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FoRB & Religious Minorities

1. Introduction

1.1 India is a secular State; its Constitution provides equality of citizens and guarantees them freedom of religion and belief¹; it prohibits any discrimination based on religion. The State takes it as its responsibility to preserve, protect and assure the rights of minorities in matters of language, religion and culture². This, along with being signatory to the Universal Declaration of Human Rights (UDHR), and party to the International Covenant on Civil and Political Rights (ICCPR), forms the bedrock of India's commitment to Freedom of Religion or Belief (FoRB).

1.2 The concern addressed in this Report is the violation of FoRB rights of two religious minorities – Muslims and Christians, and two social minorities – *Dalits* (especially Muslim and Christian) and *Adivasis* (especially Christian).

1.3 India is home to several religions. As per the 2011 Census³, 79.80% of the total population are Hindus, which means all other religious communities are minority groups – Jains [4.5 million, 0.37%], Buddhists [8.4 million, 0.70%], Sikhs [20.8 million, 1.72%], Christians [27.8 million, 2.3%], Muslims [172.2 million, 14.2%] and Others [0.9%] which includes Jews (less than 26,000), Zoroastrians (less than 1 million) and Baha'is (less than 400,000).

Out of these minority groups, Muslims and Christians face discrimination, alienation, animosity, and violence as they are perceived to be of non-Indic origin, hence 'outsiders'.⁴

2. Methodology

2.1 South Asia Forum for Freedom of Religion or Belief (SAFFoRB) India partners have been systematically documenting FoRB violations and religious violence, which are brought out periodically in the form of reports⁵. The partners have conducted research studies, fact-finding missions, and a Citizen's Tribunal, wherein victims as well as human rights activists have deposed in front of a jury.⁶ This Report draws heavily on such wealth of information.⁷ The period covered in this Report is from end of the 3rd UPR India cycle to present.

3. Recommendations on FoRB in the 3rd Cycle

In the third cycle of India's UPR, the government received several recommendations to improve human-rights-situation in the country. The recommendations included need for laws to be enforced to protect minorities, measures to prevent religious intolerance, inter-communal violence and discrimination. It is regrettable that these recommendations have not been implemented to ensure meaningful action on the ground.⁸ For instance, under Freedom of Thought, Conscience and Religion (D42), there were three recommendations on retracting anti-conversion laws⁹. In 2017, when the recommendations were made, eight states had passed anti-conversion laws. None of them have retracted the laws, in fact two new States (Uttar Pradesh and Karnataka) have passed the Bill and one (Haryana) has presented a draft Bill¹⁰.

FoRB Situation in India

4. Communal Incidents¹¹ in Recent Years

4.1 The US Commission on International Religious Freedom, an independent bi-partisan commission, recommended for the second year in a row that the State Department put India in the list of 'Countries of Particular Concern'¹². As per the Government source – the National Crime Records Bureau (NCRB) data, 3,399 communal incidents occurred in India during 2016-2020, compared to 3,466 during 2011-2015, i.e., an average of nearly 57 incidents a month. The lowest number of incidents occurred in 2019 (438) and the highest in 2016 (869). The number of such incidents in 2017¹³ and 2018¹⁴ is 723 and 512 respectively. The number of people killed or injured in these incidents was more or less proportional to the number of incidents. The year 2020 saw 857 cases (96% increase) of communal riots registered across the country as compared to 438 in 2019. Most of the 2020 cases are attributed to the Delhi riots¹⁵.

4.2 The Ministry of Home Affairs, which had been collating and furnishing data on communal incidents abruptly decided to stop sharing it since 2017. NCRB, which is now the only government source, collects data from First-Information-Reports filed in police stations. The reliability of this data has come under shadow of doubt as in 2018 Uttar Pradesh reported 'zero' incidents while communal clashes in Kasganj in

Uttar Pradesh was widely reported¹⁶.

4.3 According to Centre for Study of Society and Secularism (CSSS), which monitors communal riots reported in five prominent newspapers, there were 20 incidents of communal riots in 2021¹⁷ compared to 10 in 2020¹⁸. The incidents reported in 2019¹⁹ and 2018²⁰ were 25 and 38 respectively. Since NCRB has access to all police station records, the numbers reported are substantially higher than media reports collected by CSSS. While communal riots have low intensity, there are a substantial number of mob lynching targeting vulnerable groups like Muslims, *Dalits* and Tribal Christians over issues of cow slaughter/consumption, inter-faith relationships and child-lifting. The number of communally motivated mob lynching were 16 in 2021, whereas the numbers in 2020, 2019 and 2018 stood at 23, 107 and 84 respectively.

