations regarding the use of any of the available data, as none of these resources are fully comprehensive: while the media does not cover many incidents of communal violence, particularly those that do not result in actual deaths, there are also considerable discrepancies between the MHA's and NCRB's data. The discrepancy is largely due to the fact that MHA compiles its data based on reports from the State Governments whereas NCRB compiles its data based on FIRs registered with police stations. Press laws and guidance regarding reporting on communal violence also makes it challenging to distil the particular details of a case reported in the media. These gaps are particularly important to note given the rise in lower-intensity incidents linked to, for example, cow vigilantism and harassment, the levels of which are not clearly reflected in official statistics.

To help address some of these gaps, the briefing also draws upon detailed fact-finding conducted by CSSS on an ongoing basis since its inception in 1993. Yet many cases continue to go unreported or are not analysed, highlighting a crucial need for ongoing, detailed monitoring of communal violence and its impact upon minorities. Such analyses would complement this briefing, which provides a broad overview of trends at the national level, but also points to the need for more detailed examination of localized factors which contribute to each case of communal violence. Such efforts would also cast additional light on the dynamics of intersectional discrimination facing India's religious minorities.

Background on India's religious minorities

India is one of the most religiously diverse countries in the world. While official statistics put the Hindu majority at 79.8 per cent, it also has a large Muslim minority (14.2 per cent) and a variety of other religions including Christians (2.3 per cent), Sikhs (1.7 per cent), Buddhists (0.7 per cent) and Jains (0.37 per cent).² Not included in these figures are many other smaller communities including Bahá'í, Jews, Zoroastrians (mostly Parsi) and a range of animist faiths practised by different ethnic and indigenous groups across India. Given the country's large overall population size of over 1.25 billion, India has the third largest Muslim population in the world at an estimated 172.2 million, behind Indonesia and Pakistan.

Contributing to India's diversity are a multiplicity of other intersecting identities, including caste, language, ethnicity and tribe, as well as degrees of religious syncretism which belie rigid understandings of identity formation and affiliation. Many religious minorities in India therefore also face varying forms of intersectional discrimination; for example, Dalit Muslims and Christians, or religious minorities who are also linguistic minorities or belong to indigenous communities (*adivasis*), with such challenges exacerbated for minority women. While India's religious minorities face varying degrees of violence and discrimination, communal violence has in particular targeted Muslims, and to a lesser degree Christians and Sikhs, who also face varying degrees of socio-economic, cultural and legal discrimination.

Constituting the largest religious minority, India's Muslim population is dispersed throughout the country, with the majority living in Uttar Pradesh, Bihar, West Bengal and Kerala, as well as Jammu and Kashmir. Indian Muslims are far from homogenous, divided by factors including language, ethnicity and caste, amongst others, and there are considerable differences between Muslims both within and between each of India's states. For example, Uttar Pradesh, India's most populous state, is home to over 22 per cent of India's Muslim population, who make up over 19 per cent of the overall state population. While the majority of Muslims reside in Western and Eastern Uttar Pradesh, primarily in urban areas, there remain a number of differentiating factors – for example, identification as marginalized (officially called 'Other Backward Class' or OBC) or as belonging to a

specific occupational group – which have a bearing on an individual's socio-economic and political position.

Communal violence and its aftermath also contribute to this complex picture, as highlighted by large-scale rural-to-urban migration following violence in Muzaffarnagar in 2013, which led to the largest internal displacement in India since Partition. While a detailed analysis of dynamics at the state and district levels is beyond the scope of this short briefing, the above points to the considerable heterogeneity of India's religious minority communities, which contribute to how they may experience communal violence.

Bearing in mind these differences, investigations by the Sachar Committee, established in 2005 to undertake research on the living conditions of Muslims across India, highlighted the overall impact of systematic discrimination against the country's largest religious minority. The findings of the Committee's 2006 report drew attention to high levels of poverty amongst Muslims, and their limited representation in the country's political and public life.³ The subsequent follow-up to this research by the Post-Sachar Evaluation Committee in 2014 concluded that Muslims continued to suffer disproportionately from lack of access to healthcare, low educational attainment and economic deprivation, particularly in urban areas.⁴

This occurs alongside ongoing social and cultural discrimination, such as obstacles to buying or renting property, or representations of Muslims as 'terrorists' or unpatriotic in the media or educational materials. Although often the target of so-called 'vote-bank' politics – whereby political parties attempt to elicit support by appealing to narrow communal or identity-based issues – many Muslims continue to lack access to basic services, and measures introduced to help improve this are frequently difficult to reach for those most marginalized. These issues are exacerbated for those facing intersectional discrimination, including Muslims belonging to lower castes and women.

Muslims and other minorities in India also face institutional discrimination, including in relation to law enforcement. According to 2015 statistics from the NCRB, more than 67 per cent of those in India's jails are defendants under trials, and 55 per cent of this population is made up of Muslims, Dalits and *adivasis* – together

constituting only a combined 39 per cent of the country's total population.⁵ In the wake of terrorist attacks by Islamist extremists, in particular the 2008 attacks in Mumbai, Muslims have increasingly been targeted by police through profiling, staged encounters and incarceration on false accusations of terrorism under the cover of anti-terror laws, such as the Unlawful Activities Prevention Act (UAPA). Muslims have also been the target of state violence, in particular in Jammu and Kashmir, where civil society groups have documented systematic and widespread human rights abuses by police, including arbitrary arrests, torture and extrajudicial killings. It is within this broader context that Muslims in India have been subjected to the most serious manifestations of communal riots since Partition: in many cases, violence has been actively enabled by the failure (such as lack of protection or access to justice) or even complicity (for example, through hate speech) of public officials.

Although the majority of communal violence in India targets Muslims, Christians have increasingly been under attack since the 1990s. Violence against Christians reached particularly high levels in 2008 and 2009, and once again in 2015. Christians form a majority in four states in the Northeast – Mizoram, Nagaland, Meghalaya and Arunachal Pradesh – yet in actual terms, the states with the largest Christians populations are Kerala and Tamil Nadu. Recent violence against Christians has reportedly been concentrated in Chhattisgarh, Madhya Pradesh, Uttar Pradesh and Telangana, all states in which Christians form a small state-level minority.

Christians face threats, intimidation and violations of freedom of religion or belief, including destruction of churches, attacks on pastors and the illegal detention of church workers. They have also been the target of

discriminatory laws and practices: for example, in June 2014, more than 50 villages in Chhattisgarh implemented bans on non-Hindu religious practices, ostensibly to prevent missionary activities.⁶ Anti-conversion laws, explored in greater detail below, also have a particularly negative impact on Christians. This is both on account of their discriminatory content and by providing a level of legitimacy to allegations that Christians are performing forced conversions. Despite little evidence to support such claims, they have been invoked by right-wing groups to garner support for attacks against India's Christian minority.

Many Christians are also Adivasis, which contributes to the socio-economic, political, and cultural discrimination they face. Dalit Christians and Muslims similarly face high levels of intersectional discrimination. This is exacerbated by their lack of official recognition as 'scheduled castes' according to the Constitution (Scheduled Caste) Order, 1950, which prevents them from accessing reservations, including certain protections and benefits, available to Dalit Hindus, Sikhs and Buddhists.⁷ While the exact numbers of Dalit Christians and Dalit Muslims in India is not known, the impact of this is far reaching, with some estimates putting the figure of Dalit Muslims at close to 100 million.⁸

Issues surrounding recognition have also impacted India's Sikh population: specifically, the Indian Constitution groups Sikhs, along with Buddhists and Jains, with Hinduism, and therefore they are not legally recognized as distinct religions. Along with Christians and Muslims, Sikhs have also been a target of communal violence, although less frequently. Most notably, this includes the 1984 anti-Sikh riots in Delhi for which perpetrators have never been brought to justice.

