

India's Silent Genocide: The Survivors Speak

A REPORT OF THE
CITIZENS TRIBUNAL FOR THE CASES OF VIOLATION
OF FREEDOM OF RELIGION AND BELIEF

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India's Silent Genocide: The Survivors Speak

A REPORT OF THE
CITIZENS TRIBUNAL FOR THE CASES OF VIOLATION
OF FREEDOM OF RELIGION AND BELIEF

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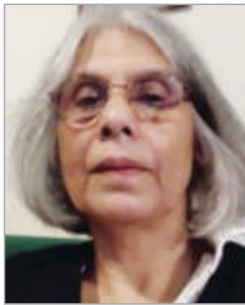
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Mihir Desai is a prominent human rights lawyer in cases of mass murders, riots, fake encounter and custodial deaths by the police, police brutality, freedom of speech & journalists, political activists and prisoners of conscience, excesses by the state, mass disappearances & deaths and genocide probes. He serves as a senior counsel. He has been practicing criminal matters in Bombay High Court, Mumbai and the Supreme Court of India. He was a co-founder of the Indian People's Tribunal (IPT) and the Human Rights Law Network. He was a former Director of the India Center for Human Rights and Law. He co-founded 'Combat Law', a human rights magazine along with lawyer Colin Gonsalves. He has assisted survivors of the 2002 Gujarat massacre. He is an invited member of the India Regional Team of the "Promoting Pluralism Knowledge Programme". In 2003 Desai was assisting the Asian Human Rights Commission in their fight on behalf of Adivasi people to remain on land claimed by the Maharashtra State Farming Corporation.



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Henri Tiphagne is the co-founder of the non-profit organisation People's Watch, one of the most notable human rights organisations in India. People's Watch has been researching and documenting human rights violations, as well as providing legal representation to those affected, for over 27 years. Henri Tiphagne is also the National Working Secretary of Human Rights Defenders Alert – India (HRDA), a national platform of human rights defenders. In April 2016, Henri became the first Indian to receive the prestigious Human Rights Award by Amnesty International, Germany. Mr. Tiphagne is also the recipient of 12th Nani A. Palkhivala Award for Civil Liberties awarded by Nani A. Palkhivala Memorial Trust in the year 2018.

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Preface

Freedom of religion or belief is firmly enshrined in the Constitution of India. But unfortunately, it has been observed more in breach by different regimes. Yet, never more blatantly than under the present dispensation of the Hindu nationalist regime, known for its antipathy against 'foreign religions' viz. Islam and Christianity.

In 2014, when the Hindu nationalists gained an absolute majority in the Lok Sabha under the leadership of Narendra Modi, he declared that he would follow only one book - the Constitution of India. A declaration that filled the nation with hope. Notwithstanding Prime Minister Narendra Modi's assurance, the Hindu nationalist cadres, leaders and even the State have been violating the Constitutional right to freedom of religion. Muslims and Christians, in particular, are attacked verbally and violently. They are accused of forcible conversions of Hindus, consumption of beef, the slaughter of cows that are held sacred by a section of Hindus, terrorism and 'jihad' to convert India into an Islamic state, disloyalty to India and loyalty to neighbouring Pakistan, being illegal migrants etc. Their targets also include voices against the ideology of Hindu nationalism and rationalists like Gauri Lankesh, Narendra Dabholkar, Govind Pansare and MM Kalburgi, who dared to write against religious extremism and were brutally murdered. Women, Dalits and Adivasis are also victims of violations of freedom of religion. Thus, it should not be mistaken that freedom of religion and belief is a matter of concern only for minorities. Their opposition to the freedom of religion is more evident from their opposition to secularism, which is a part of the basic structure of our Constitution.

The Hindu nationalist state has brought several laws that directly or indirectly discriminate against the Muslim and Christian communities and embolden the Hindu nationalist cadres to attack them violently. For instance, the amendments to anti-conversion and anti-cow slaughter legislations have made them more stringent and restrictive and increased punishments for violations. The Citizenship Amendment Act 2019 is another such discriminatory legislation. Recent trends in communal rioting show that police officers are openly partisan and aid and abet Hindu nationalist cadres with impunity. Survivors of mob lynching expect little justice.

There is a discernible shift in the character of the state and state institutions from being neutral and unbiased protectors to being complicit in communal violence. There is a pervading atmosphere of impunity and hatred where attacks on Muslims and Christians are normalised. Any civilised society would consider mob lynching, attack on the cultural heritage of minorities, and damage to their properties and places of worship as abhorrent. Sadly, these acts neither raise an eyebrow nor ignite public debates in India. This appalling indifference and tacit acceptance can be attributed to a lack of response to these violations by the state.

This begets a reflection: Is the nature of the state and state institutions rapidly changing? The Citizen's Tribunal was an attempt to examine the violations of freedom of religion and belief and the state's role in this regard.

The Citizens' Tribunal was organised by the Centre for Study of Society and Secularism (CSSS) and South Asia Forum on Freedom of Religion or Belief (SAFFORB), India, to hear cases of violations of freedom of religion or belief that took place in the last three years. The Tribunal listened to a range of depositions that pointed to these infractions. These depositions were by survivors where they were available and willing to depose. In cases where the victim was no more, their family member deposed. Many victims had relocated, making it difficult to trace them, or were reluctant to depose out of fear of backlash and trauma. In these cases, deposition by a human rights activist who had investigated the violence or an eminent journalist who reported the violence or a public intellectual who monitored the violations was heard.

One must note that the number of cases heard in this Tribunal is a representative and indicative sample of such violence. It does not, in full measure, reflect the scale. Due to the limitation of time and resources and the Covid-19 pandemic, the Tribunal was organised online. Thus, only a restricted number of cases were heard. There are many more cases of human tragedy, and these impel one to question the state of affairs and the treatment of vulnerable groups based on their religious identity. Their displacement, economic exclusion, routine physical violence, social boycott, and denial of freedom to practice or propagate the religion of their choice needs to be questioned. These cases are only partly representative of the magnitude and form of the violations witnessed in India today.

Internationally, the victims of such violations are entitled to reparations, rehabilitation, and compensation according to international standards. But, in India, these violations are ubiquitous. There is no policy for compensation and rehabilitation. Instead, depending on religious identity and political calculations, the ruling party at that moment announces arbitrary and token "compensation". There is no uniform policy which impartially entitles the victims to compensation and rehabilitation. This is a contributing factor to the state machinery's general lack of accountability to ensure that violations don't take place. And it hampers the victims' prospects of rehabilitation or rebuilding their lives.

Victims, their families, civil society organisations and human rights defenders painstakingly narrated these cases. Despite the risk, they came forward to depose and shed light on their unspeakable plight. The narratives of the victims and the family members were so moving and painful to hear that the Jury members and organisers found it emotionally difficult to listen to all of them. The organisers hope that the Tribunal and the documented cases will serve as a grim reminder to the State of the task ahead. A reminder to ensure the Constitutional mandate of liberty, equality and fraternity through upholding fundamental rights and implementing them impartially.

Freedom of religion is a right given to all. It is a human right recognised internationally and a fundamental right enshrined in the Constitution of India. This document, we hope, will be an essential resource for the civil society for the advocacy of policy reforms.

(February 2022)

Acknowledgements

The Citizen's Tribunal to hear cases of violation of freedom of religion and belief took place at a time when there are media reports pouring in with instances of religious intolerance and violence faced in some form by vulnerable individuals because of their religious identity. South Asia Forum of Freedom of Religion and Belief (SAFFoRB) felt that these testimonies of human sufferings and violations must be heard in public spaces and documented. Thus the idea of the Citizens' Tribunal was conceived. Many individuals and organizations have contributed immensely to make it possible over the past few months and it's important to acknowledge their timely contribution. In an atmosphere where it is not easy to speak about equality or rights especially about freedom of religion where this systemic violence is allowed to continue unabated, the survivors and their family members came out and deposed before the Jury of the Tribunal. They gave voice and a human face to the unspeakable trauma and pain suffered by so many Indians today. We thank them and appreciate their strong will and courage for striving relentlessly for justice and bringing these stories in public discourse braving personal risks. Similarly, where the survivors couldn't depose, the human rights defenders came forward to depose in an intimidating environment. These defenders not only deposed out of a sense of duty to make the violations known to the society but also helped to document the cases of violations, some from far flung areas. We salute their steadfast commitment to the cause of secular democracy. In order to understand the complexities of violations and the politics that fuel them, the organizers had called upon experts or scholars to shed light on the situation in particular states like Uttar Pradesh, Madhya Pradesh, Assam, Gujarat and Chhattisgarh. We sincerely thank Vibhuti Narain Rai, Akhilesh Edgar, Hozefa Ujjaini, Vijay Kumar, Akram Akhtar Choudhary, Vineet Tiwari and Zamser Ali for depositing as experts.

The Tribunal was a somber reminder of the challenges that stand before us as a society which desires peace and communal harmony. The narratives of the survivors, their family members and experts were gut wrenching and painful beyond words. These depositions were patiently heard with empathy by an earnest Jury. Dr. Syeda Hameed, Prof. Tanika Sarkar, Adv. Mihir Desai and Henri Tiphagne readily agreed to be part of the Jury and were concerned and involved in every step of the Tribunal. The Tribunal wouldn't have been

possible without this eminent Jury. A big thanks to Neha Dabhade who steered the whole process of the Tribunal and helped put this Tribunal together with unwavering dedication and focus. Mithila Raut has been instrumental in ensuring that the Tribunal went off smoothly owing to her meticulous coordination along with other CSSS staff members. It has been a team effort and we thank all the partners from SAFFoRB- Dhirendra Panda, Masooma Ranalvi, Muniza Khan, Inbaraj Jeyakumar and others from the South Asia Forum of Freedom of Religion and Belief for unflinching support and solidarity all the way through. Last but not in any way least, heartfelt gratitude to Samuel Jayakumar, Director of SAFFoRB for always encouraging and facilitating all the interventions taken by SAFFoRB.

Perspective on Freedom of Religion and Belief

Irfan Engineer

In May 2014, the Bharatiya Janata Party(BJP)-led National Democratic Alliance (NDA) government was elected with a 2/3rd majority. The BJP, subscribing to the ideology of Hindu nationalism or Hindutva, with 282 seats, commanded a majority on its own in the 16th Lok Sabha. In the 17th Lok Sabha, the BJP won 303 seats. The Party constantly claims that they are building a new India, which is radically different from the one since independence. Although, the 67 years since independence includes earlier regimes when the BJP too shared power as a faction. Once, within Janata Party from 1977-1980 and again when the BJP-led NDA coalition was in power from 1998-2004 under the prime ministership of Atal Behari Vajpayee. Prime Minister Narendra Modi's government claims that the new India it is building is a self-confident India. A self-sufficient, *aatma-nirbhar* India, which is not dependent on any other country or power. PM Modi wants India to be a *vishwaguru*, i.e. a world leader who will illuminate a path for the world. According to the BJP leaders, these goals are a clear break from the past. They claim that the previous regimes, particularly Congress regimes, which practised a dynastic mode of succession within their party, did not achieve anything, as their politics were subservient to one dynasty. In contrast, India under PM Modi is making a fresh beginning.

The BJP holds the policies of Congress responsible for India not becoming *aatma-nirbhar* and *vishwaguru* in the 67 years since its independence, in particular its emphasis on secularism, which is a western concept that appeals only to the anglicised elite. According to BJP leaders, secularism suppressed Indian genius and ancient wisdom and heritage. The BJP accuses the Congress party of appeasing religious minorities, particularly Muslims and Christians, under the guise of secularism and allowing them to augment their numbers – Muslims as a ticking demographic bomb and Christians through religious conversions. As an instance of Muslim appeasement, BJP leaders alleged that the Muslims were allowed to follow Sharia (Islamic) laws in family matters. On the other hand, Hindu family laws were reformed by the state. And, the Christians were allowed to freely convert non-Christians to their faith. According to the BJP, Sharia law nurtured a separatist mindset within the Muslims and disloyalty towards the motherland and bred Islamic fundamentalism and terrorism. Former president of the BJP, L.K. Advani termed the

Congress Party's practice of secularism as 'pseudo-secularism', and Union minister, former Army General Shri V. K. Singh, called it 'sickularism'.

Article 25 of the Indian Constitution of India guarantees citizens and non-citizens on Indian soil the fundamental right to profess, practice and propagate their religion or beliefs. However, the Constituent Assembly, which drafted and adopted the Constitution, did not use the word 'secular'. It was introduced in the Preamble to the Constitution in 1976 vide the 42nd amendment. The original Preamble declared India as a 'Sovereign Democratic Republic'. The Constituent Assembly avoided using the term secular, as it is associated with irreligiousness, something that would be unacceptable to a vast majority of Indians. However, during the freedom struggle, the term secular had been used to counter religion-based divisive communal politics. Not to allude to irreligiousness. The word secular conveyed that citizenship would not be based on any religion or membership in a religious community; the state would not exclusively adopt doctrines of any religion; no religion or its followers would enjoy privileges from the state; citizens would be free to follow any religion of their choice.

Mahatma Gandhi coined the term '*sarva dharma samabhav*', which means equal respect for all religions. In other words, secularism in the Indian context meant freedom of religion or belief. Initially, the Hindu nationalists did not question the concept associated with secularism. However, Rajnath Singh, former president of the BJP and the incumbent defence minister, disputed the translation of the word secular as *dharm-nirpeksh* in the Indian language, which in his opinion, signified non-religious or irreligious. He suggested that in the Indian context, the term should be translated as *panth-nirpeksh*, i.e. non-communal, thus indicating that the state policies would not favour any community. His assertion, therefore, made it clear that secularism, if translated as he suggested, was acceptable to the BJP. But, there was an insinuation in his formulation that the Congress Party treated minorities more favourably. During the 1960s and 1970s, the then Hindu nationalist party Bharatiya Jana Sangh (BJS) criticised the Congress Party for not being secular in the true sense. The BJS claimed that the Congress Party allowed the minorities to follow their civil laws in family matters and therefore accepted religion-based laws, while the Parliament codified the Hindu family law.

Only after 2014 did the BJP problematise secularism as a western concept, which should be discarded. Their earlier advocacy for positive secularism as an alternative to Congress's pseudo-secularism has now been replaced by Hindu *rashtra*. However, neither BJP nor its ideological parent, RSS, has spelt out the principles of Hindu *rashtra*, which remain vague as of now. As the Hindu nationalists gain strength, they open up new layers of meaning of Hindu *rashtra* and reveal new agendas. The goal post keeps changing. Is its agenda confined to defending and ensuring the majority of the Hindus and their cultural dominance within India? Does it aim to regulate and curtail the rights of religious minorities to profess, practise, and propagate their religion freely? After cleansing the influence and heritage of 'non-Hindu' cultures on Hindus, will it stop? Or, is Hindu *rashtra*'s political objective to grant Hinduism the status of 'national' religion and establish Hindus as a 'national community' that enjoys superiority and privileges over other communities? Does it mean banishment and elimination of the 'non-Indic' religious communities from India, including Muslims and Christians? Or, will the Hindu *rashtra* embrace the goal of expanding the borders of India to include the entire South Asia region, Myanmar and Tibet? These goals are neither rejected outright nor explicitly owned. They are left unspelt, to be achieved in phases.

We learn from the extremist elements among Hindu nationalists, including leaders like Yati Narsinghanand and other followers of Savarkar and Nathuram Godse, that they want to cleanse India of non-Indic minorities, viz. Muslims and Christians. The followers of Hindutva political ideology who subscribe to Hindu *rashtra* and are religious heads of their respective *maths* or temples met in a *Dharma Sansad* organised from December 17-19, 2021. In this religious Parliament, they gave a call to eliminate all Muslims from India just like Rohingyas were in Myanmar (Daniyal, 2021). Since the BJP has come to power with a declared agenda of establishing a Hindu *rashtra*, the nature and scale of violations of freedom of religion or belief have changed.

What is Freedom of Religion or Belief?

Freedom of religion or belief is one of the most critical human rights. Religion is fundamental to human societies. It helps people make sense of the world around them. Belief in the omnipotent and omniscient God with all the powers that a human mind can

imagine can give solace to a believer. Those from vulnerable circumstances take comfort in the belief that their oppressors and tormentors will be punished in the hereafter, and they will get justice. To some, religion gives hope in hopeless situations and bolsters them with the strength to overcome their weaknesses and incompleteness. It is a source of confidence in adverse conditions and courage to resist wrongdoings. Religion, for believers, may become a part of their existence, give them happiness and is linked with their welfare.

For most people, religion answers their quest for who they are and what is the purpose and meaning of life. Religions lay down guidelines on how human beings should relate to one another. They guide individuals regarding their duties towards family, community, neighbourhoods, strangers and other human beings. Religions also set out principles and norms for human relations with nature and the environment. They contribute to the collective conscience of society. It is thus an essential source of law.

During the medieval period, religions were a vital source of the laws and legitimacy for rulers and the state. Religious institutions like churches, caliphates, and priesthood, often associated with the rulers, helped enforce traditions and rituals and determine a way of life. Obedience to God translated into compliance to the state sanctified by God, the Church and the priesthood. However, the existence of multiple religions and dissent within their respective institutions drew religions into political conflicts. In collaboration with the state, religious institutions strived to establish control over the community of followers on the one hand and establish superiority and hegemony over other communities on the other. They legitimised wars and conflicts and inspired armies to fight courageously to the extent of sacrificing their lives in the name of God and with the promise of heaven. Sacrilege and desecration of religious symbols of an adversarial religious community and seeking conversions by coercion or persuasion were tools deployed in religious conflicts to increase their followers.

Religions also provided a medium to gain education, address the quest for knowledge and explore the meaning of life. Serving the needy and feeding the hungry was a means to fulfil the mission of religion. They levied and collected tithes and religious taxes to build

mesmerising religious institutions for worship and support the luxurious lives of the upper orders of the clergy.

Religion has contributed to many wars. There have been conflicts within and between religions which fragmented human communities. Religious issues and the fear of risk to religious freedom played a role in the Crusades from 1095 until 1291 and the two world wars. Particularly persecution of the minorities for their religious beliefs. After much debate, the UN's charter of human rights incorporated the issue of freedom of religion or belief was included Article 18 of the Universal Declaration of Human Rights states:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

Article 18 of the International Covenant on Civil and Political Rights is more elaborate:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to have or adopt a religion or belief of one's choice and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to the limitations prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their convictions."

The freedom of religion or belief includes the following:

1. Everyone has the right to have and to adopt any religion or belief. This right is absolute and is not subject to any limitations. Para 3 of the general comment 22 of the Human Rights Committee of the UN states:

"Article 18 does not permit any limitations whatsoever on the freedom of thought and conscience or the freedom to have or adopt a religion or belief of one's choice".

Para 5 of the comment above states:

"... the freedom to 'have or to adopt' a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one's current religion or belief with another or to adopt atheistic views, as well as the right to retain one's religion or belief."

The state, church, religious institutions, community and the family are required to respect every individual's choice to adopt any religion or beliefs and manifest their religion subject to reasonable restrictions.

2. An essential corollary to freedom of religion or belief is freedom from any coercion in matters of faith in any religion. Para 5 of the aforesaid general comment 22 explains:

"Article 18.2 bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert. Policies or practices having the same intention or effect, such as, for example, those restricting access to education, medical care, employment or the rights guaranteed by article 25 and other provisions of the Covenant, are similarly inconsistent with article 18.2. The same protection is enjoyed by holders of all beliefs of a non-religious nature."

No one should be subject to any disadvantage for following any religion or holding any beliefs. The state must ensure the security of all persons, irrespective of the religion they follow or the beliefs they hold. If any person faces violence and threat to their life and liberty from any non-state actor or organisation for their religion or belief, then the state is duty-bound to bring the violators to justice, ensure reparations and guarantee non-recurrence of the offence. The disadvantages faced are not only in the form of physical violence. They can take different forms.

3. Freedom of religion entails the right to manifest one's religion either individually or in a community. Following a religion requires a person to observe its tenets, prescriptions and doctrines. This could include prayers in solitude or community, adopting a dress code and headgear, displaying religious symbols on one's body, observing a prescribed diet, undertaking religious missions including charitable activities, observing a day of rest or Sabbath, participating in festivals and ceremonies, etc. Rituals of worship often include processions on public streets and spaces, using public grounds and equipment like public address systems and sound amplifiers, among other things. Unlike the right to follow a religion, the manifestation of religion may be subject to limitations or reasonable restrictions. This helps to ensure that the fundamental rights of other citizens are not violated and maintain peace and public safety, public order, public health, morality, etc. However, the limitations on religious manifestation have to be fair and proportionate to achieve the desired objectives. They have to be non-discriminatory towards any religion, and they must be imposed by legislation, not executive orders. Para 4 of comment 22 above states:

"The freedom to manifest religion or belief in worship, observance, practice and teaching encompass a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest. The observance and practice of religion or belief may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life, and the use of a particular language, customarily spoken by a group. In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications."

4. The state must also ensure that places of worship and prayers, including all structures and buildings, are not harmed, destructed, or defiled. Religious communities are allowed to establish and maintain their religious institutions without any hindrance or interference from the state, subject to previously mentioned reasonable restrictions and limitations. Members of religious communities should be allowed to assemble freely for their prayers. They should have the freedom to conduct their religious affairs and education and choose their religious leaders and priests to conduct their ceremonies. Religious communities require freedom to impart the teachings of their faith, establish seminaries or religious schools, publish religious texts and materials and disseminate the same. They should have the right to acquire or make material objects essential to conduct their rituals and all acts integral to their worship and ceremonies. Human Rights Council Resolution 6/37, para 9 (e) states:

"The Human Rights Council urges States, "To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction,".

Resolution 2005/40 of the Commission on Human Rights states:

(b): The Commission on Human Rights urges States, "To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and religious expressions are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction,".

5. The freedom of religion or belief includes and extends to the right to undertake humanitarian services and charitable activities. This may be considered an integral part of religious observances and practices. Therefore, religious communities should have the right to establish institutions for humanitarian assistance and services. Furthermore, they should have the right to solicit and receive voluntary financial contributions, grants and donations for humanitarian aid from individuals

and institutions. Any obstruction or rules and regulations that overreach and make it difficult to carry out charitable activities would be contrary to the spirit of freedom of religion or belief.

6. Freedom of religion or belief includes parents' right to teach their wards the tenets and moral values of their faith. Children cannot be compelled to learn about any religion against their parents' wishes. However, as the children grow and reach a level of understanding and maturity, they have the freedom to choose their religion or beliefs to fulfil such a right.

7. Freedom of religion or beliefs includes the right to conscientious objections to wars and violence and refusal to participate in compulsory military services.

Human Rights Committee general comment 22 states in para 11:

"Many individuals have claimed the right to refuse to perform military service (conscientious objection) on the basis that such right derives from their freedoms under article 18. In response to such claims, a growing number of States have in their laws exempted from compulsory military service citizens who genuinely hold religious or other beliefs that forbid the performance of military service and replaced it with alternative national service. The Covenant does not explicitly refer to a right to conscientious objection, but the Committee believes that such a right can be derived from article 18, in as much as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief. When this right is recognised by law or practice, there shall be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs; likewise, there shall be no discrimination against conscientious objectors because they have failed to perform military service. The Committee invites States parties to report on the conditions under which persons can be exempted from military service on the basis of their rights under article 18 and on the nature and length of alternative national service."

Freedom of religion or beliefs in the Constitution of India

Freedom of religion or beliefs was one of the promises during the movement for independence from British colonial rule. The independence movement became mass-

based as social, economic and political issues of various marginalised sections were taken up by the Indian National Congress and agitated upon. Religious symbols and discourses of all communities were used to mobilise communities. For example, Mahatma Gandhi often referred to Ram Rajya (rule of Lord Ram) as a promise after independence. Agitating on the issue of Khilafat mobilised a broad section of the Muslim community. During the independence movement, Hindu-Muslim unity and the removal of untouchability were essential tasks. The idea of Hindu-Muslim unity signified equal respect for all religions or *sarva dharma samabhav* and freedom of conscience, faith, religion and beliefs.

The word secularism was used to signify freedom of religion to all Indians and denote that the state would not support or have any religion. Unlike the West, where secularism was taken to mean that the state would be anti-religious or at least intolerant to religion, in India, secularism meant freedom of religion. It indicated that the state would be neutral to or equidistant from all religions and not be associated with any religious establishment or institution but ensure freedom of religion.

The Constitution of India was being drafted around the same time that UDHR was being deliberated upon. The drafting process began in 1946, and the final draft was adopted on 26th November 1949. The UDHR was adopted in the year 1948. The Preamble of the Constitution states: "We, the people of India constitute India into a ... secular Republic...". The word 'secular' was added to the Preamble vide the 42nd amendment in 1976 when Emergency was imposed.

However, the Supreme Court of India had declared India to be a secular state and secularism to be part of the basic structure of the Constitution as declared in the Kesavananda Bharati v. the State of Kerala¹ judgement and reiterated in the S. R. Bommai² case. Shri Brajeshwar Prasad, a member of the Constituent Assembly that drafted the Constitution for India, opined that the word 'secular' should be incorporated into our Preamble (Constituent Assembly Debates, 2003, p. 448). The suggestion, moved as an

¹ (1973) 4 SCC 225

² (1994) 3 SCC 1

amendment to the Preamble of the Constitution, was rejected. However, Acharya J. B. Kripalani speaking on the Preamble of the Constitution, elaborated on the freedom of conscience, faith and worship (Constituent Assembly Debates, 2003, pp. 452-454).

It must be noted here that all amendments to the Preamble of the Constitution that invoked the name of God were also rejected. The Preamble of the Constitution states that the people of India constitute India into ... "...Republic and to secure to all its citizens: ... Liberty of thought, expression, belief, faith and worship;..." Freedom of religion or belief has been included in the Preamble itself as one of the critical objective of the Constitution.

Articles 25-30 of the Constitution provide the liberty of belief, faith and worship. Article 25 states,

"Freedom of conscience and free profession, practice and propagation of religion

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, practice and propagate religion*
2. *Nothing in this article shall affect the operation of any existing law or prevent the State from making any law –*
 - a) *regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;*
 - b) *providing for social welfare and reform or the throwing open of Hindu religious institution of a public character to all classes and sections of Hindus. ..."*

Article 25 of the Indian Constitution empowers the state to enact laws to regulate or restrict any economic, financial, political or other secular activity associated with religious practice.

The State in India can also enact laws for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. Drawing from these provisions, India has enacted legislation to ensure a progressive march towards gender and caste equality. Hindu women have been given the right to inherit an equal share in ancestral property. All sections of the Hindu community are allowed entry into temples. Other measures are the ban on sati, the right of Hindu women

to demand a divorce, and regulated endowments in popular shrines, including Tirupati Tirumala and Ajmer Sharif Dargah. These legislations were fiercely resisted and contested on the streets and in the Supreme Court. The apex court upheld their Constitutional validity, but it drew a fine line between reforming the Hindu religion and transforming it beyond recognition. It evolved the test of retaining essential religious practices, and reforms that obliterated these practices were struck down as violating the fundamental right to freedom of religion and Articles 25 and 26 of the Constitution of India.

The Indian state has to often mediate and manage conflicts between religious communities. These conflicts manifest in communal riots, disruption in the routes of religious processions, hate speeches, attacks on a religion's sacred symbols, and outraging religious feelings, beliefs, and practices. The conflicts aggravate when the state is required to be neutral, non-partisan and act strictly by the laws of the land, and any mediation, intervention or management is expected.

There are laws that make hate speeches and outraging religious feelings of a community a punishable offence (S. 153-A 153-B and 295A of IPC). It is also an offence to assert that a particular religious community was not loyal citizens or to demand that any religious community's right to vote be taken away (S. 153-B of IPC). Similarly, canvassing for votes based on religion is deemed a corrupt electoral practice, and the election of a candidate can be set aside (S. 123 of Representation of Peoples Act).

On the whole, democracy and secularism have worked well in India, nudging the society towards equality of caste and gender. The progressive changes brought about by the state include temple entry legislations, the Atrocities Act to ensure justice to victims of caste-based oppression, legislative reforms to enable justice to victims of sexual assaults and domestic violence, prohibition of child marriages, legislations for affirmative action for the benefit of women, children, SCs, STs and OBCs, reform of Hindu family laws, etc. Yet many challenges remain. There is a strong tendency within Hindu and Muslim communities to undermine their internal religion-cultural diversity to unite along religio-communal lines. Aggressive 'cow nationalism' is threatening the country's secular fabric with the political objective of establishing majoritarian hegemony. They demand anti-

conversion laws and laws to check inter-religious marriages. Minorities are marginalised and excluded politically, economically and educationally. Ignoring the memories of the past, the cultural heritage of the minorities and their exclusion from public spaces for traditional religious spectacles are other acts that violate the right.

In their zeal to unite the linguistically, ethnically and culturally diverse Muslim community, a section of Muslim political leaders emphasise the religio-cultural difference with the non-Muslim communities. For example, they proclaim that Urdu, supposing it to be their lingua franca, be promoted by the state. They guard the minority character of Aligarh Muslim University. They oppose changes in the Muslim Personal Law, including those within the framework of the Quran, to achieve gender justice. The exclusion of women from entry into Sabrimala and Haji Ali Dargah is another example. Reforms in family laws to ensure further gender justice for women remain a challenge.

This political mobilisation of both communities gives birth to communal conflict and violence. Dress code, religion-prescribed dietary restrictions, religious processions, claims and counter-claims over religious establishments and institutions, and celebrations of religious festivals are some friction points. Social and religious conservatism marginalises gender justice. In the quest for stronger unity, both communities inject more and more conservatism and orthodoxy and resist social change and reforms in religious practices.

Right to Convert

Religious conversion is another issue that has been problematised in India by Hindu nationalists. Hindu nationalists zealously guard their demography and strongly resist any conversions from the Hindu religion to non-Hindu faiths. They claim that the conversion of Hindus to another religion is always by force, inducements, allurements or fraudulent means. They nevertheless welcome conversion from another religion to Hinduism. Freedom of conscience under Article 25 of the Constitution of India would be meaningless if a person cannot change their religious convictions and adopt another religion. It has been argued that the right to propagate one's religion includes the right to convert. Certain Christian sects believe it is their religious duty to convert others to their religion.

Thus, the freedom to freely practice and profess their religion would be meaningless without the right to convert people of other faiths to Christianity.

Unable to find support from the Constitutional provisions for their demand to ban conversions, members of the Sangh Parivar have been exerting themselves to achieve through legislation what the Constitution does not provide. One means is to pass legislations to penalise conversions. In 1968, the Samyukt Vidhayak Dal Government of Govind Narayan Singh, in which Jan Sangh, the political front of RSS, was also one of the constituents, enacted a law penalising conversions through force, fraud or allurement in Madhya Pradesh. In 1967, Orissa passed similar legislation. The legislations of both the states define "force", "allurement", and "fraud" in broad terms and are inclusive definitions. The legislation also requires compulsory registration of all conversions carried out by any priest or caused to be carried out by any priest by the person converting. The legislation further provides for punishment of offence for converting any person using fraud, allurement or through inducement and not informing the designated officer of any conversion carried out by a person in a prescribed form.

Rev. Stanislaus was charged with not informing the designated officer of conversions carried out by him in a prescribed form. He carried the matter up to the High Court, taking the plea that the Act was violative of Article 25 (1) of the Constitution and therefore ultra vires the Constitution. There were other grounds on which the legislation was challenged, viz., the competence of the State legislature to legislate a law concerning religious matters and the registration provisions amounting to testimonial compulsion and, therefore, a violation of Article 20(3) of the Constitution. We are not concerned here with the last two issues. The High Court held against the Petitioner Rev. Stanislaus, and the matter was carried in Appeal to the Supreme Court of India.

Mrs. Yulitha Hyde and others impugned the Orissa legislation in the Orissa High Court. The Court held in favour of the Petitioners on the ground that Article 25 (1) guarantees propagation of religion, and conversion is part of the Christian religious creed. The High Court further held that 'fraud' and 'force' as defined by the Act would be covered by the limitation subject to which the right is guaranteed under Article 25 (1). It also held that the definition of the term 'inducement' is vague, and the definition may cover many

proselytising activities and that the restriction in Article 25 (1) cannot be said to cover the expansive definition. The rest of the grounds on which the High Court judgment was based are not relevant for our purposes. The State of Orissa impugned the High Court order in the Supreme Court, and both Appeals were heard together and disposed of by a common judgment.

The Supreme Court, referring to the dictionary meanings of the word 'propagate', held:

"20. We have no doubt that it is in this sense that the word 'propagate' has been used in Article 25 (1), for what the Article grants is not the right to convert another person to one's own religion, but to transmit or spread one's religion by an exposition of its tenets. It has to be remembered that Article 25 (1) guarantees 'freedom of conscience to every citizen, and not merely to the followers one particular religion, and that, in turn, postulates that there is no fundamental right to convert another person to one's own religion because of a person purposely undertakes the conversion of another person to his religion, as distinguished from his effort to transmit or spread the tenets of his religion, that would impinge on the 'freedom of conscience' guaranteed to all the citizens of the country alike."

The Supreme Court, in its judgment, did not deal with the issues dwelt on by the Orissa High Court, viz. that 'fraud' and 'force' as defined in the legislation were already subject to limitations mentioned in Article 25 (1) and that definition of 'inducement' was vague, and many proselytising activities may be covered. The issue of the vagueness of the definition was not dealt with by the Supreme Court, which is as under:

"Inducement shall include the offer of any gift or gratification, either in cash or in kind and shall also include the grant of any benefit either pecuniary or otherwise;."

There can be no doubt that there should not be any conversion using fraud, force or inducement. However, we do not know any elements that publicly support such conversions. The only forcible conversions we know of are those carried out by VHP and Sangh Parivar, reconvertng the Adivasis and Dalits who converted to Christianity or Islam. Dang- a region in Gujarat inhabited by Adivasis, was just one of the many examples of

³ *Rev. Stanislaus Vs the State of Madhya Pradesh*, reported in (1977) 1 Supreme Court Cases 677

how Christian Adivasis were threatened and terrorised till they agreed to 'convert' themselves to the Hindu religion. The Sangh Parivar tries to escape this charge by calling conversions from other religions to Hinduism as "*ghar vapsi*" (reconversion to the original religion) or "*shuddhikaran*" (purification). Notwithstanding such phraseology, definitions of conversion provided in anti-conversion legislation would undoubtedly cover those conversions. However, the moot point is, would the terrified Adivasis and Dalits who were forced to convert have the courage to complain in the first place, given that the State favours the majority community?

The Supreme Court ought to have realised the potential of mischief by motivated elements due to the expansive and inclusive definitions used in both the legislations. The definitions are not precise because, after all, by using the same, the legislation seeks to restrict the fundamental right of the freedom of conscience and penalise the offenders alleged to have indulged in fraud, force or inducement for seeking conversions. The judgments of the Supreme Court are misused to obstruct all conversions from Hinduism to another religion.

It was not brought to the notice of the Bench hearing the Appeal that in the Constituent Assembly, Draft Article VI of the Sub-Committee on Fundamental Rights on *the Right to Religious and Cultural Freedom*,⁴ was as follows:

1. All citizens are equally entitled to freedom of conscience and to the right freely to profess and practice religion in a manner compatible with public order, morality or health:
Provided that the economic, financial or political activities associated with religious worship shall not be deemed to be included in the right to profess or practice religion.
2. ...
3. ...
4. ...
5. ...

⁴ *The Framing of India's Constitution: Select Documents Vol. II*, Indian Institute of Public Administration, New Delhi, 1967.

6. No person under the age of eighteen shall be free to change his religious persuasion without the permission of his parent or guardian.
7. Conversion from one religion to another brought about by coercion, undue influence or the offering of material inducement is prohibited and is punishable by the law of the Union.
8. ...
9. ...
10. ...

After much deliberation, Clauses (6) and (7) of the Article were ultimately not included in Article 25 of the Constitution when it was finally adopted. Non-inclusion of these clauses as initially framed was a clear, deliberate and well-considered decision, and this should have been brought to the notice of the Supreme Court. After much debate and discussion in the Constituent Assembly, what was deliberately excluded cannot be introduced through legislation to abridge the Fundamental Rights granted to the citizens.

Several states, including MP, Odisha, Gujarat, Himachal Pradesh, Rajasthan, and UP, have amended anti-conversion legislation to include enhanced stricter punishments such as up to 10 years of imprisonment and higher fines case of conversions of minors, SCs and STs. Another way of obstructing a person from converting is to make it mandatory to obtain prior permission from the district magistrate. The penal provisions have been more severe. Any act of religious conversion will attract imprisonment for up to three years, and if the person concerned is a minor, a woman or belonging to SC or ST, imprisonment can be for a term up to four years and a fine of Rs.50,000. Conversions before or after marriage in case of inter-religious marriages are declared null and void *ipso facto*.

More disturbing is the power that petty officials and the administration enjoy to look into every conversion. This is because the rules framed under these legislations require that the person converting another person from one religion to another has to register every conversion. If he does not do so, he faces the pain of penal consequences. This carries the potential of mischief, particularly with the Sangh Parivar breathing down the neck of the officials to act on every conversion because, according to the Sangh Parivar, the conversion is not simply religious but also conversion of nationality. In light of all this, the

Supreme Court decision needs to be reviewed by a larger bench in the interest of democracy and the protection of citizens' fundamental rights.

Article 26 of the Constitution of India

Article 26 of the Constitution provides for the administration of the property of religious endowments. It is a collective right of a community, a religious denomination or any section thereof. Article 26 is as under:

"Freedom to manage religious affairs—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 the law."*

Article 27 of the Constitution provides that no person would be compelled to pay taxes for the promotion of any particular religion. Article 28 provides for freedom to attend religious instructions or religious worship in educational institutions. Article 29 (2) provides that no citizen shall be denied admission into any educational institution maintained by the state or receive aid out of state funds based on religion, race, caste, or language. Article 30 gives religious minorities the right to establish and administer educational institutions of their choice and that they would not be discriminated against in being granted aid by the State.

Union and state legislation to undermine the freedom of religion or belief

Since May 2014, laws have been passed by the Parliament and state legislatures that restrict freedom of religion or belief when the present ruling dispensation was elected in the Centre and subsequently in some state assembly elections. BJP-led governments have been faithfully implementing their political ideology of Hindu nationalism.