4.4 NCRB does not maintain separate data on persons killed or injured by vigilante groups or mobs or crowds.²¹

5. Structural Violence

5.1 **Socio-Economic Disadvantage:** The 2018 United Nations Development Programme and Oxford Poverty and Human Development Initiative report on Global Multidimensional Index reveals that in India every second Scheduled Tribe, every third Scheduled Caste and every third Muslim is multi-dimensionally poor.²² The 2006 Prime Minister's High Level Committee Report on "Social, Economic and Educational Status of the Muslim Community of India" (the Sachar Committee Report) has provided evidence of Muslims caught in a vicious cycle of backwardness, which renders them victims of structural violence²³.

Christians in India are predominantly rural (66 per cent), poor and engaged in low-prestige occupations. An overwhelming majority of Christians is drawn from the socio-cultural-periphery i.e., Scheduled Tribes, Scheduled Castes and Other Backward Classes (OBCs). This renders them soft targets.²⁴

Structural violence can be seen as 'killing' or simply 'allowing to die'. The general apathy towards poverty and the plight of minorities among implementers of policy can be termed as 'allowing to die'. The large-scale communal violence (e.g., Gujarat

2002²⁵, Muzaffarnagar 2013²⁶, Delhi 2020), or the targeted mob lynching, call for social and economic boycott of Muslims and Christians by state and non-state actors, and even Covid-19 scapegoating of Muslims not only physically and psychologically hurt Muslim and Christian individuals but they weaken the entire community as their livelihoods are attacked²⁷. The Covid-pandemic has made the minority groups even more vulnerable. A calculation based on Periodic Labour Force Survey 2018-19 has projected rise in poverty by 18 per cent for Scheduled Castes and Scheduled Tribes. A similar trend is seen for Muslims and Christians.²⁸

5.2 Intersectionality with Caste: *Dalit* Christians and *Dalit* Muslims suffer double discrimination – because of their religion as well as their caste. They are left out of the preferential treatment extended to Hindu, Sikh and Buddhist *Dalits*; they are also not protected by the Prevention of Atrocities Act. This imperils one of the foundational principles of the Indian Constitution i.e., equality of all citizens irrespective of their religious faith. The 2007 Report of the National Commission for Religious and Linguistic Minorities (Ranganath Mishra Committee Report) had recommended that using religion as the criterion to identify Scheduled Castes should be discontinued.

5.3 Intersection of Violence, Religion and Gender: Gender inequality and a false perception of gender render women more vulnerable to denial of FoRB rights and to religious violence. It needs no labouring that women are less equal than men in India and even lesser equal in minority groups as minority religions have less scope for reforms in a defensive position vis-à-vis the majority religion. Also, the majority religion is becoming politicised and therefore radicalised of late. The manifestation of gender inequality was seen very recently in banning of *hijab* in schools in Karnataka²⁹. Girl children became a casualty in regard to determining school uniform, not boys. On the wrong perception of gender, women are seen as the symbol and carrier of community honour or civilizational values, which is why they are attacked, raped and brutalised during communal riots.

5.4 Interference in running of minority institutions: Article 30 of the Constitution of India provides minority groups 'right' to establish and administer educational institutions of their choice, but it is made difficult for them by interference

– ban on appointment of teachers, strict payments and infrastructural requirements while not being allowed to charge reasonable fees from the low income population that they cater to, and new institutions face problems in certification as a minority institution³⁰.

Muslim denominational schools (Madrasas) are looked upon with suspicion, are labelled as “den for terrorists”³¹, and their loyalty is questioned. For instance, in UP, all Madrasas were directed (in 2017, 2018 and 2019) to hoist the national flag and sing the national anthem. For Independence Day, they were directed to pay tribute to freedom fighters and organise cultural programmes, which had to be photographed and filmed and sent to the Education Board. Other religious institutions were not asked to do so.

5.5 Forced eviction from common property: Using protection of national parks or illegal encroachment of government lands as justification, Muslims are forcefully evicted from settlements which render them homeless and destitute. For instance, in Dholpur, Assam, Bengali speaking Muslims were evicted in September 2021³²; and in Kaziranga national park, Assam, only Muslim dominated villages were forcefully evicted³³. The UN Human Rights Commission Resolution 1993/77 says that “*forced evictions are prima facie violations of the human right to adequate housing, and are a contributing factor to homelessness*”; and General Comment 7 adopted in 1997 by CESCR defines forced eviction as “*permanent or temporary removal against the will of individuals, families or communities from their homes or land, which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.*”³⁴

5.6 Exclusion from Voters List: The National Register of Citizens (NRC) was introduced in Assam, wherein to prove their citizenship, people of Assam had to show documentary evidence that they or their ancestors were born in Assam before 25 March 1971. Out of 33 million people who applied, 1.9 million could not prove their citizenship. In 2019, the Citizenship Amendment Act was passed, which makes minority group immigrants – Hindus, Sikhs, Buddhists, Jains, Parsis and Christians – from neighbouring Pakistan, Afghanistan and Bangladesh eligible for Indian citizenship if they migrated before 31 December 2014. Therefore, all excluded under

NRC could be granted citizenship, except Muslims. The government proposes to bring NRC to the entire country.