History and dynamics of communal violence in India

Over the years, India has seen a number of what have been variously referred to as ‘communal violence’ and ‘communal riots’, ranging in severity from minor skirmishes during religious processions to the systematic and violent targeting of minorities, such as occurred in 1984 in Delhi (against Sikhs) and 2002 in Gujarat (against Muslims). According to the MHA, ‘communal violence’ involves ‘planned and organized acts of violence by members of one community against members of another community with the intent of creating or expressing ill-will or hatred and leading to the loss of life or injuries to people’.⁹ Rights activists have argued for a more comprehensive approach to understanding communal violence, however, acknowledging the role of political actors who instigate and benefit from these attacks.

Furthermore, they highlight the inseparability of this violence from a broader range of discrimination and human rights violations on communal grounds, such as hate speech, exclusionary educational materials, the effective ‘ghettoization’ of minority communities and barriers to employment, housing and other needs. Rather than viewing each incident of communal violence as an isolated affair, this perspective more effectively accounts for the continuum of violence facing India’s religious minorities, with each episode part of a longer-term ‘state-society nexus that sustains the violence and reinforces impunity’.¹⁰ This approach also challenges reductive understandings of communal violence as the result of endemic and inherent hostility between religious communities, as well as a false equivalence which fails to recognize that communal violence overwhelmingly harms India’s religious minorities. These issues are also in part perpetuated by the terminology used to refer to this violence: the label ‘communal’ can serve to obfuscate its linkages to a broader discriminatory context. Nevertheless, ‘communal violence’ is used in this briefing which draws heavily on official data and statistics, while recognizing and working to address these limitations.

Communal violence has played a key role in post-independence India, in part influenced by the legacy of colonial rule in the sub-continent. British rule in India contributed significantly to the growing division of the Indian population through its classification of communities along religious lines, particularly in the decades leading up to independence in 1947. This culminated in Partition and

the creation of India and Pakistan: a traumatic separation along communal lines that was accompanied by widespread religiously motivated violence, leaving between 1 and 2 million killed, tens of thousands sexually assaulted and as many as 15 million displaced.¹¹ A key impact of colonialism and the trauma of Partition has been to promote the formation of exclusionary identities, with ongoing implications for religious minorities.

The period following Partition saw continued outbreaks of communal violence, with a rise in incidents taking place in the 1960s, often involving the direct planning of political parties and right-wing nationalists, particularly the RSS. Coupled with social and economic discrimination, this encouraged a number of Muslims who had initially remained in India to migrate to Pakistan. Disproportionate numbers of more educated and influential Muslims were amongst those who left, contributing to even greater marginalization of Muslims in India, who were increasingly segregated and excluded, a condition influenced by the insecurity they faced.

Violence against India’s religious minorities spiked in the 1980s, with a number of high profile attacks including on Bengali Muslims in Assam (1983), Sikhs in Delhi (1984), and Muslims in different parts of India in the late 1980s, linked to the Babri Masjid demolition movement. These incidents reflected the instrumentalization of communal violence by parties across the political spectrum, including the Indian National Congress (INC) and the BJP, the latter of which saw its political influence rise in the 1980s. The BJP’s promotion of an exclusionary Hindu nationalism was exhibited in the 1980s and 1990s through its involvement in a number of high-profile cases of communal violence, including the destruction of the Babri Masjid in 1992. This incident, contesting the presence of a 16th century mosque in a location claimed by some to be the birthplace of Ram, led not only to its demolition by an organized crowd of Hindu protestors but the subsequent outbreak of communal violence, with hundreds killed in riots across the country, the majority Muslims. This incident was the culmination of a protracted campaign by Hindu extremists, supported by a number of high-ranking officials who either encouraged or failed to prevent these attacks.

Over time, communal violence has become a recurring feature of Indian politics. As detailed by the key

cases of communal riots outlined in Table 3, these incidents both draw on and perpetuate discrimination against religious minorities, who have been disproportionately targeted. Although tensions have been strategically provoked by a range of political actors, the polarization resulting from riots has been found to particularly benefit right-wing parties, who have been in power at the national level four times: 1977-79, 1998-99, 1999-2004, and at present, since 2014. The ruling BJP, for example, is regarded to have benefited during the 2014 national level elections from the heightened communal divisions resulting from riots in Muzaffarnagar and Shamli in 2013, in India's largest state, Uttar Pradesh.

Ahead of elections, ring-wing groups frequently invoke anti-minority sentiment, including through hate speech or specific campaigns, such as revived calls to build a Hindu temple at the site of the demolished Babri Masjid in

Ayodhya. Despite attempts in the past by Prime Minister Narendra Modi to distance his public image from a religious nationalist agenda through promoting inclusive development – '*sabka saath, sabka vikas*' – actors affiliated with the BJP have recently re-ignited this issue, likely in an attempt to consolidate their support base ahead of national elections in 2019. Similar themes have been instrumentalized in the context of state level elections: for example, ahead of the 2017 BJP victory in Uttar Pradesh, the Prime Minister and other BJP officials drew on references to 'love jihad' and accusations of preferential resource distribution to Muslims – both of which have previously been invoked ahead of communal riots in the state.¹² In addition to immediate challenges facing religious minorities in the aftermath of communal violence, a possible long-term impact is therefore greater entrenchment and institutionalization of Hindu nationalism and anti-minority sentiment.

Key incidents of communal violence affecting India's religious minorities, 1964 - 2013

- January – March 1964, West Bengal / Bihar / Orissa (now Odisha):** Riots took place in Calcutta (West Bengal), and later spread to Jamshedpur (then in Bihar, now part of Jharkhand), and Rourkela (Orissa, now Odisha), resulting in an official death toll of 134, but with estimated deaths of up to several thousand. Violence was allegedly triggered following the theft of a holy relic from Hazratbal mosque in Srinagar, Kashmir in 1963.¹³
- April 1979, Jamshedpur, Bihar (now Jharkhand):** Mass violence in Jamshedpur on 11 April resulted in a death toll of 108, including 79 Muslims. This was provoked by a large anti-minority procession through a predominantly Muslim area organized by Hindu extremists and also involving Adivasis. This violence had been directly preceded by the spreading of anti-Muslim sentiment, such as through speeches and distribution of leaflets, and drew on a broader context of industrial decline and prior communal violence in the area.¹⁷
- August 1967, Ranchi, Bihar:** Riots in Ranchi resulted in 184 people killed, including 164 Muslims, and further deaths in nearby industrial towns such as Hatia where 26 people were killed, including 25 Muslims. Targeting of Muslims was provoked during general elections in March 1967 around the status of Urdu, spoken overwhelmingly by Muslims. Anti-Urdu protests led by right-wing Hindu nationalists drew on existing anti-Muslim sentiment, which had been exacerbated during the recent Indo-Pakistani war (1965).¹⁴
- August – November 1980, Moradabad, Uttar Pradesh:** An escalation of violence primarily between Muslims and (Hindu) Dalits, and later involving police, resulted in a death toll between 400 (official government figure) and 2,500 (an independent estimate), primarily Muslims. The incident was provoked by allegations of Muslims kidnapping a Dalit girl, and involved direct violence between Muslims in the area and police.¹⁸
- February 1983, Nellie, Assam:** Violence during assembly elections occurred against a backdrop of ethnic and linguistic divisions, as well as tensions around the migration of Bangladeshi Muslims into the area. The holding of assembly elections sparked protests that saw Muslim residents, homes and property targeted by Hindus, tribal members and ethnic Nepalis. The number of people killed in Nellie and surrounding villages, though unknown, could be as high as 5,000 in total.¹⁹
- September 1969, Ahmedabad, Gujarat:** Large-scale riots involving Hindus and Muslims in September 1969 took place in Ahmedabad and nearby areas, resulting in a death toll of 660 and 1,074, the majority of them (430 and 592 respectively) Muslim.¹⁵ These riots, sparked by damage to a Hindu temple, were preceded by hundreds of incidents of smaller incidents of communal violence and rising anti-Muslims sentiment, stoked by the RSS.¹⁶