V. D. Savarkar and M. S. Golwalkar, besides others, propounded the political ideology of Hindu nationalism. According to this ideology, religions which originated outside the territory between the Himalayas to the Arabian Sea are foreign. It further states that the

followers of these foreign religions, with their holy land outside this territory, do not belong to the Hindu nation and Hindu political community even if they are born in India and are Indian citizens. The Hindu nation includes Sikhs, Jains and Buddhists in Pakistan and Bangladesh and other religious communities as they originated in India, and their holy land is within the defined territory. They consider Indian Muslims, whose holy land is in Mecca and Indian Christians, whose holy land is in Jerusalem, as foreign races or nations. Indian Jews also come within their definition of a foreign race or nation, but as their numbers are negligible, their existence on Indian soil has not been hostilely problematised.

The Hindu nationalists propound that Hindus alone are entitled to enjoy the privileges and political rights that, as per the Constitution, are granted to every citizen. Golwalkar, a revered ideologue of Hindu nationalists, wrote that those who are non-Hindus should only sing of the glory of the Hindu race, nation and culture and revere Hindu heroes. Else, it is justified to treat them like Jews were treated in Nazi Germany. He lauded the treatment of the Jews in Nazi Germany as race consciousness at the highest.

Hindu nationalists demonise Muslims and Christians as an existential threat to the idea of the Hindu nation and, further, to India itself. According to them, Christians are a threat, as they run missions and an aggressive conspiracy to convert Hindus to Christianity and thus turn India into a Christian majority country. The Muslim community is accused of several mal-intentions, including converting India into a Muslim majority community by rapidly increasing its population. They further allege that Muslims entice Hindu women into nuptial knots to convert them to Islam, which they term '*love jihad*'. Muslims are further alleged to being loyal to Islam and shari'a and therefore loyal to the neighbouring country, Pakistan. As loyalists of Islam and Pakistan, they are alleged to entertain a separatist mentality, which is a threat to the country's national integrity.

Furthermore, they maintain that Muslims would never respect Hindu culture and that Islam is a violent and terrorist religion. Hindu nationalists further propagate that in the past, the Muslim community established their empire, ruled over the Hindus, tried to destroy their places of worship and culture, and forcibly converted them to Islam. This has to be avenged.

Thus, Hindu nationalists are at war with both communities. They want the state to privilege Hindus where they have priority and superior rights to follow their culture and religion. They further want the state to regulate and limit the religious and cultural freedom of the Muslims and Christians, particularly with regards to their access to public spaces for their religious activities and bar conversions but allow Christians and Muslims to be converted to Hinduism.

Hindu nationalists are not one unified, coherent thought process and ideology. There are different strands and voices – some calling for genocide and the elimination or expulsion of all Muslims from the country. Some call for not only cleansing the Hindu nation of foreign races – Muslims and Christians – but also annexing the territories that they consider to be sacred territory of the Hindu nation, including Pakistan, Bangladesh, Afghanistan, south China, Sri Lanka and Myanmar which they refer to as '*Akhand Bharat*'. Some others have a limited objective of establishing the supremacy of Hindu religion and culture, redefining the collective social life of the Hindu nation in terms of Hindu mythology, symbols, culture and religious practices. The adherents of this limited objective would only want Muslims and Christians to be subordinated to the Hindu nation.

Besides being at war with the Muslims and Christians, all sections of Hindu nationalists are also at war with western political ideas, namely, liberal democracy, which upholds human rights, freedoms and choices of citizens as to their way of life, and beliefs and religious practices. They are opposed to the idea of secularism as well. They believe that the ancient Indian political system and knowledge were superior, had invented all the technologies that the modern world knows, and had all the solutions to the problems in the contemporary world.

In the previous section on the freedom of religion and the Indian Constitution, we saw that the Constitution of India protects the citizens' right to profess, practice and propagate the religion of their choice, subject to the limitations mentioned in Article 25 of the Constitution. The Hindu nationalist ideas and political objectives are to regulate, limit and subordinate religious activities and practices of Muslims and Christians while allowing a section of Hindus to enjoy their right to profess, practise, and propagate the Hindu religion without restraint.

In addition, they want the right to convert non-Hindus to Hinduism. Therefore, Hindu nationalists should be at unease with the Constitution of India. Indeed, some of their leaders and spokespersons have problematised the Constitution as a western and not Indian or Hindu. Their immediate political objectives are that the state be armed with laws and instruments –

1. To stop conversions of Hindus and marriage of Hindu women to non-Hindu communities;
2. To check the demographic growth of non-Hindus;
3. To force non-Hindus, lower caste Hindus and liberal or non-believing and non-practising Hindus to revere Hindu culture and sacred symbols –including dietary choices imposing non-vegetarianism; and
4. To reclaim religious and cultural institutions of non-Hindus and cleanse the cultural heritage and memories of the past non-Hindu legacy. This is seen in changing the character of certain religious institutions managed by the Muslims, renaming cities, areas, streets and railway stations having non-Hindu names to Hindu names.

Executive Summary

The Centre for Study of Society and Secularism (CSSS), in collaboration with the South Asia Forum for Freedom of Religion and Belief (SAFFoRB), organised a Citizens' Tribunal to hear cases of violation of freedom religion and belief on 11th and 12th February 2022. The Tribunal heard cases spanning over three years, 2019 to 2022. The violations heard assumed varied forms, including injuries or deaths during the communal riots, mob attacks, demolition of houses, attacking or desecrating places of worship and claiming them to belong to other religions, attacks on inter-faith couples, attacks on pastors and those converted of their own will, a social and economic boycott on account of the survivors' religious identity. An eminent jury of Dr. Syeda Hameed, Prof. Tanika Sarkar, Adv. Mihir Desai and Henri Tiphagne heard these cases.

The organisers invited survivors and their families to depose before an eminent jury. Where the survivors or their families were not traceable or unwilling to depose out of fear, the organisers invited human rights defenders who conducted the fact-finding activities or documented the violation or lawyers who handled the survivors' cases and were well-versed with the relevant facts. These human rights defenders shared details of the cases. They offered an enriching perspective on the overall atmosphere of impunity and changing character of the state and its institutions, which play an instrumental role in the unabated incidents of violation of freedom of religion and belief.

The cases from the states of Madhya Pradesh, Chhattisgarh, Gujarat, Uttar Pradesh, Odisha and West Bengal were gut-wrenching and painful. The central thread that runs across the cases is how the state has turned a blind eye to these violations by not dealing with the perpetrators in a deterrent manner. The state either does not prosecute the perpetrators at all, and if it does, it is for mild offences to enable the offenders to get bail easily. On the contrary, the state indirectly encourages violence against the minorities by passing and implementing laws and policies that adversely affect the minorities and disregard their religious needs.

Key findings of the Citizens' Tribunal

1. There is a substantial prevalence of structural violence, which manifests in laws discriminating against minority communities. For example, the anti-conversion laws passed by various states, ironically called the freedom of religion act, create obstacles for citizens who want to convert. They also invest magistrates with significant discretionary power to allow or disallow religious conversion.
2. Laws have been passed to criminalise the religious minorities and given a cue to Hindu right-wing supremacist organisations to unleash brutal attacks on the innocent without fear of punishment. The legislations also legitimise violent attacks by Hindu communal elements on prayer meetings and religious activities of the minorities. The state's response to these incidences of violation has been inadequate. It has failed to investigate and prosecute perpetrators.
3. Violation of the freedom of religion and belief has also taken the form of attack on places of syncretic traditions and non-Hindu places of worship based on claims that they are Hindu places of worship. This is with the dubious intent of erasing composite culture and asserting domination of Hindu iconography in India.
4. There seems to be an increase in physical attacks on members of religious minorities, including communal riots and mob attacks. In addition, attacks on pastors are increasing. Hindu supremacist groups allege that the pastors have been converting Hindus into Christianity on a large scale.
5. Apart from physical attacks, there is a vivid pattern of economic strikes and marginalisation of religious minorities perpetrated by state and non-state actors. A particularly alarming one is the demolition of houses of innocent Muslims who the state alleges have pelted stones during communal riots. This has become the stated policy of the state, which is in contravention of the principle of natural justice.

Recommendations

1. Impartial investigations into all the cases heard in the Tribunal to bring the perpetrators to justice.
2. Suitable damages and compensation must be paid to survivors for their trauma and loss of livelihood.

3. Repeal of discriminatory laws that infringe on the freedom of religion. These laws include all the anti-conversion laws, ironically called Freedom of Religion Acts, which have now been stretched to cover normal religious activities of the minorities. BJP-led state governments passed new legislations that would make religious conversions extremely difficult and nearly impossible. In those states that already had anti-conversion laws, the existing laws were amended to make conversions more complicated than previously, and punishments for 'illegal' conversions were increased. Also, new provisions were inserted that criminalise conversions for marriage and declare interfaith marriages before or after conversions as invalid. In cases of interfaith marriage, where the bride had chosen her life partner, amendments were brought in to enable parents or other blood relatives of the bride to intervene and take the help of the state to force her to submit to her parent's wishes. This is particularly common where the bride is Hindu and the bridegroom Muslim. Anti-conversion laws have emboldened Hindu nationalists to resort to violence and attack churches and pastors. Christians in rural areas are forced to reconvert to Hinduism.
4. Repeal laws against cattle slaughter.
5. Compensation and rehabilitation, as per international standards of reparation, to those evicted during the eviction drive in Dholpur.
6. Strict implementation of the Supreme Court's guidelines regarding controlling and stopping mob lynching and/or communally motivated attacks on the helpless.
7. Introduction of laws against social boycotts and strict implementation to protect vulnerable communities who suffer silently from social and economic boycotts.
8. Setting up peace committees in which all communities are represented to restore harmony in affected areas.
9. Officers who have been negligent or partisan in their duties should be prosecuted and brought to justice.
10. Those targeting religious communities and promoting hatred should be brought to justice.
11. The Places of Worship (Special Provisions) Act, 1991, should be strictly implemented. The Act declares that the religious character of places of worship shall continue to be the same as it existed on 15th August 1947. This means that if,

on 15th August 1947, a place of worship was a catholic church, it could not be converted into a mosque or a temple or even a protestant church. Furthermore, the Act prohibits conversion of any place of worship of any religious denomination into a place of worship of a different religious sect.

Report

Citizens' Tribunal to hear Cases of Violation of Freedom of Religion and Belief

Freedom of religion and belief is a fundamental human right, recognised nationally and internationally by all major human rights treaties. Article 18 of the Universal Declaration of Human Rights (UDHR), adopted by the United Nations in 1948, Article 18(1) of the International Covenant on Civil and Political Rights 1966 (ICCPR), and Article 9(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (ECHR) pledge to hold up the freedom of thought, conscience and religion. All three state that this includes the freedom to change one's religion or belief. It also includes the freedom, for an individual and a whole community, to express one's belief in worship, teaching, practice and observance. The Constitution of India guarantees the freedom of religion and belief in Articles 25 to 30. It is one of our fundamental rights.

Despite the constitutional mandate and, by and large, peaceful coexistence of different communities in a multicultural India, there are increasing incidents of violation of this freedom. Reports from the media, civil society organisations and international organisations which have extensively studied the status of freedom in India have flagged the growing number of violations. For instance, the USCIRF, a US government organisation that monitors international religious freedom, recommended in its 2021 report that India be designated as a "country of particular concern" for the second consecutive year.

Hate speeches are regularly issued by state and non-state actors and state authorities who have pledged to uphold the Indian Constitution and its rights. Nonetheless, violent attacks are mounted on minority communities by majoritarian vigilante groups. There are open calls from the Dharma Sansads - conclaves of Hindu religious organisations - for genocide against Muslims. Yet, the state takes little or no action against them. The government has been conspicuously silent about hate crimes. Also, these brazen violations have generated minimal discussion within the Indian society at large or motivated public opinion.

Methodology

Against this backdrop, the Centre for Study of Society and Secularism and the South Asian Forum on Freedom of Religion and Belief (SAFFoRB) organised a Citizen's Tribunal to hear the different cases of violations. An eminent jury consisting of Dr. Syeda Hameed, a former member of the Planning Commission of India, author and women's rights activist, Prof. Tanika Sarkar, distinguished scholar and secular activist based at JNU, Delhi, Advocate Mihir Desai, prominent human rights advocate and Henri Tiphagne, Director of the People's Watch, India, heard the cases. These jury members were invited on the basis of their vast experience in defending human rights, their understanding of the issues related to the freedom of religion and their commitment to upholding Indian democracy.

The online Tribunal took place on 11th and 12th February 2022. The victims who deposed before the panel were the surviving members of families who had been attacked. In cases where they were too intimidated to depose, human rights lawyers or activists who had worked on the incidents came to depose before the Jury with the relevant evidence. The cases of violations spanned the period between 2019 and 2021. The organizers collected these cases through their networks of human rights defenders who had either conducted fact findings into the cases or were in touch with the survivors or their families. These human rights defenders documented the cases which were presented before the Jury¹.

Enquiries and media reports indicate the occurrence of a large number of such cases, but CSSS was able to get only a small number of victims willing to appear before the Jury. This can be attributed to two significant reasons. First and most prominent, the overwhelming climate of fear and intimidation created by state and non-state actors prevented the victims from presenting their cases before a public forum. This was the case, particularly in Uttar Pradesh. For this reason, the state administration personnel or representatives were not called to this Tribunal. The victim and the representing organisations are braving significant risks to put themselves on the public record, and their presence would have inhibited them from speaking. Past experience indicates that state officials who have violated the rights of citizens or failed in their duty to protect the rights of survivors have

¹ These cases are reproduced in details in Annexure 1.

never participated in public hearings organised by organisations that defend the human rights of vulnerable groups. Second, is the reluctance of victims, understandably so, to revisit and relive the horrors of the past, especially in cases where they have relocated.

This presents the Tribunal with a problem. The smaller number of depositions might create an impression that there were not too many cases of violations of freedom. It may even cause readers to conclude that such freedom does prevail in India, and violations are mere exceptions. However, that is not the case. India is facing a watershed moment where a marked paradigm shift is evident ideologically and on the ground in the everyday lived experiences of its citizens. These documented cases, along with the analysis of the violations, may be instrumental in raising public awareness and hopefully advocating remedial measures.

Types of Violations / Cases

There is a stark and rapid change in the nature of the violations. Threats to freedom are not restricted to physical violence by non-state actors, which used to be the case earlier. They now assume institutionalised forms – the laws/ policies formulated by the state. These are lasting and structural. The cases reveal a slew of legislation and policies which violate the Constitutional guarantee of freedom of religion. A case in point - is the Gujarat Freedom of Religion Amendment Act, 2021. It criminalises inter-faith marriages. For instance, in a case heard at the Tribunal, Pinky (name changed), a Hindu, married Sameer Qureshi of her own free will. Pinky did not convert to Islam. There was no force or inducement to coerce her into marrying him. When Pinky started to face domestic violence in her marital home, she approached the Vadodara police station to file a complaint. However, the police gave it a spin of forced conversion and booked the husband under the Gujarat Freedom of religion Amendment Act.

Earlier, vulnerable minority communities were targeted through communal riots where they suffered injuries or damage to life and/or property: shops, bicycles, motorcycles, houses, etc. In recent years, FoRB has also faced the threat of mob lynching. The merest suspicion of slaughter or smuggling of cows is enough for the vigilantes to target innocent citizens, especially Muslims. The Citizens' Tribunal heard the case of Awesh, a victim of a mob attack from Ahmedabad, Gujarat. Another was Taslim from Indore, Madhya Pradesh,

a bangle seller by occupation. Both were attacked because of their religious identities. Yet another case was that of Samir Choudhary, a Muslim from Shamli, Uttar Pradesh. He was assaulted by persons unknown to him on his way home from work. He succumbed to his injuries.

Communal riots violate the freedom of religion and belief of marginalised communities. The Hindu right-wing organisations openly instigated the riots in Madhya Pradesh in 2020 and Tripura in 2021. Hindu supremacist organisations orchestrated those in Madhya Pradesh. Rallies were organised in Ujjain, Indore and Mandsaur in predominantly Muslim areas under the pretext of collecting donations to construct the Ram temple at Ayodhya. Provocative and vulgar slogans were raised at the rally targeting Muslim women. After the intense provocation, when stone-pelting ensued from the Muslim side, the police filed cases against the Muslims. The home of a Muslim was demolished.

Other modes of intimidation include hate campaigns to claim non-Hindu places of worship as sites of Hindu temples. Such contests over sacred places disturb local harmony and threaten the syncretic tradition of those shrines, which have established bonds between different communities over many centuries. This was evident in two cases from Gujarat. One, the Roza Rozi Dargah in Memdabad and two, Nav Gaj Peer Dargah in Aravaali. Hindu right-wing organisations are now claiming both dargahs as Hindu shrines.

Violations also take the form of economic marginalisation. For example, evictions of Muslims of Dholpur village in Assam, on the grounds that they were illegally occupying government land meant for indigenous people, resulted in brutal attacks. There are also calls for social and economic boycott of Christians by state and non-state actors in Chhattisgarh.

Attacks on minorities, classified under distinct categories, are listed below:

1. Structural violence

In 2020 and 2021, laws were enacted to discriminate against, marginalise, and criminalise the targeted communities. The common thread running through them is to privilege the majoritarian identity over other religious identities and ensure

their demographic superiority. These laws create an unwarranted and unjustified hysteria around voluntary conversions in inter-faith marriages. They also encourage force, coercion and inducements or even fraud. The bogey of 'love jihad' has been raised repeatedly by Hindu extremist groups without substantiating it with statistics or other data. The government readily responds with discriminatory laws that can be misused to oppress minorities. After the laws were passed, the media reported growing numbers of arrests of Muslims. The Gujarat law, already referred to, prohibits conversion from one religion to another before or after marriage and declares such marriages null and void. They also make it practically impossible for people to change their religion voluntarily. Further, the complaint can be filed by any blood relation of the woman who knows of such a conversion.

The case of Sameer Qureshi and Pinky (name changed) was heard at the Citizens' Tribunal. It was presented by Hozefa Ujjaini, social activist and Director of Buniyaad, an organisation working for communal harmony in Ahmedabad. Hozefa Ujjaini had investigated this case along with other social activists and published a report on it. He has material evidence, including copies of the FIR and a copy of an affidavit from Pinky stating that her domestic violence complaint was falsely registered as one of forced conversion. Ujjaini also has a copy of the nikahnama and other relevant documents.

The fact-finding team had met with Sameer's family members and the lawyer handling the case and reached some important conclusions based on the facts. Both Sameer and Pinky were adults and had befriended each other, fully aware of each other's religious identities, i.e. Sameer is a Muslim and Pinky is a Hindu Dalit. They fell in love and got married with the blessings of their respective families. Unfortunately, Sameer perpetrated domestic violence, and Pinky went to the Gotri police station in Vadodara to file a complaint against Sameer. But, the police registered the case under the Gujarat Freedom of Religion Amendment Act 2021. The FIR falsely accused Sameer of forcibly converting Pinky to Islam for their marriage. He was booked under IPC 498 (a), 376 (2)(N), 377, 312, 313, 504,

506(2), 120(B), and Gujarat Freedom of Religion amendment act 2021 section 4 and Atrocity act 3(2)(5), 3(1)(w)(1)(2). He and his other family members were subsequently arrested. This FIR came as a shock to Pinky as her complaint was of domestic violence and not forcible conversion.

This compelled her to file an affidavit in the district court refuting all charges against Sameer and his family. She also mentioned that she wanted to continue to live with her husband. However, Sameer continued to languish in prison under the false charges and only recently secured bail. In this case, not only was Sameer's freedom of religion violated but Pinky's testimony was also ignored and falsified. Sameer was targeted by the state machinery for his religious identity. The law also belittled Pinky's agency to marry the man of her choice.

2. *Policies encouraging the criminal profiling of Christians in Chhattisgarh*

To bring this issue to light, Akhilesh Edgar, social and human rights activist associated with the People's Union for Civil Liberties and other organisations, deposed before the Jury as an expert. He highlighted how the freedom of religion of Christians in the state of Chhattisgarh was being violated. He traced these violations primarily to the state's policy of impunity given to Hindu right-wing organisations, including the Vanvasi Kalyan Ashram. He also attributed them to the policies recently adopted by the state to paralyse the functioning of churches in Chhattisgarh and the routine harassment of Christians.

He pointed out that Chhattisgarh had enacted the *Chhattisgarh Freedom of Religion Act, 2006*. Thus, any activity, including ordinary everyday religious activities of the Christians, is brought under the scrutiny of the state. The hysteria around conversions by Christian missionaries is created by exaggerating the number of conversions. The hysteria is used to mobilise the Hindu and non-Christian Adivasi communities against the Christians.

There are pronounced attempts to profile Christians as criminals. For instance, Edgar pointed out that the Superintendent of Police of Sukma district issued a

circular in 2021, which directed the administration to watch the activities and programmes of the Christians in the district. He accused Christian missionaries of converting Adivasis through allurements. A similar circular was issued at Kondagaon. Edgar also pointed out that members of the ruling Congress party were also a part of the organising committee of the *Dharma Sansad*, which met at Raipur on 21st October 2021. There was a call to stop religious conversions by the Christian missionaries – *Band Karo Dharmantaran*. Swami Parmanand was present at the meet, and he called upon Hindus to kill Christian missionaries. It was an open call for genocide against Christians.



Figure 1: Superintendent of Police of Sukma district issued a circular in 2021 to monitor the activities and programs of the Christians in the district.



Figure 2: At the Dharam Sansad in Raipur, Chhattisgarh, Congress leader Pramod Dubey delivered a speech thanking the Hindu monk who gave open calls for violence at the event (Scroll.in)

Social activist Vijay Kumar has been a part of fact-finding teams investigating communal violence in Madhya Pradesh. He deposed before the Jury to highlight how discriminatory legislation is used as a tool to target Muslims and Christians in Madhya Pradesh. He cited two laws: One, the Madhya Pradesh Damage to Public and Property Recovery Act, 2021 and two, the Madhya Pradesh Freedom of Religion Act, 2021 (MPFR). He underlined that the objective of the Madhya Pradesh Freedom of Religion Act, 2021 was twofold: (1) to prohibit inter-faith marriages and (2) to target Christians on false allegations of conversions. He quoted a report of the United Christian Forum, which was prepared after the enforcement of the MPFR Act, 2021. It reported 70 incidents of violence against Christians, of which 32 were violent and were reported after the MP Freedom of Religion Act came into force in January 2021. As against this, in 2020, a much smaller number of 22 incidents had been reported. Consequently, 17 FIRs were filed against Christians, and 75 men and 10 women were arrested.

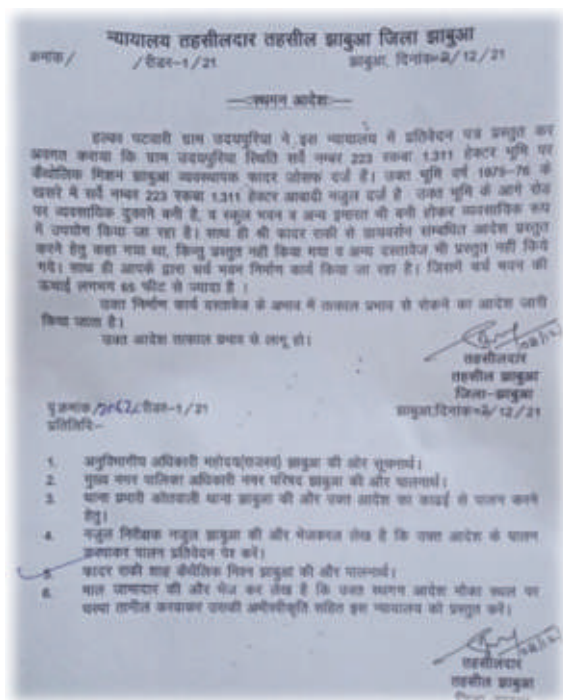


Figure 3: A circular issued by the SDM instructing the local administration that Christians cannot carry out any religious programs/activities without the permission of the administration

Additionally, a circular was issued at Jhabua, where the SDM instructed the local administration that Christians could not carry out any religious programs/activities without their permission. This was apparently done under the pressure of Hindu right-wing organisations. As a result, regular Sunday prayers, too, have stopped. At one site, church construction was stopped due to the lack of permission.

In October 2021, according to the school principal, Father Augustine Chittuparambil, Hindu groups asked authorities in Christ Jyoti Senior Secondary School in Satna district to place an idol of Goddess Saraswati in the school. Fr. Augustine admitted to living in fear after the incident and appointed additional security personnel.

3. *State Response*

The Indian Constitution mandates a secular state which must show equal respect for all religions and allow them the freedom to freely practice, profess and propagate the religion of one's choice. The state is expected to play the role of an impartial guardian that protects the right to freedom of religion of all citizens. However, in the last few years, it is discernible that there has been a shift in the state's role. The government has made its bias clear, and the state institutions are changing. The police, panchayats, and local administration are expected to act against attacks on freedom of religion. But these institutions are now instrumental in restricting freedom of religion.

There is open hostility against some religious communities. Not only has the state failed to protect the freedom of religion, but it has also been found to be a violator. Violations of freedom of religion and belief occurred earlier, too, but their nature differed. These violations mainly arose from non-state actors. It is increasingly clear that now the state is actively participating in the violence. The threats to freedom of religion are more systemic, springing from the laws and policies enacted by the state.

Communal riots in the past few years are a case in point to expose the state's response. There were failures to control communal violence due to inadequate forces of law and order available to a particular state. This would require reinforcements from the central security forces, which could be delayed or sent immediately based on the central government's desired outcome.

The state security forces choose to deliberately look the other way, thus allowing the perpetrators a free hand. This stems from their prejudices and partisan roles; it may also be in obedience to the instructions of their political masters.

The state security forces also actively participate in rioting, including deploying disproportionate force and firepower, not to control riots but to target and terrorise a community. They participate in looting abandoned homes and commercial

establishments of the targeted community and provide cover fire, equipment and ammunition to the rioters.

Vineet Tiwari, human rights activist and researcher, deposed before the Tribunal as a part of the fact-finding team that studied the communal riots in December 2020 in Indore, Ujjain, Mandsaur and Alirajpur in Madhya Pradesh. Other members of the group included - Mr. Vibhuti Narain Rai, retired IPS officer, Irfan Engineer, author and Director at Centre for Study of Society and Secularism, Chittaroopa Palit, Narmada Bachao Andolan Khandwa, Sarika Srivastav, MP State secretary of National Federation of Indian Women, Senior journalists Harnam Singh and Rakesh Dixit, advocate Shanno Khan of Human Rights Law Network and research scholar Nidah Kaiser.

In his deposition, Vineet Tiwari explained that in the communal riots in Madhya Pradesh in December 2020, the state actively perpetrated violence. The police did little to control the rally of the Hindu supremacist organisations as they marched through the Muslim locality, raising objectionable slogans. Moreover, there was one-sided action against the Muslims for stone-pelting. The state also arbitrarily demolished houses of Muslims, alleging that stones had been thrown from them.



Figure 4: Bhopal-based lawyer Deepak Vidrohi attacked by police in Reported in <https://www.newsbits.in/>

Tiwari elaborated on the processes transpiring in the state of Madhya Pradesh. He explained that while major communal riots took place in Ujjain, Indore and Alirajpur in December 2020, the administration's communal attitude had been revealed in several incidents. During the 2020 Covid lockdown, Bhopal-based lawyer Deepak Vidrohi who suffers from severe diabetes, stepped out of his home to buy his medication. The police, without any questioning,

beat him up brutally. When Deepak revealed his name and offered an explanation, the police told him that it had been a misunderstanding as they assumed that he was a Muslim because of his beard! They wouldn't have beaten him up if they had known he was not a Muslim. When this case came up for hearing, the court charged Deepak with inciting violence during the lockdown.

The riots in Madhya Pradesh in 2020 broke out before the rural local elections in Madhya Pradesh. It was an attempt to gain electoral dividends by polarising the cities. The state's complicity is evident from the pattern of the riots since it did little to curb the anti-Muslim activities. Right-wing Hindu organisations organised bike rallies in Muslim majority areas to collect donations for constructing the Ram temple in Ayodhya and raised objectionable slogans to provoke the Muslims. In the stone pelting, the administration did not act against the Hindu groups who organised the rallies. Instead, it slapped cases against the Muslims. State Minister Narottam Mishra stated that the houses from where the stones were pelted would be demolished. However, when the administration discovered that stones were pelted from a house owned by a Hindu and not a Muslim, they demolished the neighbouring house owned by a Muslim! No stones were pelted from that house. The administration was brazenly partisan and discriminatory.

Tiwari also spoke of the government's discrimination against Christians in the Adivasi belt in western Madhya Pradesh. Violence against Christians by Hindu right-wing organisations is a regular occurrence in this belt. When the administration is questioned about its lack of action, it often claims to be unaware of the incidents! There are reports of pastors being beaten up and forced to recite Hindu prayers. An alleged assault on a pregnant Christian woman led to her miscarriage. When Christians go to the police for help, the police tell them to stop following Christianity.

In another shocking incident, a Madhya Pradesh court upheld charges of sedition against comedian Munawar Farooqui before he had performed in the state and prohibited him from performing there. It is clear that he was targeted because of his religious identity. He spent many months in prison on baseless charges. The communally charged atmosphere in Ujjain and Indore has rendered Muslims insecure.

The precursor to the 2020 communal riots in the state lay in the situation created in the areas surrounding Ujjain's Mahakaleshwar temple, a major pilgrimage centre for the Hindus. The temple is located near Begumbaug, which houses several Muslim owned commercial establishments like restaurants, hotels and shops which sell articles required for worship at the Mahakaleshwar temple. Many of these Muslim establishments carry Hindu names, and the locality has a distinct composite culture. But, the administration began to selectively demolish the Muslim establishments under the pretext of developing a green city. As a result, tension escalated and led to communal riots.



Figure 5: A paramilitary soldier patrols past a shop that was set on fire in Rowa village, about 220 kilometers from Agartala, in Tripura (AP)

Similarly, during the Tripura riots, which started on 26th October 2021, Hindu supremacist organisations mobilised huge numbers for the so-called protest rally against the supposed vandalism of the Durga Puja pandals in Bangladesh. Shahnaz Zaman Ahmed, who deposited before the Jury, was a part

of the fact-finding mission investigating these riots. He stated that the trouble could easily have been anticipated, but the administration did little to stop the rally or control the crowd. The mobs were allowed to target Muslim houses, shops and mosques. Journalists who reported the violence were slapped with sedition charges by the state government. Since the inter-community relations remained harmonious, the ruling party didn't stand to make any political gains. Thus it was intent on controlling the information about the communal violence going out of the state. The government did not take any steps to instil confidence amongst the Muslims, and the fear and insecurity in the community were palpable.

4. *State Impunity to Perpetrators of Violence*

Attacks on vulnerable groups and violations of freedom of religion and belief have been the key characteristics that have emerged in the last few years. These attacks are spearheaded by vigilante Hindu supremacist groups which seem to be mushrooming rapidly. Since little or no action is taken against them, they operate

with utmost impunity. Moreover, the political patronage that the vigilante groups receive from the state provides them with the impetus to carry on with the acts of aggression. Hate speeches by government agencies and elected representatives also play a role in emboldening these groups to target minority communities.

This impunity was on full display in the anti-Muslim communal riots in Madhya Pradesh in December 2020 and Tripura in October 2021. In Madhya Pradesh, the Bhartiya Janata Yuva Morcha (BJYM) and Bajrang Dal and other Hindu supremacist organisations organised a rally to collect donations for the construction of the Ram temple in Ayodhya. The rally entered Muslim localities and raised provocative slogans, such as '*baccha baccha Ram ka, chachi ke kam ka*' (Derogatory slogan implying Muslim women are sexually available for Hindu men). Muslim women are generally called '*chachi*' or aunt, and the slogan suggested their sexual availability to Hindu men. In the violence that ensued, Muslims were accused of stone-pelting and were arrested under the draconian National Security Act, which has no provision for bail! Little or no action at all was taken against the leaders of the Hindu supremacist organisations for orchestrating and instigating the communal riots and humiliating the Muslim community. The impunity extended to these groups encouraged similar rallies in other parts of the country and resulted in similar outcomes.

Vijay Kumar from Madhya Pradesh also spoke of the intimidating acts Hindu right-wing groups have carried out towards Christian organisations. And instead of providing protection, the state has created hurdles in the functioning of these organisations. Kumar cited some examples. At Sagar, two nuns were working with AIDS-infected children who had been abandoned. The nuns had taken on the task of providing shelter, food, education and other basic needs. Based on complaints by Hindu right-wing groups, the nuns were arrested for their alleged conversion of the children. In Raisen district, on 11th November 2021, following an inspection at a girls' hostel, a couple of girls were found with the Bible. They were accused of conversion, and the hostel was shut down for a few days. In Vidisha, 5 to 7 Christian families run two schools called St. Joseph's Schools. On 6th September 2021, which is observed as 'Shaurya Din' in memory of the demolition of Babri

Rise in attacks on Christians a worry in MP

On December 6, police said a group of people affiliated to the Hindu groups such as Vishwa Hindu Parishad (VHP) and Bajrang Dal, forcefully entered St Joseph School, attacked the staff and vandalised classrooms.



Christian community leaders claim the incident is the latest in a series of attacks on Christian priests, religious places and schools in the past few months. (HT File)

Figure 6: Photograph from Hindustan Times

school sought police help as he anticipated the violence, but the police paid no heed to his pleas. No action was taken against the Hindu right-wing groups. The Hindu right-wing groups also mounted pressure on the police to arrest the school's managing committee members.

The 2021 communal riots in Tripura were triggered by the protest rallies organised by Bajrang Dal, Hindu Jagran Manch (HJM) and Vishwa Hindu Parishad (VHP) against the vandalisation of the Durga Puja pandals in Bangladesh. The state made no effort to stop the provocative propaganda which stigmatised the local Muslims. During the protest rallies in different parts of Tripura, several shops, houses and mosques were attacked and gutted. However, little action was taken against the organisers of these rallies.

Masjid, a mob of 700 activists belonging to the VHP, RSS and Bajrang Dal vandalised the school. The mob was instigated by Hindu right-wing organisations alleging conversions to Christianity.

Pastor Anthony from the

Mosque, houses, shops vandalised in Tripura during VHP rally: police

DEBRAJ DEB
AGARTALA, OCTOBER 26

A MOSQUE, three houses and some shops were vandalised at Panisagar sub-division in North Tripura on Tuesday, allegedly by VHP activists during a rally in protest against the recent attacks on the Hindu community in Bangladesh, police said.

The shops and houses targeted are owned by the minority community.

Panisagar Sub-Divisional Police Officer (SDPO) Souvik Dey said, "A section of rally activists went out of the way and ransacked a mosque at Chamtilla area. Later, three houses, three shops were ransacked and two shops were gutted at Rowa Bazar."

He said a complaint was received from "one of the stakehold-

ers" and a case was being registered.

CPI(M) leader Pabitra Kar said, "Incidents of these types are occurring in Tripura since the violence happened in Bangladesh. These things are instrumented by BJP. The state government should make sure communal harmony and peace is maintained."

When asked for comment, BJP spokesperson Nabendu Bhattacharya said he wasn't aware of the incident but said he believes police would take action.

Local Bajrang Dal activist Narayan Das, who participated in the protest, said the violence broke out due to provocation. "We found youths in front of a mosque shouting abuses at us. They were armed and raised religious slogans.... Some scattered incidents occurred due to their provocation," he said.

Figure 7: Indian Express Newspaper clipping

There is a relation between the impunity enjoyed by right-wing organisations and the state's policies, which encourage and shield Hindu supremacist groups. This is particularly true of the cases of violence against Christians in Madhya Pradesh and Chattisgarh. Hindu supremacist groups have been intimidating the residents on the one hand and also mounting pressure on the local administration to implicate

Christian community members or pastors alleging forced or mass conversions. They order Christians to give up their faith, stop the construction of churches, and disrupt prayer meetings. They pressurise Christians to stop attending Church and "reconvert" to the Hindu faith. There have also been incidents of Christian followers and pastors being beaten up.

5. *Reclaiming Mosques / Dargahs as Hindu Shrines*

After the Supreme Court verdict in the Babri Masjid case that paved the way for the construction of the Ram temple in Ayodhya, there have been claims that some other reputed mosques and dargahs that have been temples should be reverted as such. Two such cases surfaced in Gujarat before the Tribunal - the Roza Rozi Dargah in Mehmedabad in Kheda district and the Nav Gaj Peer Dargah in Shamlaji.



Figure 8: Roza Rozi Dargah



Figure 9: Members of the mob installed an idol of Goddess Khodiyar in Roza Rozi dargah and worshipping inside the dargah

Hozefa Ujjaini deposed as an expert in this case. The media reported that a mob entered the dargah and placed a picture of a goddess there, which led to inter-community tension. In November 2021, Ujjaini and other civil society members visited the monument to investigate the issue. They spoke to the caretaker of the dargah and some local residents. Ujjaini also wrote a report on the incident, which was published on web portals and newspapers.

Ujjaini reported that the Roza Rozi dargah is well known and is looked after by a caretaker. This massive monument is situated on the bank of the river Vartak. In 2014, Hindutva extremists began to claim that they had

discovered a motif resembling the goddess Khodiyar on a pillar located in the compound behind the dargah. The same year, a temple-like structure was built behind the dargah and devotees were mobilised for worship.

On 13th October 2021, on Maha Ashtami during the Navratri festival, a large procession accompanied by a DJ and music entered the dargah. They placed a photo of the Khodiyar goddess and performed puja. Now, the villagers led by the extremist group demand that the dargah be opened up for the worship of the goddess.

The other case was the Nav Gaj Peer Dargah, situated near Shamalaji, a major Hindu pilgrimage centre in the Aravalli district of Gujarat. Ajit Khan Makrani, head of the 'Nav Gaj Peer Dargah Trust' who looks after the dargah deposed before the Tribunal. He said, *"This dargah was demolished in Gujarat in the 2002 communal violence. When the Trustees assembled to clean and repair it, the RSS members forced them to stop. Idols of Lord Ganesha and Hanuman were installed. The supremacist groups built the narrative that it was not Nav Gaja Peer; rather, it was the place of their goddess. Thus, the dargah became disputed property. Cases were filed against both parties, but fear prevented the trustees from deposing before the court. Since the monument is now considered 'disputed', the local administration appointed the Mamlatdar (revenue officer of taluka) as receiver of the place till the issue is resolved. The Trust was not allowed to clean the dargah or make it operational.*



Figure 11: Nav Gaj Peer Dargah
vandalized and attacked

We took the matter to the Gujarat High Court in 2013 to reopen the case and take action against the destruction of religious places. We also wrote applications to high officials. After examining all relevant documents, the block officer agreed that historically this was a dargah. He suggested that

we withdraw the case, arrive at a solution locally, and assured us that possession would be given to us. Subsequently, we withdrew the case and tried to reach out to the other party. However, the locals had registered a new trust, 'Nav Gaj Peer Seva Trust' and had claimed the site as a mandir. We attempted to reach out to the Hindu residents to peacefully resolve the dispute and invited them to be a part of the Dargah Trust and work collectively towards its objectives. But the local Hindus remained adamant that the dargah be restored as a temple. The block officer then proposed that the land be divided between two parties. But neither party agreed to this solution. We said that it has always been a dargah, and they were welcome to join the Trust, but we would not give up our rights on the dargah.