5.7 Erasing of Muslim influences: Since 2014 Muslim influences are being erased, through changing of street and city names (e.g. Allahabad in Uttar Pradesh renamed Prayagraj (2018), Habibganj Railway Station, Madhya Pradesh as Rani Kalapati); erasing the cosmopolitan nature of Muslim period and modernity of British colonial era in the New Education Policy; stopping of celebrations and remembrance days of Muslim rulers like Tipu Sultan in Karnataka from 2019 onwards; and claiming that reputed mosques used to be temples and must be restored as temples (Roza Rozi Dargah in Mehmedabad in Kheda district and Nav Gaj Peer Dargah in Shamlaji, both in Gujarat)³⁵

5.8 Laws passed that adversely affect minorities: Several Acts have been passed or existing Acts have been amended in Parliament that can be and are being used to target minorities. Colonial laws such as **Unlawful Activities (Prevention) Act, Armed Forces (Special Powers) Act, Section 12A of the Indian Penal Code**, and state laws like **Maharashtra Control of Organised Crime Act**, continue to be used. The language used in these laws remain ambiguous to incorporate any activity to qualify as an act of disturbing peace and tranquillity of the country³⁶. Since 2014, there is a 28% increase in usage of sedition laws with 560 cases registered in the past 8-years, accounting for approximately 8,800 known and unknown accused³⁷. The **anti-conversions laws**, prohibit conversion by misrepresentation, force, fraud, allurements or marriage. The words and definitions used in the Acts are ambiguous and are used to harass religious minorities.

5.9 NGOs continue to face government interference and in the context of FCRA amendment, they face even closure. By introducing stringent FCRA rules and by not renewing FCRA registrations, minority institutions like Indian Epilepsy Association, Young Men's Christian Association, India Islamic Cultural Centre; and institutions working on human rights and democracy like Oxfam India and Amnesty International are targeted.

6. Emerging Patterns of Symbolic Violence

6.1 In last three decades Muslims have been subjected to increased symbolic violence.³⁸ They are stigmatized on the bases of their way of life, the way they dress, their appearances, their eating habits, their worship patterns, etc. Christians also experience symbolic violence as they are viewed as products of colonialism; perceived to have embraced Christianity for petty benefits; and are said to be indulging in fraudulent proselytization. The biggest symbolic violence against Christians and Muslims is that they are portrayed as **cultural outsiders**.

6.2 There has been more than four-fold increase in cases registered for ‘**Hate Speech**’ between 2015 & 2020 inciting violence against minorities with a view of polarizing the electorates.³⁹ The Covid pandemic has stemmed this polarization; at the societal level intolerance has increased, particularly against Muslims.⁴⁰ Polarising content and hateful material on the internet has proliferated.⁴¹ Academic conferences in India and abroad have been targeted which tried to hold discussions on rise of Hindu nationalism.⁴² It is not the absence of laws; it is the execution of existing laws which is questionable. Sections 153(A), 153(B), 295(A), 298, 505 and 509A of the Indian Penal Code and Section 123(3A) of the Representation of People Act, 1951, describe hate speech as under the reasonable restrictions to the freedom of expression⁴³. However, these laws are selectively used to target religious minorities while turning a blind eye to hate speeches by organizations such as *Dharam Sansad* held in Haridwar, which called for genocide⁴⁴.

6.3 Anti-Muslim hysteria is now rampant in India. Religion, communalism and jingoism⁴⁵ are most discussed and debated issues. The narrow notion of nationalism⁴⁶ is creating sectarian feeling among the religious majority group as well as the minorities. There is apprehension that the government has the hidden agenda of ending diversity and establishing a nation-state with a monolithic culture even as Hindu extremist groups run campaigns with impunity on issues such as “*ghar vapasi*”⁴⁷, “*love jihad*”⁴⁸, “*beti bachao bahu lao*”⁴⁹, “*Muslim Mukht Bharat*”⁵⁰, “*Kairana migration*”⁵¹, etc. Disrespecting Hinduism by eating beef has become a burning issue; cattle traders in several states have become easy targets of the Hindu extremists⁵².