- **October – November 1984, Delhi:** Following the assassination of Prime Minister Indira Gandhi by two Sikh bodyguards, anti-Sikh riots broke out in Delhi, resulting in more than 3,700 deaths. This was preceded by a military operation in Punjab some months prior, which had left many Sikhs dead and a holy site, Akal Takht, damaged.²⁰
- **May 1984, Bombay and Bhiwandi, Maharashtra:** Following extensive agitation and hate speech by Hindu extremists, communal violence broke out between Hindus and Muslims in the cities of Bombay and Bhiwandi. Well-orchestrated attacks and arson left hundreds dead, the large majority of them Muslim.²¹
- **March – June 1985, Ahmedabad, Gujarat:** A dispute between upper-caste Hindus and Backward Classes evolved into communal violence against the local Muslim population. The police were complicit in much of the violence, attacking Muslim neighbourhoods with arson and gunfire on a number of occasions. The total death toll from the violence exceeded 200.²²
- **May 1987, Meerut, Uttar Pradesh:** The murder of a Hindu over a minor land dispute led to large-scale rioting after some Muslims pelted police with stones. The subsequent violence, with hundreds killed, saw a number of Muslim neighbourhoods burnt and looted with the alleged support of local police, with some accounts claiming that more than 100 Muslims were killed by security forces in nearby Moradnagar in a single day.²³
- **October 1989, Bhagalpur, Bihar:** A Ram Shila procession through a predominantly Muslim neighbourhood escalated into violence that soon spread throughout the city and to surrounding villages, with some estimates putting the actual death toll at over a thousand, including 896 Muslims, 50 Hindus and another 106 missing persons. Local police were complicit in the violence: the superintendent, dismissed by Bihar's Director General of Police for his involvement, was later reinstated by then Prime Minister Rajiv Gandhi following pressure from police.²⁴
- **April – December 1990, various:** This extended period saw high levels of clashes and targeted attacks

in the context of significant mobilization by Hindu extremists around the issue of the Babri Masjid, which they claim to be the birthplace of Ram. This was preceded by general elections at the end of the previous year, and resulted in the death and injury of hundreds across various parts of India.²⁵

- **December 1992 – January 1993, various:** The demolition of the Babri Masjid by Hindu extremists in 1992 led to outrage amongst Muslims, and mobilization of Hindu mobs against them in various parts of India. Riots and massacres resulted in hundreds of deaths and injuries which disproportionately affected Muslims. The worst of the violence occurred in Mumbai: besides looting, destruction of places of worship and numerous incidents of sexual assault, a total of some 900 lives were lost, of whom an estimated 575 were Muslim.²⁶
- **February-March 2002, Gujarat:** Severe violence resulted in as many as 2,000 killed, 100,000 displaced, and many others injured - the overwhelming majority of them Muslim, who were specifically targeted. These riots, framed as retaliatory violence for the burning of a train carrying Hindu pilgrims, were also accompanied by high levels of sexual violence against minority women and those accused of associating with Muslims. Members of the BJP state government have been accused of complicity in the violence and for failing to curb atrocities.²⁷
- **August 2008, Odisha:** Following the assassination of a Hindu nationalist leader, extremists used the incident to scapegoat the local Christian community. Violence resulted in the death of at least 39 Christians, more than 230 places of worship vandalized and tens of thousands of people displaced.²⁸
- **September 2013, Muzaffarnagar and Shamli, Uttar Pradesh:** Communal riots overwhelmingly targeting Muslims resulted in the death of at least 65, an estimated 50,000 displaced, and high levels of sexual violence against minority women. The riots were preceded by accusations of a Muslim man harassing a Jat, Hindu, woman, and local authorities have been widely blamed for their failure to halt the spread of violence.²⁹

India's constitutional and legal framework

While India's Constitution is widely regarded as a progressive document based upon pillars of democracy and secularism that establishes strong principles of non-discrimination, these principles have been undermined by measures such as the 1950 Presidential Order. This has been critiqued for sidelining religious minorities, in particular its exclusion of socially marginalized Muslims and Christians from accessing affirmative action measures designed to promote equality, and is one of the factors which has served to 'institutionalize the enduring disadvantage of religious minorities'.³⁰

Nevertheless, there are provisions within the Constitution which guarantee the rights of the country's diverse population, including their rights to religious freedom (Table 1). The 1949 Constitution guarantees, among other rights, freedom of conscience and the right to practise religion openly, as well as the rights of religious minorities to establish their own educational institutions.

In addition to Constitutional provisions regarding freedom of religion and the rights of religious minorities, there are laws within India's Penal Code (1860) and Code Criminal Procedure (1973) which set forth

Table 1: Overview of rights of religious minorities and the right to freedom of religion in the Indian Constitution

Constitution (1949)	
Article 14	<i>The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.</i>
Article 15(1)	<i>(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them...</i>
Article 16(1), (2)	<i>(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.</i>
Article 21	<i>No person shall be deprived of his life or personal liberty except according to procedure established by law.</i>
Article 25(1)	<i>25. (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.</i>
Article 26	<i>Subject to public order, morality and health, every religious denomination or any section thereof shall have the right – (a) to establish and maintain institutions for religious and charitable purposes; (b) to manage its own affairs in matters of religion; (c) to own and acquire movable and immovable property; and (d) to administer such property in accordance with law.</i>
Article 27	<i>No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.</i>
Article 28	<i>(1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds. (2) Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution. (3) No person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.</i>

Constitution (1949) (continued...)	
Article 29(2)	(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.
Article 30(1), (2)	30. (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice. (2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Table 2: Key Protections against Communal Violence in India's Penal Code (1860)

Indian Penal Code (1860)	
Section 153(a)	<i>Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony. Whoever – (a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or (b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility, or (c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both.</i>
Section 295(a)	<i>Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.</i>
Section 296	<i>Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.</i>

protections against communal violence, and guarantee life and security for all citizens (Table 2). Following the promulgation of the Indian Constitution, but ahead of India's first general election, the Representation of People's Act (1951) was passed, regarding the conduct of election. Section 123(3) and (3a) of this Act stipulate:

- 123. The following shall be deemed to be corrupt practices for the purposes of this Act:[...]*
(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate

- or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate...*
3a) The promotion of, or attempt to promote, feelings of enmity or hatred between different

classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate

In January 2017, the Supreme Court of India delivered a ruling which advanced a ‘broad and purposive interpretation’ of this Act. While the law had previously prohibited candidates from invoking their own religion for the purpose of securing votes, the ruling expanded this to also include invocation of the religion of the intended audience. While welcomed by some on the grounds as it would reaffirm the electoral process as a ‘secular activity’, others have criticized the ruling, arguing that identity-based mobilization offers an important avenue for marginalized groups, such as Dalits, to address their exclusion. Concerns have also been raised regarding whether a 1995 ruling which defined ‘Hindutva’ as a ‘way of life and not a religion in India’, may act as a loophole for right-wing Hindu groups, whose advancement of exclusionary political agendas are often central to promoting communal violence against India’s minorities.

Overall, constitutional provisions and laws in place provide a framework to protect the rights of religious minorities and address communal violence. However, operationalization of these provisions through policy and legislation is limited, and implementation of laws regarding communal violence remains weak. There are also issues regarding judicial consistency; narrow judicial interpretation of Fundamental Rights, in particular Article 15; overly broad laws, or those which lack adequate definition; and institutional bias against minorities in the criminal justice system.

Anti-conversion and cow slaughter legislation

Yet, in addition to these safeguards, there are also constitutional provisions and laws that provide a cloak of legitimacy to violence and discrimination against religious minorities. Article 48 of the Constitution titled ‘Organisation of agriculture and animal husbandry’ mandates India’s states to ‘take steps for...prohibiting the slaughter of cows and calves and other milch and draught cattle’. As part of India’s Directives Principles, Article 48 is not itself enforceable in court, but it is in reference to this article that the majority of India’s states have in place restrictions on cow slaughter.