They went to criminal court in Gandhinagar. However, nothing conclusive came out of it. The court scheduled hearings on multiple dates, but the rival parties never showed up. In 2015, the dargah was renovated, and in 2020 it was vandalised, painted saffron and Mandir flags and idols were placed with a new signboard Ashapura Mata Mandir."

Apart from denying members of the Muslim community freedom of religion, the most significant result of these conflicts is the destruction of syncretism in both places. Historically, the dargahs were visited by Hindus and Muslims who came to seek blessings to cure ailments and other problems. There was a strong faith in the peer and the miraculous healing powers. In fact, during the Gyarash Mela in Shamlaji, people from the Hindu community would bathe in their Kund (a holy dip) and then visit the dargah for Nav Gaja to seek blessings from the peer. However, these demands have threatened the tradition of shared culture. Hindus have stopped visiting the Roza Rozi dargah, and the atmosphere in both the places is communally charged."

6. Violent Attacks

Violent attacks on vulnerable groups lead to widespread insecurity. These include attacks on properties and places of worship. Communal riots in West Bengal, Tripura and Madhya Pradesh injured individuals and claimed precious lives. The victims of these three riots deposed during the Tribunal.

West Bengal

The 2019 riot in West Bengal's Bhatpara claimed the life of Prabhu Shaw. Two



Figure 12: Aziz Mia and Hasina Banu after displacement

victims from this riot deposed. First, Hasina Banu was threatened and evicted from her house by her landlord with the help of the BJP party cadre. A visibly upset Hasina Banu explained, *"In the forty years that my husband and I have lived in our house, there had been no enmity between the landlord and us. But, during the Bhatpara riot, the BJP party cadre forced Muslims out of Hindu majority areas. The BJP candidate from our area had won the elections. Taking*

advantage of the situation, Kundan Shaw, our landlord, arrived with armed BJP members and started beating us. They beat up my husband, Aziz and warned us of dire consequences if we did not leave our house. We were scared and thus left without any of our belongings. We spent the next three months on the railway station, including the rainy season."

Some social activists had found the couple at the station and took up their case. They approached the CP, who assured them that appropriate housing would be provided to them. But the administration didn't follow up on this assurance. The local MLA then took up the responsibility, but he, too, failed. Hasina Banu laments, *"We have been shifted temporarily to a small dingy place, which we may be asked to vacate anytime. There is a lot of uncertainty. How can we live like this? My husband was a rickshaw driver. He is old and suffers from a disability. We have nobody to turn to. We have been rendered homeless".*



Figure 13: Family of deceased Prabhu Shaw

Shyamali Shaw is the widow of Prabhu Shaw, who was killed by a bullet fired by the police during the Bhatpara riots. She narrated, *"We lived in Delhi as Prabhu worked there. We came to Bhatpara with our children to visit my in-laws for the holidays. My husband was not involved in the riot. But when the riot started, like*

everyone, he too ran to escape the violence. The police shot at him. He was shot in the chest and head and succumbed to his injury. We don't know why." When asked how she takes care of the family, she replied, *"I have four young daughters and an old mother-in-law to take care of. We have no money. I work as domestic help to make ends meet. The social organisations pay for the tuition and school fees of my daughters. I was given a job as a peon in the Bhatpara Municipality, but when the ruling party (BJP) changed, I was thrown out. We received no compensation, and there is not even adequate food at home to eat."*

Madhya Pradesh

Hindu right-wing organisations instigated the 2020 communal riots in parts of



Figure 14: Abdul Rafeeq in front of his demolished house.
(Express photo: Vishnukant Tiwari)

Madhya Pradesh. However, the local administration used this as an opportunity to demolish houses owned by Muslims in the Begum Bagh area of Ujjain. Shakir Mansuri explained, *"In December 2020, Hindu right-wing organisations instigated violence, and Muslims were*



Figure 15

accused of stone-pelting. Many Muslims were arrested, and Muslim houses were demolished without prior notice. In this Muslim majority area, most of the land belongs to the Muslim Waqf board, which is recorded in the gazette notification of 1995. The land has a clear title, but it is being usurped under

the pretext of the Smart City Project. The Mosque in the locality was broken down, and the justification given was encroachment. Now, there are demands to demolish mazars. Hindu right-wing organisations visit this area and try to create communal tensions. One such organisation is Bharat Mata Mandir Trust. In the past, the matter had gone to the High Court and the Supreme Court. Now, it is before the revenue tribunal. But the Tribunal is so understaffed with an inadequate number of judges that there is no progress in the matter."

Attack on Pastors

In a disturbing development, it has been observed that an increasing number of pastors are attacked on the pretext of aiding conversion to Christianity. The



Figure 16: Pastor, Samson Baghel

pastors are routinely threatened, beaten up, and their houses destroyed. For instance, Pastor Samson Baghel from Surguda village of Bade Killepal block in Bastar district was physically assaulted by a mob of villagers. Samson Baghel deposed before the Jury to narrate his case. He explained, "On 8th March 2021, at 7 pm, six to seven Christian families assembled for prayer. A mob approached us and told us to stop the meeting. They said they didn't want any meetings or Christians in the village. They started beating up my family members, took me inside the house and beat

me up. I suffered from injuries to my head. The violence continued for two and a half hours. They burnt Bibles and chairs and damaged our vehicles. They badly damaged our vehicles."

He added, *"The police came around midnight and took me to the hospital. At the hospital, Paracetamol was prescribed, and my head was bandaged. I was told that the injury was not serious. An FIR was filed. I continued to feel unwell, so I went to a private hospital."* He further explained how social relations in the village have changed since the incident. *"Christian families in the village were denied four months of ration and given no access to water from the wells and pumps. We were boycotted. Christians from neighbouring villages were forced to flee. In Ghumarpal village, one of our Christian brothers was not allowed space for burial. These violations are because of Bajrang Dal and Adivasi organisations accusing us of conversion and mounting pressure on us for 'ghar wapsi'. They tell non-Christian families that Christianity is a foreign religion and we are imposing foreign culture on them."*

Mosques vandalised

Mosques were attacked in the riots that took place in Tripura in 2021. The Hindu supremacist organisations called a protest rally and its participants fearlessly vandalised the mosques. Similarly, churches are desecrated, and church prayers are disrupted. For example, on 30th October 2021, in Madanpur village, Korba district, Chhattisgarh, a Holy Cross on the premises of a Roman Catholic Church was broken by unknown assailants.

Mob lynching

The following incident of mob lynching took place to target people due to their religious identity. Awesh and his father from Ahmedabad were two of the survivors. Deposing before the Jury, Awesh explained, *"On 27th July 2020, my father and I went looking for our buffalo*



Figure 17: Awesh sustained injuries

calf, which we had bought the previous night for sacrifice on Eid. We had tied up the animal, but it ran off, and we went after it. Our chase led us to the Hindu majority area, where we saw a man on a horse and requested him to stop the calf. He asked us to leave since the area is inhabited by the Bharwad community, whose job is animal husbandry. He warned us that if the residents came to know we were Muslims, they would kill us. My father has a beard and wears a skull cap, so we started to return home.



Figure 18: Awesh's father attacked by the mob

By then, someone had tipped off the residents of the Bharwad locality, and a mob came charging toward us on bikes with arms. Without asking us anything, they urged everyone to kill us since we are Muslims. They beat up both of us. My father fell in the filth between some bushes. He rolled up in the filth and couldn't be spotted. They kept beating me while I tried to run into the Muslim locality. Eventually, I managed to enter the

Muslim area, but they had snatched my mobile. After reaching home, we called the police for help.



Figure 19

We went by ambulance to the hospital accompanied by the police. My hand and fingers were broken. My statement was taken, and I described what had happened. But the police didn't write the details and recorded the case as a 'misunderstanding'. Several times I tried to explain that the case was incorrectly presented. But to no avail. The accused were arrested but are out on bail. There has been no progress in the case. The charge sheet was received late.

Because I didn't get a notice for four dates, I couldn't depose in the court. A warrant was issued against me for not showing up in the Court. It was shocking because we were constantly following the proceedings. Finally, I got the arrest warrant cancelled. We didn't get back our buffalo or my phone. My chartered accountancy study has also suffered.”

In Shamli, Uttar Pradesh, Samir Choudhary was attacked by a group of young men with whom he had some personal enmity. Lawyer and social activist Akram Akhtar Choudhary deposed before the Jury to present Samir Choudhary's case since he had handled his case at one point. Akram said that on the fateful day, some young men attacked



Figure 20: Victim Samir Choudhary

Samir with iron rods and hit him on the head. Samir succumbed to his injuries. His family stated that there was no hostility between Samir and the perpetrators, and Samir didn't even know them. However, they insisted that he was targeted for his religious identity. Akram further explained that UP in general and western UP, in particular, is emerging as a hotbed for mob lynching motivated by communalism and hatred against Muslims. He pointed out that the government continuously plays down these incidents by attributing personal enmity as the cause and dismissing any trait of religious identity.



Figure 21: Taslim Ali, a 25-year-old bangle seller, attacked by a mob

Tasleem Ali from Indore

The attack on Tasleem Ali in Indore by a mob is one of the many examples of a dangerous trend of assault on the livelihoods of citizens based on religious identity. Social activist Dr. Mumtaz Qureshi, who helped Tasleem pursue the case with the law enforcement agencies, narrated the happenings to the Tribunal. On 23rd October 2020, Tasleem, a bangle seller, was beaten up by perpetrators

associated with Hindu right-wing organisations for selling bangles in a Hindu locality. The mob took his bangles worth Rs 25,000 and his mobile phone and Adhaar card. He was warned not to return to the area. When the police were approached, they didn't file any complaint. Three police constables went to the crime site and recovered INR 6,000 from the mob. They asked Tasleem not to pursue the case.



Figure 22: Yellow highlighted region is Indore situated in Madhya Pradesh

The video recording of this lynching was circulating on social media, and social activists in the city took notice. Later in the day, some social activists, including Dr. Qureshi, went where the incident had taken place and met Tasleem, who narrated the incident. He requested their help to get his money and mobile phone back. Dr. Qureshi and other social activists took Tasleem to the central police station to file a report. An FIR was filed,

which was later transferred to Banganga police station. In the meanwhile, since the video of the lynching had gone viral on social media, a large gathering converged outside the police station. The crowd dispersed after the activists assured them that the police had filed an FIR against the miscreants. However, the next day, the police accused Dr. Qureshi and 10 other social activists of inciting violence by mobilising a crowd. Charges for externment (not allowed to reside in the Zila) were filed by the police against 11 persons, including Dr. Qureshi, and IPC sections 341, 147 and 294 were slapped against them.



Figure 23: Victim Vijay Sori's house surrounded by mob

In September 2020, Vijay Sori from Singanpur, Kondagaon village in Chhattisgarh, was attacked by a mob. In his deposition, he explained, *"I had converted to Christianity in 2008, but in September 2020, a mob of Hindu villagers demolished my house along with houses of four other Christian brothers. They broke the*

roofs and asked us to never return to our houses. We wandered around for three to four months until the court issued an order which barred anybody from harassing us. However, the Bajrang Dal and Sarva Adivasi Samaj have been mobilising the villagers against us. A fine of INR 5000 is levied on non-Christian families who interact with the Christian families. So the villagers don't interact with us, and we face social boycott. There are also attempts to occupy the farms of the Christian families, and Christian families are forced to flee."

7. Attack on Livelihoods

Freedom of religion is real in an atmosphere which ensures security - physical and socio-economic. It is important to note that the violations of freedom of religion consist not only of attacks on the physical security of the vulnerable groups based on their religious identity but also the economic security, well-being and equality. All cases of violations of freedom of religion and belief impact the victims adversely economically. But, some cases bring out the state's well-formulated policy, which is discriminatory and has a direct bearing on the economic well-being of the victims. Religious identity in these types of cases determines the state policy and the fate of the victims.



Figure 24: Assam Chief Minister's statement after the eviction

A stark example of economic targeting of Muslims is evident in the case of eviction of Muslims in Dholpur in Assam. Zamser Ali, journalist and member of the fact-finding team that investigated the evictions deposited before the Jury as an expert. He gave a background to the evictions. In September 2021, the Assam government carried out drives to evict the 'encroachers' off government land in Dholpur. This move claimed two lives and injured

several Muslims. The government argued that the land had to be given to the indigenous people of Assam and was occupied by illegal immigrants. This term has become synonymous with Muslims in Assam and West Bengal. Around midnight on 19th September, eviction notices were served to the residents and on 20th September, at 10:00 am, the administration began the eviction process.

This took place through three drives. In all cases, the notices were served at night, and eviction began within less than 12 hours. The residents were given no time to pack their belongings or look for an alternative place. Neither did the government make any move to rehabilitate the victims.

As per the 1971 census records of the 13,000 acres in Dholpur, 11,000 was cultivable land belonging to 23 families. However, land is lying vacant, and 9 villages are without population. Moreover, every year the floods cause the displacement of millions. Zamser Ali investigated government claims that those evicted were Bangladeshi. He found that 517 families had all relevant documents, two families were D voters, and one family was not included in the voter's list. Thus, all evicted families except three are included in the current voters' list.

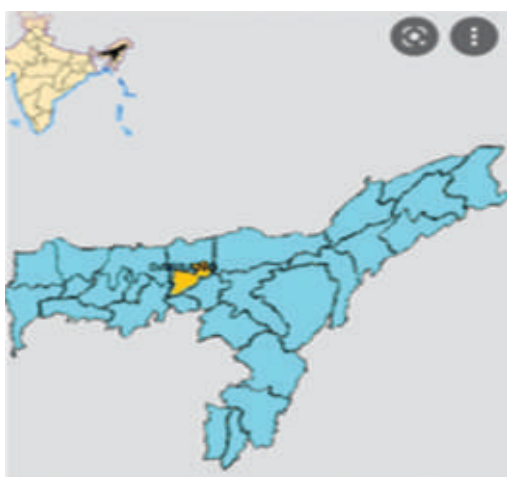


Figure 25: Yellow highlighted region is Darrang district in Assam

Against this backdrop, the residents of Dholpur organised a protest against the administration's arbitrary act. Negotiations between the district administration and demonstrators' representatives for a fair rehabilitation deal were initiated at the protest site. The police beat up the protesters who were on their way back home after having decided to withdraw from the protest.

The police also opened fire on the villagers. Two villagers died on the spot, and 43 were injured, of which 14 received bullet injuries. 14 policemen were also wounded. The Citizens' Tribunal heard two

cases from this eviction - Moinul Haque, who died of a bullet injury fired by the police and Sahar Ali, who sustained a bullet injury in his leg during the police firing.



Figure 26: Deceased, Moinul Haque



Figure 27: Press reporter jumping on Moinul Haque's dead body

Twenty-eight-year-old Moinul Haque was from Sipajhar in Darrang district. His brother Ainuddin Haque deposed before the Jury to explain the case of his deceased brother. *"On 30th September 2021, forces had come to demolish our houses after giving notice the previous night. No alternative housing was offered. Three policemen were at home when Javed Ali and Moinul Haque returned from the protests. One policeman kicked Javed Ali. Moinul pushed the police and helped Javed Ali to get up. Later, when Moinul was on his way home, he saw the police beating up Husnbanu, a 13-year-old girl. He picked up a long bamboo which didn't have the potential to cause serious injury, and ran towards the police to save the girl. The police fired at him, and one bullet went through his chest."*

During the protest against the eviction, Moinul had picked up a bamboo stick to save his fellow villagers. But, he was fired at by the police and died on the spot. As if this wasn't brutal enough, state-appointed photographer Bijoy Baniya jumped on the body of Moinul Haque as he was breathing his last. The media captured this gut-wrenching picture, and it became symbolic of the evictions.

Moinul is survived by his parents, wife and children. After the eviction, justice continues to elude the shattered family. The family has received no compensation from the state and faces a scarcity of water and food after the eviction. Initially, the family's FIR was not written down, and it faced intimidation to stop them from complaining against the administration. This family-like others evicted are wandering camp to camp, shelterless and grieving for Moinul.

In the case of Sahar Ali, the victim himself deposed before the Jury. He said, *"On 23rd September 2021, I received a notice that proclaimed that we were staying on government land and thus eviction process would begin. The next day, we started to dismantle our houses so that we could move away with our belongings. But, the administration started demolishing our houses. The houses of the Hindu and Nepali families next to ours were not demolished. The sad part is that they didn't come to help us either. I was not part of the protest against the eviction. I was away from the eviction site. However, when I heard gunfire at the site, I was worried for my children and my family and went to save them.*



Figure 28: Survivor Sahar Ali

While running through the fields on the way home, I was shot in the leg by the police. I fell. After prolonged treatment at two hospitals, I was sent back home."

But life is not the same for Sahar. He cannot work anymore. He has no sensation in his injured leg, which he showed to the Jury. "I am a boatman. We are poor. Our houses were demolished, and my leg is useless. I am the only earning member of the family. We have moved south and settled in camp number three in Dholpur. But it is government land, and they will evict us again."

The Muslims are systematically targeted in Assam. The process of NRC spelt unspeakable hardships for the entire state irrespective of religious identity. However, the hegemonic narrative spreads hatred toward Muslims, who have become synonymous with illegal migrants in the social imagination. In a flood-prone state that has to deal with displacement every year, discrimination and the prospect of being rendered stateless is a double whammy. In a way, NRC has pulverised the economic condition of Muslims. Eviction drives are yet another discriminatory measures which target Muslims. In his testimony, Sahar Ali mentions that there were houses of Nepalese and Hindus in his neighbourhood.

But they were not touched. Only houses belonging to Muslims faced the eviction drive. The reaction of the Assam state government was shocking and insensitive. Assam Chief Minister expressed no regret for the police action.

Vijay Kumar of Madhya Pradesh flagged the issue of economic boycott against Muslims who are small vendors or own small businesses in the state. Apart from the case of Tasleem from Indore, a chaat seller in Madhya Pradesh was asked not to set up his stall and sell chaat to Hindus because it would make Hindus 'impure'. A Muslim scrap seller in Ujjain was also attacked on communal grounds. The attack on small vendors or delivery boys on account of their religious identity is an alarming precedent which is deepening ghettoisation and spatial segregation. Boycotting of small businesses owned by Muslims is a prominent trend in Bhopal, Indore, Sagar and Khandwa.

Recommendations

We, the Jury members, heard these cases over two days on 11th and 12th February 2022. We were shocked by the depositions of the survivors who appeared to be helpless and from poor backgrounds. We were appalled that the state apparatus chose to look the other way in these cases. Citizens of this country should never be subjected to unprovoked violence and left without recourse to justice. Based on the depositions, we make the following recommendations:

1. Impartial investigations into all the cases heard in the Tribunal and bringing the perpetrators to justice.
2. Suitable damages and compensation to the survivors for the trauma and the loss of livelihood.
3. Repeal of discriminatory laws infringing on the freedom of religion. These laws include all the anti-conversion laws ironically called Freedom of Religion Acts. The anti-conversion laws are now being stretched to cover normal religious activities of the minorities. The BJP-led state governments passed new legislation to make religious conversions nearly impossible. In states with anti-conversion laws, the existing laws were amended to make conversions more complex. Punishments for "illegal" conversions were amplified, and new provisions were inserted to

criminalise conversion for marriage and declare interfaith marriages before or after conversion as invalid. The amendments were brought in to enable parents or other blood relatives of the bride, in an interfaith marriage where she has chosen her life partner, to intervene and take the help of the state to force her to submit to her parent's wishes. This is particularly deployed where the bride is Hindu, and the bridegroom is Muslim. The anti-conversion laws have emboldened Hindu nationalists to resort to violence and attack churches and pastors. Christians in rural areas are forced to reconvert to Hinduism.

4. Repeal laws against cattle slaughter.
5. Compensation and rehabilitation, as per international standards of reparation, to those evicted during the drive in Dholpur.
6. Strict implementation of the Supreme Court guidelines to control and stop mob lynching and/or communally motivated attacks on helpless humans.
7. Introduction of laws against social boycott and their strict implementation to protect vulnerable communities who suffer silently from social and economic boycott.
8. Setting up peace committees with representatives from all communities to restore harmony in the affected areas.
9. Officers, who have been negligent or partisan in their duties, should be prosecuted and brought to justice.
10. Those targeting religious communities and promoting hate should be brought to justice.
11. The Places of Worship (Special Provisions) Act, 1991, should be strictly implemented. The Act declares that the religious character of places of worship shall continue to be the same as it existed on 15th August 1947. This means that if, on 15th August 1947, a place of worship was a catholic church, it cannot be converted into a mosque or a temple or even a protestant church. Furthermore, the Act prohibits the conversion of any place of worship of any religious denomination into a place of worship of a different religious denomination.

Annexures

Annexure 1

Cases Documented by Human Rights Defenders

Cases of Violations of Freedom of Religion and Belief

Anti-conversion laws (Gujarat Freedom of Religion Act, 2021)

This is a summary of the case of the fact-finding report by Hozefa Ujjaini titled "*Hailed as the first case of love Jihad under Gujarat Freedom of Religion Act: Truth or Propaganda?*"

The Vadodara police filed an FIR under the Gujarat Freedom of Religion Act against Sameer Abdul Qureshi. The FIR stated that in February 2019, Qureshi assumed a fake Christian identity on social media and befriended Priya (name changed), a Dalit. According to the FIR, he allegedly clicked nude pictures of her and threatened to make them viral. He forcefully established an intimate relationship with Priya and made her perform sexual acts (oral and anal) against her will. Priya became pregnant thrice. She was forced to abort with medicines twice, and on the third occasion, she had to be taken to the hospital. The FIR further alleges that Sameer forcibly changed Priya's name to Suhanabanu and performed *nikaah* with her, thus converting her to a Muslim. After their marriage, he and his family allegedly harassed her, abused her with casteist invectives and did not allow her to practice her religion. Her life was allegedly under threat, and Priya approached the police to complain about domestic violence. But the police booked Sameer under IPC 498(a), 376(2)(N), 377, 312, 313, 504, 506(2), 120(B), the Gujarat Freedom of Religion Amendment Act (as amended in 2021) Section 4 and the Prevention of Atrocities Act 3(2)(5), 3(1)(w)(1)(2). Sameer and his family members were arrested.

Priya continued to maintain that Sameer had not hidden his identity from her and not converted her forcefully and that she wanted to live with him. Priya's affidavit filed in court on 24th June 2021 states she befriended Sameer through Instagram. She had seen his name, Sameer Qureshi, though his Instagram handle was Sam Martin Rider. She knew he was Muslim. She loved him. She visited hotels and had sexual intercourse with him with her consent. She denied that he had forced her to have sex or taken nude pictures of her and threatened to make them viral. She became pregnant and had abortions since Sameer was underage. She stated that Sameer had not forced her to abort. Since she feared defamation, she took oral medicine to abort. She called the allegations in the FIR false and said she had not made them.

In her affidavit, she further claimed that her family knew Sameer's religious identity. He visited their home frequently and was aware that they belonged to the Dalit caste. They had married with their parents in attendance when Sameer came of age. They first performed *nikaah* and then married before the court under the Special Marriage Act. Her parents had signed as witnesses in court. Priya denied allegations that her in-laws were harassing her and confirmed that neither Sameer nor his family used casteist slurs against her. She said that Sameer's family treated her well. She stated that there were cultural differences between them since they belonged to different religions, and these led to fights. She got upset and went to her parents' house. She said she went to the police to complain against her husband for physical and mental abuse and denied that her complaint was about religious conversion or a forced sexual relationship.

Priya was shocked that the FIR had listed false cases against Sameer and his family and defamed them. She urged the police to withdraw the charges in the FIR. Despite this, on 5th July 2021, the local court rejected Sameer's bail. Priya approached the High court to quash the FIR. Her marriage certificate states that her marriage was solemnized on 22nd March 2021, and the *nikaah* was held on 16th February in the same year. The *nikaah* certificate mentions her name was changed. The written agreement dated 8th February 2021 between Priya and Sameer states that they would be marrying each other out of their own will, that Priya knew that Sameer was a Muslim, and they had been in love for two years. They wanted to marry under the Special Marriage Act out of respect for their beliefs. The agreement was signed by Priya's father and Sameer's mother as witnesses. An affidavit dated 19th February 2021 states that on 16th February 2021, Priya married Sameer in Vadodara as per Muslim rituals in the presence of the community elders without any pressure or force. An agreement between Priya's father and others (leaders of the Muslim community) made on 3rd April 2021 states that Priya got married as per Muslim rituals without any pressure. She had been in a relationship with Sameer for the last two years. The agreement further records that Priya, being mature and educated, took the decision of her own volition, and there was no pressure or threat from their side for religious conversion.

According to the team's findings, Priya's affidavit rejected the charges against Sameer. Her application in the High Court to quash the FIR means that the charges were

fabricated. She had filed a complaint against her husband for physical and mental abuse. She may have been a victim of domestic violence but not forced marriage. It seems from the documents that both parties got into the marriage of their free will and registered it under the Special Marriage Act. Her name was changed, but she had performed *nikah* with full consent and in the presence of her parents. To establish the non-existing agenda of *love jihad*, the police falsely described the case as such.

The intention could have been to please political bosses and be in their good books. The legislation is more likely to be used to persecute and stigmatize the Muslim community and promote fear within them regarding inter-faith marriages with Hindu women. The news of the alleged first *love jihad* case was reported widely in newspapers, but the word of Priya's Affidavit was primarily ignored, barring a few obscure newspapers. Selective coverage by the media defamed Sameer and his family, and the whole incident took on a communal hue. The nexus between the State, the media and Hindutva forces are strengthening the narratives that discriminate against the minority. The case was filed two days after the Gujarat Freedom of Religion Amendment Bill was passed on 1st April 2021. It came into force on 15th June 2021.

The law has been unfairly applied to the case, which happened from June 2019 to date as per the FIR. The Law passed by the State citing forced conversion under the pretext of marriage has no data on the number of cases of *love jihad* in the state. The State was unable to furnish data to support its claims. By fabricating such cases, the State could justify its actions and create a database. The Hindu Jagran Manch was involved in this case and the Khambhat riots in 2019. Neeraj Jain from the Manch is pursuing the case against Sameer and his family.

Hindu supremacists enjoy impunity and are involved in fabricating fake cases to establish alleged love jihad. This propaganda promotes the patriarchal mindset and attitudes that believe women are incapable of making up their minds and making choices pertaining to their lives. This narrative is encouraged deliberately to infantilize women and control their sexuality. This should be central to the debates on this Act.

Hate Crimes against Muslims during Covid lockdown

Name of the deceased victim: Sayed Abul Hasaan

Address: Resident of village Barigola, under Salepur PS, District Kendrapada. Odisha

Documented by Dhirendra Panda - Human Rights Defender

Brief of the case:

Mr Sayed Abdul Hassan, aged about 70 years, served as a Medical officer (Ayurvedic physician.) at Kendrapara government Hospital. After retirement, he suffered from kidney disease. On 10th April 2020, Mr Hasan was brought to a private hospital (Shanti Hospital in Cuttack), where he had been undergoing treatment and dialysis for 18 months. But on that day, dialysis was allegedly denied to him on suspicion of being infected by Covid-19. After that, Hasan's relatives took him to two other private hospitals, but he was denied treatment there too. Finally, he was brought back home, where he died on the same day due to want of treatment.

The son of the deceased had initially lodged a complaint with the police alleging that upon arrival at the hospital on 10th April, his father was asked to follow a lot more protocols than other patients. Though Mr Hassan had been a regular patient with the nursing home for a year and a half, the hospital staff allegedly advised him against coming for dialysis. He also alleged that members of the hospital management asked his father to return with personal protection equipment for the medical staff who would give him the dialysis.

An activist alleging discrimination against Muslims due to Islam-phobia filed a PIL in the Orissa High Court. A bench of Justices Shatrughan Pujahari and KR Mohapatra asked the Cuttack district collector to inquire into the death and ordered, *"The State shall also ensure that no person is denied treatment for any ailment by any hospital of the government or a private entity if such facility is available with the hospital, and if not available, he or she should be referred to an appropriate hospital, where such facility is available. However, such treatment must be guided by the guidelines or instruction given by the State Government in the wake of the Covid-19 pandemic."*

Reclaiming mosques/ dargahs as temples

CASE 1 : Dargah of Roza and Rozi

This is the summary of a case from the fact-finding report of Hozefa Ujjaini titled, '*Gujarat, Composite Culture and Challenges from Hindu Supremacists: The case of Roza Rozi Dargah*'.

The dargahs Roza and Rozi are mausoleums on the banks of the Vartak River in Sojali, 4 km from Mehemdabad city in Gujarat. Hazrat Pir Minar Saiyyad built Roza as a memorial to his father, Hazrat Mubarak Sayyid, who was a minister during Sultan Mahmud Begada. The dargah is a resting place of Pir Minar Sayyid and other family members. Rozi, on the opposite side, houses the memorials of wives and other members of the family. On 13th October 2021, a group entered the gate of Roza Rozi Dargah under the pretext of offering puja in the small, newly-built mandir on the occasion of MahaAshtami (atham of Navratri). The mandir is in the compound of the monument, behind the dargah. On entering the compound, the mob went to the dargah instead of the mandir. They stopped in front of it and played music on a DJ set, and danced throughout the procession. People entered the dargah of the peer, placed a photo of the Hindu goddess Khodiyar, performed aarti, sprinkled gulaal and lit a lamp (diya). The video of the entire incident was recorded and posted on social media, where it went viral. This incident hurt the sentiments of Muslims, leading to anxiety that it may trigger a communal riot. The State DM and collector visited the site. The police uninstalled the photo of the goddess and ensured that the gulaal was cleaned. The place was provided protection.

The temple-like structure was built in 2014 inside the compound. The Khodal or Khodiyaar Mata (goddess) is mainly the patron goddess (kuldevi) of the Patel community in Gujarat; other communities in Hindus and NT/ DNT also worship her. The ancient carved stone of the structure most likely emerged after the water of river Vatrak changed course and flowed away from the dargah. A small mandir covered with red cloths has emerged in the Roza-Rozi compound. According to the locals, the idol of Mataji came up mystically at the site of the temple. Thus a dispute and narrative claiming that Roza Rozi was earlier a temple originated. Since 2014, puja has been offered in the mandir on various occasions.

The caretaker said that on 13th October 2021, it being atham, the mob was allowed to go through the other gate to offer puja at the mandir due to traffic on the regular route. He believed that like the other occasions when the villagers went to the mandir for the puja, this time too, they wanted to visit the temple. The police arrested one man. This accused claims that he does not know anything. He was asked to go to the dargah, so he went along and did what was asked of him. As per the fact-finding team, the village atmosphere is communally charged. There are demands that the dargah is opened for the puja of the Hindu goddess. The residents in the procession and the person performing the aarti have put up his photo on social media taking pride in his act. He has hailed this as a victory and shown no remorse.

The narratives of the local residents say they do believe in the claim that this dargah was earlier a temple. Supremacist groups have planted this to polarise the village along religious lines and create hatred for Muslims. The temple was built in 2014, and no ancient evidence of its presence has been found in any written literature. Thus, the construction and photo image of Mataji should be removed immediately. Rule 32 of Ancient Monuments and Archaeological Sites and Remains Rules, 1959, amended in 1992, says that areas up to 100 meters from the protected limits and further beyond it up to 200 meters near or adjoining should be protected. Since the land of the site is vast, people have an eye on it for its benefits. This communal dispute could be a cover-up to capture the land. Muslim-owned lands in the village are under threat. Supremacists want Muslims wiped out so that their property can be seized.

CASE 2 : Dargah of Nav Gaja Peer

Documented by Hozefa Ujjaini - Human rights defender

Shamalaji is a major Hindu pilgrimage centre in the Aravalli district of Gujarat state of India. Shamlaji temple is located on the banks of the Meshvo River in the valley surrounded by well-wooded hills. It is dedicated to Vishnu or Krishna, a form of Vishnu or a name of Krishna. It was probably built in the 11th century in Chaulukya style and renovated at least 500 years ago. It is also referred to as Dholi Dhajawala due to the white silk flag fluttering on top of the temple. It is one of the 154 important pilgrimage sites of Vaishnavism. Several other Hindu temples are located nearby.

The dargah of Nav Gaja Peer in Shamlaji, 200 meters away from the Shamlaji Temple, was serving religious harmony for decades. Muslims and Hindus would come to the dargah to bow down to the pir for their beliefs. On the occasion of *gyarash mela* in Shamlaji, people from the Hindu community used to bathe in their *kund* (a holy dip) and come to the dargah for Nav Gaja Peer's miracles (*karishma*) and spiritual marvels (*karamat*).

The dargah of NavGaja Peer was demolished in Gujarat in the 2002 communal violence. The PSI of Shamlaji Police station became the complainant and filed an FIR with the number 36/2002 under sections 295, 436, 147, 148, 34, 149, etc. After the incident, the dargah site came under disputed property as supremacist groups have built the narrative that it is not NavGaja Pir but their goddess's place. This triggered the conflict between both groups. The local administrator made the Mamlatdar (revenue officer of the taluka) as receiver of the place till the problem was resolved. However, during the Mamlatdar preserving period, the dargah was renovated and again sabotaged by supremacist groups.

The matter was placed in the Gujarat High Court as the one of the destruction of religious places in Gujarat with case numbers 16616/2005, 17846/2005, and 16584/2005. However, the case was withdrawn to solve on the local level. The locals registered a new trust, 'Nav Gaj Seva Trust' and claimed the place as a mandir. In 2015, the dargah was renovated, and in 2019 it was sabotaged, and mandir flags and idols were placed with a signboard of Ashapura Mata Mandir. IPC 144 was enforced at the place, reasoning constant dispute. The Muslims were not going to the dargah for worshipping; however, the idol was placed at the dargah.

The land documents, town planning documents, and the Panchanama made by the Mamlatdar are in favour of the place being a dargah. Currently, the case is in the Waqf tribunal with case number 23/2019.

Cases of Mob Lynching

CASE 1: Lynching of Samir Chaudhary in Shamli, Uttar Pradesh

Documented by Akram Akhtar Chowdhary- Lawyer who handled this case initially and human rights defender

On 9th September 2021, victim Samir Chaudhary, son of Rahil, was returning home from work as usual. At 6 pm, he got off the bus at the Kasba Banat main bus stand. The accused, Vatanraj, son of Saupal; Vardan, son of Pradip alias Mintu; Akshay, son of Kullu; Raj, son of Rajesh; Ashish, son of Harishchandra; Lucky, son of Gabbar; Chintu alias Ayush Rana, son of Nirdesh Rana; Bhoda, son of Bharat, all residents of Kasba Banat district, who had enmity against Samir from earlier were at the bus stand. They had sticks and iron rods with which they attacked Samir and repeatedly hit him on the head. This crime was done by all mentioned above. Alkama, son of Kayum; Jahid, son of Mazar Hasan and Fazil, son of Mazar Hasan, heard the noise and reached the spot. Mistaking Samir for being dead, the accused fled from the scene. The persons present at the scene took Samir to the police station and to CHC Shamli, where he was referred by the doctor to go to Muzaffarnagar. However, he died on the way. The accused have been booked under sections 147, 148, and 302. According to the family, one arrest has been made. "He was killed just because he is a Muslim, and there can be no other reason," Samir's cousin Parvej Chaudhary Maktoob media website.

CASE 2: Lynching of Awesh, his father and friend in Ahmedabad, Gujarat

Documented by Hozefa Ujjaini- human rights defender

In July 2020, on the occasion of Bakri Eid, Awesh and his family had bought a calf to be sacrificed. It escaped their house and ran away. Awesh, his father, and his friend gave chase and landed up in a non-Muslim area. They were warned to run away when they asked for the missing calf. Meanwhile, a mob of 20-25 people gathered and beat up Awesh and his father. They suffered severe fractures and injuries to the head. Though an FIR was filed, no further action was taken. Initially, few people were arrested, but they secured bail and were released.

As a student of Chartered accountancy, the injuries impacted Awesh's study. His father was not able to walk properly for two months. The trauma from the incident stayed with them for a few months. This incident resulted in an atmosphere of fear in the community during the festival of Eid. They did not receive any compensation under the Victim Compensation Scheme of State. Awesh started teaching children in a school and giving private tuition. His father is teaching in a madrasa.

It should be noted that the accused vigilante group has beaten many Muslims on this road. But no one has filed an FIR against them due to fear. They enjoy impunity provided by the State and administration. This case also points toward the non-implementation of Supreme Court guidelines to prevent mob violence. The investigation and process were delayed for more than one year. The charge sheet has been recently filed.

CASE 3: Lynching of Taslim Ali from Indore, Madhya Pradesh

Documented by Dr. Mumtaz Qureshi - Human rights defender who helped Taslim Ali in the case

Twenty-five-year-old Taslim Ali, a bangle seller, was beaten up by a mob consisting of Hindu community members. They argued that Taslim Ali was selling bangles in a Hindu locality in Indore. The mob snatched bangles worth around Rs. 20,000 from him. Taslim Ali filed a complaint with Banganga police station. The police took him back to the same place where he had been beaten up, gave him Rs. 6000 and asked him to leave the place; otherwise, he was told that he would be beaten to death by the Hindu mob.

The video of this bangle seller went viral on social media. At the same time, a police officer from Banganga Police station also posted a video in which he said that no such case had been registered with the police station. He added that some action would have been taken if a complaint had been filed. After watching the video on social media, people from the Muslim community gathered at the police station. Some social workers registered a complaint with the police station. After some days, all those social workers received a notice from the police that a case had been registered against them under sections 506, 34 and 294. Justice is denied to the victim as all are united to target a particular community.