Such violence is in conflict with Art. 18 (3) of ICCPR which says, *“the freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.”*

6.4 Incidents of anti-Christian protests, ruckus and misdemeanour perpetrated by right-wing Hindutva organisations were reported both on news outlets and across social media in the lead up to and on Christmas Day.⁵³ Christians are reported to be more frequently harassed by disruption of religious services, desecration of churches and religious scriptures. There were reported cases of aggressive attempts to Hinduize Christian Adivasis in the name of traditions and practices, particularly in states like Jharkhand, Chhattisgarh and Odisha.⁵⁴

6.5 Since 2014, Christmas Day has been manipulated into a “working” day by declaring it “Good Governance Day”⁵⁵. This is in conflict with the 1981 Declaration of the General Assembly, Article 6 (h) which says that the right to freedom of thought, conscience, religion or belief includes *“the freedom to observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief”*. Similarly, the Human Rights Committee general comment 22, Para 4 says, *“the concept of worship extends to [...] the observance of holidays and days of rest.”*

6.6 Even though the government has taken several steps to set up special Fast-Track courts and investigation teams to hasten the judicial process, it has proven inadequate in many cases especially because of complicity of police or government in them. Until an impartial judicial setup is institutionalized, it is hard to envisage the situation improving at the ground level. In its absence, however, the climate of impunity continues to persist.

7. Government Apathy

7.1 The government's inconsiderate attitude towards the victims of communal riots has been experienced in all the riots. In the Delhi riots (2020) it has been widely documented that the police force ignored early warning of the riots when hate speeches were being made against minorities. Post riots, the police implicated the victims of the riots ignoring the evidence against the perpetrators⁵⁶. It seems to be an

act of political expediency not to register First-Information-Reports by victims that eventually lead to misleading figures in crime record database.⁵⁷

7.2 Many of the protestors of the Citizens Amendment Act and National Register of Citizens were falsely implicated for conspiracy based on flimsy evidence of a WhatsApp group chat and arrested under the pretence of being ‘anti-national’ or seditious, whereas in reality the protests abided by all the laws. By arbitrarily arresting outspoken activists, the government has not only been attempting to silence dissent but also send a message to supporters that they have a free rein to commit abuses against minority communities.⁵⁸

7.3 A report by the Delhi Minorities Commission said that the violence in Delhi was “planned and targeted,” and found that the police were filing cases against Muslim victims for the violence, but not taking action against the people who incited it.⁵⁹ Even in the case of the Muzaffarnagar riots, the perpetrators were exonerated on flimsy grounds stating ‘lack of evidence’.⁶⁰

8. Positive Trends

8.1 The positive trend observed in the country is the role of the Courts. In several instances, by giving landmark judgements, the Courts have provided recourse to people harassed by oppressive laws or otherwise. To cite some instances, the Mumbai High Court on the role of the government and media in scapegoating of Tablighi Jamaat during Covid⁶¹, the Allahabad High Court rulings defending the rights of citizens to express dissent on law-and-order situation⁶², and on the right of individuals to choose their partners for marriage irrespective of religion⁶³

9. Recommendations

8.1 Recommendations from India’s 2017 UPR regarding FoRB [161.126, 161.127, 161.128 on Retracting anti-conversion laws, 161.73 on taking effective measures to combat religious intolerance, 161.133 on protecting minorities from hate speech, incitement to religious violence, discrimination on religious grounds) have not been implemented. They are still relevant and should be implemented.

8.2 The Ministry of Home Affairs must resume sharing of information, and

additionally provide disaggregated data on communal incidents. The National Crime Records Bureau must ensure diligent record of all reported cases of FoRB violations.

8.3 The government should address the issue of statelessness. It must sign and ratify the Convention on the Reduction of Statelessness, 1961; the Convention Relating to the Status of Stateless Persons, 1954; and the Refugee Convention, 1951, and its 1967 Protocol.

8.4 Any law passed by State governments that restrict FoRB of any religious group or individuals must not receive the President's assent. Any such law that already exists should be repealed by the States.

8.5 Roll back restrictions on civil society organizations working for Human Rights, Democracy and Development (such as non-renewal of FCRA).

8.6 Introduce a national legislation on the lines of the Maharashtra Protection of People from Social Boycott Act, 2016, to protect victims of social and economic boycott.

8.7 Ensure that the guidelines set by the Supreme Court to deal with the cases of Mob Lynching are strictly followed. Introduce a national legislation against mob lynching. And the Indian Penal Code should institute specific hate crime laws

8.8 The Government must ensure that accountability is fixed in any kind of religious violence on perpetrators as well as officials charged with law and order. It should also take responsibility to grant compensation to the victims.