These laws, and calls to widen and tighten them through introducing a nationwide ban and more severe punishments, have been championed by Hindu nationalists, including the BJP and its affiliates such as the RSS. In late May 2017, India’s Environment Ministry issued new rules regarding the Regulation of Livestock Markets under the Prevention of Cruelty to Animals Act. These rules require all buyers and settlers at animal markets across the country to issue an undertaking confirming that any cattle traded will be used solely for agricultural purposes. This has been criticized as a ‘backdoor’ national ban by effectively making it illegal for cattle to be sold for slaughter, and some have raised questions regarding the legality of these measures, highlighting the lack of jurisdiction the central government has over animal markets.³² As detailed later in this briefing, these measures are frequently linked to anti-Muslim and anti-Dalit sentiments, and have provided justification for vigilante violence in the name of cow protection.

India’s Freedom of Religion Acts, commonly known as ‘anti-conversion laws’, have similarly been invoked in the context of violence against religious minorities, in particular Christians. Although there have been efforts by the ruling BJP to introduce country-wide anti-conversion laws, at present only seven Indian states have these laws in place: Gujarat, Arunachal Pradesh, Rajasthan, Madhya Pradesh, Himachal Pradesh, Odisha and Chhattisgarh. As expanded upon later in this briefing, in addition to emboldening Hindu nationalists engaging in violence against minorities, the content and implementation of these laws ‘infringe upon the individual’s right to convert, favor Hinduism over minority religions, and represent a significant challenge to Indian secularism’.³³

Obstacles to justice for targeted minorities

Despite the provisions in place there are a number of challenges which deter or obstruct efforts to secure justice for those minorities who have been victims of communal violence: for example, delays by police in filing First Information Reports (FIRs); FIRs with inaccuracies; pressure on victims to abandon their cases before they reach their conclusion; and postponed hearings.³⁴ In addition to institutional bias within the criminal justice system, a key factor contributing to these challenges is the nature of communal violence in India, which is commonly linked with political processes, such as elections. Those involved will therefore often hold a degree of political influence, making accountability for such actions particularly difficult to pursue and secure.

Detailed fact-finding conducted by CSSS and others over many years has revealed that access to justice for minority victims of communal violence is frequently obstructed at various stages – from initial filing of a case to prosecution – for reasons such as trust in authorities, destruction of evidence and intimidation.

This is often linked to degrees of state complicity involved with these incidents, as well as deeper institutional bias against minorities within the criminal justice system.³⁵ Aid distributed to victims of mass violence against religious minorities has been categorised as ‘ex gratia’, and therefore discretionary, lacking recognition of legal obligation on the part of the state to ‘make available adequate, effective, prompt and appropriate remedies, including reparation’, as per international standards.³⁶ Levels of aid received by victims of mass violence such as Nellie (1983), Delhi (1994), Gujarat (2002), and Muzaffarnagar (2013) have widely differed, and overall have been grossly inadequate to meet victims’ needs, non-compensatory, and slow to be distributed, resulting in long-term inter-generational implications.³⁷

A 2008 judgment issued by the Supreme Court in the case *Harendra Sarkar vs. State of Assam*, relating to the killing of a Muslim family in Assam during anti-Muslim violence following the destruction of the Babri Masjid in 1992 provides an instructive list of ‘broad principles’ regarding state complicity, which continue to be a feature of the experience of minorities in relation to communal violence:

- (1) *that police officers deliberately make no attempt to prevent the collection of crowds;*
- (2) *that half-hearted attempts are made to protect life and property of the minority community;*
- (3) *that in rounding up those people participating in the riots, the victims rather than the assailants are largely picked up;*
- (4) *that there is an attempt not to register cases against the assailants and in some cases where cases are registered loopholes are provided with the intention of providing a means of acquittal to the accused;*
- (5) *that the investigation is unsatisfactory and tardy and no attempt is made to follow up the complaints made against the assailants; and finally*
- (6) *that evidence produced in Court is deliberately distorted so as to ensure an acquittal.*³⁸

A further area which affects how communal violence is addressed in India is the country's federal structure. This has raised questions regarding the role of the

central government in instances where citizens belonging to a particular religion, ethnicity or caste have had their fundamental rights systematically violated in a given state.³⁹ This has led to a situation whereby it is apparent federal principles regarding protecting the autonomy of a given state have been prioritized above protecting the fundamental rights of all citizens, such as in 1992 and 2002.

Attempts to secure justice by civil society groups and NGOs have also been obstructed, most recently through tightened regulations imposed on organizations receiving foreign funding. This has included restrictive amendments to the Foreign Contribution (Regulation) Act (FCRA), which currently does not meet international standards. These measures have severely impaired the work of organizations working to promote and protect minority rights in India, some of which have had their licenses to receive foreign funding revoked. This includes organizations working to secure accountability following communal riots, such as the Sabrang Trust and Citizens for Justice and Peace, both of which have been at the forefront of pursuing justice for human rights violations during the 2002 Gujarat riots.

Recent Initiatives to Address Communal Violence

There have been recent initiatives which have provided scope to address some of these challenges, most notably the Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill. If passed into law, this would have helped to address escalation of and impunity following communal riots, particularly of public officials. It would also have improved victims’ rights, through the establishment of required standards of relief, reparation, and rehabilitation.³¹ Progress was ultimately aborted in early 2014, in large part due to opposition from the BJP; however, recently there has been international pressure on India to renew efforts to bring the Prevention of Communal and Targeted Violence bill into law, including during its Universal Periodic Review in May 2017. Other developments have included a private member’s bill introduced in the Lok Sabha (the lower house of the Indian Parliament) in March 2017 to advance an anti-discrimination law which could help bring important redress to marginalized groups in India through promoting a broader and more intersectional approach towards discrimination. There have also been recent measures introduced to address sexual violence in the context of communal violence, namely the Criminal Law Amendment Act 2013 which

led to the inclusion of Section 376(2)(g) in the IPC. This legal reform explicitly addresses and prescribes punishment for rape during communal violence, which has been a common feature of recent riots, such as in Gujarat in 2002 and Muzaffarnagar in 2013.

Current trends in communal violence

This section provides an overview of the recent trends in communal including the frequency, intensity and geographic location of incidents over the past few years. It

draws primarily on MHA data between 2011 and 2016, a selection of incidents reported in the national media, and CSSS fact-finding during the same period.

Table 3: Frequency and intensity of communal violence reported in India, 2011-2016

	2011	2012	2013	2014	2015	2016	Total
Incidents of communal violence	580	640	823	644	751	703	4141
Number of deaths	91	93	133	95	97	86	595
Number of injuries	1,899	2,067	2,269	1,921	2,264	2,321	12,741

SOURCE: MHA

The evidence points to a number of key findings, outlined below:

Levels of communal violence remain high, and overall have risen during the reporting period: Between 2011 and 2016 levels of communal violence have remained consistently high. Notwithstanding a spike in 2013, there has been a general upwards trend in incidents of communal violence, with the exception of 2016 which saw a slight fall: 580 (2011), 640 (2012), 823 (2013), 644 (2014), 751 (2015) and 703 (2016). High levels of incidents in 2013 is in large part attributable to the outbreak of communal riots in Uttar Pradesh in the second half of that year, amid intense political campaigning ahead of the 2014 general elections. The number of deaths resulting from communal violence has mapped alongside these figures; however, numbers of injuries have slightly diverged, with 2016 registering the highest number at 2,321. This reflects the broader finding that since 2014 India has seen a rise in lower-intensity incidents of communal violence, resulting in fewer deaths, but rising numbers of injuries, even according to MHA data which does not reflect the wider range of violations noted above.