Economic marginalization of religious minorities

CASE 1: Eviction of Muslims from Dhalpur, documented by Zamser Ali

Dhalpur, a village under the Sipajhar police station of Darrang district, Assam, has been at the centre of political debate since 2012. Many Muslim people have settled in indigenous peoples' land or grazing land. The debate is used to spread hate against Muslims in Assam and communalize Assam politics. BJP used this method to grab political power. The BJP came to power in 2014 and 2019 in Parliamentary elections. And in the Assam elections in 2016 and 2021, they campaigned on the Dhalpur issue. Before the by-elections for 5 constituencies of the Assam Legislative Assembly in September 2021, they brought the issue of Dhalpur to the forefront.

On the midnight of 19th September 2021, the administration issued a fresh round of notices to the poor villagers of Dhalpur no 1, and on 20th September 2021, at 10 am, evictions began in the village. Government reports state that 480 families were evicted on that day. On 22nd September 2021, eviction notices were sent to villagers of Dhalpur no. 2 and Dhalpur no. 3. In these cases, the notices were served between 10 pm to 12:30 am, and the following day on 23rd September 2021, at 10 am, the administration was ready to evict the village. About 960 Muslim families were evicted from Dhalpur no 2 and Dhalpur no 3 and were left without alternative rehabilitation.

After receiving eviction notices, the villagers did not know how to shift their houses within a short period. They panicked as they did not know where to live. They were not shown an alternative place for temporary settlement as it was delivered to people who were evicted on 20th September 2021. The villagers were feeling helpless, sorrowful and angry. Therefore they decided to stage a protest demonstration till they could dismantle their houses where they could live for the period until an alternative rehabilitation was provided.

On the morning of 23rd September 2021, they gathered on the northern side of the village to protest against the inhuman eviction without even a minimal promise of rehabilitation. During the discussions between the district administration and the demonstrators' representatives at that protest, the administrators remained firm in continuing with the

eviction. The deputy commissioner of the Darrang district assured the representatives of communicating to the authority of the Assam government regarding the allotment of a certain amount of land for the evicted families. Thus, the villagers declared to withdraw the fruitless protest. But, as they were on their way home, the police began to beat them up. Though 75% of the people had left the area, the police started to baton the village and burn the houses. There were clashes between the villagers and the police, and the police opened fire. Two villagers died on the spot, 43 people were injured, of which 14 received bullet injuries and 14 policemen were also wounded in the operation. The BJP government started a new round of eviction in Dhalpur no 1, Dhalpur no 2 and Dhalpur no 3 under the Sipajhar police station.

After the incident, the people of Dhalpur 2 and 3 left the area without any delay. The police started to damage the huts and homesteads. The villagers had to live in the open in the rainy season. The children's schooling stopped. Sanitation for women and children became a challenge. There was no compensation. They spent days without food and water. For a long time, the villagers were barred from passing from the temporary shelter camp to other parts of the district. Many villagers had to move to other parts of the country for economic reasons during the pandemic. Four thousand evicted people are living in pathetic conditions. Families of 5-7 had to live in a single room.

Acts 302/34 IPC and 129/ 130 Cr PC are violated. There is also a violation of fundamental and legal rights and Article 21 of the Constitution of India and a gross violation of the Assam police manual with regards to the victim. The alleged accused persons are the State of Assam, Dr Himanta Biswa Sharma (Home and Political Dept, Govt. of Assam), Director General of Police (Govt of Assam), and Deputy Commissioner (Darrang) and Superintendent of Police (Darrang). Initially, the FIR was not accepted, and the villagers were harassed or threatened if they complained against the police or administration. Some community leaders were arrested, and cases were filed against them. After the eviction, they were not given any food as aid. Anganwadis and schools in the evicted centre have been closed down. No medical facilities were supplied to the evicted people. The villagers do not have evidential documents of the incident since they are poor and illiterate.

The state administration, including CM and BJP party leaders, is spreading hate against the evicted people. The CM, Dr. Hemanta Biswa Sarma, made a statement that whatever was done to the people of Dhalpur was revenge. Civil society and communities are divided over the incident. BJP and its allied organizations are spreading hate against these people. Assam Civil Society has written to the judge of Guwahati High court to take suo moto action against illegal and unlawful eviction. A few organizations have extended help in kind to the evicted people. Other organizations are taking photographs, but they have done nothing. Individual activists have played a poor role, and the media failed to bring out the truth about the evicted.

Overcoming the situation, Zamser Ali, a journalist, prepared a fact-finding report titled, '*Dhalpur: The Truth Behind*' which was published in English and Assamese. Family members of the victim lodged an FIR with the help of activists from HRLN. Several cases have been filed in the Guwahati High Court. Several cases have been filed in Sipajhar, but the police have done nothing. Other than Guwahati High Court, all institutions are working to victimize the victim. Muslims of Dhalpur have become victims of the present system.

The need of the hour is to create awareness among the poor and illiterate people who are evicted. Organizations should fight to help them get justice. It is necessary to suggest and initiate a livelihood programme for the victims and create a way in which children of the evicted sites are not deprived of quality education. Dhalpur has been used to grab the state's power by communal forces in Assam. The repeated false propaganda helped the BJP hold power in the state by strengthening the polarization of politics. The truth of Dhalpur must be brought out, and the rights of the people of Dhalpur must be restored.

CASE 2: Moynul Hoque, who dies in police firing in Dhalpur

Moynul Haque is survived by his parents, wife and children. Moynul Hoque, 28 years, son of Mokbul Ali, was a follower of Islam. He was from Dhalpur no 3, under Police Station Sipajhar, Sanowa Gaon Panchayat, Sipajhar, Darrang district, Assam.

On 23rd September 2021, despite the demonstration being called off, the police opened fire on the villagers who were returning home. Infuriated by police behaviour, Moynul Haque picked up a bamboo stick and started to move toward the police. Instead, he was brutally fired at, suffered injuries on his leg and chest and breathed his last on the spot. Another bystander Sheikh Farid also succumbed to bullet wounds and died on the spot. Later, ten others succumbed to bullet injuries. Thirty were injured heavily or due to police atrocity. International media reported that government-deputed photographer Bijay Bania repeatedly jumped on the injured Moynul Hoque as he lay on the ground, struggling to breathe.

CASE 3: Attack on Sahar Ali, Dhalpur

On 23rd September 2021, at about noon, the villagers called off the demonstration and began to return home. Sahar Ali had not attended the protest and had been away from the proposed eviction site. He heard a huge cry from the direction of the site and the sound of gunfire. He thought his minor children might need to be rescued. He rushed from the southern side to the northern side, where his family was in danger of being evicted. While running through the field, he was hit by a bullet on his knee and fell. He was admitted to Mongaldoi Civil Hospital and then taken to Guwahati Medical College. After lengthy treatment, he was returned home by the hospital authority and police administration. But he has been unable to walk properly since then. His leg has lost all sensation. Being the only earning member of his family, he could not avail himself of necessary treatment. He now lives in paralyzed condition.

Communal Riots

Bhatpara, West Bengal Riots of 2019

CASE 1: Victim Prabhu Shaw

This case summarises a personal interview by AAMRA EK SACHETAN PRAYAS, Kolkata. AAMRA is a non profit organization working for communal harmony and pluralism in West Bengal. It investigates into incidents of communal riots and brings out reports based on their fact findings.

The Bhatpara riots took place in June 2019. The riots were triggered by clashes between Trinamool Congress and Bhartiya Janata Party where bombs were hurled into regions to gain control of the areas by rival parties. Innocent people were killed during the riots in the bomb blasts and police firing in the matter of two months.

According to the AAMRA's fact finding report of the Bhatpara riot, which took place in 2019, the victim, Prabhu Shaw, resident of Bhatpara, was standing outside his house while the riot was raging on. The police were firing to respond to the violence. On seeing the police Prabhu panicked and ran to the other end of the alleyway outside his house. He was shot on his leg and fell inside a house. The police then fired upon him on the head and chest.

The family a lodged a complaint, but nothing has happened to date. He died on 12th July, and the police handed over the body to the family on 13th July. They lived in Delhi, where the victim Prabhu Shaw worked as a construction worker and visited Bhatpara for a holiday. Shyamali Shaw cannot believe such an incident could have happened to them. She doesn't why her husband was shot at. Shyamali said he is not associated with any political party. When asked if anybody from the administration had come to see her, she replied in the negative. When asked if they had received ten lakh rupees compensation, she said they had not received any. Shyamali is in horrible condition with four daughters and her mother-in-law. She has not been compensated to date for the loss.

CASE 2: Survivors Hasina Banu and Azim Mia

Riot survivors Hasina Banu and Azim Mia were interviewed on platform number 1 at Jagaddal station North 24 Paraganas on 11th August 2019. They were displaced from their house because of riots. The owner of the house, Kundan Shaw, essentially used 'riot' to push them out. Azim Mia, a rickshaw paddler incapable of work due to his poor health, is an octogenarian. Having stayed for many years with Hindu neighbours, the couple ended up in this situation because of their 'Muslim' identity. The synopsis is given here:

Azim Mia and Hasina Banu, insulted by rioters, went to Jagaddal Police Station, but the police did not record their statement, although they begged the police repeatedly for a month. A snapshot was taken when they returned with a referral from a political party. The police tried to open the rental home, but the landlord did not budge. The landlord told the police that they were bad. In the 42 years, they had been living there, nobody had raised any objection against them, and now suddenly, they had become bad people.

Police asked to show evidence that the couple was illegal. The landlady said that her husband worked at Howrah and could not offer any proof. On the day of the scheduled meeting, the landlord didn't show up till 2 pm. When he arrived, the police asked them to settle it mutually. The old couple was asked to show documents, and according to the police, the documents were fabricated. They were asked to show court papers within three days. The two aged persons were moving from pillar to post requesting neighbours, friends and foes, but they returned empty. The woman Hasina Banu was gasping and crying at that moment.

Azim Mia says they were told if the landlady got a court paper, they would stand no chance. Since then, they have been staying at Jagddal Railway station with nowhere else to go. Their children are not financially sound, occupied with their families and cared little for them. They had never experienced this before. They had been deserted by their children, but this time, it was their Hindu neighbours who turned their back on them. Azim Mia says it has nothing to do with religion and that this happened because of politics between party groups BJP and TMC over Hindus and Muslims and became a game of football. Azim Mia suffers from knee joint pain. They have lost shelter and livelihood and

have no support. Except for a few people, they did not receive help from the local administration. After a few months, the couple was shifted to an 8/8 room near Lalita High School, adjoining Babu Quarter, Jagaddal, by the police.

Tripura Riot, October 2021

According to the fact-finding report by CSSS on the Tripura riots in October 2021, *"Eleven mosques, six shops and two homes were damaged in the northeastern state of India, Tripura, in response to attacks in Durga puja mandaps in Bangladesh by Muslim activists"*. Hindu nationalist organizations, in an attempt to gain advantage from the attacks on Durga puja mandaps in Bangladesh and to communally polarise the situation for electoral benefits, started a communal riot in Panisagar, North Tripura district. The state government neglected its duty to check the ongoing attempts at communal polarisation till it was too late. The state police denied that first a mosque was damaged, and they stated that attacks on mosques were not resulting in communal polarisation. Belatedly, warnings of strict action were given by the state government against those indulging in communal incidents. But, instead of rioters, action was taken against journalists and peace activists reporting violations.

The attacks on Durga puja pandals in Bangladesh may be perceived as an opportunity convoluted by Hindu nationalist organizations VHP and Bajrang Dal to stigmatize Islam and the Muslim community in Tripura and turn Hindus against Muslims to spread their political ideology of Hindutva. The BJP government would have allowed Hindu nationalist organizations to carry out rallies and arouse communal passion. The ruling party should have been aware that the rally was meant to arouse communal passions, and the situation would spiral out of control.

The rallies conveyed the message that to save Hinduism, Hindus should remain united and support the BJP. Hindutva organizations took out rallies under the banners of Vishwa Hindu Parishad (VHP) and the Hindu Jagaran Manch (HJM) immediately after the Bangladesh incidents. Houses, shops and mosques were vandalized during these protest rallies. The first rally was taken out on 21st October 2021 in Udaipur, the HQ of the Gomati district; ten thousand people participated. On the same day, rallies were organized in

West Tripura and North Tripura. On 21st October, a mosque built by CRPF was burnt at night. Another rally was organized on 26th October, allowed by the police in Panisagar and Rowa bazaar. The people outnumbered the police force that accompanied the rally. Thus it was incapable of controlling the riotous mob when shops were targeted in Rowa bazaar and a mosque was damaged. These were intended to arouse communal passions and create tension among minorities.

The first communal act in retaliation to the Bangladesh incidents occurred on 15th October night/16th October morning at Hurijola, Udaipur subdivision of Gomati district. Some unidentified miscreants burnt down a tin and bamboo structure that functioned as Hurijola Masjid of Dargah Bazar. The mischief was discovered the following day. The incident shocked Muslims of the area who had never witnessed this communal act in the past. They were afraid of being attacked by the Hindus. The local Hindus stood by their side and condemned the act of burning the mosque. People's opinion was that the act was committed by outsiders to arouse communal passions and polarise Hindus and Muslims and not by the locals. A police complaint was filed at Kakrabon Police Station pertaining to the destruction of the mosque. According to the villagers, there is no information of investigation or arrests by the police. BJP leader Abhishek Dev Rai assured the Muslims of the village compensation for the destruction of the mosque. Local Muslims praised this. Since the structure is burnt down, a Muslim resident has offered his premises to perform namaz.

Two mosques in Anukul Colony, Uttar Maharani, Hrapur Jame Majid, and Hrapur Paschim Para Masjid, were damaged by some miscreants the midnight of October. They disconnected the power supply to the mosques. The act would have been done to provoke a reaction from the Muslim community leading to a riot. The Muslim community was angered, and a mob gathered the next day, but some practical persons from the community got the supply restored and averted a communal mishap. The Muslims believe that these acts are not by the local Hindus, and the oneness is intact. A villager, Ramjan Hussain, said, *"We don't have any fear from our local Hindu counterparts. But we fear of getting attacked by outside goons."*

Communal acts took place at different places of Kailashahar, a sub-division of Tripura's Unakoti district. A saffron flag was hoisted atop the house of Abdul Mannan in Govindpur. Sympathetic to the CPI (M), he and his sister-in-law had contested local body elections as CPI (M) candidates. The incident confounded everyone in terms of its intended message. Two days after this incident, on 19th October, at about 4 am, people walking towards the Kailashahar Jama Mosque, a century-old structure, saw two faceless miscreants speeding away on a cycle after hoisting a saffron flag on top of the mosque wall. The intention of the incident seemed to be to incite communal sentiments in the people's minds. On 23rd October, the house of Abdul Mannan was again vandalized. The same culprits also damaged a bakery owned by Shamim Ahmed.

With Municipal elections around the corner, intimidating opponents may also have been the motivation to attack Abdul Mannan's house. Police complaints were lodged against all the acts. However, the police did not take any notable action. The residents of the Kailashahar area remained calm, and there was no impact on Hindu-Muslim unity. Maulana Jasim Ahmed, the Imam of Kailashahar Jame Masjid and an Unani doctor, said, "Aag ko paani se nibhana chahiye (fire should be doused with water)." On 26th October, Muslims damaged the thatched fence of a Kali temple, in all probability as a retaliatory attack, but this could not be confirmed. However, on the initiative of the CPI (M) MLA – Mobushar Ali and the Kailashahar Police Station officer-in-charge, the local Hindus and Muslims came together and rebuilt the thatched walls of the temple within a few hours.

Madhya Pradesh riots, 2020

In Ujjain, on 25th December 2020, during a rally by the RSS and Bajrang Dal, houses of the Muslim community people were attacked. The procession started from five different places such as Nanakheda, Gopal Temple, Keshav Nagar and Harsiddhi Mandir to Mahakal Mandir.

It peacefully proceeded until it reached a Muslim area. Then, Hindu nationalists started shouting derogatory slogans such as 'Baccha baccha Ram ka, chachi ke kaam ka'. They also started asking Muslim women for donations for the construction of the Ram Mandir. The Muslim women asked them to stop the sloganeering, at which point the Hindu nationalists started pelting stones at Muslim houses. This incident occurred at 5 pm when

the Muslim men were at work and thus not present in the house. Taking advantage of this situation, the Hindu nationalists started attacking the women. They also attacked their shops and vandalized their vehicles.

When some social workers went to register a complaint, the police refused. According to lawyer Shakir Mansuri, activists were piled into the police van. The Muslim community was targeted by the police and the administration. Some social activists took the matter to the High Court and the Supreme Court, but there has been no response except for the issuance of dates. Social workers have been threatened by right-wing organizations for taking this issue to court.

In November 2021, there was a silent survey done by the District Magistrate on the property of Muslim people under the guise of a smart city. The government transferred Rs.3 lakhs to each Muslim family's bank accounts. They were then asked to leave their residences by saying that the place did not belong to them as they had been given money from the government. Their belongings and religious books were thrown in the dirt, and they were forced to vacate the house. Now, all these Muslim families of their own have taken up residence in private places. The government started dismantling all the land which belonged to the Muslim community. It is also not allowing the construction of any religious place on its own land.

Attack on Christians in a school, Madhya Pradesh

On 6th September 2021 a mob of around 700 activists belonging to the VHP, RSS, and Bajrang Dal vandalized Saint Joseph School. 6th September is being celebrated as 'Shaurya Din' in remembrance of the demolition of the Babri Masjid. Right-wing activists organized a protest on suspicion of religious conversion of students and started pelting stones at the school. According to Salim, the attack was well planned. The Madhya Pradesh administration was aware that there were chances of such kind of violence but had not taken any preventive action. Police registered the case after the incident. The media has focused on the rumours of religious conversion and not mentioned the truth.

Cases documented by Alliance Defending Freedoms (ADF)

India of anti-Christian violence

CASE 1: Police detention under Anti conversion law

On 13th January 2021, a man from Village Kurai, Seoni, Madhya Pradesh, filed a complaint about being invited to a meeting where he was offered Rs.25000 to convert. After the complaint, the police detained 20 people attending a family gathering, including 15 women and 4 children. Later at 2 am in the night, the police held back two men and released all others. Later, an FIR was registered against two people under sections 3 & 4 of the Madhya Pradesh Freedom of Religion Ordinance.

CASE 2: Perpetrators or vigilante mob lynching

On 22nd April 2021, a man and his wife were attacked in Riga village, Sitamarhi district, Bihar, while visiting a family. The perpetrators came with rods and sticks and attacked the family. The man's right arm and ribs were fractured, and his wife's ribs were also fractured. The friend they were visiting also sustained severe injuries while trying to protect the couple. The perpetrators had previously attacked this man in 2020 as well.

CASE 3: Hate Crime

On 25th May 2021, an incident was reported from Sikapai village of Kalyansingpur block, Rayagada district, Odisha. About ten families were severely assaulted, and local villagers burned their houses down. All the families were forced out of the village and had to flee to the forest. On the back of this incident, families from neighbouring villages of Kanagaon, Patang, Kanipai and Chichinghave also been targeted for their faith. They were previously attacked on 15th March 2021, when young girls and women were sexually harassed, mentally and physically abused, and their clothes were torn when they had gone to fetch water from the common handpump for a wedding reception. The villagers did not permit the young girls and women to collect water for their event. Subsequently, the people informed the local police, and an FIR was registered against the perpetrators. Since the FIR has been registered, the families have been continuously intimidated by the villagers to withdraw the said complaint.

CASE 4: Police case over religious conversion

On 27th June 2021, three men in Ambedkar Nagar, Uttar Pradesh, were arrested by the Malipur Police while they were praying with someone in the village. The police alleged that the men were involved in forceful religious conversion. Later they were booked under IPC 151, 107 & 16, the SDM denied bail, and they were sent to jail. They were only released on bail on 6th July 2021.

CASE 5: Hate crime and no police action

On 6th November 2021, a woman from Shahgarh tehsil of Sagar District, Madhya Pradesh, informed she and her family were attacked and targeted for their faith at 10 pm. While they were asleep, two boys from the neighbourhood barged into their house and abused and molested them for not lighting diyas and celebrating Diwali in their house. When the victims tried to escape, ten more boys entered the house and assaulted them. They ran away when the family called the police. However, the police did not provide adequate support required in the incident.

Hate Crimes against Christians in Chhattisgarh in 2021 reported by Akhilesh Edgar, Convenor of Progressive Christian Alliance.

Hate Crime by villagers

1. Maniram Nag's (Christian) ancestral home in Sagripal village, Bastar district, was destroyed by villagers on 4th January 2021. The family was pressured to abandon their Christian faith and were told they would have to leave the village if they did not abandon their Christian beliefs. When they did not oblige, their house was destroyed.
2. A Christian couple, Mr. Masa Kunjami and Mrs. Sunny Kunjami were beaten in Kora village, Gadiras police station in Sukmadistrict. They were beaten up by Sodi Joga, Sodia Deva and Sodi Ganga, and a few others. The couple was attacked in their home. The assailants barged into the home, verbally assaulted them and beat them up with sticks. The woman was pulled out by grabbing her hair and blouse. The man, too, was dragged outside and attacked. On 8th January 2021, a rally was held with the support of the district administration. Slogans to chase Christians away from India were raised.

3. Christian families were threatened by village elders in Abhujamadh village in Narayanpur district on 7th January. The threat was to give up their religious beliefs or leave the village. Ayatu Mandavi, one of the two families, lives in fear in the Naxal dominated village. The Christian pastor Paswan has been restricted from entering the village.
4. Christians in Kota Tehsil of Bilaspur district were forced to reject Christian beliefs in a village council held on 18th February 2021. Durgawati, Vidyawati, Gulshan Kumar, and Sandhya were brutally beaten when they refused. After this incident, they left their village and hid in the house of a Christian in Navadih village. They were facing harassment for more than three weeks. Pastor Chensay Lakda filed a complaint and requested Kenda police for protection and help. Christian families were frequently verbally assaulted and harassed by religious radicals because of their religious beliefs, said Pastor Gupta Khawasi. On 20th February in Lamker village in Bastar district, these issues were brought up in the village council to address the concerns, which were eventually settled through compromise and mutual understanding.
5. On 20th February 2020, in Tikanpal village near Kirandul, Dantewada district, Chhattisgarh, a Christian family was brutally beaten because of its faith. A Christian evangelist PodiyaTati who belongs to the indigenous Gond tribe, and worships village deities and ancestors, was attacked. The Christians were under pressure from religious radicals to recant their faith, which became the reason for the attack. They were asked why they partake in church activities but not in the village's religious festivals in vulgar language by animists. They were beaten up by attackers who broke into their house, damaged the borewell, burnt their paddy and other eatables, and forcefully took away the family's chickens. The Christians somehow saved their lives and got admitted to the Kirandul Government hospital for treatment. However, they were issued death threats by the attackers. Tati filed an FIR (No. 14/2020) against the assailants in the Kirandul police station on 21st February 2021.

- 6.** On 13th January 2020, in Kondagaon district, Chhattisgarh, a Christian family informed of repeated harassment from four religious radicals. They were pressurizing the family to abandon its faith in Christ. In addition, the family's land is being sought-after to convert into a public pond, and the radicals are intent on occupying it.
- 7.** Eleven Christians, Pramod Das, Roshan Netam, Anand Mandavi, Jaylal Mandavi, Thuniram Markam and others were severely beaten up by religious radicals due to their Christian faith on 17th March 2020 in Nagri police station area of Dhamtari district, Chhattisgarh.
- 8.** On 6th April 2020, in Jaram village of Dantewada district in Chhattisgarh, axe-wielding tribal animists gathered outside a Christian family's home at about 11 pm. Mangduram Kashyap, his wife Lalitabai Kashyap and their children locked themselves inside, fearing for their lives. The assailants kept watch outside to hack the Christians to death if they stepped out. On the morning of 7th April, at around 6 am, six of the villagers took the Kashyap family by force to a place in the village where a mob of about 200 villagers surrounded them. The assailants started beating the Christian men and women of Kashyap's family, including their infant grandchild, without uttering a word. The village council told the family they would be killed if they reported the attack to the police. It fined them 5,000 rupees, a goat, and a few chickens. Mangduram Kashyap had to undergo treatment for his injured eye. Eventually, the family complained to the police, but no action was taken.
- 9.** On 5th May 2020, in Salhephal village, Bastar district, Chhattisgarh, tribal animists told five Christian families they would lose their harvest lands unless they returned to their tribal religion and beat them up when they refused. When the families answered the summons to a meeting with the village leaders, they found the tribal elders estimating the value of their lands. Earlier, the Christians had forbidden a tribal animist leader, Dulla Poyami, to perform tribal worship on their land. The village leaders told the Christians that since they were not taking part in the tribal rituals, they could not be allowed to profit from their agricultural lands. The

Christians emphasized that the lands were registered in their names, and they were working hard to earn their livelihood. Infuriated, the elders pounced on the two Christians, Madda Poyami and Badda Poyami, and began beating them. A mob of at least 60 people gathered around them, clamouring for them to renounce their faith in Christ.

- 10.** On 20th May 2020, in Kokarpal village, Sukma block, Sukma district, Chhattisgarh, Bhima Markam and his family, who are Christians, were subjected to physical assault and threats from villagers. For three days, the villagers had issued warnings to Markam to stop talking about his Christian beliefs or face fatal consequences. On the night of the incident, at around 9 pm, the radicals barged into Markam's house, beat his family with sticks and chased them out of the village. After spending the night in a nearby forest, the family was able to return home the following day. However, they were warned that they would be killed if they sought the police's help. The family had to be admitted for medical treatment at the Sukma District Government Hospital for a week.
- 11.** On 15th May 2020, in the Dantewada district of Chhattisgarh, two Christians - Rangma Nag and her son Gauri Shanker were pressured to leave the Christian faith during a village council meeting. The meeting was called at 8 am, where the villagers demanded that the duo renounce their Christian beliefs or leave the village. Around 10 am more villagers, belonging to the Mahara community joined in the meeting and exerted pressure on the Christians. Subsequently, the village head announced his decision to allow the Christians one month to choose.
- 12.** On 21st June 2020, in the Bijapur district of Chhattisgarh, four Christians were reportedly beaten up severely during a village meeting owing to their Christian faith.
- 13.** In Mutanpal village, Bastar district, Chhattisgarh, on 14th August 2021, three Christian families were coerced by villagers to convert to a specific religion. Two among the victims, Dasman Mandavi and Gali Mandavi, were told to perform a sanctification ritual by presenting goats, pigs, hens, coconuts, wine, and incense

sticks to the village deity. However, after denying their demands, the Christian families, fearing for their lives, thought it wise to flee from the village.

- 14.** On 16th August 2020, in Anjar village, Bastar district of Chhattisgarh, Pastor Mosu Ram was threatened by a group of villagers while he was visiting the Christian families of Somaro and Mada. The next day when he went to file a complaint at the local police station, his house was surrounded by a mob, which then went on to assault him.
- 15.** Some villagers attacked a group of people for attending Christian prayers and Bible study organized by pastors from nearby villages on 18th August 2020. The victims filed a complaint with the Mardum police station. After visiting the place, the Station House Officer filed a complaint against the attackers and made them apologize to the victims.
- 16.** On 23rd August 2020, an unknown person threatened Ram Kumar, a Christian, for constructing a church on his property in the Khamhar village of Kharsiya tehsil, Raigarh district Chhattisgarh. The person warned him that if he did not stop the construction, he would face physical assault and social boycott. Ram Kumar reported the incident to the United Christian Forum helpline.
- 17.** On 26th September in Korlapal gram panchayat, Dantewada district, Chhattisgarh, a group of Christians were forced to reconvert to their ancestral faith. They were threatened and pressured for three hours by a mob of 80 to 90 people during a village council meeting. They made frantic calls to the police control room, but no help arrived. Hence, out of fear and for the safety of their members, some Christian families gave in and participated in the reconversion ritual. No police complaint or FIR was registered by the Christians.
- 18.** On 2nd November 2021, in Chitrakot village, Lohandiguda Tehsil, Bastar district, Chhattisgarh, ten villagers attacked a group of Christians, 18 women and 12 men, while they were working in their fields. The assailants walked into the field carrying batons and sticks. When they began hitting the victims, many managed to escape.

However, three, one of them a woman named Nani Morriya, could not. The assailants severely assaulted them, leaving them bleeding and grievously injured on the head. Sources informed that the attack was communally driven.

- 19.** On 18th October 2021, in Bargaon village, Mainpur block, Gariaband district, Chhattisgarh, a group of men interrupted a church service, which was led by Pastor Chitrasen Sahu. They were looking for Sattar Singh Markam. He was asked to present himself before a village council where representatives of eight village councils had gathered. The pastor reported that after the service, when Markam went to see them, they told him to either leave Jesus Christ or leave with his Christian faith and never come back. Markham, who had suffered three epileptic seizures a day before he put his faith in Christ twelve years ago, told them that he believed Christ had healed him and given him a new life and he would never turn away from his faith.
- 20.** On 31st August 2020, Shelendry Dhrow and her two children were threatened and abused by a group of villagers for having faith in Christianity. The next day some drunk people entered their house and threatened them with social boycott and even death if they did not leave their religion.
- 21.** Vijay Sori, who had accepted Christianity in Singanpur in Kondagaon district in Chhattisgarh, was being coerced to leave his village by the villagers. They tried to get control of his agricultural field. The victim wanted to get it reported to the head of the village council.

Social boycott from the village

- 22.** A Christian couple was ostracised from the village on 18th January 2021 in Bagbahar village in Bastar district. Pastor Salim Haku arranged for a rented house for them to stay in.
- 23.** Christians were beaten up by family members because of their beliefs and ostracised from the village. The incident happened on 17th April 2021 in Marenga village, Lohandiguda block, Bastar district. Police were also threatened by the villagers when they came to the village. They could not be arrested since they had not committed murder or any major crime.

- 24.** Christian families were ostracised from the village on 8th January 2020, in Aalkanhar village in Pakhanjur Tehsil of Kanker district in Chhattisgarh. The families were restricted from using public amenities by the village authorities and forbidden to interact with their relatives in the village.
- 25.** Three Christians were boycotted for their faith in Jagdalpur tehsil in Bastar district in Chhattisgarh on 13th January 2020. A penalty of Rs.15000 was imposed on one of the Christians for burying her husband in the village. They were asked to leave the village or pay Rs. 12000 immediately.
- 26.** A Christian family was forced to convert to Hinduism on 30th March 2020 in Katekalyan tehsil of Dakshin Bastar Dantewada district in Chhattisgarh. They demanded that they leave the Christian faith and return to the Hindu religion. One hundred and twenty people led by Aayturam, Maddaram, and Sukkoram, came to meet Santuram Markam, Handoram Markam, Manuram Markam and their mother, Angri Markam. Three of them were savagely beaten up when they refused to give in to the demand. The radicals demanded Rs.5000, a goat, a pig, a hen, some coconuts, and incense, as a penalty from the Christians. They were warned that they would be excommunicated from the village if they did not oblige.
- 27.** On 14th August 2021, in Tarhul village, Kanker district, Chhattisgarh, three Christian families were socially boycotted by the village council. Kuvar Singh Pradhan, Kamal Bhuvarya, Santoshi Chalki, and their families are the only ones following the Christian faith in their village and attend Pastor Sailesh Singh's church. The pastor told our sources that they had been continually subject to threats and harassment.
- 28.** Dalsai and Tangru, from the Christian community, were attacked by a group of religious extremists for their belief in Christianity on 26th August 2020. However, on 6th June 2020, a Christian family was threatened and subjected to social boycott by the villagers for their religious belief

Attacks against Pastors

- 29.** Pastor Samson Baghel and 30-35 Christians who were holding a prayer were physically assaulted by a mob of villagers on 8th March 2020 in Surguda village, Bade Killepal block in Bastar village meeting. The pastor and the people were severely injured. In addition, copies of the Bible were burnt and vehicles damaged. An FIR was registered at the Kodenar police station against the assailants.
- 30.** A Christian pastor's house was destroyed by religious radicals on 16th January 2020 in Kawardha city, Kabirdham district, Chhattisgarh. Pastor Jose Thomas faced repeated threats from a local mob of religious radicals. He was warned to stop prayer meetings in the area or pay for it with his life. The radicals trespassed into the pastor's property and house and destroyed it with a mechanical excavator.
- 31.** In the Bijapur district in Chhattisgarh, stones were thrown by religious radicals at the house of Pastor Sannu Telamon on 6th March 2020. Abuses were hurled at the pastor and his family, and they were threatened with dire consequences. The assailants demanded that they abandon their Christian faith.
- 32.** On the evening of 31st March 2020, in Katekalyan Tehsil of Dakshin Bastar Dantewada district in Chhattisgarh, Raju Podiyami, a Christian priest, was kidnapped by villagers, who had been incited by religious radicals. The priest was locked up in a room owing to his religious beliefs. The incident occurred when a mob of 100-150 villagers attacked a church in the village. They caught hold of the priest and locked him in a room. Since the room window was not bolted well, he managed to escape and hide in a forest. From there, he was able to make phone calls to the Chhattisgarh Christian Forum seeking help. However, due to a strict protocol on police movement in the Naxal affected area, the local police inspector was unwilling to go to the area at night to rescue the priest. Subsequently, on 1st April 2020, Raju Podiyami could make it back home safely. An FIR has been lodged in the case.

- 33.** A mob of religious radicals disrupted a church service on 21st February 2020 in the Balrampur district of Chhattisgarh. The three-day convention from 19th to 21st February 2020 for members living in the vicinity was disrupted by the assailants that barged into the church premises and accused the guest speaker of orchestrating forceful religious conversions. The gathered Christians were verbally abused and threatened that the pastors and the church leaders would be killed.

Denial of allotment of land/ opposed burial

- 34.** In Dongam village, Jagdalpur block, Bastar district, a militant religious organization submitted a memorandum on 9th June 2021, to the district collector to oppose the allotment of land to the Christian community in the village. The organization had been instigating villagers against each other, particularly against Christians. Villagers opposed the burial of Mahadev, a Christian child whose family professed Christians. The opposition to the burial was on the grounds of Mahadev's religious belief at the time of the burial on 19th June 2021 in Mutanpal Village of Bastar district.
- 35.** On 1st February 2020, in the Kondagaon district of Chhattisgarh, villagers opposed the burying of the mortal remains of a Christian man. When the family tried to use the village graveyard for burial, they were opposed due to their Christian beliefs.
- 36.** Bhima Kashyap breathed his last on 5th May 2020 in Naktoka village of Bastar district in Chhattisgarh. On the next day, a mob of religious fanatics opposed the burial of the mortal remains of a Christian and demanded that the body be cremated as per Hindu rites. About a hundred villagers gathered to oppose the burial of the body.
- 37.** The burial of a Christian woman was opposed by the villagers for their religious identity. Villagers demanded that her son leave his religious identity. After a complaint was registered, the police and the tehsildar intervened, and her body was buried. The incident happened in Bafana village, Kondagaon district, Chhattisgarh, on 28th August 2020.

Violence against Women

- 38.** On 19th April 2020, in Dantewada district, Chhattisgarh, twenty-five-year-old NilaKunjam, a Christian woman, was severely beaten up by three middle-aged men due to her religious beliefs. At around 8 am, the three men stormed into Nila's house, shouted at her parents, dragged her out and rained blows on her back, head and knees. A mob of at least 60 villagers gathered and accused Kunjam of defiling her caste. During the shocking ordeal, people gathered around but remained mute spectators. When Kumar Kunjam, another Christian, tried to videotape the ordeal, the mob snatched away his phone and slapped him. Nila Kunjam had to be admitted to a hospital for medical treatment. When her family filed a complaint at the Bacheli police station, officers told them they could not take any action until the government lifted the COVID-19 lockdown regulations.
- 39.** On 29th May 2020, in Kumud village under Dhanora police station, Kondagaon district, Chhattisgarh, Bajjobai Mandavi, a Christian woman was reportedly raped and murdered. The woman, a local church member, often recounted the harassment she was being subjected to in her village owing to her religious beliefs. She was publicly threatened four times to renounce her faith. On 25th May 2020, she had gone to a nearby forest to gather firewood. Her mutilated body was found four days later with the bundle of firewood lying nearby. A local man found the body and immediately reported it to the police. Bajjobai had accepted the Christian faith two years ago and is survived by four minor children.
- 40.** On 7th April 2021, in Gadiras village in Sukma district, Chhattisgarh, a mob of 150 villagers harassed and threatened a woman, Madavi Durgi, and her husband, Madavi Bheema, to abandon their faith in Christianity and perform '*ghar wapsi*' (reconversion to Hinduism). In addition, the villagers demanded livestock, coconuts, and money to be donated as offerings. They then locked the two in their house and ordered them to leave the village. The Christians ran away and took refuge in a nearby jungle out of fear.

- 41.** On the night of 26th June 2021, in Badrenga village, Bastar district, Chhattisgarh, three Christian women, Chalki Kashyap, Rupa Kashyap and Munna Mandavi, were severely beaten up by Budro, Hungo, Ringo and around 15-20 villagers, owing to their religious conviction. The women were returning to their homes after a prayer meeting at a church member's house.

Harassment of Christians by arbitrary Summons by police

- 42.** On 17th June 2021, in the Raipur district of Chhattisgarh, Narendra Sahu and Usha Sahu, a Christian couple, were summoned by Abhanpur police based on a false complaint of religious conversion. Police, however, did not specify the nature of the charges and eventually, they were let go. The couple feels that it was only meant to warn and harass them owing to their faith.
- 43.** On 24th June 2021, in Lakhram, Ratanpur taluk, Bilaspur district, Chhattisgarh, Pastor Nand Kumar Kamal was summoned by Ratanpur police based on a false complaint registered against him. The police informed him that they had received complaints from a Pratap Gaud alleging that the pastor had lured his wife Sarita to resume her attendance at the church. Sarita, who had once been a frequent visitor at Kamal's church, had stopped attending for two years. The complaint further alleged that the pastor had threatened Sarita with consequences if she did not attend and had promised her money if she did.
- 44.** On 14th October 2021, in Kakabeda village, Kondagaon district, Chhattisgarh, police arrested two Christians, Shivram Poyam and Vijay Sori, whose houses had previously been damaged by religious extremists. Police claimed that they had arrested the victims for maintaining law and order in the district. However, local sources believe that police acted at the behest of religious extremists who had been targeting Christians in the area.

Intimidation by religious extremists

- 45.** On 1st July 2021, in Mohanbeda village, Kondagaon district, Chhattisgarh, a mob of religious extremists barged into the homes of Christians Ram Vati and Laxman Vati and destroyed their cornfield. They warned them to either leave their faith or leave

the village. On refusing to do so, the mob of assailants severely assaulted the family members and vandalized their homes. After that, police personnel rushed to the spot. Subsequently, police stationed themselves outside the victims' houses, practically putting them under house arrest.