8.9 The Government must invite the UN Special Rapporteur on FoRB and Minority Rights to India.

8.10 Government must include religious violent extremism (in the name of majoritarianism) in the definition of terrorism.

8.11 The government must ensure that those who indulge in hate speeches to incite

religious violence in the name of Freedom of Expression are prosecuted.

8.12 Using religion as the criterion to identify Scheduled Castes should be discontinued as recommended by the Ranganath Mishra Committee.

10. Endnotes

¹ The Preamble to the Constitution of India reads, “We, the people of India, having solemnly resolved to constitute India into a sovereign, socialist, secular, democratic republic and to secure all its citizens justice – social, economic and political; liberty of thought, expression, belief, faith and worship, equality of status and of opportunity; and to promote among them all fraternity assuring the dignity of the individual and the unity and integrity of the nation...”

² Articles 25 to 30 of the Constitution – Article 25: Every citizen of India has the freedom to profess, practice and propagate his/her own religion, subject to public order, morality and health; Article 26: Religious groups or denominations are given four rights – right to establish and maintain institutions for religious and charitable purposes, to manage its own affairs in matters of religion, to own and acquire movable and immovable property, and to administer such property in accordance with law; Article 27: No citizen will be compelled by the state to pay any taxes for promotion or maintenance of particular religion or religious institutions; Article 28: No religious instruction would be imparted in state funded educational institutions; Article 29: The state shall not impose on a minority community any culture other than its own; and Article 30: Grants the minority communities the right to establish and administer their own educational institutions.

³ *Census 2011* available at [Religion Data - Population of Hindu / Muslim / Sikh / Christian - Census 2011 India](#)

⁴ T. K. Oommen, “*Social Inclusion in Independent India: Dimensions and Approaches*”, (Orient BlackSwan, New Delhi, 2014)

⁵ Safforb partners rely on secondary data from government agencies (National Human Rights Commission, Ministry of Home Affairs, Ministry of Minority Affairs, and the National Commission for Minorities), and non-governmental agencies like civil society organisations and print media.

⁶ Research reports, Fact-finding mission reports, Citizen’s Tribunal Report attached as Annexures

⁷ Please see Annexures – 1. “*The Covid Pandemic: A Report on the Scapegoating of Minorities in India*” (2020); 2. “*Prevention of Violent Extremism in South Asia: The India Report*” (2021); 3. *Report: Citizens’ Tribunal to hear Cases of Violation of Freedom of Religion and Belief*” (2022); 4. “*Assam NRC: A Humanitarian Crisis Looming Large*” (2019); 5. “*Aurangabad Communal Violence: Fact-Finding Report*” (2018); 6. “*Vigilantism and Attack on the Freedom of Religion in Meerut*” (2021); 7. “*Communal Violence in Tripura: A Fact Finding Report of CSSS*” (2021); 8. “*Jharkhand, Mob Lynching and Marginalization of Adivasis*” (2019); 9. “*Report of the Fact-Finding Team on Communal Violence in Madhya Pradesh*” (2020); 10. ‘Communal Violence in India’, *Secular Perspectives* 2018 ,2019, 2020, & 2021

⁸ Please see Annexure 1, The Recommendations Matrix which gives the comments on level of implementation of each of the Recommendations on FoRB received by Indian government

⁹ 161.126 Holy See, 161.127 The Netherlands, and 161.128 Italy (See Matrix attached)

¹⁰ ‘Explained: Haryana govt’s anti-conversion Bill, its provisions and Opposition’s objections’, *The Indian Express*, 5 March 2022 available at [Explained: Haryana govt’s anti-conversion Bill, its provisions and Opposition’s objections | Explained News, The Indian Express](#)

¹¹ Communal violence is the term used in India to describe conflicts, riots and other forms of violence between communities of different faiths or ethnic origins. The scope and intensity such violence is large, the number of deaths is high, and the geographical area is wide.