Communal violence continues to be concentrated in certain key states: Overall, the geographic concentration of

communal violence remains pronounced. Although there remain disparities between official data sources, according to MHA data the eight states with the highest incidence of communal violence include: Uttar Pradesh, Bihar and Madhya Pradesh, in the north; Rajasthan, Maharashtra and Gujarat in the west; and Karnataka and Kerala in the south. Together they accounted for 2,512 incidents, over 85 per cent of recorded communal violence cases between 2013-2016, the years for which data disaggregated by state is available. Uttar Pradesh recorded the highest number of communal incidents and most deaths between 2013 and 2016 according to the state breakdown provided by the MHA and as detailed in the interactive map. According to data from the MHA, this included 247 separate incidents documented in which 77 people were killed and 360 injured in 2013, the pre-election year which also saw high levels of communal violence in Muzaffarnagar. In 2014, there were 133 communal violence incidents in UP, 26 deaths, and 374 injuries; in 2015 incidents rose to 155, there were 22 deaths and 419 injuries; and, finally, in 2016 this increased once again to 162 incidents, 29 deaths and 488 injuries. Although not covered within the state period, Uttar Pradesh has also seen high levels of communal violence preceding and following state elections which took place from February-March 2017, some of which are detailed below.

Communal riots, although primarily an urban phenomenon, are now also occurring more frequently in rural areas and small towns: A review by CSSS of the 62 incidents of communal violence reported in mainstream media outlets found that 18 were in rural areas. This includes, for example, communal violence in small towns in the state of Maharashtra such as Harsul and Pachora which both saw incidents in 2015; violence in Harda District of Madhya Pradesh in 2013, and incidents in rural areas of various other states such as Uttar Pradesh, Haryana, Jammu and Kashmir, Assam during the reporting period. The largest scale outbreak of communal violence affecting rural areas was during the 2013 incident in Muzaffarnagar and Shamli. Social media is expected to have played a critical role in this development as it has enabled extremists to disseminate propaganda and hate speech to more remote areas, although this requires further exploration, along with other localized factors including the changing dynamics within parts of rural India. The rising level of communal violence in rural areas is important to note given the additional social and logistical obstacles that rural regions may pose in attempting to control and address this violence.

Muslims continue to be disproportionately affected: While communal violence has claimed both Hindu and Muslim victims, as well as smaller numbers of Christians and Sikhs, Muslims continue to be disproportionately affected. Though there is no comprehensive data set on the casualties from communal violence disaggregated by religious group, analysis of individual incidents and estimates from specific periods point to the higher numbers of Muslims affected. Government data released in 2013, for example, estimated that between January and mid-September that year there had been 479 separate

incidents of communal violence, resulting in the deaths of 66 Muslims and 41 Hindus. In addition, 1,647 people were injured, including 794 Hindu and 703 Muslim civilians, the remainder being police.⁴⁰ It should be noted that this period overlapped with large-scale communal violence targeting Muslims in Uttar Pradesh in September 2013, which points to the need for disaggregated data for a longer period to allow for a more complete analysis. Nevertheless, given that recent major outbreaks of communal riots have disproportionately targeted Muslims who comprise less than 15 per cent of the national population, these figures are striking.

Similarly, analysis by the CSSS of 62 incidents of communal violence between Hindus and Muslims during 2016 covered in mainstream media outlets found that Muslims appeared to have been most affected. Out of four incidents which resulted in deaths where disaggregated data was included, 7 out of 8 reported deaths were Muslim. Out of five incidents where disaggregated data was available, 46 Muslims were injured compared to 11 Hindus. And in the three incidents where disaggregated data was available for attacks on houses, 67 Muslim homes had been attacked compared to one Hindu home. However, in apparent contradiction to these figures, of the 12 incidents where disaggregated data was available, 178 Muslims and 75 Hindus were arrested – meaning that, despite appearing to number disproportionately among the victims, Muslims were also primarily targeted by law enforcement agencies.⁴¹

While these selected incidents include only a fraction of India's recent communal violence, they point to the need for a more comprehensive data set. At present, the evidence suggests that communal violence, while affecting all communities, still mostly affects the Muslim community in India.

Key elements of recent communal violence

While official statistics do not include details of each incident reported, through fact-finding missions and media monitoring, certain key trends and features of communal violence over the past few years are evident. The majority of these issues are longstanding, yet in some cases they have become more serious or frequent during the reporting period. This section will briefly examine a few of these areas, with a particular focus on how they impact India's religious minorities.

Festivals, processions, and places of worship continue to have a key role in a number of instances of communal violence – whether in terms of timing or location, or in terms of symbolic meaning - which can easily be politicized. As discussed earlier in this report, some of the most volatile moments in India's recent history have centred around the construction or destruction of places of worship (most notably the Babri Masjid), communal activities such as processions and vandalism.

Throughout 2016, for example, CSSS documented 20 incidents of communal violence that took place during religious festivals through media reports and fact-finding.⁴² In October 2016, the overlapping of two religious festivals – Durga Puja, celebrated by Hindus, and Muharram, celebrated by Muslims – was exploited to provoke communal tensions. Amongst these were incidents in three districts of West Bengal – a state which has seen rising communal tensions – including one which saw a low-intensity bomb target a Muharram procession, followed by violence against Hindus and Muslims. Earlier, in July 2016, in Deoband Uttar Pradesh, a Muslim with mental disability vandalized Hindu statues, and was subsequently beaten before being handed over to the police. Though the gates of a mosque were subsequently damaged that night, the police took swift action to repair the damage and in doing so helped prevent further violence.

More recently, following the electoral victory of the BJP in Uttar Pradesh, there have been further related incidents which have require swift police action: for example, in March 2017 when a group of men celebrating the victory of the BJP in a village in Uttar Pradesh attempted to plant a flag on top of a mosque in the area. In other cases, the presence of minority places of worship have been politicized: for example, members of the Sangh

Parivar in Uttar Pradesh have spread rumours that Muslims are carrying out a so-called 'land jihad' (or an allegedly coordinated land-grab), by illegally setting up religious structures on public property during the night.⁴³

Social media has been a potent tool through which rumours and hostile material provoking communal tensions and violence have been spread. For instance, CSSS documented that following the arrest of a Hindu in Shahabad, Karnataka, in July 2016 after he posted a derogatory post about the Muslim community, a Hindu symbol was desecrated and Hindu nationalist groups attempted to escalate the incident into communal violence. It was subsequently reported that a number of Hindu youths had themselves committed the damage and, in an attempt to prevent a potential outbreak of violence, police arrested five Hindus and a Muslim in relation to the incident.⁴⁴ A similar incident took place in June 2014 in Pune, Maharashtra when a Facebook post reportedly displayed Hindu kings and an influential right-wing Hindu nationalist in a 'derogatory' manner. This provoked right-wing Hindu nationalist supporters to take to the streets, leading to violence and the death of a Muslim man.⁴⁵ More recently, in April 2017 allegations of derogatory remarks regarding Hindu deities that were spread over social media led to violence in an Odisha town. Local authorities responded by implementing a curfew and restricted access to social media for 48 hours.⁴⁶ In other cases, however, politicians have been directly involved in spreading false messages which contribute to anti-minority sentiment: in May 2017, a senior BJP leader in the state of Kerala shared an old photo of slaughtered cows from Bangladesh in a Facebook post condemning a recent beef festival in the state.⁴⁷ Highlighting the frequency with which social media is involved with communal violence, it has been reported by human rights groups that of 27 incidents of communal violence from West Bengal investigated from the period between January and May 2016, social media figured prominently in seven cases.

Anti-cow slaughter legislation and vigilantism have become an increasingly common feature of communal violence since the election of the BJP government in 2014. The slaughter of cows, regarded by Hindus as

sacred, has long been a source of tension, as well as mobilization for right-wing groups promoting Hindu nationalism. While it is not only Muslims that consume beef – indeed, many lower-caste and poor Hindus rely on beef as an affordable food source for their survival⁴⁸ – they have been the key target of Hindu extremists, who act in vigilante groups popularly referred to as *'gau rakshaks'*.⁴⁹

These groups and their activities have proliferated in recent years, emboldened by both anti-cow slaughter legislation and calls to strengthen these measures. This has been championed by the ruling BJP: for example, ahead of the 2014 election, Modi delivered a number of speeches accusing the Congress Party of engaging in a 'pink revolution', a euphemism for the expansion of the meat industry. More recently, cow protection has featured prominently in state-level elections in Bihar (2015) and Uttar Pradesh (2016), two of India's states with the highest levels of communal violence.