- 46.** On 8th July 2021, in the Jashpur district, Chhattisgarh, Yudhveer Singh Judev launched a provocative and threatening verbal tirade against Christian missionaries working in the area. His statements came after a Shivalaya and a statue at a local temple were vandalized by unknown miscreants. The two-time MLA from Chandrapur blamed the missionaries for the desecration and said that his 'team' would not seek police help or protest because he had lost faith in the administration. He further threatened that in retaliation for one temple, his people would destroy ten churches, and missionaries must be prepared for the retaliation.
- 47.** On 12th July 2021, in Potiyadih village, Dhamatari district, Chhattisgarh, six members of a religious extremist group knocked on the door of a Christian family and said they would be beaten to death if they did not stop attending church programs. The group had followed a Christian woman and her 18-year-old daughter on their way home after a Sunday church service. Their local church pastor Narottam Yadav told our sources that after threats, the drunk group dragged the 18- year-old out of her home and demanded she reveals the names of those with whom her family had shared its belief in Christ and distributed copies of the Bible. Then, they forcefully took her to each Christian's home and told her to collect the Bibles. Her family was terrified and pleaded with them to let her go, but they insisted that they wanted to know all those that possessed the Bible. The following day, village officials went to the Christians' homes and warned them that they must renounce their Christian faith and embrace their former religion.
- 48.** On 2nd September 2021, in Badrenga village, Lohandiguda Tehsil, Bastar District, Chhattisgarh, two Christians, Jagra Kashyap, 45, and his son Asharam Kashyap, 20, were physically assaulted by a mob of 60 led by religious extremists because of their Christian faith. Demanding that Kashyap and his son renounce Christianity and return to Hinduism, a mob of extremists stormed their home at 10:30 am and

struck the older man's ear until it bled while delivering severe blows to his son's back. Kashyap's brother was in support of the villagers. They were taken to the government hospital for treatment, where the doctors said that Jagra had permanently damaged his ear and that he would need a hearing aid for the rest of his life. Though the victims approached the police station to file a complaint, officers said they would not register an FIR unless eyewitnesses would come forward to give statements.

- 49.** On 11th September 2021, in Kondagaon district, Chhattisgarh, some religious extremists forced a Christian, Kumar and his family to abandon his Christian beliefs and convert to their religion by performing sanctification rituals. Furthermore, they threatened him to either leave the village or leave Christianity if he wished to continue living in the village with his family. They threatened him and his family with severe consequences if they did not oblige.
- 50.** On 22nd and 23rd September 2021, in Kakdabeda, Singanpur, and Tiliyabeda villages of Kondagaon district, Chhattisgarh, around 16 houses were razed entirely by villagers under the influence of religious extremists. A large-scale social boycott and attacks had been launched against the unsuspecting Christians. They had been called to a village council meeting before the attacks and threatened to denounce their Christian beliefs or opt to leave the village. The Christian men fled from their homes, leaving their families behind and went into hiding. Though a complaint was lodged at the Kondagaon police station, no concrete action was taken against the vandals. Earlier, some Christian families had registered three complaints. One with Kondagaon police on 20th September based on signs of impending danger, another with the superintendent of police's office in Kondagaon on 22nd September, and the third with the district collector on 24th September. Despite this, the police and administration sought to solve the matter through negotiation. However, the victims stated that unless the assailant villagers gave a written undertaking that they would live in peace in the future, they were not willing to withdraw their complaint. The homeless and boycotted families continue to live in fear and shock.

- 51.** On 10th November 2021, in Buddi village, Sukma district, Chhattisgarh, a district-level meeting was organized by local tribes, influenced by right-wing groups. Their main agenda was to reconvert tribal Christians back to their tribal religion. Sources reported that the motive behind the meeting was to deprive tribal Christians of government welfare schemes. However, the meeting discussed the way Christian leaders approached the locals and lured them to accept Christianity.
- 52.** On 11th October 2021, in Kakabeda village, Kondagaon district, Chhattisgarh, two Christians, Lacchim and Amar Singh, were savagely beaten up by religious fanatics due to their religious faith. They had to be immediately rushed to the district hospital for treatment. Advocacy groups contacted the Kondagaon police station, but no action was taken. Subsequently, the Superintendent of Police of Kondagaon arrived at the village to forge a peaceful resolution to the matter.
- 53.** In Ramgarh village, Kawardha tehsil, Kabirdham district, Chhattisgarh, some religious extremists barged into the house of a Christian named Sahmatbai on 25th October 2021. They abused and threatened him and his family for holding Christian beliefs and rejecting the local gods and goddesses. They also vandalized household items and grabbed whatever cash they could find in the house.
- 54.** In Bargaon village, Mainpur block, Gariaband district, Chhattisgarh, on 25th October 2021, religious fanatics barged into Sattar Singh Markam's house and brutally assaulted him. Allegedly, the activists belonged to the Gondwana Samaj. The fanatics raided Markam's house, vandalized the furniture, misbehaved with the women and attacked him. They demanded that the Christians leave their faith. The victims approached the district administration and police officials with their complaints. An FIR was registered in the case.
- 55.** On 27th October 2021, in Pandariya, Kabirdham district, Chhattisgarh, a group of Christians submitted a police complaint at Pandariya station against religious extremists. The Christians complained that they had been beaten and their homes vandalized by the extremists. Despite the complaint, no action was taken by the police. However, the police claim that the investigation is on.

- 56.** On 9th November 2021, in Durg district, Chhattisgarh, the family of Janak Sahu, a Christian, was intimidated by religious fanatics to disown Sahu from the ancestral property and cut off all ties with him. Sahu works as a Christian minister, and the radicals were irked by his religious beliefs. Sahu has not approached the police or administration in the matter.
- 57.** On 24th November 2021, in Balrampur, Ramanujganj district of Chhattisgarh, several pastors and Christian women were arrested by the police while attending a prayer service in a church. Around 15-17 Christians were praying when religious fanatics barged in and disrupted the service. Pastor Brijlal Kerketa, Ajit Lakra and Vikas Lakra and several women were arrested. Later, the police released the women but sent the three men to jail based on FIR number 244/2020, which was registered against them. They were charged under section 295A of the IPC and sections 3 and 4 of the Madhya Pradesh Freedom of Religion Act.
- 58.** On 25th November 2021, in Chingrwaram village, Sukma district, Chhattisgarh, religious extremists in an inebriated condition attacked a group of Christians sleeping in a tent. Armed with bamboo sticks, iron rods, bows and arrows, and iron sickles, the large mob attacked the home and the adjoining church hall where the Christians had celebrated a child dedication program the previous evening. Some 20- 25 friends and family were sleeping in the home and another 25-30 in the church hall when the villagers, many of them drunk, launched the assault accusing the Christians of converting people and playing loud music. More than 15 Christians were severely injured and had to be admitted to Sukma Civil Hospital. Others approached the Gadiras police station at 6 am to file an FIR. However, no action was taken by the police until 4 pm. Despite repeated complaints by Christian advocacy groups on the rise in orchestrated incidents of violence, state ministers and police do not seem to have noticed.
- 59.** On 24th December 2021, villagers created a ruckus and beat up Raju Soni in Old Dera Basti, Kunkuri tehsil, Jashpur district, Chhattisgarh, alleging that he was leading a religious conversion in the guise of prayers. They accused him of coming

from the neighbouring Navapara area and luring people to attend the prayers and convert to Christianity. Soon activists allegedly belonging to the Vishwa Hindu Parishad and Bajrang Dal reached the spot and created an uproar. However, Soni continued to calmly defend himself, denying claims that he was converting people.

Denial of ST status certificate

- 60.** The head council of Kasturpal village of Lohandiguda Tehsil, Bastar district of Chhattisgarh, announced on 28th August 2020 that those of the scheduled tribe who had converted to Christianity would not get a certificate of ST as there was an order from the CM not to issue ST certificate to converted people. A petition has been filed in the Bilaspur high court for the Christians not getting the certificate of SC.

Holy cross broken

- 61.** On 30th October 2021, in Madanpur village, Korba district, Chhattisgarh, a Holy Cross on the premises of a Roman Catholic Church was broken by unknown assailants.

Annexure 2

Madhya Pradesh Fact Finding Report

Madhya Pradesh Fact-finding Report

In the month of December, the newspapers reported that there were a series of communal riots in the Malwa region of Madhya Pradesh. Some social scientists pointed out that riots are more likely to occur closer to election time. The Shivraj Singh Chouhan led BJP Government had been installed about nine months ago on 23rd March 2020 after 22 Congress MLAs resigned from the Party reducing the then ruling Congress Party Government led by Kamal Nath to a minority. Elections to these 22 Assembly Constituencies were held on 3rd November 2020 along with 6 other Assembly by-elections. It was a bit surprising that communal riots took place after the elections. Narottam Mishra, the Home Minister of the state reportedly issued a statement that stones will be removed from the homes from which stones are pelted (Sabrangindia, 2020) (Tanwar, 2020). Such a statement is not only illegal, but also highly objectionable, coming from the Home Minister of the state and one of the aspirants to the post of Chief Minister. To prove that he was equally aggressive and intolerant to any defensive action taken by the minorities, Chief Minister Chouhan announced that he would bring in a stringent law to punish the stone pelters. An independent fact-finding team was formed by the Centre for Study of Society and Secularism (CSSS) to investigate the incidents of Hindu-Muslim and Hindu-Christian communal clashes, which occurred in Madhya Pradesh in the month of December 2020.

The team consisted of:

1. Vibhuti Narain Rai, Former DG Uttar Pradesh and Delhi.
2. Irfan Engineer, Centre of Study of Society and Secularism, Mumbai,
3. Harnam Singh, Senior Journalist, Mandsaur,
4. Chittaroopa Palit, Narmada Bachao Andolan, Khandwa,
5. Sarika Shrivastava, State Secretary, National Federation of Indian Women, Indore,
6. Rakesh Dixit, Senior Journalist, Bhopal,
7. Advocate Shanno Shagufta Khan, Human Rights Law Network, Indore,
8. Nidah Kaiser, Researcher, SOAS, University of London, and
9. Vineet Tiwari, National Secretary, Progressive Writers Association, Indore.

Between 28th and 30th January 2021, the team visited Chandankhedi village in Gautampura District, Begum Bagh colony in Ujjain, Dorana village in Mandsaur and Alirajpur in Madhya Pradesh. These places were reported to be rife with communal tension, with aggressive posturing by the majority community in December 2020. The team met with victims of the communal violence, eyewitnesses, religious leaders, village heads, police personnel, journalists, and activists and took their testimonies. In view of the sensitive nature of the information provided, the names of all those who were interviewed and gave information and views are not being disclosed, unless they are already in the public domain.

Chapter 1: Background

Malwa region, which is a strong saffron bastion since early Jan Sangh days, has been a major contributor to the BJP's ride to power in MP since 2003. Even earlier, when Janata Party (1977) and the BJP (1990) had come to power, the region overwhelmingly sided with the ruling party.

The BJP had won 56 out of total 66 seats in Malwa-Nimar region in the 230 strong assembly in the 2013 elections and was hoping to repeat the performance in 2018 polls. But the Congress upset the saffron party by winning 35 seats. The BJP was reduced to a mere 28 seats and independent candidates won three seats.

The setback for the BJP in the 2018 assembly election was primarily due to the party's inability to win over angry farmers with its time-tested strategy of polarising voters along communal lines. In June 2017, Madhya Pradesh was in turmoil due to farmers' agitation with Malwa being the epicentre. The 10-day stir took a turn for the worse with five farmers being gunned down in a police firing in Mandsaur on June 5, 2017. The firing and consequent intense political squabbling changed the narrative from Hindutva- pride to farmers' anguish. It amply reflected in the assembly elections held the next year. The Congress's promise for loan waiver proved more appealing to the aggrieved farmers than BJP's Hindutva. The Congress returned to power after 15 years. However, the ruling party's wafer-thin majority kept the BJP tantalisingly hopeful of recapturing power. The party got that opportunity sooner than later with disgruntled Congress leader Jyotiraditya Scindia leading a revolt along with his loyalist MLAs against the 15-month-old Kamal Nath

government in March last year. The revolt paved the way for Shivraj Singh Chouhan's ascension to the chief minister's post for a fourth time.

By the time the C.M. Mr. Chouhan took oath for the office, corona virus had already begun to spread in the state. However, the growing menace of the pandemic did not deter the chief minister from mobilising the party cadres for by elections that had become due owing the resignations of rebel Congress MLAs who later joined the BJP. Presiding over the stolen mandate that was facilitated by Scindia's treachery, Shivraj Singh Chouhan quickly shed his moderate Hindutva image that had characterised his earlier three terms. His language towards Congress opponents turned more offensive, and even abusive. His strategies to mobilize saffron cadres acquired brazen communal overtones. He seemed to have become acutely conscious of the reality that unless he pandered to the baser Hindutva instincts, the Hindutva cadres may not be easily persuaded to campaign for the Congress rebels who were to fight on the BJP tickets in the by-elections on the very seats the party had lost barely one and half years ago.

The massive media demonization of Tablighi Jamaat for having congregated in Hazrat Nizamuddin in April 2020 and their subsequent scapegoating for the spread of Covid-19 came in handy for the Chief Minister to advance his communal agenda. Without any empirical data or any other basis, Chouhan blamed Tablighi Jamaat members, who had returned from the congregation, for spreading the pandemic in Madhya Pradesh. Other BJP leaders wasted no time in joining the Chief Minister in the vicious propaganda against the Muslims. The propaganda was particularly widespread in the Malwa region which accounted for the maximum number of returnees from Hazrat Nizamuddin. An incident of stone-pelting was reported in a predominantly Muslim slum of Indore when a team of medical staff visited the area. The same was hyped up in the media to denigrate the entire community as super spreaders of the corona virus. The government ordered detention of three Muslim youths under the NSA on the charge of stone-pelting. Suspicion against Muslims intensified.

Assisted by negative media coverage targeting the Muslim community, the BJP and its ideological affiliates succeeded in deepening hatred against Muslims. Having thus set-in motion Muslim-bashing, the saffron activists felt more emboldened as campaigning for

the forthcoming by elections gathered momentum amid the growing menace of the pandemic. They organised religious functions, held public gatherings, took out Kalash Yatras and launched a door-to-door campaign, contemptuously defying the protocols for the necessary precautions during the pandemic.

The state government did not object to this flagrant violation of the covid protocol in the gatherings which were mainly organised by the local BJP leadership. The local administration and police treated the BJP functions with kid-gloves while coming down heavily on common people for ignoring corona appropriate behaviour.

It was during the campaign for the by-elections that the saffron activists realised the futility of seeking administrative permission for their public mobilisations. They cocked a snook at the administration during the election campaign with as much impunity as they did while taking out bike rallies in the name of donation collection for Ram temple in December. Significantly, none of the rallies that resulted in communal violence against Muslims in the three districts of Malwa, had formal police permission.

The by-elections were to be held in seven assembly constituencies spread across Malwa and Nimar regions. They included Sanwer, Hatpipliya, Badnawar, Suwasra, Mandhata and Nepanagar. The BJP and the RSS had geared up their entire force in the region to ensure victory in the bye-polls. At no stage of campaigning did the volunteers face any restrictions on account of the corona protocol. Since the very survival of the government was at stake in the by-elections, the campaigners at the grassroots had all kinds of incentives from the ruling party to keep the momentum going.

A no-holds-barred campaign with protection from the government paid off in favour of the BJP. The saffron party won six out of seven seats. Overall, the BJP won 19 out of 28 seats in the by-elections. The anti-Muslim platform was a very important plank for the BJP to win the by-elections in the Malwa region.

Having regained the lost fortress of Malwa with massive deployment of saffron cadres, the ruling BJP was keen to ensure that its winning strategy –essentially of terrorising Muslims – is not derailed by any secular narrative such as the farmers' agitation having learnt a

salutary lesson from the 2018 assembly elections wherein BJP's divisive politics were overwhelmed by farmers' anger.

Another context to the communal violence in the three different places were the impending election of local bodies in the coming months, and the farmers' agitation in the country which threatened to afflict Madhya Pradesh again, as in 2017. Those who helped Chouhan secure his government now wanted the Chief Minister to help them win local elections as a quid-pro-quo.

It is not surprising that groups owing allegiance to Hindu nationalist organisations chose predominantly Muslim areas in districts of the Malwa region for rallies to solicit donations for the construction of the Ram Temple in Ayodhya. Any reasonable person would know that the passage of such rallies through minority dominated areas was not to solicit donations but to provoke members of targeted community to react to their abusive slogans which then could be used as an excuse to trigger communal violence. This is what seems to have happened in the last week of December 2020.

The VHP-sponsored campaign for donation collection in the name of the Ram temple in Ayodhya was launched simultaneously across Madhya Pradesh in December. In the Malwa region however, the motorbike rallies with saffron flag aflutter turned violent targeting the Muslims, leaving behind a horrifying trail of traumatised victims, damaged homes, loot and pillage and desecrated mosques in their wake.

Why did Malwa's three Muslim areas bear the brunt of the communal frenzy? The answer needs to be sought in electoral politics. Given the results of the assembly by-elections that were held barely one and half months before the three communal incidents, it is tempting to conclude that the saffron aggression was a kind of celebration of the ruling BJP's political reassertion over the region the party had significantly lost in the 2018 assembly elections.

Chapter 2: Begum Bagh, Ujjain

The fact-finding team visited Begum Bagh in Ujjain on 28th January 2021. Begum Bagh colony is a Muslim-majority area, close to Mahakaleshwar Mandir in the Ujjain district. As

per the 2011 census, the population of Ujjain comprises 77.5% of Hindus and 18.88% of Muslims, with the remaining 3.7% of people belonging to other communities. Every year, thousands of Hindu pilgrims pass through Begum Bagh on their way to Mahakaleshwar Temple. Never in the past have the pilgrims faced any trouble from the area, nor have they complained about the residents' behaviour. On the contrary, as a gesture of harmony, the Mahakali procession is showered with flowers from the rooftops of the Muslim homes. Muslims from the area remain present during the religious festivities and sit in during the recitation of Hanuman Chalisa. During the festival of Mahashivratri, mosques and 'jamaat-khanas' (Muslim halls for assembly) of the area open their doors and offer hospitality to about sixty thousand Hindu pilgrims.

The Incident

On Friday, 25th December 2020, the youth wing of the Bharatiya Janata Party (BJP) known as the Bharatiya Janata Yuva Morcha (BJYM), the Bajrang Dal and the Samagra Hindu Samaj were among the Hindu organisations that conducted a bike rally in Ujjain. The rally, organised by the different Hindu groups, set out from different parts of the city, including Nana Kheda bus stand, Agar Naka, Nagziri and Bherunaka. The route, taken by a group of about 150-200 rallyists, which started at 11.00 am, passed through Begum Bagh on its last leg to the Bharat Mata Mandir. The rally was planned as a prelude to the nationwide fund-raising campaign, due to begin from 14th January to seek donations for the construction of the Ram Mandir on the site of the demolished Babri Masjid in Ayodhya, Uttar Pradesh. The Ramnidhi Sangrahan rally was supposedly conducted to create public awareness. The groups were meant to meet at Bharat Mata Mandir to plan and discuss the process of the donation drive. Hordes of men, carrying saffron flags, drums and some armed with lathis, rode their bikes through the city chanting and sloganeering.

The rally was taken through the Muslim-majority area between 4:30 pm and 6:00 pm. The bikers passed through Begum Bagh thrice within a span of an hour raising objectionable slogans, communal jeers, and name-calling. As reported by the residents, these included,

- (a) "*Baccha baccha Ram ka, chachiyon ke kaam ka*" – a slogan that has sexual connotations, loosely translating to "All of Rama's male children are useful for Muslim aunties";

- (b) "*Hindustan mein rehna hoga toh Jai Shree Ram kehna hoga*" which means "If you want to reside in India, you have to chant 'Hail Lord Rama'.
- (c) "*Chacha bole Jai Shree Ram, chachi bole Jai Shree Ram, Mullah bole Jai Shree Ram...*" translating to, "Muslim uncles, aunties and priests all chant 'Hail Lord Rama.'";
- (d) "*Baccha bacha Ram ka, Mussalmaan haram ka*" translating to, "Hindus are children of Ram, Muslims are illegitimate offspring"; and
- (e) "*Aurangzeb ki aulaado, sudhar jao, desh humara hai*" translating to, "Children of [Mughal Emperor] Aurangzeb, reform yourselves. The country belongs to us [sloganeers]".

Passing thrice through a Muslim majority locality, chanting abusive and insulting slogans was obviously meant to provoke a reaction. The matter was brought to the attention of the armed policemen present at the site but to no avail. The bikers passed through Begum Bagh twice, without any reaction to their communal slogans. However, during the third round an argument ensued between the bikers and the locals, who objected to the repeated parades through their residential area. The arguments led to name-calling, abusing, and finally stone pelting on both sides. The police tried to keep the rally moving, to prevent crowding. While the police drove off men on the streets, a few women, and children, threw stones at the bikers from the balconies and rooftops. This escalated into a clash between the bikers and the residents. The clash occurred at 5:40pm and lasted for 20 minutes. While some men dropped their bikes and ran, others engaged in stone pelting and began damaging vehicles parked on the street. Video footage of the incident is available as evidence of the hurling of stones between the two sides on the ground as well as from the homes on to the street, and from the street up to the homes. Two women and a few children can be seen hurling stones from the rooftop; saffron clad men can be seen using stones and lathis to break cars and rickshaws. Our informant from the Majlis-e-ittihad-ul Ummah informed us that one youth from the rally was injured.

The residents reported that eight vehicles were severely damaged, with broken windshields, windows, and dented bumpers, and bonnets. These included three-four auto-rickshaws, three cars and two bikes. Several homes had their windows broken, including a local clinic. Eighteen members from the rally belonging to the BJYM and RSS were reportedly injured in the clash.

The State's Response

During the incident, armed policemen deployed in the area tried to calm the situation and scatter the crowd. The video footage during the clash shows policemen walking through Begum Bagh - Mahakal Temple road alongside men who are seen swinging lathis on vehicles and hurling stones into Muslim houses. After the clash ensued, the state administration imposed Section 144 in Mahakal, Kharakua, Jiwajiganj and Kotwali police station areas which prohibited public gatherings of more than four people.

On the eve of 25th December, Anil Firozia, the BJP Member of Parliament from Ujjain and Paras Jain, BJP MLA along with others staged a 'dharna' at the Mahakal Police Station. The MP and his supporters demanded stringent state action against the residents of Begum Bagh within 24 hours. That night, the police filed a First Information Report (FIRs) against 24 people. Nineteen Muslims were arrested, five were booked under the draconian National Security Act: Ayaz Mohammad (21), Wasim Aslam (26), Shadab Akram (22), Altu Aslam (53) and Yusuf Mohammed Shafi (36). Fourteen others were charged under various sections of the Indian Penal Code, including 307 (attempt to murder), 147 (rioting), 323 (voluntarily causing hurt), 336 (endangering life or personal safety of others) and 427 (mischief causing damage). One rooftop was identified in the videos as the site of stone pelting, from where two women and children were seen pelting stones. From among them, a 42-year-old woman named Yasmeen Bi was arrested. The arrests have been made based on evidence obtained from video clips and information from local informers. As of 28th January, when the team visited Begum Bagh, none of the 19 people had been granted bail. An FIR has also been registered by the locals of Begum Bagh, however, no arrests have been made so far.

The day after the clash, 26th December, the Ujjain Municipal Corporation along with the District Collector Asheesh Singh and Superintendent of the police Satyendra Kumar Shukla came to Begum Bagh to demolish the home from where the stone pelting took place. The home belonged to a Hindu man named Kikaram who belonged to the Yadav community; the woman who was seen pelting stones lived there as a tenant. When Kikaram and his wife Meerabai presented their Hindu credentials, the authorities reportedly deferred the decision to demolish the house and instead decided to bulldoze the house adjacent to Kikaram's, which belonged to Abdul Hamid.

As a mark of protest against this arbitrary, unjust and unfair decision to inflict financial losses on an innocent Muslim homeowner, Abdul Hamid, men and women gathered on the Begum Bagh - Mahakal Temple Road and staged a 'chakkajam' or a road blockade. A senior Muslim leader, the Shehr-e-Qazi, Khaliqur Rehman, appealed to the administration to refrain from taking such an arbitrary and hasty action in the name of dispensing justice. The confusion that followed regarding which home to demolish and the discussion with the locals took almost three-hours. The Qazi claimed that, if the state would demolish the house, "in 15 minutes the situation could worsen, to such an extent that neither party would be able to control." The police took Rehman and other discussants to the control room while the administration remained adamant and finally, at 6 pm, Abdul Hamid's home was razed, and his family was rendered homeless.

The residents of the locality strongly condemned the state's illegal and arbitrary action of demolishing a home purely on the grounds of suspicion that it was the site of stone pelting. The residents claimed that the administration's decision of bulldozing Hamid's house instead of Kikaram's was based on their respective religious identities. The woman Yasmeen Bi who was arrested did not live in Kikaram's house, and the locals claim that she was not the woman seen pelting stones. The Shehr-e-Qazi, Khaliqur Rehman alleged that the state administration was targeting the residents of Begumbagh, while ignoring the video footage of the bikers shouting communal slogans, pelting stones and damaging vehicles.

After the demolition drive, the Special Action Force staged a domination march through Begum Bagh and nearby areas. Section 144 was imposed, and the armed forces were deployed in every nook and corner of the neighbourhood.

The Administration's Responsibility

The administration's justification for the demolition of Hamid's house was because allegedly stones were hurled at the rally from his rooftop. Later, the administration changed its stand and claimed that the home was an illegal encroachment. Regardless of the reason, the district administration acted illegally by bulldozing the home of a family of 16 without notice, reducing it to ruins. Hamid's house-hold belongings, clothes, bedding, kitchen utensils, food-grains, furniture were all thrown out.

Like the 200 other homes in Begum Bagh, Hamid's home was built in the Mahakal Ghati on 'patta' land allocated by the state government. Hamid is a 'patta' homeowner and his family has been living there for the past three decades. The district administration's plan to expand and beautify the Mahakaleshwar Temple premises by 70m involves the razing of these patta houses in Begum Bagh. The destruction of Abdul Hamid's home is seen as the first step towards this project, conducted under the guise of 'penalisation' or 'illegal construction.'

The Secretary of the organisation - Majlis-e-Ittehad-e-Ummah – Haafiz Mohammed Ayyub who is a social activist and runs a local hospital, claims that the residents of Begum Bagh will pursue the matter and seek justice in court. Their demands before the state administration include: (A) was permission sought for conducting the rallies?

- (B) If yes, on what basis were they permitted and why weren't Covid-restrictions followed?
- (C) Why was the rally allowed to cross a sensitive neighbourhood multiple times in the day?
- (D) Where does the investigation on their FIR stand and why no arrests have been made so far?
- (E) On what basis was an order given to bulldoze Abdul Hamid's house, without any notice?

Chapter 3: Chandankhedi Village, Gautampura

The communal violence in Chandankhedi village occurred on 29th December, when a rally to collect donations for the Ram Temple was taken out by the BJP leader Inder Patel, sarpanch of the neighbouring village Dharmat and Bharat Patel from Kanvasa Village. Those in the rally, about 100 persons, first assembled at 10.30 am in Dharmat, passed through Chandankhedi, a Muslim majority village with about 400 houses at about 11.00 am. The rally passed on peacefully initially although all along abusive slogan targeting Muslims were being shouted, stones were thrown at the tail end of the rally towards its border with Kanvasa village. The bikers in the rally deserted their bikes as stones were being pelted and ran away. The villagers in Chandankhedi peacefully handed over the bikes to their owners without causing even a scratch on them. However, by the afternoon, about 3-4,000 Hindus assembled at the border between Kanvasa and Chandankhedi and

attacked the Idgah mosque and a relatively better off Muslim family residing near the border.

In Chandankhedi village, 40 km from Indore, there are 400 houses of which about fifteen houses belong to non Muslim families. The 10 Hindu families in the village include 9 Dalits, there are a total of 1800 registered voters in a population of 2500. The main occupation of the village is farming and milk distribution. This village is of Naita Patels. They belong to the Muslim community. Generally, Naita Patels are businessmen or big farmers. They are peace loving by nature who do their business in harmony. On one side of Chandankhedi, about 10 kilometres away is Kanwasa and on the other side is Dharmat village. Kanvasa and Dharmat are Hindu-majority villages. These villages are on either side of the road. Farmers of the village sell milk to milk traders outside the village. Even after these riots, mutual trade relations continue to be cordial.

The villagers told us that the clash that took place after the first rally was settled among themselves. But the riots broke out after the arrival of Bharat Anjana (Patel), a former MLA (BJP).

It is obvious that when we visited Muslim majority villages, we met mostly Muslims. The residents of the village said that when the rally started from the village for the first time, the rally was peaceful albeit shouting of slogans till the rally reached the end of the village, when outsiders joined in, and instigated the youth of the village. They challenged the Muslim youth saying *"Look, after all we took out a rally from your village and you guys could not do anything."* Along with this, derogatory slogans were raised, *"Ram Mandir Banana Hai, Aurangzeb ki Auladon ko Sabak Shikhana hai"* (Ram Mandir will be constructed and the children of Aurangzeb will be taught a lesson), *"baccha baccha Ram ka, chachiyon ke kaam ka"* (Ram's children are for the Muslim aunties). After such provocative and obscene slogans were raised, some of the Muslim youth pelted stones at the rally. The elders of Chandankhedi scolded the youth and pacified them to maintain peace. The participants of the rally also dispersed leaving behind their motorcycles in the village. Dilawar Singh said, *"We counted, there were 70 motorcycles. But we didn't let even a single scratch come on any of the bikes. In fact, we told them that these are your motorcycles so please come and take them away. We won't let any harm come to you."*

They even came and took their motorcycles away. Peace returned. However, after a few hours, former BJP MLA Bharat Patel came and threatened the villagers and said that "as punishment for what has happened today, everybody's houses will be pulled down". He publicly passed derogatory and provocative comments about Muslims. After this incident people started gathering outside the village. Dilawar, Amjad, Hakim Patel told us that the people who had gathered were calling and asking other people to come as well. Within 2-3 hours, a mob of about 5-6 thousand people gathered. Our informants told us that the rioters were members of Karni Sena and Shiv Sena. They had guns, swords, sticks and flags in their hands. The echoes of Hanuman Chalisa were accompanied by loud DJs playing Ram *bhajans*. There were only a handful of police to control such a big mob. The mob which gathered consisted of strangers. The members of the mob were shouting Ram slogans in an instigating tone and hoisted saffron flags. On entering the village, the agitated crowd started throwing stones and hitting with sticks on people's homes, breaking windows, doors, electric meters, water pumps, removing religious flags on people's homes and shouting derogatory slogans targeting Muslims. It is noteworthy that the power of the entire village was switched off before the second rally was flagged off.

On reaching the Imambara, the agitated crowd began to break the dome of the Imambara with swords, sticks and batons. The flags on the Imambara were removed and torn as if a war had been won and the saffron flag was hoisted on the Imambara by the victors and then the Hanuman Chalisa was recited.

On witnessing the mob gathering outside the village, the residents of the village felt restless and anxious. The residents living around the Imambara are financially weak living in houses made of tin or mud. They fled their homes for protection and hid behind the house near a well about one kilometre away from Imambara. The frenzied mob trampled the lush green fields and reached them. Those who could not run away were beaten with sticks and batons.

Sameena's house was in front of the Imambara. Her three tractors, three motorcycles, water pumps, TVs, logs of wood and her entire house, were all set on fire. The doors of the toilets and bathroom were broken. They tried to break the doors of the house with sticks and swords. They broke the glasses of the windows and hit the buffaloes. When the men

of the house came out to save their father and a little girl, they were attacked with gunfire and sticks. Three bullets were fired from the gun, out of which Hakim Patel received two bullets below the knee. The police remained mute spectators. Sameena angrily recalls that when she pleaded with the policemen standing near the window to save the men of her house, they quietly lowered their eyes, bowed their heads and moved away. She along with the other women also pleaded with the bystanders, but no one came to save them. Then finally the women, abandoning all fear, came out of the houses and somehow dragged the injured men to their home. They feared the mob and also realized that if they didn't go to rescue the men, then the men probably would not have been beaten to death.

"The policemen fired tear gas only after our men were beaten up, our house, tractor, motorcycles and all were burnt. Then the crowd dispersed". But Imambara and Sameena's house are at the end of the village. The police swung into action after the village was gutted in the fire of hatred and violence in the name of religion.

The Ten Hindu houses in the Village were untouched:

According to information from villagers and newspapers, 27 people were arrested in this incident, out of which 23 people were released on bail after 8 days. Four people were in Depalpur jail under Section 307 till the visit of the fact-finding team. These four incarcerated belong to the Muslim community. The police did not take the statement of the person who received gunshot injuries until the fact-finding team's visit. Patwari-SDM made a Panchnama recording a loss of 12 lakhs and 45 thousand to Sameen's family. However no further action was reported, and nor was any compensation given.

The following day, the state brought in 7 to 8 JCBs to demolish 12 homes in the area which were suspected as houses from where stones were thrown on the rally. Demolitions of those homes was by way of punishment. Earlier, those in the rally fired gunshots and injured three persons, attacked with swords and injured others, damaged tractors, vehicles, food grains, burnt homes, broke their doors, and now the state had come to demolished the homes of others whom they suspected to be stone pelters, razing the structures with JCBs without any notice or prior information. It was painful, even for us, to see the demolished homes. We cannot imagine the pain undergone by the residents of those homes. The state quickly constructed a road to make it appear that the demolition

was for road widening and not a salutary punishment for stone-pelting. However, the team noticed that the road widening was done only in a patch of 10-15 metres, and the temporary, quick, superficial layering of the road was evident. Before and beyond the demolished homes the road continued to be as narrow as before. The plea that demolition of homes for road widening was specious, to say the least.

This attitude of the administration, police and government raises many questions. The first question is that at the time of Covid-19, when Section 144 is imposed, why were the rioters allowed to organize the illegal rally? Why was the rally allowed passage through Muslim dominated villages? Why were the police mute spectators even when the rallyists were openly carrying guns, and wielding swords and rods? Why were the police mute spectators when gun shots were fired and arson for hours together? Why did the police not stop them? Why are the gunmen not arrested yet?

Chapter 4: Dorana Village, Mandsaur

Hindu organisations rise in village Dorana

On December 29, 2020, in village Dorana, about 17 km from Mandsaur district headquarters, a violent incident was triggered by spreading rumours before asking for donations in the name of the Ram temple construction. All this occurred in the presence of top police officers. The fact-finding team reached village Dorana one month after the incident and met the victim and district superintendent of police Siddharth Chaudhary. According to the information given to the press by the police after the violent incident, "A case was registered against six people over a dispute between two parties during the Jan Jagran rally. On receiving information of the incident, the police administration rushed to the spot and controlled the situation.

Incidents in Dorana village

People from the aggrieved Muslim community told the fact-finding team that since 24 December there had been propaganda on social media that "Aurangzeb's progeny have to be taught a lesson ...". According to Ahmed Noor Mansuri, the village Muslim community's former head, "on December 25, some youth were playing drums to the music of the DJs, during the Friday prayers in the mosque. The youth asked the children playing on the street for the route to the Saraswati Shishu Mandir. The children asked him to reduce the

noise. Later, the youth left and publicized that they were assaulted by Muslim men. Hindu youth from nearby villages were called upon to chant "Chalo Dorana", on social media. Muslim community members met the police inspector and demanded protection from them, fearing any untoward incident. However, the Town Inspector (TI) told them that the rally will take place, the organizers of the rally do not need any kind of permission, and that they would not stop it. With this answer, the dissatisfied community members met the district Superintendent of Police (SP) with a memorandum. The SP assured them that he had the information and that he would take the responsibility for the safety of the community members.

On December 28, the SP along with the police force arrived in the village and told the Muslim community that they should maintain peace and leave their homes when the Hindu community members take out a rally the next day (on 29th December). That there was a likelihood of their getting provoked if they were present in the village. The Muslim community obeyed the SP and most of the people hid in the fields with their families. Some people were watching the developments from a safe distance

Hindu mobs started gathering at the nearby Nag Bawji crossroad on the morning of 29 December. There were about 7000 people on the road leaving their vehicles before DJing near the mosque with DJ vehicles just before 1.45 pm. According to an eyewitness, there were 14 DJs. The miscreants recited Hanuman Chalisa for 1 hour outside the mosque, sang hymns, gave speeches and at the same time challenged the people of the Muslim community to come forward. On this occasion, all the police officers subordinate to him including the Superintendent of Police were present.

All this went on till about 2:30. As there was no response from anywhere, the miscreants removed the Islamic flag on the mosque and put a saffron flag there. Tucked the sheet of the dargah under their feet and burnt it. Later, the mob identified Muslim houses, broke the doors of the houses, broke the electric meters, looted the homes, and chanted "bachcha bachcha Ram ka – chachiyon ke kaam ka". The crowd stretched out till village Bhalot which is two and a half kilometres away.

There are 90 houses belonging to the Muslim community in village Dorana, out of which 60 houses were vandalized. According to a villager Mohammad Hussain, he was watching the entire incident from the nearby cemetery. The DJ's vehicles were equipped with arms. After finishing the recitation of Hanuman Chalisa, gun shots were fired in the air, there were chants of "Jai Shri Ram". During this time, sighting the Muslims, including women standing in the fields, part of the mob chased them with naked swords. Frightened, they ran for their lives for more than 2 kms into distant fields to save their lives. Every Muslim house was ransacked in the village which had an Islamic flag. Later at 3:00 pm the mob left.

Testimonies of victims

According to Abdul Ghafur, a petrol bomb was hurled at him, causing a burn injury on his leg. According to the former community head Ahmed Noor Mansuri, the police vehicles parked near the mosque were removed just as the disturbances started. This facilitated the attack on and damage to the mosque by the miscreants. Faku's house was ransacked and looted and even after one month, his FIR has not been recorded by the police station. The maximum damage was done to Mohammad Hakim's house. According to Hakeem, his house was completely ransacked and looted. Hakim and some others were watching all this from a distance. When the crowd saw him, about 500 people rushed towards him with swords in their hands. He was also fired upon with two 12 bore guns. However, he hid in a corner and survived. According to Sher Bano, about five hundred miscreants ran towards them with swords spotting them in the fields. She ran away with her own five daughters and the five daughters of her brother-in-law. Other women from the neighbourhood were also running along with them.. Sher Bano fell down while running and injured herself. She was afraid that she would be sexually assaulted by the attackers. She managed to reach the village of Badakhedi, where her in-laws reside, hailed a transport, and escaped. Her husband Sikandar Ali is a teacher. According to her, their house was also vandalized, damaging the windows, TV and other household gadgets and furniture. The mobile phones of her daughter, studying in class 12 and of her son were also damaged. The bangles in her sister-in-law's bangle shop were broken. Even after a month, they have not been able to get the window and doors of their house repaired as their financial situation is precarious. The FIR of this woman was also not recorded. Shakira's husband Noor Mohammad, Raisa, Jubera and others told us that they ran into the fields hungry and thirsty. Running through the standing crop was not easy.