¹² The United States Commission Annual Report 2021 on 'International Religious Freedom' available at <https://www.uscirf.gov/sites/default/files/2021-04/2021%20Annual%20Report.pdf>

¹³ The National Crime Records Bureau Annual Report on 'Crime in India 2017' available at https://ncrb.gov.in/sites/default/files/Crime%20in%20India%202017%20-%20Volume%201_0_0.pdf

¹⁴ The National Crime Records Bureau Annual Report on 'Crime in India 2020' available at <https://ncrb.gov.in/sites/default/files/CII%202020%20Volume%201.pdf>

¹⁵ "NCRB data: Crime down, clashes up in year of lockdown, Delhi riots, protests", *The Indian Express*, 16 September 2021 available at <https://indianexpress.com/article/india/in-pandemic-year-covid-violations-push-up-crime-rate-by-28-ncrb-7510456/>

¹⁶ "MHA stops sharing data on Communal Incidents which it did till 2017", Bharath Kancharla 21 February 2020 available at <https://factly.in/mha-stops-sharing-data-on-communal-incidents-which-it-did-till-2017/>

¹⁷ A detailed study on "*Communal Violence in the year 2021*" by the Centre for Study of Society and Secularism (CSSS), is attached as annexure-1 to this Joint Submission to HRC

¹⁸ A detailed study on "*The Paradox of Lawlessness amidst Laws: A Report on Structural Violence impacting Communal Discourse in 2020*" by the Centre for Study of Society and Secularism (CSSS), is attached as annexure-1 to this Joint Submission to HRC

¹⁹ A detailed study on "*Hatred and Hate Speeches: Achilles Heel of India in 2019*" by the Centre for Study of Society and Secularism (CSSS), is attached as annexure-1 to this Joint Submission to HRC

²⁰ A detailed study on "*Communal Violence 2018: Locating the Role of State and Changing Nature of Violence*" by the Centre for Study of Society and Secularism (CSSS), is attached as annexure-1 to this Joint Submission to HRC

²¹ Response of Minister of State for Home Affairs in the upper house of the Parliament to a question on mob lynching, 15 December 2021, available at ['No Data On People Killed By Vigilante Groups: MoS Rai's Reply To Question On Mob Lynching In Rajya Sabha \(abplive.com\)](https://abplive.com/No-Data-On-People-Killed-By-Vigilante-Groups-MoS-Rai-s-Reply-To-Question-On-Mob-Lynching-In-Rajya-Sabha)

²² Meaning they are poor not only in terms of income but also on the basis of other indicators like nutrition, health, education, living standards and assets.

²³ Popularly known as the Sachar Committee Report, it pointed out that literacy rate among Muslims is lower as compared with the national average and 15 per cent Muslim children in the 6-14 age group never attend schools. Only one out of 25 undergraduate and one of 50 post graduate students in prestigious Indian colleges are Muslims. Low level of formal education prevents Muslims to enter occupations where certified pre-entry qualifications are necessary. This results in remarkably high level of self-employment among Muslims and low level of entry into salaried jobs. As owners of small proprietary enterprises, they need capital even if limited. But non-availability and denial of credits as well as marketing support prompts them to work as artisans and skilled labour. Some banks have designated Muslim concentrated locations as negative and red zones and Muslim borrowers as 'habitual defaulters'. The ongoing processes of modernization and liberalisation of the economy further leads to unemployment and consequent pauperisation of Muslim artisans and small entrepreneurs. Fear of discrimination in employment demotivates Muslims from education beyond the middle school level in mainstream education. Those who get educated in the traditional system – the Madrasas – do not get adequate opportunity for training in skills which are in demand in the employment market, available at http://mhrd.gov.in/sites/upload_files/mhrd/files/sachar_comm.pdf

²⁴ Scheduled Tribes or the indigenous people face horizontal inequality pushing them to the periphery; Scheduled Castes face vertical inequality placing them at the bottom of the caste hierarchy; and Other Backward Classes do not get positions as well as benefits commensurate with their numbers. When people from these groups convert to Christianity (or Islam), they carry this baggage with them. They are not totally accepted within their new faith community owing to their backgrounds and in situations of inter-religious violence, they become easy targets.