Cow slaughter is also a criminal offence in the majority of India's states – the exceptions being states in the Northeast, Kerala, and West Bengal – yet the nature and severity of anti-cow slaughter legislation differs. In Haryana, for instance, cow slaughter and beef consumption carry sentences of up to 10 years, comparable to the punishment meted out for far more serious offences such as slave trading and culpable homicide, with the burden of proof reportedly falling to the accused – a situation that effectively amounts to a 'presumption of guilt'.⁵⁰ In September 2016, reports emerged that biryani sellers in the state were being tested by police for beef, a development that received condemnation as targeting Muslims.⁵¹

There have also been recent attempts to tighten these restrictions. In March 2015, Maharashtra saw stricter measures introduced, formally banning the slaughter of bulls, bullocks, and calves in addition to cows, punishable with a fine and up to five years in prison.⁵² In 2017 the ruling BJP government in the state of Gujarat amended its cow protection law, increasing punishment for cow slaughter to life imprisonment, the strictest punishment currently in place.⁵³ This builds on an earlier ban on cow slaughter that was introduced in 2011, when Narendra Modi was Chief Minister of the state. These harsher measures have been criticized as an attempt to foment communal divisions between Hindus and Muslims ahead of upcoming state elections, expected to take place in late 2017. Although there is no national ban on cow-slaughter in place, as previously noted, recent rules put forward by the government have been criticized as introducing a 'back door' national ban.

The recent escalation of political rhetoric and legislation against cow slaughter, besides impacting the livelihoods of a number of Muslims, has been accompanied by a spate of targeted attacks across the country. In September 2015, a

Muslim man in Dadri, Uttar Pradesh, was stoned to death by a large crowd with bricks following allegations that he was keeping beef in his home.⁵⁴ The failure of many senior politicians to adequately condemn the attack – for instance, Mahesh Sharma, a local MP who is also India's culture minister, described the incident as a 'misunderstanding' – received widespread criticism, with some even suggesting that the incident was organized by Hindu extremists affiliated with the BJP to stoke intercommunal division.⁵⁵ Meanwhile, a BJP lawmaker called for the prosecution of the victim's family and the release of the 'innocent young men' being held in prison on suspicion of having participated in his killing.⁵⁶

Shortly after the incident in Dadri in 2015, there followed similar acts of aggression. In October, a young Muslim man was attacked in Udhampur, Jammu and Kashmir state, by a group of 'cow protectors' who torched his vehicle, resulting in his death from severe burns 10 days later.⁵⁷ The same month, one Muslim was killed and four others injured by assailants in Sarahan, Himachal Pradesh, on suspicion of cattle smuggling: the survivors of the attack were subsequently arrested by police for animal cruelty.⁵⁸ In November, a Muslim headmaster in Manipur was killed after he was accused of stealing a calf.⁵⁹

At the time of writing, there are hundreds of self-proclaimed 'cow protectors' in states across India, involving hundreds of volunteers. These groups have recently grown in size: for example, after the arrest of vigilantes who attacked alleged Muslim cow traders in Rajasthan in May 2016 in a rare case of the state taking action against cow protection groups, over 700 new volunteers reportedly joined the ranks for cow vigilantes in the state, some of whom joined the Rashtriya Gau Raksha Dal in blocking the national highway in Pratagarh district in protest.⁶⁰ Those involved operate in networks such as Bhartiya Gau Raksha Dal, which was established in 2012 and claims to have 'state units' across the country working to 'protect every cow and bring them a better life'. Those involved with these networks, and overlapping groups such as Bajrang Dal and Vishwa Hindu Parishad, are actively involved in harassing individuals and conducting raids on institutions they suspect of engaging in cow slaughter. Absent adequate action on the part of the state to address the proliferation of these groups has led to a rise in cow vigilantism. Indeed, pronouncements by prominent officials have even emboldened them: for instance, in April 2017 the Chief Minister of Chhattisgarh said that those who killed cows in his state 'will be hanged'.⁶¹

Since the lynching of Mohammed Akhlaq in Dadri, Uttar Pradesh in 2015, vigilante cow protection groups have been active in harassing individuals, primarily Muslims, most commonly in states including Uttar Pradesh, Rajasthan, Haryana, Madhya Pradesh, a

Karnataka, and elsewhere. While Uttar Pradesh has seen almost a fifth of all incidents of communal violence reported over a six-year period as linked to cows, over a

period of a year between mid-2015 and mid-2016, more than 100 instances of assault against cattle traders were allegedly reported in Madhya Pradesh.

Communal violence linked to cow vigilantism (January 2016 – April 2017)

- **13 January 2016, Harda, Madhya Pradesh:** a couple travelling on the Kushinagar Express train were attacked by vigilantes who claimed they had been carrying beef. Police later found this was buffalo meat.⁶²
- **18 March 2016, Latehar, Jharkand:** the bodies of two Muslim cattle traders, including a 12-year-old boy, were found hanging from a tree. They had reportedly been attacked by assailants with links to a local 'cow protection' group and a personal grudge against the elder of the victims.⁶³
- **2 April 2016, Kurukshetra, Haryana:** A Muslim man was killed, reportedly by local vigilantes, upon returning to his village while transporting a buffalo.⁶⁴
- **6 May 2016, Mewat, Hararyana:** A Muslim youth was beaten by a group of vigilantes after allegedly being found transporting beef. The perpetrators filmed the attack and subsequently posted images of themselves with the victim on Facebook.⁶⁵
- **31 May 2016, Pratapgarh district, Rajasthan:** A crowd of 150 vigilantes attacked three alleged Muslims cattle traders, stripping one of them naked.⁶⁶
- **10 June 2016, Faridabad, Hararyana:** Two Muslim men allegedly found transporting beef were forced to consume a mixture of cow dung, urine, milk and curd by vigilantes who uploaded footage of the incident.⁶⁷
- **11 July 2017, Una, Gujarat:** Seven members of a Dalit family were targeted by 35 vigilantes, who attacked them with iron rods and sticks. The incident was recorded and shared widely on social media.⁶⁸
- **27 July 2016, Mandsaur, Madhya Pradesh:** Two Muslim women were attacked by a crowd at a railway station after they were accused of selling beef.⁶⁹
- **30 July 2016, Muzaffarnagar, Uttar Pradesh:** The home of a Muslim family rumoured to have killed a calf was attacked by a large group of villagers and reportedly vandalized. While the family was able to escape, they were subsequently arrested by police.⁷⁰
- **24 August 2016, Mewat, Haryana:** Two Muslim women were reportedly gang-raped and two of their relatives murdered by a group of men who told the victims that they were being punished for eating beef.⁷¹
- **13 September 2016, Ahmedabad, Gujarat:** A 25-year-old Muslim man transporting cattle was attacked by vigilantes and subsequently died of his wounds in hospital.⁷²
- **14 September 2016, Bengaluru, Karnataka:** a Muslim family accused of cow slaughter was besieged by vigilantes and their property vandalized.⁷³
- **21 March 2017, Hathras, Uttar Pradesh:** Following the closure of a slaughterhouse by officials, mobs torched a number of meat shops.⁷⁴
- **1 April 2017, Alwar, Rajasthan:** Dairy farmers returning from the Jaipur Animal Fair were attacked by cow vigilantes. One of the dairy farmers, a 55-year old Muslim man, died two days later, succumbing to his injuries.⁷⁵
- **21 April 2017, Reasi, Jammu and Kashmir:** A nomadic family suspected of smuggling cattle were attacked by a mob of 200 people, leaving five people injured, including a nine-year-old girl.⁷⁶
- **30 April 2017, Nagaon, Assam:** Two men suspected of cattle theft were beaten by villagers and later died of their injuries.⁷⁷

These incidents highlight that the volatile issue of cow slaughter and its illegality in much of the country has provided right-wing Hindu nationalists with a potent tool to mobilize anti-Muslim sentiment, in a manner increasingly similar to the use of blasphemy laws against minorities in neighbouring Pakistan.⁷⁸ Muslims then not only face the possibility of arrest and prosecution by local authorities, but also the threat of extrajudicial violence at the hands of 'cow protectors', encouraged by the apparent indifference of many policymakers and officials to the plight of the victims.