NM Mansuri's brother is in the police department. A name plate to this effect is also displayed outside his house. Despite this, the miscreants vandalized his house. According to Imam Raza Sultan, the story about a dispute on both sides is false. Namaz could not be recited in the mosque on that day due to the incident. According to the victims, there are several videos of the incident from which miscreants can be identified. They looted 60 houses and damaged their property. Despite the massive damage and loot, only 5 FIRs were recorded. According to the Superintendent of Police, nine accused have been arrested. There is a clear allegation from the Muslim community that this incident took place under the protection and supervision of the administration.

Despite obeying the police and deserting their homes on their instructions, and despite the large police presence, the homes of the victims were badly damaged. The police utterly failed to protect their lives and their property. They did not even record their FIRs. It was a humongous and arduous task to get their FIRs recorded. They could register only 5 FIRs whereas about 50 homes were damaged. ShivSena leaders were always inside the police station.

Religion-based polarization

According to the Muslim community, village Dorana is a colony of 500 houses, out of which 90 houses belong to Muslims. Before this incident, there was social harmony. But now after this incident, some people have decided that Hindus will not have any relations with the Muslims. Those who defy this dictat and continue to keep relations with the Muslims will have to pay a penalty of 2000. There was an announcement that one person from every house should join the rally. The provision of penalty was also made for those who did not attend the rally. Muslim houses were also identified by the same local Hindu youth in the rally. As a result, there is a deep distrust between the two communities.

Testimonies of authorities

The sarpanch of the village is Rody Bai. However, all the work is done by her husband Gautam Lal. According to Lal, before the incident, he got a call from the police station asking him to take care of the situation during the rally. He had gone out of the village for family work two days earlier but he returned to the village especially for the rally as instructed by the police. He remained in the village till 11:00 am on that day but since the

rally did not begin, he left. Lal told us that whatever happened on that day is wrong. It is customary not to play the band in front of the mosque. He was, however, not aware of the social and economic boycott of the Muslims.

When the team members met the Superintendent of Police Shri Siddharth Chaudhary, he denied that anyone left their homes on the day of the incident. The crowd was larger than the police had expected. Rumours were rife due to which the police could not control the situation. Chaudhary compared his situation with that of the Delhi Police on 26th January when the farmers outnumbered the police and forced their way towards the Red Fort. However, the inability to control the mob appears to be an utter failure on the part of the police especially when the SP was present on the spot. Further, more the police appear to have deliberately given a free hand to the "rally" (attackers) for a couple of hours and allowed them to damage the mosques, loot nearly 50 houses, demonstrate their prowess and hegemony, and then disperse. The police force led by the SP didn't fire a single bullet, or lob a single tear gas shell or even swing a lathi to disperse the mob. They simply presided over the pillage and loot as mute spectators. One wonders, when threatening posts were doing their rounds in social media and Muslims were desperately petitioning the police to protect them, how could the SP claim that the large assembly in the rally was unexpected, and attribute the same to the rumours? What was even more shocking was that he was blaming the entire incident on the head of the Muslim community in the village, who according to him did not want peace. The fact is the allegation is completely unfounded as no one from the Muslim community had as much as lifted a finger to cause harm to anyone. The SP instead was taking credit that no major incident had taken place in the village after that fateful day. Was there an effort by the Hindus to precipitate another crisis which the police were successful in preventing? When asked whether the organizers of the rally had taken permission for the rally, the SP said no such permissions were required. On that day, rallies were held at other places in the district as well and nobody had taken permission. Rallies were taking place all over the state. Section 144 has been imposed in the village after the incident.

Panchayat elections related to the incident

According to the villagers, every time during the Gram Panchayat elections, voters are polarized by spreading communal propaganda. In the 2014 elections, some people were

falsely implicated in a case of cow slaughter. Another time Muslims were accused of plastering cow dung on the idol of Hanuman. Later an agreement was signed on condition of voting for a particular candidate. Dorana Gram Panchayat was formed in the year 1984. Till 1995 Narendra Singh was the Sarpanch from the Congress Party as nobody ever contested any election against him. Later, the Bharatiya Janata Party tried to polarize the votes in every election by creating a controversy over religion. Currently elections have been announced. Earlier there was an attempt to stage a rally and cause disturbance during Muharram, but Kishore Patan Vala, the then police station in-charge who also investigated the alleged cow slaughter case handled the situation effectively and was praised by the villagers for his fair and timely actions without any external pressure.

Mixed population

The villages of the area have a mixed population of Hindus and Muslims. Most villages are Hindu-dominated except village, Badakhedi where 80% of the population belongs to the Muslim community. But there was never any communal incident there. In village Achera too, both communities are in equal numbers. The state officials, although bound by the Constitution, are acting in a partisan manner. There is an atmosphere of fear as Hindu nationalist aggressors roam around with impunity. The police claims that they are unable to provide protection to the minority community despite prior knowledge of attacks. The brazen abdication of duty by the administration, is frightening to say the least. The police could have easily prevented this fateful incident by increasing their force, prohibiting the assembly of 4 or more persons in the village under section 144 of the Cr. P.C. Instead, the police asked the minority families to go to the fields while the police continued to be mute spectators for nearly three hours.

To prevent communal incidents, all prudent people and social organizations need to unite and make efforts to increase mutual understanding and goodwill between the two communities. We demand from the state government that the victims of Dorana village be given appropriate compensation. All the accused, organizers of the rally and those who were part of the illegal assembly should be arrested and prosecuted. Action should also be taken against all those who propagate hate on social media. Action should also be taken against police and administrative officers who failed to perform their duty. Only then will faith and be instilled in the minority community.

Role of media

This incident was also taken very lightly by the news media, despite three similar incidents taking place in the state around the same time. The newspapers produced the stories and version handed out to them by the police. The media did not report facts from the ground after talking to all the concerned parties.

Most of the people in the village are dependent on farming and wages. Abdul Hakim's status in Muslim society is better than others. He has a television and air conditioner and a show room on the main road in Mandsaur. Because of this, the miscreants vandalized his pucca two-storey house. Not only were household electronic devices damaged, but also money kept in cupboards was looted. During the incident, his father Abdul Ghaffar was hiding in the house. Seeing him standing outside the house, the SP shouted, "You go inside the house. We will protect you." Four police men were standing outside the house at that time.

Chapter 5: Harassment of Christians at the hands of Hindutva groups in Adivasi areas of Alirajpur

Hindutva groups are harassing minority communities in Alirajpur as well, just like in other parts of the country. The fundamental right to freedom of religion granted by the Constitution is not protected by the authorities. Officials act in a partisan manner favouring violent groups from the majority community. This is happening largely in remote areas inhabited by the Adivasis as these areas are rarely covered by the national media. The fact-finding mission visited Alirajpur in Jhabua District to inquire into incidents of communal violence there. We heard the testimonies of the victims of violence who were from the Christian community and belonged to the Scheduled Tribes.

Members of the Christian community had assembled in Alirajpur on the 30th of January 2021, for celebrating the New Year. The congregation included the Adivasis who had been harassed on the allegation of converting people to Christianity. After the programme, we met the people who were persecuted by the Hindu nationalist groups. In Dewada, a village in Thikri Tehsil in the Badwani district, Rakesh, s/o Sukhval, told us that on 31st December 2020, he and his wife went to his aunt's house (Sardar bhai) in Naidar village to

visit them and discuss the preparations for the new year's programme. According to Rakesh, between 2:00 and 2:30 PM, 25 to 30 people entered the house, snatched their mobile phones and grabbed the Bible. They began shoving them around and beating them. They pushed his pregnant wife Leela and kicked her on the stomach which made her unconscious. Some people picked her up and took her to a nearby house and later she was taken to Badwani Hospital. The kicks on her stomach caused a miscarriage and she delivered a dead child.

According to Rakesh, the assailants were RSS members from the nearby villages. When the victims went to Thikri police station to file a complaint, the police refused to register an FIR. After a long wait, the police simply took our written memorandum detailing the incident and kept it but did not act on it. The main accused is the leader of Bajrang Dal of Thikri village.

The victim, Leela, stated in an affidavit that more than 25 people had entered Sardar Pita Richu's house on that day, and she recognised Gaurav Sharma, Ramesh Rathore and Mangal Patel. The accused tried to outrage the modesty of the women by committing indecent acts. They touched our bodies with bad intentions. 'They took me and other women outside the house and tried to strip off our clothes.' One of them kicked me on my stomach. On the 1st of January 2021, we tried to file a complaint at the Thikri police station, but the police abused us and forcefully turned us away without filing an FIR.

All three assailants are influential members of the RSS. They put political pressure to prevent the hospital from conducting the post-mortem of the dead baby. The hospital staff colluded with them [the assailants] and discharged Leela from the hospital without proper medical papers and documentation. The accused threatened that if they worshipped Jesus ever again, the women would be paraded naked in the village.

Pastor Daasam told us that each Sunday, they met at a different house to pray together but the police stopped them from praying together, saying the Hindutva group would come and beat them up. Suneer Soniya, resident of Badi Sardi village said that on 25th October in Arthi village of Alirajpur tehsil, when they were praying in the church, more than 30 people, riding more than 15 motorcycles barged in and attacked them. This

resulted in fracturing one woman's foot. Everyone in the prayer meeting was beaten up. Youth forewarned them about the impending attack which led to some people in the congregation hiding themselves. The assailants also had guns. A report was filed at Chandpur police station. In the aforesaid village, there are 6 families who have been practising Christianity for more than 100 years. The attackers were from the Hindu Rakshak Dal. The victim families were so scared that they couldn't even celebrate Christmas that year. Alirajpur has more than 80 churches but hardly 15 or 20 churches are functioning. The rest have been closed by the police.

According to Shantavant Dabar, a student of Government School, his family has been practicing Christianity for four generations. On 25th February, 2020, when he was praying at his brother's house, around 10 people with guns and sharp weapons came and threatened them. They [the family] called the police. The attackers were arrested and taken to the police station but later all were released. The police officer told them [the family] to go to the court as the police couldn't do anything. Rem Singh Bamniya is a pastor at village Bara Urva. He said that on 23rd December 2020, when the congregation met in the church, some people who called themselves members of the Hindu Jagriti Sangathan attacked them and abused them. Many of the attackers were intoxicated. Among the attackers was the brother of the MLA, Dileep Chauhan, who has been accused of raping a nun. Apart from him, Sarpanch Param Singh and Madan Patel were also involved in the attack. It was an accepted fact that if Christians offered prayers, they wouldn't be allowed to stay in the village. There are 150 Christians in the village. Even now, the attackers call them on the phone and threaten them. There are recordings of these calls. Rem Singh said, "The police accused me and my brother of violence and applied pressure on us to compromise/reach a settlement." They demanded a bribe of 3 thousand from each of the brothers and took ₹ 400 for the *court date*. Rem Singh's wife Idi Bamniyan said that the assailants attacked women with lathis (sticks) and beat them black and blue. Even the watchman of the village was present among the attackers. At that time, the sarpanch, the chief police officer and other policemen were all present there. They used corona virus as an excuse to stop the Christians from praying.

Kemta Chauhan, a resident of Temachi village of Jobat tehsil, said that he stays in Jobat. His parents are not Christians. On 14 January 2021, the sarpanch, the village's part-time

police official known as Patel, and the watchman of the village used the corona virus as a pretext to stop him from praying and accused him of calling people from outside to participate in religious conversions. The police are supposed to have apprehended 10 people coming from Gujarat and filed a case against them when nothing of the kind took place.

Conclusion

After hearing the testimonies and perusing the documents, we conclude that the district administration and police utterly failed in protecting the Christians among the ST community. The victims were denied their Constitutional rights. The allegation of religious conversion is false propaganda to justify violence against the Christian community. According to the census of 2011, in Madhya Pradesh, the population of Christians is a mere 0.29%. After 1971, the proportion of the Christian population has been declining.

It is also important to note that most of the attacks conducted by the Hindu nationalists, are taking place in remote Adivasi villages and not in cities. In the cities, many BJP senior leaders have received convent education in schools run by Christian missionaries. And even today, their kids are getting educated in these schools.

An analysis of the attacks by the Hindu nationalists on Christians settled in rural areas reveals a clear caste bias. Furthermore, the administration's prejudicial treatment has only encouraged violent groups. Now it is time, peace loving citizens who believe in the constitution forward to protect constitutional and human values.

Chapter 6: Conclusion

There is a greater likelihood of communal riots taking place just before elections rather than in normal times. The communal riots in the Malwa region of MP are one such example. The region considered a stronghold of RSS elected 26 out of 50 Congress MLAs in the 2018 State Assembly elections. The Congress won a total of 114 out of the 230 Assembly seats and formed the government with the support of BSP and Independent MLAs. However, in the bye-elections of November 2020 the Congress government was unseated by Shivraj Singh Chouhan's BJP Government. The local body elections were due in February 2021, and the BJP would have to win these elections to secure their position.

The bike rallies at the village levels appear to be organized with the primary purpose of politically uniting the Hindus despite their caste based social stratification. The idea was to exploit people's devotion towards Lord Ram as a presiding deity of this proposed unity keeping the caste based hierarchical stratification intact. Collecting funds for the construction of Ram temple in Ayodhya was only a means to achieve this objective. This political unity of the needs Hindus keeping the social hierarchy intact stands on two legs - 1) a sacred symbol which the Hindu nationalists found in Lord Ram and its temple in Ayodhya - a positive pull factor, and 2) fear or threat of an imagined enemy - a negative push factor. The Hindu nationalists have been targeting the Muslims and the Christians and projecting them as a threat to the existence of the Hindu community.

The religious Hindu community is sought to be converted into a political community that would pull its act together to establish its dominance and hegemony over 'others'. Producing collective violence and mobilizing members of the community in this project deepens the fear as well as hatred of the targeted community. The violence does not only establish social and political dominance and hegemony over the targeted community - Christians and Muslims in this case - but also overawes those castes and social groups of the Hindu community who were not impressed / pulled by the sacred symbolization nor were they influenced by the hatred or threat of the targeted community. We see this in the form of communal polarisation during elections. The Bike rallies seemed to have been planned not at the central level, nor at the state level, as witnessed in earlier large scale violence in which more than 10 people were killed like anti-Sikh violence in Delhi in 1984, Bhagalpur 1989, Gujarat 2002, Kandhamal 2008, Muzaffarnagar 2013 and North-East Delhi 2020 among many others seeking large-scale and massive polarization. After the ascendance of Hindu nationalists with an absolute majority at the Central level, such large scale riots are not needed anymore. What is needed is polarisation of the communities in Southern India and rural areas.

The communal violence in December 2020 in Ujjain, Chandankhedi, Dorana and villages in Jhabua district appears to have been the initiative of the local village level by leaders having political ambitions for the upcoming local body elections and the bike rallies were an instrument to achieve their objective. Only this can explain why the bike rallies were taken out through Muslim residential areas coinciding the rallies with the prayer time in

mosques and shouting abusive slogans meant to provoke a reaction from some member of the Muslim community. The slogans had nothing to do with religion. They were politically motivated, vulgar and abusive. If there was no reaction the first time, then, as in Ujjain, they passed and re-passed the area repeatedly till there was a reaction.

That the bike rallies appear to be an initiative by local leaders. The participants were so ill prepared that when a couple of stones were hurled, they abandoned their bikes and ran for their lives in Ujjain, Dorana and Chandankhedi. However, the organizers had the support from other Hindu nationalist groups and the state and therefore, they regrouped within hours in Ujjain and Chandankhedi and after 4 days in Dorana with a larger mobilization, armed with dangerous weapons, including fire arms and sharp weapons and in Chandankhedi, they also had combustible substances to set fire to the properties of targeted the community.

Though the initiators of the rally were ill-prepared, they were fully supported and backed by the Hindu nationalist eco-system and the state. Ordinarily, rallies in which weapons are carried, rallies in which music is played outside mosques and rallies in which abusive and communal slogans are shouted are prohibited by the state as they are a threat to law and public order - Not only were these rallies allowed but also encouraged as the police remained mute spectators to the violence inflicted by those in the rally, including attacks on the mosques in the case of Dorana and Imambara in Chandkhedi. One does not have to be a law and order expert to predict the motivations and consequences of such rallies. Yet these rallies were allowed and the SP of Mandsaur - Chaudhary unapologetically stated that there was nothing wrong or illegal in taking out such rallies. The rally taken out on 29th in Dorana was planned to violently attack the Muslims was obvious to the police as well. The leaders of the Muslim community petitioned the police about such intentions of the organizers of the rally as the mobilization was open and public on social media as was the threat of violence. Rather than prohibiting the rally, securing order and peace, the police asked the Muslims of the village to desert their homes that day. The hapless Muslims deserted their homes with the hope that the police would protect their property. Yet the police took no measures whatsoever to stop the violence. The rioters in Dorana after publicly announcing their intentions and preparing and equipping themselves, could carry out violence to their heart's content, looted the valuables from homes of the

Muslims and yet the police was hesitating to register their FIRs, and arresting the organizers of the rally.

Worst, the political leadership problematized stone throwing which did not injure anyone. The Chief Minister threatened to enact a strict legislation providing greater punishment for stone throwing. They did not speak against abusive slogan shouting, nor against the members in the rally armed with firearms and sharp weapons and firing bullets injuring one Muslim in Chandankhedi and the firing in Dorana village. The Home Minister Narottam Mishra further threatened that the people from houses from which stones were thrown, will be evicted. The BJP leaders called for strict action; the strict action was illegal demolition of the homes in Ujjain and Chandankhedi without following due process and in case of Ujjain, even demolishing the house of a Muslim family in the neighbourhood of the home from where stones were thrown. The administration knew that no stones were thrown from the house they are demolishing, it only happened to be in the neighbourhood of the house owned by a Hindu and from where stones were thrown.

Illegality and even immorality and falsehood are evident in the state action. We are forced to conclude that as the Hindu nationalists are ruling the state, the administration also illegally colluded with the rioting mob by providing JCBs to demolish homes of the targeted Muslim community. The statements by the Chief Minister and Home Minister of the state sent a message to the state administration that even the illegal actions of the members of the majority community are to be protected, while allowing the minority community to be targeted through extra legal and illegal violence. Unfortunately, the officials chose to comply with the wishes of their political bosses rather than uphold the Constitution.

To summarize:

1. The organizers of the bike rallies in Begum Bagh (Ujjain) and Chandankhedi (Indore) and rally with large numbers of DJs in Dorana (Mandsaur) were determined to provoke at least a section of Muslim youth to react which would then become a pretext to inflict heavy and violent consequences to demonstrate their political hegemony.

2. The state could have easily prevented all three anti-Muslim riots and the anti-Christian violence in Jhabua District as those indulging in riots targeting the Muslim and Christian community members are ill-prepared local level leaders. However, in the case of Dorana, the mobilization of the members of the Hindu community was an open call for violence. Yet the police did nothing and let the rioters have a free hand in all three cases as well as in several cases of anti-Christian violence in Alirajpur.
3. On the contrary, large scale arrests of innocent members from the minority communities have been made under draconian laws singling them out for harsh punishments.
4. The police are also dragging their feet regarding taking any action against the organizers and members who were part of the illegal assembly and rioting mobs. There is an atmosphere of impunity prevailing as far as the Hindu nationalist leaders are concerned. On the other hand, overzealous and extra-legal harsh punitive actions are taken against the members of the Muslim and Christian communities which is leading to denial of their fundamental rights.
5. The political leadership of the state, including the Chief Minister and the Home Minister Narottam Mishra have openly shown partisan attitude and defended the indefensible in violation of their oath of office.

Demands

The Fact-Finding Committee demands:

1. The perpetrators of violence and those involved in criminal offenses in Ujjain, Chandankhedi and Dorana irrespective of religion and without any fear or favour be brought to justice with the intention of securing exemplary punishment under the law.
2. Special Investigation Team be constituted under the supervision of MP High Court to file FIRs, investigate the complaints registered and prosecute those involved in the offenses. Special public prosecutors be appointed to ensure justice with the consent of the survivors of the communal violence. If necessary, witnesses be given protection and security to enable them to depose without fear.
3. The charges under draconian laws like UAPA and u/s 124A of the IPC (sedition charges) against members of the minority community be withdrawn.

4. Those whose houses have been demolished by the state without any notice and without following due process should be compensated fully and the structures restored. In addition, they should be compensated adequately for the mental stress they suffered.
5. The state officials responsible for the demolition of homes and structures without following due process of law should be punished in accordance with the law and the process for their suspension/removal from the service be initiated forthwith.
6. Police officers who were mute spectators to the communal violence should also be punished in accordance with the law.
7. Those injured in the riots and anti-Christian violence and those whose properties were destroyed in the rioting should be fully compensated
8. Rallies with provocative slogans and with members carrying illegal arms and weapons should be prohibited and strict legal action taken against such rallies.
9. All those who made statements, including those in the highest political office be prosecuted in accordance with the law for offences u/s 153-A of IPC for promoting ill-will, animosity or hatred on grounds of religion. The media responsible for propagating hatred and targeting any community should also be dealt with in accordance with the law.
10. Civil society organisations that work for peace and harmony will have to work hard and make persistent efforts to promote better relations between the communities.

Annexure 3

Violence in Tripura- Fact Finding Conducted by CSSS Team

Communal Violence in Tripura: A Fact Finding Report of CSSS

Abstract:

Eleven mosques, six shops and two homes were damaged in the northeastern state of India – Tripura – in response to attacks in Durga puja mandaps in Bangladesh by Muslim activists. The communal riots in Panisagar, North Tripura district were a result of Hindu nationalist organisations attempting to gain advantage from the attacks on Durga puja mandaps in Bangladesh and communally polarize the situation for electoral benefits. The state government was duty bound to check the ongoing attempts towards communal polarization, however, it neglected its duty until it was too late. Noting that the attacks on mosques were not resulting in communal polarization, and it resulted in adverse publicity in international media, the state police initially denied that any mosque was damaged. The state government belatedly warned that strict action would be taken against those indulging in communal incidents. Instead of taking action on the rioters, the state took strong action on the journalists and peace activists who were reporting the violations.

Causes of forming Fact Finding Team:

Since second week of October, Tripura the third smallest state located in the north eastern region of India has been in the news for witnessing a series of communal incidents where the shops and mosques of Muslim inhabitants had been vandalized by the right wing organizations subscribing to the Hindu nationalist political ideology. The news was disturbing not only for the people of Tripura but also for the entire country. The incidents attracted the attention of both national and international fora. As the Centre for Study of Society and Secularism documents cases of communal violence, a fact-finding team consisting of Adv. Irfan Engineer and Prof. Shahiuz Zaman Ahmed visited the places of communal incidents in Tripura from 9th to 12th of November, 2021 to study the situation and prepare a report. This report is prepared on the information the team gathered from the ground.⁵

⁵ The CSSS team highly appreciates the assistance rendered by the Tripura state CPI (M), in particular, the State Secretary Com. Jitendra Chaudhary, without whose help the study would not have been as extensive as it present is. However, the Fact Finding team exclusively owns up the conclusions and any infirmities therein.

Methodology:

In order to collect information and first hand data the team visited the affected areas of Udaipur, Maharani, Panisagar, Kailashahar, Kamarghat and different corners of Agartala, the capital city of Tripura. We talked to the community representatives, journalists, activists, political leaders, academicians, police officers, and common people. We also visited the affected sites to prepare this report.

Background of the State:

Tripura is the third smallest state of India located in its northeastern region with a total population of 3,671,032. The state covers 10,491.69 km² (4,050.86 sq mi) and shares its borders with Bangladesh to the north, south and west, and the Indian states of Assam and Mizoram to the east. Historically, Tripura, also known as Tippera, was a kingdom ruled by the Manikya dynasty for several centuries. During the British Indian government, Tripura was a protectorate and an independent princely state. As per Tripura Merger Agreement of 9th September, 1949 Tripura became a Part C of India. It became a Union Territory without legislature in November 1956 and an elected ministry was installed in July 1963. Tripura was conferred full-fledged statehood in 1971. Agartala, an attractive city to visit, is the capital of the state. According to 2011 census, Tripura is one of the most literate states in India with a literacy rate of 87.75%.

Historically, Tripura was a state primarily inhabited by the Tripuri Tribe, an indigenous community. The Manikya dynasty encouraged Bengali Hindus to help run the administration of their kingdom; while the Bengali Muslims were welcomed to cultivate the untilled agricultural land and help increase the revenue of the state. Bengali Muslims from peasant and laboring class once formed about 80% of the Bengali speaking people of the kingdom. In the 1941 census, the Muslim population was 24% in Tripura. After partition, a section of Muslim community, especially the wealthy Muslims migrated to East Pakistan, attracted by better prospects or and pushed by the circumstances and fear. One Umesh Singh, a Congress leader, worked enthusiastically and energetically to resettle the migrants, almost exclusively Hindus, from East Pakistan. In order to make space for their rehabilitation, he encouraged emigration of Muslims to East Pakistan. The Muslim population of the state came down from 24% in 1941 to only 6% in 1971. Muslims constitute 8.6% according to the 2011 Census.

Table – 1: Tripura Population by Religion

Religion	Persons	Percentage	Males	Females
Hindu	3,063,903	83.40	1,563,730	1,500,173
Muslim	316,042	8.60	160,930	155,112
Christian	159,882	4.35	81,480	78,402
Sikh	1,070	0.03	782	288
Buddhist	125,385	3.41	63,545	61,840
Jain	860	0.02	453	407
Others	1,514	0.04	791	723
Not Stated	5,261	0.14	2,665	2,596

Immediately after the partition of India in 1947, hundreds of thousands of Bengali Hindus fled from East Pakistan to escape persecution and discrimination that prevailed there and settled down in Tripura. According to an estimate, between the 1947 and 1951 around 610,000 Bengalis, a figure almost equal to the state's total population, poured into the state. Again after the Bangladesh Liberation War, 1971 around 1.038 million Bengali Hindus moved into various parts of Tripura as refugees settling down permanently. A considerable number of Muslim inhabitants of Tripura also migrated to East Pakistan and later Bangladesh, exchanging movable and immovable properties with the Bengali Hindus who preferred to settle down in Tripura fearing religious persecution. These waves of migration completely changed the demographic base of Tripura decreasing the number of Muslims to 8.6% and increasing the number of Bengali Hindus. The migrations in both directions reduced the indigenous Tripuris to a minority in their own state. Now the Bengali Hindus comprise nearly 60% of the state's population, which is around 2.2 million whereas native Tripuris are 31% of the state population, which is around 1.2 million as of 2011 census. Gaining majority position in the state, the Bengali Hindus now enjoy a dominant position within the state politically as well as economically. The indigenous people resent being reduced to a minority, excluded politically as well as socio-economically. Political fault lines in Tripura were always along ethnicity between the indigenous people and Bengali speaking. In the year 1978, the Tripura National Volunteers or TNV was formed under the leadership of Bijoy Kumar Hrangkhawl. In the 1980s, TNV launched an armed struggle to demand a separate state for the indigenous people under Article 2 and 3 of the Constitution of India. The TNV surrendered in 1988, and in the year 2000, they formed Indigenous Nationalist Party of Twipra. In 1999 and

2000, there were series of ethnic riots in Limbuchura and Mandii targeting the Bengali people. The conflict still survives at subterranean level. The indigenous people are still looked down upon in market areas and they feel discriminated.

In spite of rapid demographic changes, the people of Tripura live in harmony. Except the post-independence riots of the country, which had little impact on Tripura, we do not hear any incident of communal violence in the state. 70% of the state's area is under the Tripura Tribal Autonomous Area District Council (TTAADC), consisting of 7,132.56 sq. kms., whereas the indigenous Tripuri community, comprising of 19 tribal communities constitute 31% of total population. Twenty Assembly seats out of sixty are reserved for the indigenous people in Tripura. The TTAADC with 28 constituencies was formed in the year 1979 as resolution to the tribal demand of a separate state and violent agitation in the 1980s. The indigenous people still have a desire for greater Tipra Land with more powers than the TTAADC provides. The indigenous communities are now marginalized in the political field. The indigenous communities nurture a resentment against the Bengalis – irrespective of their religion – whom they see as outsiders who grab the resources that belong to them. Thus, political confrontations often take place in the state. About 4% of the indigenous people are Christians, and Mog and Chakma people are Buddhists. The Jamatia clan of Tripuri people consider themselves as the defenders (armed force) of the Tripuri rulers. Their highest institution – Hoda – preserves their ancient culture and are easily amenable to the influence of the Sangh Parivar, sharing anti-Christian sentiments. The chief ministers have been mostly from the Bengali community. The first chief minister of Tripura in 1963 was Sachindra Lal Singh from the Congress Party and continued for more than 8 years. Next CM from Indigenous community was Dasrath Debbarma, from the CPI(M).

Tripura, since it was conferred statehood, was ruled mostly by Indian National Congress (INC) and the Left Front led by the Communist Party of India (Marxist). INC ruled for more than seventeen years between 1963 and 1993. CPI(M) ruled the state most of the times i.e. for a period of more than thirty four years between 1978 and 2018. In 2018, the BJP came to the power.

Rise of Bharatiya Janata Party (BJP):

Bharatiya Janata Party (BJP) had very little influence in Tripura until they won the Assembly election in 2018. Since Narendra Modi and Amit Shah started leading the party from the front, the scenario started changing nationwide. Amit Shah publicly spoke about the goal of the BJP in Tripura was not only to depose the CPI (M) from power, but to uproot its base from the entire country. However, neither the BJP, nor the RSS and Sangh Parivar had a base, leaders or cadres in Tripura. There was also an opinion that incumbency of CPI(M), more particularly the Chief Minister Manik Sarkar for 20 years, worked against the Party. To defeat the Left Front in Tripura, which ruled the state for more than twenty-five years, the BJP caused defections from the Congress and other political parties. The BJP and Rashtriya Swayamsevak Sangh ran massive door-to-door outreach activities since 2015. The BJP-RSS jointly raised the issue of unemployment and corruption, and talked about development. Their campaign call was 'Chalo Paltai' or 'let us change' (the Left Front government).

Further, to strengthen the base of BJP, the party successfully made an alliance with IPFT, which held a strong influence in over 20 ST (Schedule Tribes) constituencies with an assurance to them that their demand for Twipra land would be seriously considered. Above all, before the election of 2018, the BJP made some lucrative promises to attract the voters. The manifesto 'Vision Document Tripura 2018' said Special Economic Zones (SEZs) would be set up in the state for sectors like food processing, bamboo, IT and textiles. It promised employment to every household, free education for women until graduation, 7th pay commission salary to state government employees and free smart phones to the youths. All these attracted the voters and in the ensuing election, the BJP led alliance could increase its vote share from 1% to more than 41% winning the election and forming the government under the leadership of Biplab Kumar Deb, who was almost unknown to the people. Another factor contributed to the sudden rise of the BJP in Tripura. Until the West Bengal state Legislative Assembly elections were held in 2021, the media and the BJP propaganda blitzkrieg created an environment that it was only a matter of time and the TMC would be defeated whenever the next Legislative Assembly elections were held. The BJP won in 35 constituencies, its alliance partner IPFT won in 8 constituencies. The BJP on its own won majority and together with IPFT, it won more than

2/3rd majority of the seats. CPM won in 16 constituencies. The BJP led alliance won all the ST seats except in 2 constituencies. The assurance on Twipra land played a major role in winning elections in the Scheduled Tribe reserved constituencies.

In spite of the sudden rise of the BJP in Tripura, the popularity of the BJP is now waning as quickly as it rose. The disillusionment of the indigenous people with the BJP and its alliance partner IPFT is obvious with their defeat in the TTAADC elections. For the indigenous people, the BJP is once again perceived as the party of Bengali people, reviving the Bengali-indigenous fault lines in Tripura. After the defeat of the BJP in the West Bengal election, the Bengali support also was on the decline. Hence, the dependence of the BJP on rule by instilling fear with strong-arm tactics and communal polarization.

Rise of Hindutva Ideology in the State:

Needless to say that the leaders of BJP are the followers of political ideology of Hindutva and profess to belong to the Sangh Parivar or the family of parent organization – the Rashtriya Swayamsevak Sangh (RSS). The other organizations of the family include the Vishwa Hindu Parishad, the Hindu Jagaran Manch, and the Bajrang Dal. Their political objective is to convert India into a Hindu Rashtra. Until recently when the BJP won Assembly elections in 2018, these organizations did not have any base in the state. However, after the BJP formed the Government in Tripura, RSS and its sister organizations are becoming active with their cadres increasing manifold. Their sudden and rapid growth was not because those joining their organizations subscribe to their political ideology. Those joining the ranks of the Sangh Parivar more often than not, wanted to avail the opportunities and promote self-interests through all means.

The BJP's popularity is now falling rapidly as the promises of governance did not materialize. The ordinary people we talked to – including the Bengali Hindus, seemed disillusioned with the BJP and its lackluster performance. One of the indicators is the TTAADC elections held on 10 April 2021. The BJP and IPFT had swept in 18 out of 20 ST Assembly constituencies in the 2018 elections. However, out of the 28 constituencies of TTAADC, The BJP could win only in 9 constituencies and its ally – IPFT lost in all the 16

constituencies it contested. On the other hand, the recently formed “The Indigenous Progressive Regional Alliance” (TIPRA) won in 16 constituencies out of 23 it contested and its alliance partner – the “Indigenous Nationalist Party of Twipra” (INPT) won two seats out of five it contested. TIPRA Motha was hastily formed by the Maharaja Kirit Pradyot Deb Barman and yet it could poll nearly 39% votes with its alliance partner, whereas the BJP alliance could poll little over 18% votes. Although the Left Front did not win in any constituency, they polled nearly 38% votes.

The Hindus were not and are not communal in Tripura even now. Members of both the communities freely mix with each other, including the college students. According to a journalist we talked to, even the Chief Minister Biplab Kumar Deb does not have communal attitudes. In 2018, almost all the important Congress Party leaders were lured to join the BJP. Until the 2018 elections, neither the Sangh Parivar, nor the BJP had any base in Tripura. According to a journalist, the Vishwa Hindu Parishad (VHP) could not mobilize 50 persons in the entire Tripura before 2018. However, with the formation of the BJP government in Assam, VHP was trying to make some inroads into the North Tripura district and had gathered some meagre followers. One VHP leader – Purna Chandra Mandal from Silchar used to organize meetings with limited success. However, with the attacks on the Durga puja mandals in Bangladesh, the VHP saw an opportunity to exploit the situation, rouse Hindu emotions and communally polarize by organizing rallies with abusive slogans. We were informed that outsiders were mobilized in the rally to shout abusive slogans and indulge in violence. More about this later on.

Sensing the sudden dip in its popularity, the BJP is resorting to strong-arm tactics and its cadres are unleashing violence and intimidating every opposition on one hand, and the minorities on the other hand to intimidate them into submission. During our visit and from our interactions with the local people we could discern a tense and atmosphere of fear and intimidation against those who held views that were critical of the government or the ruling BJP. A reporter who did not want to be identified, told us that office of the Duronto, a popular TV channel in Tripura was attacked on 8th September 2021 to teach them a lesson for their live coverage of a well-attended CPI(M) rally. Duronto TV was attacked even in March 2018 soon after the victory of BJP at the hustings. When a VHP leader – Sonay Rai objected to the attack, they attacked nevertheless in the name of Hindu Jagran Manch.

On 8th September, the CPI(M) headquarters in the capital Agartala was vandalized and cars parked outside the office were set ablaze by the BJP cadres (Kundu, 2021). The CPI(M) office in Sepahijhala and Gomatipur districts were also attacked. The CPI(M) General Secretary tweeted that thousands of Party cadres were injured and the Party properties as well as houses of the Party leaders destroyed. Prof. Muana from Tripura University told us that Prof. Alok Bhattacharya, who is very popular in the Tripura University was targeted and Prof. Salim Saha's house was burnt down because he was in CPI(M).

The BJP could win uncontested in seven out of twenty urban local bodies in Tripura. According to the Times of India report, in five of these urban local bodies, no opposition were allowed to file their nominations, while in two nobody except the BJP candidates could file their nominations in majority of the seats. The CPI(M), Congress Party, TMC and TIPRA Motha alleged that the BJP cadre indulged in large scale violence since the first day of filing nominations for the elections and they blocked their access to the office where nominations had to be filed. (Bhattacharjee, 2021)

Even though we were in Agartala close to the date when municipal corporation elections were to be held, we didn't see a single poster or banner of any non-BJP candidate. Only BJP posters, flags and banners were noticeable in every nook and corner. As expected, the BJP swept the Municipal Corporation elections. The petitions challenging the election process and expressing apprehensions as to whether the elections would be free and fair were pending. A Hindu rickshaw puller we talked to told us that he would have to vote for the BJP candidate, even though he did not want to vote for the party as he had apprehensions about the consequences otherwise. Most people, including the CPI(M) cadres, whether Hindus or Muslims, pleaded with us not to disclose their identities in our reports out of fear, particularly if they were critical of the ruling BJP. The common people seemed to be repenting having voted for the BJP. They did not want their age-old communal harmony to be disturbed. We talked to people with wide range of opinions. However, on one issue they all agreed – there is no communal ill will among people of Tripura. As noted earlier, the socio-political mobilization in Tripura is along ethnic fault lines -between Bengalis and indigenous people, not along communal lines. There is strong Bengali solidarity, irrespective of religion. The Bengalis maintain their control over

the socio-economic levers that are necessary to maintain their community's control over political power.

Muslims and the BJP Government in Tripura

As pointed out above, Muslims are 8.6% of Tripura's population. The rich and well off Muslims migrated to Bangladesh after the partition. Those left behind are laboring classes and poor, doing odd jobs like plumbing, painting, carpentry, etc. Our journalist informant told us that 80% of plumbers, 95% of painters, 40-45% of maidservants in the state are from the Muslim community. A few of them after acquiring education have now become doctors and professionals. There is inter-dependence between members of both the communities.