- ²⁵ The 2002 Gujarat riots, also known as the 2002 Gujarat violence and the Gujarat pogrom, was a three-day period of inter-communal violence in the western Indian state of Gujarat. The burning of a train in Godhra on 27 February 2002, which caused the deaths of 58 Hindu pilgrims returning from Ayodhya, is cited as having instigated the violence.
- ²⁶ The clashes between the Hindu and Muslim communities in the Muzaffarnagar district of Uttar Pradesh in 2013 had resulted in more than 60 deaths and the displacement of over 40,000 people. According to some versions reported, the cause of the riots was a minor traffic accident involving some youths which then spiralled out of control when it eventually took on religious overtones.
- ²⁷ In the communal riots, only the Muslim businesses and establishments were destroyed; the victims of cow-related mob lynching were either Muslims or Dalits – the two communities engaged / employed in the bovine industry; social and economic boycott is called against Christians (in Chhattisgarh) and against Muslims (in Uttar Pradesh, Madhya Pradesh) by the state and non-state actors
- ²⁸ Krishna Ram, “*The Impact of COVID-19 on Poverty Estimates in India: A Study Across Caste, Class and Religion*”, Contemporary Voice of Dalits, October 2021, available at <https://www.researchgate.net/publication/355816833>
- ²⁹ “*Debate: Thanks to the Hijab Issue, India is Falling Once More Into the Communal Trap*”, *The Wire*, 22 February 2022 available at [Debate: Thanks to the Hijab Issue, India is Falling Once More Into the Communal Trap \(thewire.in\)](https://www.thewire.in/debate-thanks-to-the-hijab-issue-india-is-falling-once-more-into-the-communal-trap/)
- ³⁰ ‘*Crisis In Education Vis-a-Vis Minorities Especially Christians*’, CBCI office for Education and Culture, available at <http://www.cbcieducation.com/crisis-in-education-vis-a-vis-minorities-especially-christians.aspx>
- ³¹ N.21, Sachar Committee Report
- ³² ‘*Dholpur eviction ploy to encroach minority land*’, *The Times of India*, 2 November 2021, available at [‘Dholpur eviction ploy to encroach minority land’ | Guwahati News - Times of India \(indiatimes.com\)](https://www.indiatimes.com/News/India/Dholpur-eviction-plot-to-encroach-minority-land-Guwahati-News-Times-of-India-20211102)
- ³³ ‘*As Kaziranga National Park spreads, residents tear down their homes before they are evicted*’, *Scroll.in*, 20 November 2020, available at [As Kaziranga National Park spreads, residents tear down their homes before they are evicted \(scroll.in\)](https://www.scroll.in/news/as-kaziranga-national-park-spreads-residents-tear-down-their-homes-before-they-are-evicted)
- ³⁴ General Comment 7, ‘The right to adequate housing (Art.11.1 of the Covenant): forced evictions’, United Nations Committee on Economic Social and Cultural Rights, 1997. http://hlm.org.in/documents/CESCR_General_Comment_7.pdf
- ³⁵ “*Report: Citizens’ Tribunal to hear Cases of Violation of Freedom of Religion and Belief*”, CSSS (2022)
- ³⁶ ‘*How the Sedition Law Has Been Used in the Modi Era*’, *The Wire*, 23 January 2022, available at <https://thewire.in/law/explainer-how-the-sedition-law-has-been-used-in-the-modi-era>
- ³⁷ ‘*The Story of Sedition in India*’, *article14*, data since 2010, available at <https://sedition.article-14.com>
- ³⁸ According to Pierre Bourdieu (1998), symbolic violence is an imposition of systems of symbolism and meaning upon groups or classes, accepted as legitimate. More details available at [http://www.ajssh.leena-luna.co.jp/AJSSHPDFs/Vol.2\(3\)/AJSSH2013\(2.3-18\).pdf](http://www.ajssh.leena-luna.co.jp/AJSSHPDFs/Vol.2(3)/AJSSH2013(2.3-18).pdf)
- ³⁹ “*More than a four-fold increase in the number of cases registered for ‘Hate Speech’ between 2015 & 2020*”, reports *Factly* 31 December 2021 available at <https://factly.in/data-more-than-a-four-fold-increase-in-the-number-of-cases-registered-for-hate-speech-between-2015-2020/>
- ⁴⁰ “*The Covid Pandemic: A Report on the Scapegoating of Minorities in India*”, CSSS (2020)
- ⁴¹ “*In India, Facebook Grapples with an Amplified Version of Its Problems*”, *The New York Times*, 23 October 2021 available at <https://www.nytimes.com/2021/10/23/technology/facebook-india-misinformation.html>

⁴² “Under fire from Hindu nationalist groups, U.S.-based scholars of South Asia worry about academic freedom”, *The Washington Post*, 3 October 2021 available at <https://www.washingtonpost.com/world/2021/10/03/india-us-universities-hindutva/>

⁴³ The Constitution of India guarantees Freedom of Expressions under Art. 19(1) but at the same time there are reasonable restrictions under Art. 19(2) in the interests of sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence, available at <https://theleaflet.in/why-is-free-speech-different-from-hate-speech>

⁴⁴ ‘Dharma Sansad’ Hate Speech: Three Armed Forces Veterans Move SC Seeking SIT’, *The Wire*, 15 January 2022, available at [‘Dharma Sansad’ Hate Speech: Three Armed Forces Veterans Move SC Seeking SIT \(thewire.in\)](https://thewire.in/dharma-sansad-hate-speech-three-armed-forces-veterans-move-sc-seeking-sit)

⁴⁵ Jingoism serves as the ground for the operative ideology of communalism to advance a theory of the nationhood which is based on a common fanatic political consciousness of the majority community.