Indeed, in almost all of the cases above, vigilantes have gone unpunished, and assault victims and their families have more frequently faced legal action under anti-cow slaughter legislation. The fact that many of the poorest communities in India, including Muslims but also many Hindus belonging to lower castes, rely especially on beef as an inexpensive food source gives an added class dimension to this violence. In Uttar Pradesh, this situation has been exacerbated by an escalating campaign by the recently appointed and divisive Chief Minister, Yogi Adityanath. Soon after his appointment, Adityanath

introduced a crackdown on illegal slaughter houses in the state, closing shops without due process, and contributing to a broader climate of anti-Muslim sentiment. This is expected to lead to a loss of revenue for the state, with particularly harsh implications for some Muslims, such as members of the Qureshi community, who not only consume these products, but earn their livelihood from the meat industry.

Despite widespread acknowledgment of the rising activities of vigilantes, this has not been met with strong legal action or condemnation on the part of state officials. Furthermore, in some cases vigilantes appear to enjoy degrees of state patronage; for example, there are reports that in April Maharashtra's Bajrang Dal was accompanied by police to conduct a beef raid on a local slaughterhouse. State officials have also contributed to the broader climate of intolerance by lending symbolic support to these groups; for example, in May 2015, Mukhtar Abbas Naqvi, Minister of Minority Affairs, asserted that he backed a ban on cow slaughter by stating that 'those who cannot survive without eating beef, should go to Pakistan.'⁷⁹ In those cases when government officials have responded to violations by 'cow protectors', they have been delayed or inadequate, and in some cases victims appear to have faced institutional discrimination, repeatedly having FIRs filed against them, rather than the perpetrators.

Religious conversion continues to play a prominent role in anti-minority sentiment, and has been used as a cover for discriminatory legislation and violence against religious minorities. These issues date back to Partition and the period of British colonial rule, when fears of a relative demographic decline among Hindus and a growing Muslim population provoked, simultaneously, demands for greater restrictions on conversion of Hindus to other religions, particularly Islam and Christianity, alongside calls for 'Hindu first' policies within the country. These concerns remain pervasive among right-wing and nationalist groups such as the Rashtriya Swayamsevak Sangh (RSS), an organization that has gained increasing prominence since Modi's accession to power, with a number of members appointed to senior government positions.⁸⁰

Though freedom of religion is enshrined in the Constitution, with Article 25 stating that 'all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion', since independence a significant number of states have passed 'anti-conversion laws', with the stated aim of preventing coercive or fraudulent conversions. These include Chhattisgarh, Gujarat, Himachal Pradesh, Madhya Pradesh and Orissa, alongside Arunachal Pradesh (where an anti-conversion law exists but has yet to be enforced)

and Rajasthan (with a bill that has yet to be formalized into law).⁸¹ In states such as Gujarat where permission is required from the district authority prior to conversion, the process has been criticized as 'unduly onerous',⁸² and state records have revealed that a large proportion of those who apply have not yet received approvals.⁸³

While these specifically prohibit conversions where fraud, force or inducement are involved, in practice the legislation has been used by Hindu extremists to discourage or prevent conversion from Hinduism to other religions, particularly Islam and Christianity – a situation that particularly disadvantages lower castes such as Dalits, who have on occasions used conversion as a means to protest injustice or seek greater inclusion in another religion. Reports emerged in July 2016, for instance, that hundreds of Dalit villagers in Tamil Nadu were planning to convert to Islam after being denied access to the local temples by caste Hindus. Some right-wing activists accused local Muslims of actively stirring this division.⁸⁴ In early 2015, similarly, a Valmiki community member converted to Islam following his exclusion from the local temple, prompting police to reportedly arrest him for 'disturbing peace and communal harmony'.⁸⁵ Allegations of forced conversions have frequently been leveled against Christians and often accompany targeted attacks against them, which have been on the rise in recent years. In April 2017, for example, police in Uttar Pradesh halted a prayer meeting at a church upon receiving reports of alleged forced conversions from the right-wing Hindu Yuva Vahini.⁸⁶

The one-sidedness of the legislation is that laws are typically not applied to a change of faith to Hinduism, regarded as 'original' to India, meaning conversion of religious minorities to Hinduism does not attract the same legal opprobrium.⁸⁷ Indeed, Hindu nationalist groups have been able to operate assertive *ghar wapsi* campaigns targeting minorities for conversion with apparent impunity. These so-called 'homecomings' are justified by the RSS as 'reconversions' on the basis that their predecessors were themselves supposedly converted from Hinduism through proselytization or force by other 'foreign' religions, including Islam. There have been periodic reports of coercive conversions, such as the alleged forcible conversion of 57 Muslim families in December 2014.⁸⁸

In spite of the absence of credible data to support laws restricting religious conversions in India, there are voices within the government which have called for a national law.⁸⁹ In April 2015, for example, Union Home Minister Rajnath Singh of the BJP called for a national level anti-conversion law, ostensibly to protect communal harmony,⁹⁰ though critics have pointed out that this would violate basic religious freedoms.

Gender-based issues have been a salient feature in communal violence over the reporting period, both in terms of targeted violence against women during communal riots as well as the growth of campaigns by right-wing groups with specific gendered dimensions. Strongly identified as ‘symbolic bearers of national identity’,⁹¹ women in India are frequently ‘literal and figurative battlegrounds’ during social instability and violence, often with particularly severe implications for minority women.⁹² This is highlighted by the presence of communal mobilization around questions of ‘honour’ and sexual violence at Partition,⁹³ and more recently during communal riots in Gujarat in 2002 which saw the systematic targeting of Muslim women, as well as Hindu women with associations to Muslims.

The case of communal riots in Muzaffarnagar and Shamli in 2013 is particularly instructive. Calls to ‘protect women’s honour’ helped trigger communal riots, including allegations of a Muslim man harassing a Hindu (Jat) woman from a village nearby – evidence of which has been questioned, but a narrative which continues to be perpetuated, including by politicians linked to the BJP.⁹⁴ During the riots, Muslim women were systematic targets of sexual violence, with reports of numerous incidents of mass rape between 8 and 9 September 2013. Yet, the majority of cases of sexual violence from these riots have gone officially unreported, linked to associated societal pressures and stigma, as well as material challenges facing victims, many of whom have lost homes and family members.

Although the Criminal Amendment Act 2013 provides greater scope to seek justice for sexual violence during communal violence, the seven victims of gang rape who have pursued cases have faced numerous obstacles, such as threats and intimidation, lack of adequate reparations, and excessive delays with no convictions having yet been secured.⁹⁵ These challenges are exacerbated by the fact that each of these women are from working class, Muslim minority backgrounds, while the accused – all men belonging to the Jat community – are more influential, reportedly with better links to the state machinery.⁹⁶ Communal violence also has longer term impacts for minority women in particular. In the case of Muzaffarnagar, there have been reports that higher insecurity and attempts to ‘protect’ women have resulted in higher drop-out rates and more frequent marriages of under-age girls from affected families.⁹⁷

Contributing to this broader context, right-wing groups continue to present Muslims as a ‘demographic threat’, including through extensive politicization of the results of the 2011 Census. These groups have increasingly linked the growth of India’s Muslim population to a covert attempt to reduce the country’s Hindu majority.⁹⁸ These tensions have underlined not only discussions around

conversion, but also the equally fraught issue of inter-faith marriage. Hindu nationalist groups, in particular the RSS and Vishwa Hindu Parishad (VHP), have recently launched counter-campaigns against what they refer to as ‘love jihad’. Appearing first around 2009 in southern states including Kerala and Karnataka, ‘love jihad’ is a strategy that right-wing groups claim to be deployed by Muslim men, in an effort to seduce and convert Hindu women to Islam. This formulation, while originating in the early twentieth century, combines contemporary anxieties around loss of identity and conversion with stereotypes linking Muslims with terrorism and extremism.