Members of the Muslim community appeared to be living under fear ever since the BJP was voted to power in Tripura. Use of draconian laws and strong-arm tactics by the right-wing cadres has scared the Muslim community. With a great difficulty, we got a Muslim law student to talk to us on the condition that we do not disclose his identity. Let us call him Akbar for the sake of convenience. Akbar told us that ever since election of the BJP, the Muslims are living under fear. There is an old dispute regarding a parcel of land admeasuring 16 acres, out of which 6 acres was used as a Muslim cemetery according to the government records. Abdul Ahad Miya a Muslim who migrated to Bangladesh owned 10 acres. Akbar told us that one Pradip Das routinely illegally occupies properties of weaker sections – Hindus and Muslims – through his strong-arm tactics and tries to get it legalized through litigation. He is now member of the Bajrang Dal according to Akbar. In 2007, Das had claimed two gandla (4 acres) of the burial ground but in the ensuing litigation, his case was dismissed by the court in 2009. The Tripura High Court also dismissed Das's appeal in 2018. After the Assembly elections in 2018, Das claimed that he wanted to construct a temple on the burial ground and arranged puja on Mahashivratri after constructing a temporary Shiv temple. Muslims, according to Akbar, lodged a written complaint with the police station. However, the police were nudging the Muslims to settle the matter and give away the property. Akbar told us that Muslims wanted to bury the dead body of a Muslim woman in October 2018. Das objected to the burial. There are no Muslims around the kabristan. Akbar informed us that Das could mobilize about 250 people and they beat up those who were with body, including a Muslim police officer. The

body had to be buried in another kabristan. Akbar further informed us that Das beat up Manik Miya who had lodged a complaint with the police station. Manik Miya lodged another complaint against Das for beating him up. According to Akbar, after the riots in Bangladesh, and its repercussions in Tripura, Manik Miya was forced to withdraw his complaints against Das on 10-11-21 and for all practical purposes, Das has occupied the land, constructed a Shiv temple in spite of dismissal of his title suit and appeal. According to Akbar, in the year 2019, after winning in both the constituencies in the 2019 Lok Sabha elections – Tripura East and Tripura West –there was an attack on Jamia Masjid in South Joynagar during Ramzan. Window glasses were broken in the attack.

Out of fear, the number of cow and buffalo sacrificed during Eidul-Adha has drastically come down, even though there is no ban on slaughter of cows or buffaloes in Tripura. Before 2018, about 7 big animals and 8 goats would be sacrificed by the Muslims in Agartala during Eidul-Adha festival. However, last year only 3 big animals were sacrificed and in 2019, only 2 big animals were sacrificed, after deployment of Tripura State Rifles turning the area into a war like zone.

Communal Incidents in Bangladesh:

Bangladesh, which shares its borders with the state of Tripura on three sides, prepared for its largest Hindu religious festival, Durga puja in the second week of October 2021. Like yester years, all arrangements were made across the country to offer the worship. Surprisingly, in the morning of October 13, allegations of defaming the Muslim holy book Quran emerged from a makeshift temple in Comilla district. Reportedly, a copy of Quran was noticed on the lap of an idol of Goddess Durga and the image was circulated widely through the social media platforms.

The Bangladesh government took initiative in deploying police personnel and appealed to people to maintain peace. The government instructed the police to investigate the incident and take appropriate action. However, soon after the report was circulated on the social media platforms, an angry mob started attacking local temples in Comilla and soon religious tension transcended to other districts of Bangladesh. Reports of attacks from Comilla, Chandpur, Noakhali, Chattogram, Bandarban, Cox's Bazar, Narashingdi and Gazipur on temples, houses, shops of minorities, and physical attacks were documented

in at least in a dozen of districts of Bangladesh mostly in the southern area. Seeing the gravity of the communal incidents the Bangladesh Government deployed military forces in 22 districts to protect its minority Hindu community. A Muslim miscreant named Iqbal Hussain was arrested by the police who placed the Quran on the lap of an idolat Nanua Dighir Par puja mandap in Comilla for instigating the Muslims against the Hindus.

Repercussion and series of communal incidents in Tripura:

The VHP, Bajrang Dal and other Hindu nationalist organizations may have perceived the attacks on Durga puja mandals in Bangladesh as an opportunity stigmatize Islam and the Muslim community in Tripura and turn the Hindu feelings against the Muslim community with the objective to spread their political ideology of Hindutva. The BJP led government, it appears, might have decided to allow the Hindu nationalist organisations to arouse communal passions and permitted them to take out rallies. The ruling party ought to have known that the rallies were meant to arouse communal passions and the situation may go out of control.

These rallies were to convey the message that in order to “save Hinduism”, the Hindus should remain united and support the BJP. Soon after the Bangladesh incidents, a series of rallies were taken out by Hindutva organizations under the banners of Vishwa Hindu Parishad (VHP) and the Hindu Jagaran Manch (HJM). During some of these protest rallies, miscreants purportedly vandalised several houses, shops and mosques. The VHP and the HJM took out their first rally on 21 October 2021 in Udaipur, the HQ of Gomati district. “Trouble started when police denied permission to the procession to proceed to Fotamati and Hirapur areas in Udaipur, where members of the minority community live in large numbers.” (PTI, 2021). The PTI reports that 10,000 people participated in the rally, but that could have been an exaggeration. On the same day (21 October), rallies were organized in Agartala city in West Tripura district and Dharamnagar in North Tripura district as well. Fifteen kms from Dharamnagar, a mosque that was built by the CRPF for its personnel to pray in inside CRPF campus and alongside Debasthan Temple in 1982 was burnt at night on 21 October. Another rally in Panisagar and Rowa bazar was organized on Tuesday, 26 October and the police allowed the rally. A very small police force accompanied the rally, which proved to be utterly outnumbered and incapable to control the riotous mob when the shops were targeted in Rowa bazar and a mosque was

damaged. More about this incident a little later. The rallies were an attempt to arouse communal passions and created tensed situation and insecurity within the minorities.

The first communal act in retaliation to the Bangladesh incidents took place at Hurijola, Udaipur subdivision of Gomati district. We were informed by Imam Zia ur Rahman that on 15th October night/16th October morning, some unidentified miscreants, burnt down the temporary structure of tin and bamboo that functioned as a Hurijola Masjid of Dargah Bazar. He did not know who burnt the mosque as they were sleeping and they discovered the mischief only in the morning. The Muslims of the area were shocked seeing as they never witnessed in the past such communal act. They were afraid of being attacked by the local Hindus with whom they have inhabited peacefully. However, the local Hindus also stood by their side and condemned the act of burning the Mosque. People are of the opinion that the act was not done by any local but by some outsiders in order to arouse communal passions and polarize the Hindus and Muslims. The local Muslims filed a police complaint at the Kakrabon Police Station pertaining to the destruction of the Mosque. However, the villagers we talked to had no information of any investigation into the incident launched by the police nor arrested anyone. The Muslims we talked to didn't fail to mention to us the fact that Abhishekh Dev Rai, a BJP leader, assured the Muslims of the village of providing compensation for the destruction of the Masjid. The local Muslims praised the act the leader. With the temporary tin and bamboo shed structure serving as a mosque burnt down, a Muslim resident of the village has now offered his premises for namaz.

In the midnight of October 16th/ 17th early morning hours, two mosques in Anukul Colony, Uttar Maharani –Hirapur Jame Masjid, and Hirapur Paschim Para Masjid – were also mildly damaged by some miscreants. The miscreants disconnected the power supply to the Mosques. They might have done the act to provoke a reaction from the Muslim community leading to communal riot. Although the Muslim community was angry and a mob gathered next day, sensible elements within the community took steps immediately to restore the power supply connection and communal mishap was averted. Here also the local Muslims think that these are not the acts any local Hindus as they still have their unity intact. Ramjan Hussain, a villager said, 'We don't have any fear from our local Hindu counterpart. But we fear of getting attacked by outsider goons.'

The next incidents took place in Kalaishahar sub-division of the Unakoti district. Many other small communal acts took place at different places of Kailashahar. On 17th October, a saffron flag was hoisted surreptitiously on the house of Abdul Mannan in Govindapur, a local contractor, having his sympathies with the CPI(M) and his sister-in-law had contested local body elections as a CPI(M) candidate. It surprised everyone as to what was the message behind this. However, two days after this incident, at about 4.00 am in the morning, people walking towards the Kailashahar Jama Mosque, which is over a century old structure, saw two unidentified miscreants on cycle speeding away after hoisting a saffron flag atop the Mosque wall on 19th October. Once again, the intention seems to create communal sentiments in the minds of the people. Abdul Mannan's home was vandalized once again on 23rd October. The same perpetrators also vandalized a Bakery owned by Shamim Ahmed. Intimidating opponents while Municipal elections were soon due also may have been the motivation behind attacking Abdul Mannan's house. Police complaints were lodged against all the acts. However, the police did not take any notable action. The residents of Kailashahar area remained calm and there was no impact on the Hindu-Muslim unity. Maulana Jasim Ahmed, the Imam of Kailashahar Jame Masjid and a Unani doctor, said, 'aagkopaani se nibhanachahiye' (fire should be doused with water). On 26th, Muslims damaged thatched fence of a Kali temple, in all probability in a retaliatory attack, but this could not be confirmed. However, on the initiative of the CPI(M) MLA – Mobushar Ali and the Kailashahar Police Station officer in-charge, the local Hindus and Muslims came together and rebuilt the thatched walls of the temple within a few hours.

On the day the mosques in Udaipur and Unakoti district were damaged, the Vishwa Hindu Parishad organized a rally in Dharamnagar. Barely 15 Kms. From Dharamnagar, there is a mosque called as CRPF Mosque, also called as Panisagar Jamea Masjid. The Mosque was built by the CRPF as one of the 11 to 12 CRPF Battalions was a Muslim Battalion and they prayed in that mosque. In the intervening night of 21st and 22 October, reportedly, the Mosque was burnt, although the police have denied any damage to the Mosque. However, the police have come up with more than one version as to whether there existed any mosque as alleged, and whether the mosque was burnt at all and finally, who burnt the mosque – whether drug addicts did it (Colney & Vijayakumar, 2021). The differing versions of the police tells part of the story. We were not allowed to visit the Panisagar

town and the mosque in question. We contacted the SP and the DGP of police. However, on the pretext that the matter was sub-judice, they not only refused to respond, they also told us that we could not visit the mosques or talk to people. If no mosque was damaged in Tripura, particularly in Panisagar, as claimed by the police, they should be inviting people to see the undamaged mosques themselves. The Caravan's detailed story also quotes a VHP office bearer of Panisagar that the damage to the mosque was done by some miscreants and not members of VHP (Colney & Vijayakumar, 2021). There is at least an admission there that the mosque was damaged. The duty officer of the Panisagar Police Station told us that they had arrested five people in connection with the riots. If there was no damage to the mosques and no riots, why were those five persons arrested? The duty officer was not ready to disclose the sections under which they had been arrested. We tried to gather information talking to some of the local people and journalists about the Panisagar incident.

Krishna Nagar and Chandrapur Jamea Masjid in Agartala city:

On 21st October, there was a mild attack on the Krishna Nagar Jamea Masjid and Chandrapur Jamea Masjid. The Krishna Nagar Masjid is a symbol of communal harmony. Krishna Nagar is situated at the heart of the city of Agartala. Presently, Hindus inhabit the area exclusively. Before partition of India, both – Hindu and Muslim communities resided in the area. With the migration of the Muslims to Bangladesh, and the exchange of properties with the immigrant Hindu population of Krishna Nagar, no Muslims were left in the area. With the Muslims leaving the area, the Masjid was abandoned. No namaz or Salah was offered there. There was no one to take care of the Masjid from Islamic point of view. However, it is the local Hindus who took all care of the Masjid. They even lighted candles inside the Masjid thinking that the structure was a sufi shrine. The other Muslims of the city of Agartala were unaware about the existence of the Masjid. However, around twenty years back, the Muslims of the city came to know about the existence of the Masjid. It is the faith of Muslims that a masjid should not be abandoned and there should be regular prayers. Thus the city Muslims approached the local Hindus of Krishna Nagar and expressed their desire of taking over the Masjid for regular namaz or Salah. The local Hindus who were taking care of the Masjid happily accepted the proposal of the Muslims, though not a single Muslim family was residing and handed the property willingly. It was a glittering example of toleration of Hinduism in the area. However, on 21st October

violence, some miscreants also attacked this Masjid. A glass window and a CCTV camera was broken. The local Hindus were as much pained as they had taken care of the Mosque for many decades.

On 21 October, unknown persons threw burning embers inside the premises of over a hundred year old Chandrapur Jamea Masjid, which is adjacent to a Kali temple in Agartala. The Hindu neighbours who shared their wall with the mosque rushed to help douse the fire and threw water from buckets. Some wooden doors were mildly burnt. Next day, i.e. on 22 October, someone threw supposedly pork flesh inside the Mosque premises. Though pained, the Muslims praying inside the Mosque whom we talked to nurtured no resentment against the Hindu community. Similarly, some other unidentified miscreants attacked another hundred years old mosque adjacent to a temple in Agartala and threw pig flesh in the premises of the Masjid. The local Hindus of the area are not happy at all with these communal acts and condemned these. The local people assured safety of the caretakers of the Masjids.

On 23 October, a Shiva idol was found broken on the top of an abandoned hillock, North Tripura. On social media platforms, the netizens claimed that the 'Jihadis' broke the temple.

On 26 October, the VHP and Hindu Jagran Manch organized a rally for the second time in along a long route to protest against the communal violence in Bangladesh in Panisagar sub-division traversing Chamtilla, Jalebasha and Rowa Bazar. The estimate of strength of the rally ranges from 1,600 by a journalist based in Tripura whom we spoke to, to 4,000 by some local residents, to 20,000. The figure of 4,000 seems more likely with a little overestimation.

The local Hindu people were mobilized to join the rally. However, outsiders were also reportedly mobilized by the two organizations. As reported by a senior Hindu journalist, the rallies were organized under the leadership of a VHP leader namely Purna Chandra Mandal, a resident of Silchar, Assam. One of our informant who was eyewitness and does not want to be identified told us that vulgar slogans were being shouted during the rally. One of them was "*Mohammad terebaapkanaam— jai Shri Ram*" (Jai Shri Ram is the name

of Mohammad's father). Those at the tail end tried to cause damage to the mosque in Chamtilla. However, local Muslims with some Hindus formed a protective ring around the mosque to save it. Yet, reportedly, some minor damages were caused (Colney & Vijayakumar, 2021). In the rally some miscreants who had joined from outside and vandalized a few houses and burnt about 6 shops and a local from Panisagar who was an eyewitness, told us that 9 shops were damaged at Rowa Bazar. A section seemed to have been mobilized to attack the shops and homes of Muslims. Some of them also vandalized a local mosque made of tin sheet at Chamtilla village near Rowa Bazar. A small police force accompanying the rally may have been outnumbered. The police were unwilling to use any force to deter the mob from attacking the Muslim shops and homes in Rowa Bazar. The police HQ is barely 10 kms from Rowa Bazar, yet additional reinforcements reached the spot after most rioting was over. The local Hindus who had participated in the rally were not happy as it took communal turn targeting the Muslims. It violated their expectation and purpose of the rally to protest the communal incidents in Bangladesh. The local Hindus never wanted a hostile relation with the Muslim inhabitants of the area. Purna Chandra Mandal immediately after the communal act escaped from Panisagar and left for Silchar. From discussion with the local inhabitants both Hindus and Muslims it is clear that the people don't want to be involved in communal politics and want to live in peace. Media report says the local Muslims also gathered in protest at Churaibari, but the local administration dispersed the gathering through discussions. Restriction on public movements was imposed under Section 144 at Panisagar and Dharmanagar to avoid further disturbances.

One important CPI(M) leader told us that on 26th October, Section 144 of the Cr.P.C. had been promulgated prohibiting the assembly of more than 4 persons. However, the VHP took out a massive rally on motorcycles and cars shouting anti-Muslim slogans calling upon the Muslims to leave India and become Pakistani nationals. They shouted other vulgar slogans along with chants of 'Jai Shri Ram' defying the prohibition. They tried their best to provoke some reaction from Muslims, however there was none. How such a rally was permitted even while the police did not allow the TMC to hold public event citing the prohibition.

Stern Warning from the CM and BJP MP Pratima Bhowmick

Initially, for political gains, the Tripura's BJP led government allowed a series of rallies by its sister organisations – the VHP and HJM, even while denying permissions to other political parties / organizations to organize public meetings or rallies. There were clear reports and evidence of damage to several mosques during and after these rallies, even if minor in nature. There were also reports of abusive anti-minority slogans which are an offence u/s 153-A and 295-A of the IPC. The rallies were organized to rouse communal passions and to provoke violent reaction from some elements from the minority community. Fortunately, none from the minority community got provoked, and moreover, the rallies failed in arousing communal and anti-minority feelings among the Hindus as well. Though immediately complaints were filed by the people, neither the police nor other agencies of the government paid serious attention to take action against the perpetrators. Abhishekh Dev Rai, a local BJP leader only came forward to condemn the act and assured compensation of the mosque and safety to the minority people living there. Repeated incidents of targeting mosques made the Muslim community insecure.

After belated realization that the rallies are not achieving their political objective of arousing communal polarization, nor provoking any reaction from the minority community, the Chief Minister stepped in and warned of strict action against those arousing communal passions. Also, the international media, including Al-Jazeera covered the damages caused to the mosques in Tripura (Naqvi, 2021). International media coverage was giving bad name to the country. At least Bangladesh was seen taking strict and prompt action against the rioters, which controlled the violence. The government in Tripura was in denial of any wrongdoing. The SP of North Tripura denied that any mosque was damaged in anyway. Surprisingly, the strict action promised by the Chief Minister was not against the organizers of the rallies and those arousing communal passions and promoting ill will and hatred on grounds of religion. Action was taken against those who were documenting and reporting facts and exposing the damages done to the mosques to contest the claims of the SP, North Tripura. Draconian acts like UAPA and sedition charge was invoked against the four Supreme Court lawyers (Muslims) who had come as a fact-finding team and two Muslim journalists from Assam. However, the press conference held by the Chief Minister along with the BJP MP Pratima Bhowmik had the desired effect. The VHP leader from Silchar – Purna Chandra Mandal returned to his hometown in Assam, the

rallies stopped and so did the riots. However, the CM's condemnation of the violence could have come earlier. The CM also announced that the mosques would be paid compensation for the damages.

Our findings:

From our interviews with various stakeholders, we summarize our findings as follows:

1. Although about 11 mosques, about 6 shops and 2 homes were damaged, it would be wrong to say that the violence in Tripura was a major riot. The damages caused to most mosques were minor, in case of Krishna Nagar mosque, only a window glass was broken and CCTV camera damaged. Some mosques that were damaged were temporary tin shed structures.
2. The violence was not spontaneous as the reaction was not the next day after violence in Bangladesh. It was not the result of outrage of Hindus. Deliberate attempts were made by the Hindu nationalist organizations to stoke communal passions by organizing series of rallies in various towns in Tripura and shouting slogans that were derogatory towards minorities. The violence was intended, but not elaborately planned as is done elsewhere in the country. The violence appears to have been perpetrated by outsiders and not locals. The local Hindu community sympathized with their Muslim brothers.
3. Though the violence did not appear to be spontaneous, those targeting the mosques seemed to be amateurs at the job, as they could not inflict major damages. The BJP expected to reap political benefit from the ongoing violent attacks, particularly as their popularity was waning. Hindutva organizations were largely responsible for the outbreak of the communal acts in the state. Realizing the adverse effects of the riots as they lacked popular sentiments, the BJP and the CM issued strong statement to control the riots.
4. Soon after the outbreak of the communal acts, the news spread like wild fire throughout the nation and it was assumed that a Hindu-Muslim riot had started in Tripura. Largely social media platforms and a section of other media also propagated that there were incidences of Hindu-Muslim riot. However, from our field visit study is clear that the Hindu-Muslim harmony still remains intact in Tripura. Neither Hindus nor Muslims want any communal incident in the state. The Hindu-Muslim harmony is a result of the situation wherein the political fault lines in

Tripura are along ethnicity between the indigenous peoples and Bengalis. The communal violence in Tripura failed to shift the fault lines along religious lines.

5. The state was complicit with the violence initially, as they permitted rallies, which any reasonable person would know were intended to arouse communal passions, and ran a risk of triggering off riots. In Udaipur sub-division, the police did stop the rally from passing through Muslim areas at a belated stage on 21 October. There was low intensity violence going on in Udaipur, Panisagar, after 21 October rally. Yet the police permitted similar rallies on 26 October in Panisagar and Rowa Bazar. No action was taken against organizers of the rally and those who shouted vulgar slogans intended to promote communal ill-will and hatred. The state instead preferred action against those who were documenting facts and reporting the events.
6. Although the compensations have been announced, some of the mosques and families that suffered damages have not received the compensation.

Recommendations:

In order to establish rule of law and do justice to those who suffered in the communal violence, we recommend the following:

1. The government should take proper action to identify and give exemplary punishments to the perpetrators of the communal acts so that no one can dare to repeat such acts.
2. Proper compensation should be given by the government to repair and rebuild the damaged properties.
3. The civil society organizations should come out to promote communal harmony.

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Annexure 4

**Dhalpur: The Truth Behind
By Zamser Ali**

DHALPUR THE TRUTH BEHIND

(A Report To Nation)

ZAMSER ALI

HATIGAON Guwahati-38

DHALPUR:THE TRUTH BEHIND : A Survey report on Dhalpur by
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Dedicated to all who fight against illegal eviction

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Dhalpur : The Truth Behind

Dhalpur, a village under Sipajhar police station of Darrang district in Assam, has occupied the centre stage of political discourse in Assam and in elsewhere since 2013. It is alleged that a huge number of Muslims have either forcibly grabbed land of the indigenous people of Assam or encroached upon the grazing land and converted it into their habitation. The issue of Dhalpur has been used as an instrument to spread hatred against Muslims of Assam, communalising Assam politics. This political strategy proved to be very effective for the BJP to capture political power in Assam. The BJP was successful in the Parliamentary Elections of 2014 and 2019, and Assam Assembly Elections of 2016 and 2021 by making use of the Dhalpur issue, cashing in on a one-sided campaign as the opposition failed to foreground the truth.

Just before the by-elections in the five constituencies of Assam Legislative Assembly in October 2021, the Dhalpur issue was in the forefront of Assam politics once again. The government of Assam issued fresh notices to the poor residents of the village Dhalpur No. 1 at midnight on 19 September, 2021 and launched eviction in the village at 10 a.m. on 20 September 2021. As per government reports, 480 families were evicted that day. On 22 September, 2021, eviction notices were served to the villagers of Dhalpur No. 2 and Dhalpur No. 3. It is said that eviction notices were served to the villagers on a very short notice between 10 p.m. and 12.30 a.m., and the administration was ready to start eviction by the next morning at about 10 a.m. on 23 September, 2021.

The eviction came as a bolt from the blue. The villagers felt utterly helpless. They gathered at the northern corner of the village to protest against the inhuman eviction with no assurance of rehabilitation. During that protest, a negotiation was reached between the district administration and the representatives of the demonstrators. In the negotiation, however, the district administration did not relent in on its insistence on continuing the eviction, through giving additional time to the villagers, so that they could dismantle their houses and move elsewhere. The Deputy Commissioner of Darrang district, who was present in the process, barely assured the representatives from the village that district authority would communicate with the competent government

authority regarding allotment of a certain size of land to the evicted families. But the discussion was fruitless. The villagers pulled out of the protest at about 1 p.m. and made their way home so that they could demolish their own houses at the earliest, and arrange a roof for themselves for the night. Unfortunately, however, the police started to beat these people on their way back home. At one point, the villagers got furious which lead to some sporadic clashes between them and the police. The police, without trying to normalize the situation, opened fire on the villagers.

This uncalled-for, unwarranted police firing took the lives of two persons instantly. Forty-three people were injured, among them 10 received bullet injuries. On the other side, 14 policemen were injured during this operation.

There has been a lot of heated discussion on the Dhalpur incident of 23 September 2021. The international media, in particular, have covered the characteristic face of communal forces in Assam, zeroing in on a government deputed photographer Bijay Bania, who repeatedly stomped on a Muslim youth named Moynul Hoque, who had already been killed or had been breathing his last. It may be noted that the eviction drive in Dhalpur, under Sipajhar police station of Darrang District in Assam, was part of a greater conspiracy by the BJP-led government of Assam to deprive the Muslim minority people from even the minimum basic needs. Going by a government communiqué, on 20 and 23 September 2021, about 960 Muslim families were evicted from Dhalpur No. 1, Dhalpur No. 2 and Dhalpur No. 3, without any provision of alternative rehabilitation.

All these issues have been discussed almost superficially, without getting into the deep core of the reality. Therefore, a robustly committed team of 14 youths led by senior journalist and human rights activist Zamser Ali, on behalf of Centre for Minority Studies, Research and Development, Assam, camped at Dhalpur for fifteen days beginning on 24 September 2021, in order to find answers to all the allegations made by the present BJP government of Assam and by its allied Sangh Parivar organisations. The answers the team tried to find were not based on mere oral statements, but on facts, figures and documents.

The intention of the investigation was neither to defend someone nor to defame anyone. The only intention of it was to bring the truth before the nation. It was taken up with a view to breaking the myth and assumption about the poor people of Dhalpur.

As per government sources, 960 families were evicted. While surveying the area, the team collected all necessary documents in order to meet each family- head in person. However, a small number of the poorest family-heads could not be contacted, since, they moved out of their houses in search of livelihood. These families are left out of the survey. On some occasions, two notices were served to the same joint family. The team consciously avoided dividing a large family, living jointly but receiving more than one eviction notices. The constraint of time was another limiting factor for the team. Thus, the team could cover 517 families. It gathered information of 21 categories along with all supporting documents. All this information has been compiled and furnished in this report.

We hope, this report will help to uncover the reality of Dhalpur as well as the false and phoney propaganda of the Sangh Parivar and the present BJP-led government of Assam.

With regards,
Zamser Ali
General Secretary
Centre for Minority Studies,
Research and Development, Assam
29.11.2021

Dhalpur: A Historical Background

The village Dhalpur and its adjacent Muslim minority populated villages like Kirakara (Kirakata as per Census of India Report, 1971), Phuhuratoli, Bajna Pathar, Milonbazar, Dhanbari, certain parts of Kurua have in the centre point of state politics in Assam since 2013. It is alleged that the lands of the villages have been illegally occupied by the illegal migrants or illegal “suspected Bangladeshi” intruders forcefully driving out the indigenous Assamese people. “The Muslim people have built their huts there overnight” this is the continuous propaganda of *Prabrajan Virodhi Mancha* (Anti-influx Forum), an allied organisation of RSS. It is one organisation, among more than 100 organisations of Assam run by RSS.

The *Prabrajan Virodhi Mancha*, ever since it came into being, has alleged that Dhalpur and its adjacent areas are completely a grazing area comprising 77,420 bighas of land, which has been illegally occupied by “suspected Bangladeshis” or “intruders of Bangladeshi origin”. (as stated by Upamanyu Hazarika, Convenor, *Prabrajan Virodhi Mancha*, in “The Shillong Times”, 15 September 2021)

Three issues have come up from the continuous campaign of the *Prabrajan Virodhi Mancha* (which will be called PVM henceforth). They are as follows:

- 1) The Muslims of Dhalpur are of Bangladeshi origin
- 2) They have forcibly occupied the land of indigenous people and
- 3) They have occupied the grazing land by force.

1. The Question of Citizenship:

To deal with the first narrative successfully created by the PVM, the team found that all the 517 evicted families surveyed in the villages of Dhalpur 1, Dhalpur 2 and Dhalpur 3, had their NRC (National Registrar of Citizens) legacy data preserved with them. Not only that, out of 517 families surveyed, barring only 3, names of all other 514 heads of family are enrolled on the present voters' list. Only one person is found to be an allegedly “D” voter (doubtful voter). One person, enrolled as a “D” voter, was subsequently declared an Indian citizen by the Foreigners' Tribunal. However, all members of that family have been left out of the final NRC. Since all

the families possess legacy data of pre-1971 period, they cannot be dubbed either as suspected Bangladeshi or people of Bangladeshi origin because Bangladesh came into existence only on 24 March, 1971.

A) The Question of NRC Exclusion:

The survey reveals that there are 3094 people in 517 families. Out of them, only 1096 persons have been excluded from the final NRC (See Index 1).

NRC inclusion/exclusion report:

Number of Persons included in NRC:	1,998	64.58%
Number of Persons excluded from NRC:	1,096	35.42%
Number of Families entirely included:	227	43.91%
Number of families partially included:	190	36.7%
Number of Families entirely excluded:	100	19.34%
Number of Family tree entirely excluded :	0	0%
Number of families affected by NRC:	290	56.09%

(Index -1)

The overall NRC exclusion is 35.42%. A total of 100 families (19.34% of the families surveyed) are entirely excluded from the NRC. It is, however, surprising enough that in all other parts of the state, the families excluded in Dhalpur have included themselves in the NRC by using the same family tree and legacy data. Thus, the team did not find any case where the entire family tree has been excluded. It means that the genuineness of their legacy data and citizenship documents is beyond any question mark.

- B)** The survey team found that 290 (56.09% of the total families surveyed) families have been affected by the NRC. In these families, either a member or two, or the entire family has been excluded from the final NRC. In many cases, both parents are included, but their children are left out. In many families of Dhalpur, all the children are included in the final NRC, and yet their parents, using the same legacy data, have remained excluded.

Thus, the huge number of people excluded from the final NRC is not because of the inadequacy or unavailability of citizenship documents, but because of the ambiguity of the NRC officials at Dhalpur.

2. The Question of Land Occupation by Force:

The second narrative effectively created by the PVM is that Muslim migrants have conquered Dhalpur driving out the indigenous Assamese people. To understand the basic reality of this narrative, one must understand the geographical location and demographic profile of Dhalpur and its nearby villages. In this context, we are just furnishing a few clues from the Census of India Report, 1971, 1991 and 2011.

- A)** In the Census of India Report 1971, it is recorded that the village Dhalpur (which was divided later into Dhalpur No. 1, Dhalpur No. 2 and Dhalpur No. 3) was spread over 13,050 acres of land, of which 11,000 acres were cultivable waste and 597 acres were uncultivable. There were only 23 families in Dhalpur in 1971. The total population in the village at that time was 138, of which 66 were male and 72 female. There was no road to the village in 1971. The villagers were dependent on the river for drinking water. Dhalpur had a primary school, and only 27 men and 7 women were literate. The Darrang District map in the Census of India Report shows that the main stream of the mighty Brahmaputra used to flow by the northern side of Dhalpur in 1971, which is now flowing by its southern side. Two small tributaries of the Brahmaputra flow through the northern part of the village. One is known as Na-Nadi (New River), and the second flows only during the summer season, which is yet to be named.
- B)** As per the Census of India Report 1971, out of 20 villages attached to Dhalpur, 9 villages remained uninhabited. Villages like Kuruwa Chapori NC, Dakshin Kuruwa Chapori, Vit Chapori (not found after the 1971 census), Naljahi, Kumar Chuba, Niz Salmara, Bherbheri (Barpari as recorded after 1971), Ganakbari and Major Chuba were absolutely unpopulated. (See Index 2).

- C)** It may be mentioned that the present Garukhuti consisting of the two main villages, Kumar Chuba and Major Chuba had no population as per 1971 census. In 1991, the growth rate of population was quite high in Dhalpur. That year, Dhalpur was divided into three parts, namely, Dhalpur No. 1, Dhalpur No. 2 and Dhalpur No. 3. The total population in Dhalpur No. 1 was 867, in Dhalpur no 2 was 1151 and Dhalpur no 3 recorded 959. At the same year, number of population in village Naljahai recorded 1214, Kumar Chuba 4792, Niz Salmara 601, Barpari 704 and in Ganakbari was 640.

In 2011, the number of people in these villages were recorded as follows: Dhalpur No. 1: 5214, Dhalpur No. 2: 278, Dhalpur No. 3: 1056, Naljahi: 23, Kumar Chuba: 555, Niz Salmara: 941. In Ganakbari it was reduced to 131 only. (see Index 2)

Population Pattern of Dhalpur and Nearing Villages Census of India report 1971 to 2011

Sl No.	Original Name as per 1971	Present Name (if change)	Base Year	Area in Acre	Total House Hold	Total Population	Male	Female	School	Drinking Water	Communi cation Facility	Cultivable Waste in Acre	Uncultivable Land in Acre	SC Population	ST Population	Total Literate
1	Paschim Kuruwa		1971	368	Nil	Nil	Nil	Nil	Nil	W	KR	24	25	-	-	-
			1991		83	496	254	242	-	-	-	-	-	-	-	-
			2011		156	623	321	302	-	-	-	-	-	-	-	-
2	Upur Kuruwa		1971	1050	455	3184	1673	1511	Pr. S-7 MS-1	TW, R	-	73	262	415	4	1058
			1991		802	4666	2443	2223	-	-	-	-	-	542	15	-
			2011		551	2413	1244	1169	-	-	-	-	-	427	-	-
3	Dakhin Kuruwa		1971	1391	21	129	95	34	-	R	KR, R	370	678	-	5	81
			1991		260	1695	878	817	-	-	-	-	-	-	-	-
			2011		7	33	18	15	-	-	-	-	-	-	-	-
4	Kuruwa Chapari		1971	501	127	762	379	383	Pr. S-2	R	KR	-	401	215	-	41
			1991		52	252	144	108	-	-	-	-	-	97	-	-
			2011		4	24	11	13	-	-	-	-	-	9	-	-
5	Kuruwa Chapari NC		1971	3350	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
			1991		146	912	458	454	-	-	-	-	-	6	48	-
			2011		Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
6	Dakhin Kuruwa Chapari		1971	3350	Nil	Nil	Nil	Nil	Nil	Nil	Nil	50	Nil	Nil	Nil	Nil
			1991		288	1913	997	916	-	-	-	-	-	-	-	-
			2011		13	34	19	15	-	-	-	-	-	-	-	-
7	Bheheni Chapari		1971	491	1	3	3	Nil	Nil	W, R	KR, R	48	105	Nil	Nil	3
			1991		212	1443	700	643	130	123	-	-	-	-	-	-
			2011		92	438	202	236			-	-	-	75	-	-

Sl No.	Original Name as per 1971	Present Name (if change)	Base Year	Area in Acre	Total House Hold	Total Population	Male	Female	School	Drinking Water	Communi cation Facility	Cultivable Waste in Acre	Uncultivable Land in Acre	SC Population	ST Population	Total Literate
8	Kirakata Chapari	Kirakara Chapari NC	1971	651	54	326	180	164	Pr.S-1	R	KR, R	300	-	-	-	81
			1991		182	1024	537	487	-	-	-	-	-	26	Nil	-
			2011		1040	6190	3176	3014	-	-	-	-	-	-	-	-
9	Dhalpur	Dhalpur ₁	1971	13050	23	138	66	72	Pr.S-1	R	KR, R	11,000	597	0	0	34
			1991		125	867	445	422	-	-	-	-	-	0	0	-
			2011		838	5214	2645	2571	-	-	-	-	-	0	0	-
		Dhalpur ₂	1991		176	1151	580	571	-	-	-	-	-	0	0	-
			2011		48	278	148	130	-	-	-	-	-	0	0	-
		Dhalpur ₃	1991		156	959	501	458	-	-	-	-	-	0	0	-
			2011		1006	6115	3095	3020	-	-	-	-	-	15	0	-
10	Kuruwa NC	Kuruwa Chapari NC/ K. Kuruwa	1971	4202	6	34	26	8	0	R	KR	2000	1000	0	0	3
			1991		9	9	9	0	-	-	-	-	-	-	-	-
			2011		22	132	73	59	-	-	-	-	-	-	-	-
11	Rajapukhuri		1971	459	118	877	447	430	Pr.S-1	TW	KR	145	177	0	0	258
			1991		101	641	306	335	-	-	-	-	-	0	0	-
			2011		237	1056	550	526	-	-	-	-	-	2	0	-
12	Phuhuratoli NC		1971	270	31	185	92	93	Pr.S-1	R	KR	50	25	0	0	76
			1991		304	1795	932	863	-	-	-	-	-	748	0	-
			2011		640	4370	2218	2152	-	-	-	-	-	0	0	-
13	Bit Chapari		1971	133	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	133	Nil	Nil	Nil
			1991		Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
			2011		Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

14	Nalajahi		1971	202	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
			1991		171	1214	617	597	-	-	-	32	0	-	-	-
			2011		6	23	14	9	-	-	-	Nil	Nil	-	-	-
15	Kumar Chuba		1971	651	Nil	Nil	Nil	Nil	Nil	Nil	Nil	100	Nil	Nil	Nil	Nil
			1991		718	4792	2469	2323	-	-	-	-	276	0	-	-
			2011		90	555	271	284	-	-	-	-	0	0	-	-
16	Niz Salmara		1971	418	Nil	Nil	Nil	Nil	Nil	Nil	Nil	418	Nil	Nil	Nil	Nil
			1991		91	601	324	277	-	-	-	-	0	0	-	-
			2011		163	941	475	466	-	-	-	-	0	0	-	-
17	Bherbheri	Barpari	1971	422	Nil	Nil	Nil	Nil	Nil	Nil	Nil	200	Nil	Nil	Nil	Nil
			1991		95	704	356	348	-	-	-	-	7	0	-	-
			2011		277	1798	923	875	-	-	-	-	6	0	-	-
18	Ganakbari		1971	591	Nil	Nil	Nil	Nil	Nil	Nil	Nil	291	Nil	Nil	Nil	Nil
			1991		94	640	329	311	-	-	-	-	0	0	-	-
			2011		30	131	69	62	-	-	-	-	13	0	-	-
19	Majar Chuba		1971	608	Nil	Nil	Nil	Nil	Nil	Nil	Nil	208	Nil	Nil	Nil	Nil
			1991		218	1301	656	645	-	-	-	-	0	0	-	-
			2011		46	207	107	100	-	-	-	-	0	0	-	-
20	Sanowatari		1971	1297	275	1754	974	780	Pr.S-4	TK, TW	KR	280	500	20	-	633
			1991		180	1038	544	494	-	-	-	-	-	0	0	-
			2011		572	2741	1405	1336	-	-	-	-	-	0	0	-
21	Sanowa Gaon		1971	318	66	395	200	195	-	TW	KR	200	118	0	0	93
			1991		260	1516	757	759	-	-	-	-	-	2	0	-
			2011		131	599	304	295	-	-	-	-	-	0	0	-

Pr.S = Primary School • MS = Middle School • KR = Kacha Road • R = River • TW = Tube-well Water • TK = Tank Water

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- D)** It clearly shows that the demography of Dhalpur and its nearby areas never remained stable. It is dependent upon the movement of the river Brahmaputra. But, one basic point is clear: Muslims, specially the Neo-Assamese Muslims, remained concentrated in villages like Dhalpur, Kirakara and Phuhuratoli, where they had got settled before 1971. Only in the village Niz Salmara, which was unpopulated in 1971, and in the thinly Goriya Muslim populated areas of geographical backwardness, Neo-Assamese Muslims started to settle by purchasing land from Goriya Muslims. The same was the case with Bazna Pathar, Dhanbari and Milon bazar area and some parts of Kuruwa.