⁴⁶ The concept of ‘Hindu-Rashtra’ (similar to ‘Hindu-nation’) is derived by clubbing a breed of fanatic Hinduism with jingoism.

⁴⁷ “Ghar Vapas” is a vague Hindu religious activity, organized by Hindu organizations like VHP, RSS and Arya Samaj, to convert Christians and Muslims to Hinduism. Ghar Vapasi literally means "Home Coming".

⁴⁸ “Love Jihad” is an alleged activity under which Muslim youth are said to reportedly targeting young girls belonging to non-Muslim communities for conversion to Islam by feigning love

⁴⁹ ‘Another idea from Hindutva lab: ‘bahu lao-beti bachao’ *The Indian Express* 27 December 2014 available at <http://indianexpress.com/article/india/india-others/another-idea-from-hindutva-lab-bahu-lao-beti-bachao/>

⁵⁰ ‘Muslim Mukt Bharat’ row: Complaint filed against Sadhvi Prachi”, *Times of India*, 8 June 2016 available at <http://timesofindia.indiatimes.com/city/chandigarh/Muslim-Mukt-Bharat-row-Complaint-filed-against-Sadhvi-Prachi/articleshow/52657571.cms>

⁵¹ “Kairana migration probe has ‘exposed’ BJP claims: UP CM Akhilesh”, *The Indian Express* 21 June 2016 available at <http://indianexpress.com/article/india/india-news-india/kairana-migration-probe-bjp-akhilesh-yadav-2865557/>

⁵² Case Study No 4.3 (Karnataka) in annexed report – “Discrimination and Violence against Christians and Muslims in India (2013–15) - A Study”, NCCI 2016, Page65

⁵³ “Hindutva Brigade Disrupts 7 Christmas Events Across India”, *The Wire* 26 December 2021 available at <https://thewire.in/communalism/seven-incidents-across-india-where-the-hindutva-brigade-disrupted-christmas-celebrations>

⁵⁴ “Persecution Watch 16 – 28 February 2021”, A report by the Evangelical Fellowship of India, 3 March 2021 available at <https://efionline.org/2021/03/03/persecution-watch-16-28-february-2021/>

⁵⁵ ‘Vajpayee’s birthday to be celebrated as ‘Good Governance Day’, *The Times of India*, 2 December 2014, available at <http://timesofindia.indiatimes.com/india/Vajpayees-birthday-to-be-celebrated-as-Good-Governance-Day/articleshow/45346872.cms>

⁵⁶ Report “Manufacturing Evidence: How the Police is Framing and Arresting Constitutional Rights and Defenders in India” is attached as annexure-1 to this Joint Submission to HRC

⁵⁷ “Rajasthan shows mandatory FIR can work: More cases registered, fall in communal violence”, Amithy Jasrotia 13 February 2020 available at <https://theprint.in/opinion/rajasthan-shows-mandatory-fir-can-work-more-cases-registered-fall-in-communal-violence/364486/>

⁵⁸ “*India: Arrests of Activists Politically Motivated*”, Human Rights Watch 16 September 2020 available at <https://www.hrw.org/news/2020/09/16/india-arrests-activists-politically-motivated>

⁵⁹ Report “*Fact-Finding Committee on North-East Delhi Riots of February 2020*”, Delhi Minorities Commission, is attached as annexure-1 to this Joint Submission to HRC

⁶⁰ “*BJP MLA Saini, 11 others let off in Muzaffarnagar communal riots case: ‘lack of evidence’*”, *The Indian Express*, 23 October 2021 available at <https://indianexpress.com/article/cities/lucknow/bjp-mla-saini-11-others-let-off-lack-of-evidence-7585836/>

⁶¹ “*Bombay High Court defends constitutional rights of Tablighi followers*”, *The Leaflet*, 23 August 2020, available at <https://theleaflet.in/bombay-high-court-defends-constitutional-rights-of-tablighi-followers/>

⁶² “*Expressing dissent on law and order situation hallmark of a constitutional liberal democracy*”, *The Indian Express*, 24 December 2020, available at [‘Expressing dissent on law and order situation hallmark of a constitutional liberal democracy’ | Cities News, The Indian Express](https://indianexpress.com/article/cities/lucknow/expressing-dissent-on-law-and-order-situation-hallmark-of-a-constitutional-liberal-democracy-7585836/)

⁶³ “*Adults have a right to choose their partner, irrespective of religion: Allahabad HC*”, *The Indian Express*, 17 September 2021, available at <https://indianexpress.com/article/india/allahabad-hc-protection-interfaith-couple-adults-right-to-marry-religion-7514278/>