Framed as ‘rescue operations’, to counter ‘love jihad’, Hindu nationalist groups have forcibly separated couples, and reportedly deployed right-wing lawyers to identify and share registered cases of inter-religious marriage between Muslim men and Hindu women. These groups have acknowledged levelling false accusations of rape and kidnapping against Muslim men, and have benefitted from legal and political patronage, with strong links to the police and certain political actors.⁹⁹ The BJP campaign drew on references to ‘love jihad’ during the 2017 state elections in Uttar Pradesh and, in March 2017, following their electoral success, so-called ‘anti-Romeo squads’ were formed by the police.¹⁰⁰ While framed under the broader auspices of protecting women from harassment, this campaign contributes to fears and anxieties linked to the ‘love jihad’ narrative.

Apart from the riots in Muzaffarnagar, this has also contributed to provoking smaller-scale communal tensions and violence. In April 2016, for instance, Hindu extremists attempted to block an inter-faith marriage between a Muslim man and a Hindu woman who had converted, with security arrangements in place at the wedding to protect the couple.¹⁰¹ More recently, in May 2017, following news that a married Hindu woman and Muslim man had eloped, there were attacks on the homes of Muslims living in Nandrauli, an area in Sambhal District of Uttar Pradesh. This led to an exodus of the majority of Muslims from the village to nearby areas.¹⁰²

Hindu nationalists have also responded to the perceived problem of Hindu women marrying outside their community with a campaign of *bahu lao, beti bachao* (‘bring in the daughter-in-law, save the daughter’) – an initiative to ‘protect’ Hindu men married to Muslims or Christians and to encourage women from those communities to marry into Hinduism. Launched in 2015 in Uttar Pradesh by Bajrang Dal, a wing of the VHP and part of the broader Sangh Parivar, this campaign effectively emulates the alleged ‘love jihad’, and has also reached other states such as West Bengal, where in recent years the BJP has made substantial inroads. In July 2015, a RSS activist reportedly distributed pamphlets at schools

warning pupils that Hindu women had to be protected from Muslim men who were tricking them into marriage and then selling them at Arab markets.¹⁰³

Similarly, anxieties over the size of India's Muslim population has not only driven extreme rhetoric and hate speech against the community and its perceived 'fertility problem' – with the Vice President of the All India Hindu Mahasabha, Sadhvi Deva Thakur, calling for another 'emergency' to impose sterilization on Muslim and Christian communities¹⁰⁴ – but also drives to increase the Hindu population. These reflect deep-seated anxieties about population and fertility that have resulted in both Hindu and Muslim women facing the communalization of their bodies, by men within their own community as well as outside it. Overall, this has contributed to sexual violence becoming an increasingly prevalent element of communal violence in recent decades.

Many incidents of communal violence have been linked to disputes over marriages, relationships or so-called 'eve teasing' – the widespread problem of sexual harassment of young girls and women – between communities. While it is a pervasive problem for women of all religious communities that reflects the persistence of gender inequalities and patriarchal norms in India, sexual harassment has increasingly been framed as a communal issue, meaning that it can often serve as the trigger for mass violence. In March 2016 in Muzaffarnagar, for instance, clashes between Hindu and Muslims broke out after a Hindu girl was allegedly harassed by Muslim youths.¹⁰⁵ Later in 2016, in September, a clash between Hindus and Muslims after a Muslim girl was allegedly harassed by some Hindu youths led to a crowd of around 100 Jat attacking a Muslim family, killing three and injuring several others.¹⁰⁶

Recommendations

To the Government of India:

- **Publicly condemn intolerance and hold to account public officials involved in perpetrating or inciting religious violence.** It is the responsibility of the government to send the message that religious violence will not be tolerated through publicly voicing opposition to rising religious intolerance. Concerted steps must also be taken to addressing impunity by holding to account public officials who have been responsible for human rights abuses, including during past incidents of mass violence.
- **Provide legal assistance and other support to survivors of communal violence and their relatives, and investigate reports of barriers to justice.** This requires the government to promptly look into reports of harassment and intimidation of victims of communal violence and their families, and address undue delays which obstruct efforts to secure justice. Steps must be taken to address the needs of survivors, such as legal assistance and various forms of reparations.
- **Take prompt and effective legal action against vigilantes** responsible for perpetrating violence against minorities, as well as those facing allegations of complicity. Adopt strong measures to curb the activities of groups including the proliferating and self-proclaimed ‘cow-protection units’ as well as those involved with anti-‘love jihad’ and ghar wapsi campaigns, and address any forms of state patronage of such groups.
- **Revive the process to adopt the Prevention of Communal Violence (Access to Justice and Reparations) Bill 2013**, or similar legislation. This should contain effective remedy and reparation in line with international standards for victims of mass communal violence, including provisions to address gender-based violence. This legislation should take a wide view of communal violence, with due consideration of the various forms of discrimination facing India’s religious minorities, and those affected should be consulted throughout the design and implementation of these measures, and provided with appropriate witness protection.
- **Repeal or reform legislation and policies which infringe upon fundamental rights enshrined in the Constitution, and fuels violence against religious minorities.** This includes India’s anti-conversion laws, which apply unequally to conversions, and recent efforts to expand anti-cow slaughter measures which have lacked due process.
- **Adopt measures to address long-standing economic, social and cultural discrimination against religious minorities**, including discrimination within state institutions. This includes measures to fully implement the recommendations of the Sachar Committee findings (2006) with a view to advancing the rights of Muslims in India; extend recognition of Scheduled Caste status to Dalits of all faiths, including Dalit Christians and Dalit Muslims; and recognize Sikhism, Buddhism and Jainism as distinct religions within the Constitution. Efforts should also be advanced to introduce more comprehensive anti-discrimination legislation, which includes protections against intersectional discrimination.
- **Particular attention must be paid to the violence, threats and harassment faced by religious minority women.** In order to do this, police and prosecutors must be adequately trained in treating minority women victims in an appropriate, respectful and confidential manner, and always enabling victims to be assisted by women officers. FIRs concerning such cases must be filed and followed up promptly.
- **Take steps to address the broader climate of intolerance**, which has particularly impacted religious minorities and human rights defenders. Steps must be taken to restore the right to freedom of association for members of civil society by repealing the FCRA, and to address wider harassment against human rights defenders, including on the part of public officials. Discrimination in schools, including within educational material and in the classroom, must also be addressed.

To the Government and Civil Society:

- **Consistently and accurately monitor communal violence, with a focus on how this impacts India's diverse religious minorities.** To improve efforts to address communal violence, more comprehensive documentation of incidents is needed, many of which go unreported. The government should regularly release disaggregated data regarding communal violence, and address disparities between official sources. Civil society actors must also continue to work together to consistently monitor and document these incidents, with a focus on localized localised information regarding the frequency and nature of communal violence, and be provided with the space to do so.
- **Government and civil society staff should be trained in culturally and gender-sensitive data collection,** ensuring that religious minority women victims can report instances confidentially.

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A Narrowing Space: Violence and discrimination against India's religious minorities

Religious minorities have long been the target of a range of different forms of persecution, such as hate crimes, threats, attacks on places of worship, and forced conversion. Nevertheless, in recent years there has been rising hostility against India's religious minorities, particularly since the current right-wing BJP government promoting Hindu nationalism took power at the national level after its election in May 2014.

In particular, communal violence disproportionately affects India's religious minorities – especially Muslims, but also Christians and Sikhs. While often instrumentalized for political gains, communal violence draws on and

exacerbates a climate of entrenched discrimination against India's religious minorities, with far-reaching social, economic, cultural and political dimensions. Such violence is frequently met with impunity and in certain instances direct complicity from state actors, ranging from inciting violence through hate speech to refusing to properly investigate communal incidents after they have occurred.

The aim of this short briefing is to contextualize these recent developments, drawing attention to the ways communal violence is linked to wider discrimination against religious minorities, and infringes upon their enjoyment of minority rights.

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ISBN 978-1-907919-90-9

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