But, in no case, the Neo-Assamese Muslims have snatched a single plot of land by forcibly dislodging others. The survey team found that out of 517 families, 21 families purchased their land in Dhalpur before 1970. Between 1971 and 1980, 40 families purchased land from Hindus as well as Assamese Muslims residing in the vicinity. Though these sellers had never been to Dhalpur, they claimed that their ancestors were occupants of the land, and thus they transferred the ownership of the land by signing sale-deeds on revenue stamp papers. In the same way, 95 families purchased their land between 1981 and 1990, and 83 families between 1991 and 2000. After 2001, only 62 families purchased land from the local Neo-Assamese Muslim people. Out of 517 families, 134 families were living in their inherited land. It means that 25.9% of the evicted families inherited their land at Dhalpur by birth. At the same time, 34 families occupied abandoned land, which is very low land by the riverside. It is worth mentioning that 62 families were found to be landless during the survey, and 129 families paid their land revenue for a certain period of time. (see Index 3)

Report on Land Purchasing:

The year-wise data of land purchase by the numbers of families

Period and Nature	No. of Family	Percentage of Total Family
Before 1970:	21	(4.06%)
1971-1980:	40	(7.73%)
1981-1990:	95	(18.37%)
1991-2000:	83	(16.05%)
2001-2021:	62	(11.99%)
By birth/inherited:	134	(25.91)
Abandoned or occupied land:	34	(6.57%)

(Index – 3)

3. Question of Grabbing Grazing Land:

It is alleged that the entire land of Dhalpur No 1, Dhalpur No 2, Dhalpur No 3, Karakara and Phuhuratoli is grazing land, and it has been illegally occupied. This allegation is absolutely baseless as per the Census of India report. In case, the villages are situated in either Protected Grazing Reserve (PGR) or Village Grazing Reserve (VGR), they are distinctly marked as PGR or VGR with their names. But, nowhere in the Census Report of 1971, 1991 or in 2011, the villages of Dhalpur, Kirakara, and Phuhuratoli or the greater area of Kuruwa have been marked as PGR or VGR.

Thus, the narrative, BJP-RSS and its allied organisations have created during the last nine years, is not only a distortion of facts about Dhalpur and its people, but a completely false and baseless slanderous campaign. There is no shred of truth in their propaganda. It is just a propaganda campaign to spread hatred against the Muslims living in Dhalpur with a view to achieving their political goal by polarising Assamese society on the basis of religion. It will be further discussed hereafter.

Distortion of Facts And Reality for Spreading Hatred

Initially, the BJP as a political party was silent on the Dhalpur issue. Only the *Prabrajan Virodhi Mancha* (PVM), an allied organization of RSS in Assam was vocal on the issue. The PVM even accused BJP for not taking the Dhalpur issue seriously. The PVM did all this to create a situation at Dhalpur in which BJP had to intervene on public pressure, and to establish an impression that BJP is the only party, which respects the public sentiment and takes up issues of public interests. When PVM became successful in establishing that "land grabbing at Dhalpur is a major issue of public interests, especially for the existence of the indigenous Assamese people", the BJP flung itself into action.

After the episode of 23 September, 2021, the rank and file of the BJP leadership jumped over the issue pressing a number of charges against the evicted people of Dhalpur. Most of the serious charges were made by the Chief Minister of Assam, Dr. Himanta Biswa Sarma. The Chief Minister of Assam brought the most provocative allegations against the evicted people which need to be explored. The major allegations made by the Chief Minister are the following:

Serious allegations made by the Chief Minister, Dr. Himanta Biswa Sarma:

1. When the place where the eviction drive was proposed on 23 September 2021 had only 300 people, how could there be a huge crowd of about 10,000 people staging demonstration at Dhalpur?
2. The protest demonstration at Dhalpur was not of the people of Dhalpur, rather it was organised by outsiders with a political conspiracy. The outsiders instigated the local people, and they attacked the police first. The police had to fire in self-defence.
3. It was a pre-planned attack. There was a massive stone pelting from the side of the demonstration. People of Dhalpur in huge numbers attacked the administration and police with lathi (sticks), da (large knives) etc.
4. A political party called PFI was not only behind the screen, but they were working at Dhalpur for long to mislead the people of Dhalpur.

5. Lakhs of rupees were collected by self-serving middlemen from the people of Dhalpur with an assurance that they would be allotted land there.
6. Lakhs of rupees were collected from people of Dhalpur assuring them of legal proceedings in their defence.
7. All the people of Dhalpur are suspected Bangladeshis; their names do not figure the final NRC.
8. People have settled at Dhalpur only to grab land from the indigenous Assamese people.
9. The people of Dhalpur are neither poor nor victims of erosion. There are no records or documents with them to prove that they are affected by river erosion. They have not registered their names as erosion victims in any of the circle offices of the state.
10. Each family of Dhalpur has occupied 300 to 1000 bighas of land. If they had been poor at all, they could not have occupied such a huge share of land per family.

(The above list is an upshot of the numerous allegations levelled by the Chief Minister of Assam, Himanta Biswa Sarma. All these allegations got wide coverage in Asomiya Pratidin, Dainik Asom, Asomiya Khabar, Amar Asom, Dainik Janambhumi, Dainik Agradoot, Dainik Gana Adhikar and in almost all daily newspapers of Assam, from 24 to 26 September, 2021).

Fact- check on allegations made by the Chief Minister:

The fact-finding team delved deep into the allegations levelled by Chief Minister Himanta Biswa Sarma and the media trail that followed his allegations. The findings on the ground are detailed below:

- 1.** On 22 September, 2021, more than 600 notices were served to the residents of Dhalpur No 2 and Dhalpur No 3. Notices were served to the villagers from 10 p.m. that day to 9 a.m. the next day. The scheduled time for eviction was 10 a.m. onwards on 23 September 2021. The villagers were unnerved not knowing how to dismantle or shift their houses within such a short time. Besides, the victims panicked thinking endlessly where to go with their families, as there was no land for them to live. They were not shown any alternative place as shown to the people who were evicted on 20 September for a temporary settlement. Therefore, they decided to stage a protest demonstration demanding some additional time to

dismantle their houses, with an appeal to demarcate an area where they would live for the period until an alternative rehabilitation. Safer Ali, who is close to local BJP leaders, said: "We received the notices after 10 p.m. on 22 September. We felt helpless when we came to know that the eviction drive would start by the next morning. The news was like a thunder falling on the villagers. We spent a sleepless night. After performing the Fazr Namaz (morning prayer), some people gathered near the mosque. The gathering was growing as the time was passing. We had decided to stage a protest demonstration demanding additional time to dismantle our houses and allotment of a suitable piece of land for an alternative rehabilitation. It was completely spontaneous. There was no instigation from outside. Such allegations are absolutely baseless." Like Safer Ali, everyone else evicted from that village on 23 September was of the same opinion.

- A) Regarding the gathering of more than 10,000 people at the demonstration site as alleged by the Chief Minister, it might be noted that his statement was contradicted not just by the villagers, but even by his own government officials. According to the first information report of Sipajhar Police Station Case No. 758/21, dated 23/09/2021, lodged by Olindita Gogoi, APS, Addl. SP (Security), Nalbari, who had been deputed as Special Security Officer, Law and Order, for the eviction, said, "there was a gathering of 2000 to 2500 people" at the demonstration site. The same number has been recorded in the primary charge-sheet submitted by the same officer to the Court of Chief Judicial Magistrate, Darrang, on 27 September 2021.

Going by the above two official records, it is clear that the number of people in the crowd was not anywhere near 10,000 as claimed by Chief Minister Himanta Biswa Sarma. The locals who took part in the demonstration told us that the gathering at the eviction site drew not more than 1000 people.

- B) The allegation of the Chief Minister regarding the number of population of Dhalpur is utterly baseless. As per the Census of India report 1991, the total number of population at Dhalpur No 1 is 857, Dhalpur No. 2 is 1151 and at Dhalpur No 3 is 959. But as per the Census of India report 2011, the total

population of Dhalpur No 1 is 5214, Dhalpur No 2 is 278 and that of Dhalpur No 3 is 6115. The numbers of households and population have not remained stagnant during the last ten years. In this light, the gathering at the demonstration site might have had about 3,000 people or even more, which was quite normal.

C) At the same time, it is a general tendency of the humanitarian and democratic people to stand by the side of the distressed people. If so, what would have been wrong if lakhs of people had demonstrated there against the inhuman, biased, and unlawful eviction of the government? The poor and river-eroded people living at Dhalpur have no land to live in any other place. In that context, this eviction has violated their fundamental right to life and livelihood. It is an urgent necessity for democratic and humanitarian people to reach out to these victims of injustice. The government has no right to dispossess people of their fundamental right to protest.

2. The allegation by the Chief Minister regarding instigation by external forces in the demonstration at Dhalpur on 23 September, 2021 has been exposed in the above discussion. Now, we would have a look into his allegations as to whether the attack was launched from the demonstration first, and whether the police had to shoot at the agitating people in self-defence.

The fact-finding team left no stone unturned to unearth the truth about the above two allegations. An All Assam Minority Students' Union (AAMSU) leader and a resident of the locality Joynal Abedin said, "When people were determined to stage a demonstration, it was our moral duty to be present there. The demonstration started at about 10 a.m. After slogan-shouting for an hour by the demonstrating people, a discussion was held between the representatives of the local people and the district administration. The discussion lasted for an hour. It was a fruitless discussion as the district administration remained insistent on the decision that no additional time will be allowed for eviction. The Deputy Commissioner of Darrang District, who was present at that discussion, held that she would inform the higher government authority of the issue of land allotment to the evicted people for

rehabilitation. Our leaders walked out of the meeting and informed the demonstrating people about the wish of the administration. The representatives of the district administration too gave us the same information. Thus we declared wrapping up of our demonstration. People began to leave the agitation site. When most of the people had left, we went to Bhetibazar, which is about 2 km from the site of the demonstration. As soon as we reached Bhetibazar, we heard a huge hue and cry at the site where the eviction drive was to happen. As we came outside, we saw smoke at the eviction site. We also heard sounds of gun-firing a few minutes later.

Ahmed Ali, a resident of Dhalpur No 3, said, "Soon as the demonstration was declared finished with the message that eviction drive would start without delay, all people rushed to their homes to dismantle their houses. When I reached my home, I saw the police setting my house on fire. I helplessly cried and requested them not to burn my house. They did not listen to me. The police burnt my house including 8 quintal jute, paddy, utensils, beds, and all goods and chattels. As I was howling for help, two civilians introduced themselves as journalists asked me to restrain myself and calm down. They even killed my hens and ducks and took them away with them. The sight of burning my house and my helpless crying were streamed in a web portal, which I saw later.

Ahmed Ali narrates further: "While the four police officers were burning everything of my house, I saw other policemen beating the common people, who were either busy dismantling their houses or moving to their houses. I heard a huge sound. One policemen present at my house told that firing had started. I rushed to trace my son, who was not present at home at that moment".

Jabed Ali, an elderly man of Dhalpur No 3 said, "After the demonstration came to an end, I rushed to my house. It took me about twenty to twenty-five minutes to reach home from the place where the demonstration took place. I was accompanied by Moynul Hoque, who was killed by the police only about five minutes later. Reaching home, I saw a group of three to four policemen present at my house. Two policemen started beating me without any reason. One of them

kicked me mercilessly. Moynul Hoque felt anguished in the situation. He pushed me out from my home. Probably, he could not bear the pain of seeing the police beating an old man like me. Though I was saved by Moynul Hoque, who took me to the backyard of my house, he (Moynul Hoque) was beaten harshly by the police. About a minute later, I heard a huge noise, and I tried to peep at what was happening. As far as I could see, I saw the police beating innocent villagers all around. Everyone was running to find a safe place. I saw Moynul Hoque picking up a dry bamboo and running in the opposite direction. A few moments later, I heard huge sound of gun-firing. I came to know later from video news that just after crossing the entrance of my house, as he was running down from the road to the wetland, he was gunned down by the police. Javed Ali said weeping, "I painfully feel that Moynul Hoque would not have been killed, if he had not seen that the police were beating and kicking me.

Though Javed Ali believed that Moynul Hoque had to die for him, there was something more to account for his tragic death. "After Javed Ali was pushed out of his home by Moynul Hoque, he tried to run to his home. At that moment, a minor girl was savagely beaten by the police. The girl fell on the ground. Moynul picked a dry bamboo from Javed Ali's house and rushed to the policeman, who was beating the minor girl. He then attempted to throw the bamboo at the policeman. Seeing Moynul Hoque in a frantic state, the police team and their civilian companion ran down to a low-lying area, where a huge number of policemen had been camping. Seeing the police flee from the spot encouraged a few others to follow Moynul Hoque. Suddenly huge firing started. Moynul fell down. I was observing the entire situation in shock from the highland" said Paras Ali.

He said, "The police started beating and carried out an arson attack in the village fifteen to twenty minutes after the demonstration was over when at least 75% of the demonstrators left the spot peacefully and a few were taking rest in the shadow under the trees close to the site of the demonstration." It was mysterious that the police launched the attack not from the location of the demonstration, but from the east side quite far from the demonstration site.

The fact-finding team tried to trace the girl, whom the police was beating before Moynul lifted the bamboo. She was discovered quite far from the spot, to the southeast of Dhalpur No 3. A 13 years old girl reading in Class VII, Hasna Banu said, "I went to see the demonstration. I did not attend it. Rather, I along with my friends of my age was looking at everything from a safe distance. When the demonstration ended, I along with my friends started to walk home. Everything was peaceful at that time. After walking and roaming for about twenty minutes, I saw that the police were beating everyone mercilessly. All were running to find a safe place. I also started to run. All my friends were missing from me. One policeman started beating me from backside. The police hit my arm badly with his baton. I fell on the ground. I failed to get up from there. A few moments later, I heard sounds of huge gunfire. I was frightened and fell senseless at that moment. It may be mentioned that Hasna Banu is sister of a BJP leader at Dhalpur. Though she was debarred from speaking the truth about the entire episode on camera, she categorically stated two points to the fact-finding team: the police team beating the common people and they came from the east. The second point she clarified was that before she was beaten and she fell on the ground, she had not heard any sound.

All the witnesses of Dhalpur, who were in the demonstration or nearby places, were of the same opinion. The Chief Minister and the police were trying to spread falsehood only to hide their misdeeds.

3. The allegation made by the Chief Minister and the police regarding the pre-planned attack by sharp weapons and stone pelting by the agitators is quite misleading, injudicious and intended to hide the truth.

a) First, if someone takes a close look at the videos of the incident, it will be clear that all the seven policemen injured were coming from the highland. As per the FIR of the police and primary charge sheet, the place of demonstration was the low land of Maluwa chapari and the residential areas of the evicted people were in a relatively high side. If the demonstrating people were pelting stones at the police, how could the police have reached the highland?

- b) Secondly, none of the 7 policemen injured has any mark of injury on their bodies. Therefore, using sharp weapons by the villagers is a false propaganda.
 - c) The question of stone pelting by the villagers is fully Goebbelsian propaganda. Javed Ali reacted to the allegation strongly. He said, "The villages of Dhalpur No 1, Dhalpur No 2, Dhalpur No 3 or even in Kirakara are free from stones. You will not find even a single stone here in this area. It is completely a sandy land. You will not even find a single brick house here. From where will the villagers gather the stones for pelting? Not just Javed Ali, everyone we met in the village was of the same opinion.
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- 4. The allegation of the Chief Minister regarding presence of Popular Front of India (PFI) at Dhalpur has been denied by all. The villagers said that they never found any leader of PFI at Dhalpur.
 - 5. Regarding collecting of lakhs of rupees by the brokers, the allegation is strongly dismissed by the villagers. At the same time, however, a few brokers collected some money from the uneducated and ignorant villagers promising them allotment of land. But, the amount is not in lakh. Maybe it was rupees two to five thousand from some families.
 - 6. About the collection of money, the villagers informed that about 200 families had filed a writ petition at Gauhati High Court. The petitioners raised funds for this from within themselves. The matter concerns only a few families, and not all the people of Dhalpur are related to it.
 - 7. The nationality of the Muslims living in Dhalpur is beyond any question. The issues related to their citizenship have already been elaborately discussed. Of the 517 families covered by this ground survey, 516 families have their legacy data. One family has land documents existing from a time before 1971. The computer generated legacy data were generated by NRC authority, under direct supervision of the Honourable Supreme Court of India. Leaving aside the legacy data of only one family, no other legacy data were challenged by anyone. One family had mistakenly used the legacy data of another with a similar name. At the time of NRC

hearing, the error came to their notice. They then surrendered their wrong legacy data and collected their own legacy data, which had been used by other families of their family tree.

Moreover, there is not a single instance of legacy data by which some of the family members of an ARN or some of the ARNs of a family tree were not included in final NRC.

It is obviously true that the rate of exclusion in Dhalpur is higher among Muslims. It is not because of faulty of their documents, but because the NRC officials were biased against them.

In this context, the final word is that while the updated NRC has been attacked by the Chief Minister on a regular basis, he himself is trying to justify eviction on the ground that a huge number of people have been left out of the final NRC. If the Chief Minister strongly upholds the NRC, why does not he write to the RGI for approval of the final and updated NRC, which remains pending for the last two years and three months?

More importantly, if the stand of the Chief Minister is innocent, will he feel sorry about the 237 families who have been evicted even though all their family members have been included in final NRC? Whether the Chief Minister will feel apologetic about the remaining other 190 families, of which one or more members have been included in the final and updated NRC? Is there any justification about tagging the 100 families of Dhalpur as Bangladeshi or doubtful citizens as their entire families were excluded from the final NRC, but others of their family tree living outside Dhalpur have been included in the final NRC?

- 8.** The allegation of the Chief Minister regarding the forcible grabbing land from indigenous people by Muslims at Dhalpur is not based on facts. It is evident in the Census of India report 1971 that there were only 23 people living in Dhalpur. It was recorded in that census report that the total land of Dhalpur was 13,050 acre of which only 2000 acres were land cultivable waste and 1000 acres were

uncultivable land. The Darrang District map in that census report shows that the main stretch of river Brahmaputra was flowing by north of Dhalpur village, which means that the entire Dhalpur village was situated on the south bank of the river Brahmaputra in 1971. The non-Muslim people, if they at all had been living there before, had deserted the village before 1971. They could not co-exist with the river Brahmaputra. For the same reason, at least nine villages attached to Dhalpur had no population at all. Of these nine non-populated villages, seven villages at present have non-Muslim population and one is populated by Goriya Muslims, one has a mixed population of non-Muslims and Goriya Muslims.

The most important fact in this regard is that the newcomers to Dhalpur had to buy their land from the absentee landowners (though they had no land documents) belonging to non-Muslims and some Goriya Muslims till 2000. The neo-Assamese Muslim families migrated to Dhalpur before 2000. Most of them have such land purchasing agreements in stamp papers.

9. The allegation about the genuineness of poverty and river erosion of the people of Dhalpur as raised by the Chief Minister of Assam is completely distortion of facts.

All the 517 families the team surveyed are based on either cultivation or agricultural labour. There is not even a single family member in government service. The average annual income of these families was found to be above Rs 1,00,000.00.

In our ground survey, we have found that 90% of the people who have settled in Dhalpur are from erosion-affected villages. The villages they used to live in were either badly eroded or completely washed away by the river Brahmaputra or by its tributaries. All these people have their legacy data. The validity of the legacy data has already been proved here. But, the matter of concern is that all these legacy data are mostly from the villages which have either been fully or partially eroded. Their ancestors used to live in those villages not just between 1951 and 1971, the period in which the legacy data were generated, but many of them have land documents in those areas even since 1928.

It may be noted that there had been four Muslim dominated villages near Dhalpur since pre-independence period. One such village was Aporiya, which was just 8 km from Dhalpur. Another village was called Chawul khowa, which was just 12 km from Dhalpur. These villages were completely washed away by the Brahmaputra. Erosion in the villages of Aporiya and Chawul khowa began in 1985, and they vanished between 2010 and 2020. At present, less than 1% landmass of the village Aporiya has re-emerged. Not even a grain of sand can be found now in the village Chawul khowa. (Google map of village Aporiya and Chawul khowa inserted).

At the same time, the Muslim dominated villages since pre-independence period, which are within 10 km east of Dhalpur like Bhokelikonda (the village is in three parts), Rangamati have been almost completely eroded by the Brahmaputra. The village Kirakara which is attached to Dhalpur was dominated by neo-Assamese Muslims prior to 1971. It has been completely eroded by the Brahmaputra. (Google map of village Bhokelikonda, Rangamati and Kirakara attached).

The bulk of the people mentioned above are from the river-eroded villages of Darrang district, and they migrated to Dhalpur and Kirakara between 1985 and 2021. Many of the erosion affected people are from undivided Kamrup (presently Kamrup, Barpeta and Nalbari) district. They migrated to Dhalpur between 1970 and 1990.

A vital question has been raised by the Chief Minister Himanta Biswa Sarma is that if the migrated people were affected by river erosion, why did they not have river erosion certificates? The people of the area are of the opinion that before making such derogatory remarks, the Chief Minister should collect the legacy data of the people of Dhalpur to find out their original villages and then check at the Revenue Circles whether these villages fell under erosion at any point of time or not? The survey team collected names of the villages from which they migrated as per their legacy data or other valid documents. While the list of their original villages was checked through the Google map, it was found that at least 60% people surveyed were from such villages which are still completely or partially under water. The remaining 30% people are from the villages which are situated in the riverine

areas. Only 10% people are from the villages which are safe and secure from any river erosion. These people informed that they had migrated to Dhalpur as they had no land in the villages where they used to live before. It is quite possible that, a person, who has no land will migrate to a remote distance, where he can have some land of his own. The Chief Minister and his party colleagues must have understood this basic reality before making any twist.

- 10.** The allegation of the Chief Minister regarding occupying of 300 to 400, even 1000 bighas of land by each family at Dhalpur is again false propaganda. The survey team found that among the 517 evicted families surveyed, 48.54% families had just 0.01 to 3 bighas of land, 19.34% families had 3.01 to 7.5 bighas, 5.8% families possessed 7.51 to 15 bighas and 13.92% families were landless. It means the assumption of occupying 300, 400 or 1000 bighas of land is far from the truth. There is not even a single family having above 15 bigha land at Dhalpur. (**Index of Possessing land inserted**) at Dhalpur. (**Index of Possessing land inserted**)

Report on Land Possessing:

Land possessed by each family in Dhalpur:

Amount of Land	No. of Family	Percentage of Total Family
0.01 - 3 bigha:	251	(48.54%)
3.01- 7.5 bigha:	162	(31.33%)
7.51 - 15 Bigha:	30	(5.8%)
15.01- 20 bigha:	02	(0.38%)
30 bigha and above:	00	
Landless:	72	(13.92%)

Major findings of the survey at a glance

The major findings of the Pre-survey appears as bellow:

Regarding Geographical position and Land:

- The total area of the village of Dhalpur as per Census of India report 1971 was 13,050 acre of which the cultivable waste was 11,000 acre and 597 acre was uncultivable land.
- According to the Department of Revenue, Government of Assam, the total area of the villages of Dhalpur No 1, Dhalpur No 2, Dhalpur No 3, Phuhuratoli, NC Kirakara and NC Kuruwa was 77,420 bigha, of which after erosion 21,841 bighas of land is available as of 2021 AD. (Assam Assembly unstarred question no 06-08-2021 enclosed alongwith the answer of Revenue Department).
- On the other hand, Jogen Mohan, Minister for Revenue and Disaster Management, Government of Assam, answering a question raised by CPI(M) MLA Manoranjan Talukder on 16-07-2021, in Assam Assembly said, about 37,000 acre of land has been eroded by the Brahmaputra in Dhalpur and Phuhuratoli area. As, Kirakara is a non cadastal village, in Dhalpur and Phuhuratoli, some assessments were done. As per the assessments, the approximate total land in Dhalpur and Phuhuratoli is 25,929 bigha. The total agricultural land of these two villages is 16,878 bigha and the amount of inhabitable land is 9,051 bigha. (Assam Assembly question dated 16-07-2021 enclosed with the answer of the Revenue Department).
- The answer of Revenue and disaster management department to Assam Legislative Assembly shows that about 4,100 bigha of lands have been eroded by the river Brahmaputra just within a short period of 21 days.
- Out of 21 villages closely attached to Dhalpur, nine villages had no population in 1971. There were five other villages closely attached to Dhalpur where the total population was fewer than 100 in 1971. Huge erosion, the changing course of the river, and heavy floods during the rainy season were the main reasons rendering the area inhabitable.
- Among the non-populated villages in 1971, Major Chuba and Kumar Chaba were two important villages, which are known as Garukhuti proper at present.

- The villages of Kumar Chuba and Major Chuba which had no population in 1971 are attached to the village Dhalpur. A minor stretch of the river Brahmaputra cuts off these two villages from Dhalpur. Both the villages are free from Neo-Assamese Muslim habitation.
- The village Majar Chuba, attached to Dhalpur had 218 households with a total of 1,301 population in 1991. The total number of households in the village decreased to 46 and the total number of population to 207 in 2011.
- The total number of households in Kumarchuba was 718 in 1991 with a total population of 4792. In the year 2011, the total number of households was reduced to only 90, and the total population to 555 in this village.
- In the year 1971, the main course of the Brahmaputra by the north side of Dhalpur, which is now passing by the south side at present.
- As per the Census of India report 1991, at least 6 villages closely attached to Dhalpur had fewer than 100 population.
- As per the census of India report, 2011, there were at least nine villages, where total population was fewer than 100.
- It is a frequent trend in Dhalpur and its attached villages that the population changes along with the changing courses of the river Brahmaputra.

Demographic trends of Dhalpur:

As per the Census of India Report, 1971:

- It is cited earlier that as per the Census of India report 1971, the total area of Dhalpur village was 13,050 acre, of which 11,000 acre was cultivable waste and 597 acre was uncultivable land. In that vast deserted land only 23 households were living. The total population of village Dhalpur was 138.
- Among them 66 were men and 72 women. There was a primary school at Dhalpur in 1971. Out of the 138 total people, 27 men and 7 women were literate.
- There was no drinking water source at Dhalpur in 1971 and people depended upon river water in 1971.
- There was no road to connect Dhalpur at that time as recorded in the Census of India report 1971.

As per the Census of India Report, 1991:

- According to the Census of India report 1991, Dhalpur was divided into parts viz. Dhalpur No 1, Dhalpur No 2 and Dhalpur No 3.
- As per the Census of India report, 1991, there were 125 households in Dhalpur No 1, and the total population was 867. Among them 445 were male and 422 female.
- In Dhalpur No 2, there were 176 households, and the total population was 1,151. Out of them 580 were male and 571 were female, as per the Census of India report, 1991.
- As per the Census of India report, 1991, the total households in Dhalpur no 3 were 156. The total population was recorded in that part was 959. Among them 501 were male and 458 were female.

As per Census of India Report, 2011:

- The total households of Dhalpur No 1 were 838 as per the Census of India report, 2011. The total population in the village was recorded as 5,214; among them 2645 were male and 2571 female that year.
- At Dhalpur No 2, the total number of households recorded in 2011 was 48. The total number of population as per the Census of India report, 2011 was 278; among them 148 were male and 130 were female in Dhalpur No 2.
- At Dhalpur no 3, the total households were 1006 as per the Census of India report, 2011. That year, the total number of population recorded was 6,116 at Dhalpur no 3. Among them 3095 were male and 3020 were female.

Methodology and Area Covered by the Survey:

- The area of this survey was exclusively the evicted area.
- The family heads were available at the shelter camps of evicted people of Dhalpur. Those family heads who could not be reached were left out of the survey. It may be mentioned that after eviction, the government did not arrange any ration for the evicted people. As all agricultural activities in the Dhalpur area had stopped since the recent eviction, the family heads had to go outside Dhalpur for work as labourer. Under such circumstances, some family heads could not be connected during the survey.

- To collect all necessary information in an error free manner, third party depositions were not accepted in any case. Therefore, family heads who could not be contacted even in a telephonic way, were left out of the survey.
- In rare cases, some joint families were served separate notices. But, the survey team tried to collect the data from them as a single family. In case of separated families, the data were collected as separate families.
- Though the government officials of Revenue and Disaster Management Department, without disclosing the proper number of evicted families stated that the number of evicted families at Dhalpur on 20 and 23 September, 2021 was about 960, and the village heads as per their records stated that the number of evicted families was 963. The survey team avoided all such contradictions, and combined and compiled the survey report of 517 families, whose family heads the team could meet.

Findings of the Field survey:

Total Families evicted: 960 (Approximately as per Government report)

- **Total Families evicted: 963 (as per village heads of the evicted people)**
- **Total number of evicted families covered by this survey: 517**
- Total number of families having legacy data: 517 (100%)
- Total number of family heads having name on voters' list: 514 (99.41%)
- Total number of D Voters among the people surveyed: 02 (0.06%)
- Among the two D voters one is a family head. He was declared Indian by the Foreigners' Tribunal. But, D mark has not been deleted yet. Though the family head's judgement copy from the tribunal was submitted during NRC process, the entire family has been left out of final NRC.

Population:

Total population covered by the survey:	3,094	
Total Male population covered by the survey:	1,529	(49.41% of the Total population surveyed)
Total female population covered by the survey:	1,565	(50.58% of the Total population surveyed)
Total Children population covered by the survey:	1,222	(39.40% of Total population surveyed)

Period of Migration of the families to Dhalpur:

Period of my Migration	No. of Migrated Family	Percentage of total family covered
Before 1960 :	2	(0.38%)
1961- 1980:	39	(7.54%)
1981- 2000:	188	(36.36%)
2001- 2021:	26	(5.02%)
By Birth:	254	(49.12%)
Did not respond:	8	(1.54%)

NRC inclusion/exclusion report:

Number of Persons included in NRC:	1,998	64.58%
Number of Persons excluded from NRC:	1,096	35.42%
Number of Families entirely included:	227	43.91%
Number of families partially included:	190	36.7%
Number of Families entirely excluded:	100	19.34%
Number of Family tree entirely excluded :	0	0%
Number of families affected by NRC:	290	56.09%

Report on Land Possessing:

Land possessed by each family in Dhalpur:

Amount of Land	No. of Family	Percentage of Total Family
0.01 - 3 bigha:	251	(48.54%)
3.01- 7.5 bigha:	162	(31.33%)
7.51 - 15 Bigha:	30	(5.8%)
15.01- 20 bigha:	02	(0.38%)
30 bigha and above:	00	
Landless:	72	(13.92%)

Report on Land Purchasing:

The year in which land was purchased by number of families

Period and Nature	No. of Family	Percentage of Total Family
Before 1970:	21	(4.06%)
1971-1980:	40	(7.73%)
1981-1990:	95	(18.37%)
1991-2000:	83	(16.05%)
2001-2021:	62	(11.99%)
By birth/inherited:	134	(25.91)
Abandoned or occupied land:	34	(6.57%)

Note: There are at least 24 families among the evicted families, which purchased land at Dhalpur but they are now landless.

Land revenue paid by the occupants: 134 (28.57% of the all landholders.

Report on Annual Income:

Yearly annual income per family

Range of income	No. of Family	Percentage of Total Family
Below Rs. 100000.00	515	99.61%
Rs 100001.00 – 300000.00	2	0.038%
Rs. 300001.00 & above	0	0%

District wise list of villages from which evicted people are migrated

This list has been prepared on the basis of the legacy data of every family evicted from Dhalpur by collating and comparing their pre-1971 documents. It is observed that the largest number of families migrated to one after another village owing to recurrent erosion of their habitation in the villages before 1971 and even after 1971. In some families it was seen that if their legacy data from NRC 1951 was in one village, and legacy data from voters' lists in 1952, 1957, 1962, 1966, and 1971 in other villages. At the same time, land documents of 1917 or 1928, 1936 or such other years before 1947 are found in some other village. The same family having voters' details after 1971 is found two or three other villages in different years. A family with land allotment documents dating back to 1928 was found to have the history of migrating to 14 different locations in Assam between 1928 and 1989. To avoid complications of such cases, the legacy data of the village from which the migrated family applied for NRC was taken as the basic village. Based on the above criteria for data collection, the evicted people surveyed were found to have migrated from following villages:

A. Undivided Darrang District:

1. Bantabu (eroded)
2. Simulbari
3. Sialmari (eroded)
4. Chawulkhowa (completely washed away)
5. Nangli (washed away)
6. Bormurichapori (eroded)
7. Aporiya (completely washed away)
8. Panbari, Kalaigaon
9. Baralakhat
10. Rangamati (heavily eroded)
11. Dhakuwa (Eroded)

12. BagporiChapori (eroded)
13. Raja PukhuriBagicha
14. Ganesh Bali
15. Kirakara (completely washed away)

B. Undivided Kamrup District:

1. Baghmarachar (heavily eroded)
2. Takakata (heavily eroded)
3. JoypurPathar (washed away)
4. Langla (affected)
5. Alopatis char NK (heavily eroded)
6. NijMoyenbori (heavily eroded)
7. MahcharaNk (heavily eroded)
8. Tarabari (heavily eroded)
9. Kachumara NK (heavily eroded)
10. Khatartari (heavily eroded)
11. Poruwagaon (heavily eroded)
12. Alopoti (heavily eroded)
13. Chenimari (washed away)
14. Solmara, Sorbhog (eroded)
15. MandiaGaon (affected)
16. Titapani (heavily eroded)
17. Balikuri NK, Baghbor (heavily eroded)
18. Bhatnapaiti (completely washed away)
19. Moiradia NK (completely washed away)
20. BalarPathar (heavily eroded)
21. Hatchara (completely washed away)
22. JoypurGaon (completely washed away)
23. Chandmama (heavily eroded)
24. Juarimari (eroded)
25. Chaysimana NK (heavily eroded)
26. Loharpara NK (completely washed away)
27. KhopanBoriyaBhita (completely washed away)

28. Kalarchar (washed away)
29. Kanchan Pur (completely washed away)
30. Dologaon, Sorbhog (affected)
31. Simulbari, Tarabari (heavily eroded)
32. Changbandha NK (completely washed away)
33. Temura (heavily eroded)
34. Char Kholabandha (washed away)
35. Baghmarachar NK (heavily eroded)
36. Dabondia (affected)
37. Sewrachara (washed away)
38. Puthimari NC (completely washed away)
39. Sonabari (completely washed away)
40. SewracharaPathar (completely washed away)
41. KismatMoinbori (completely under water)
- (All the above 41 villages are presently in Barpeta District)*
42. KhoponiKuchi (heavily affected)
43. Bhakuwamari (heavily affected)
44. BallaPathar
45. Choudhury Para, Boko
46. Tapabari (heavily affected)
47. Tarabari, Hajo
48. Sontali (heavily eroded)
49. BadlaPathar
50. Jaokatadia

C. Undivided Goalpara district:

1. NabagataSimlitola (affected)
2. ShobagataSimlitola (affected)
3. Barpathar, Dudhnoi
4. Balarchar, Abhayapuri (largely affected)

D. Undivided Nagaon District: 1. Banmury (Morigaon district)

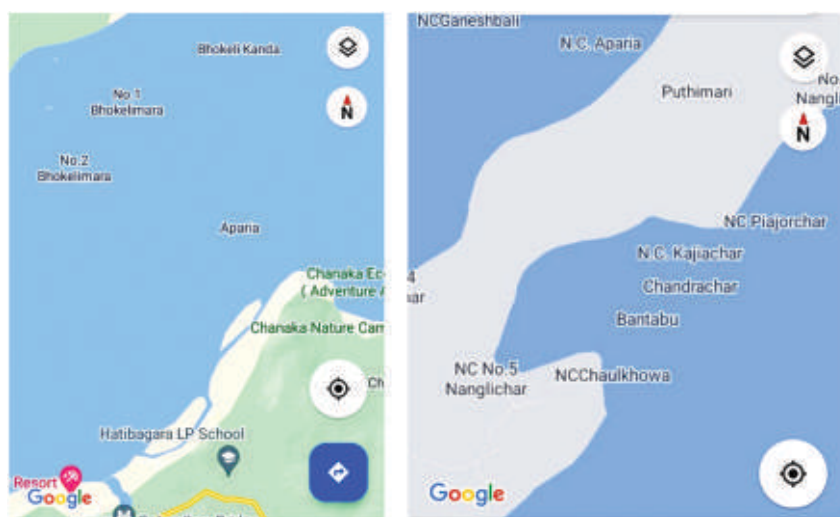
The parameters mentioned above in brackets mean the following.

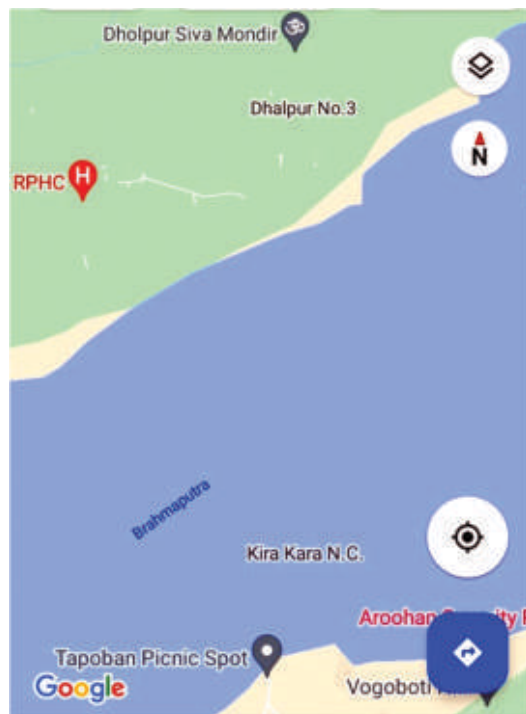
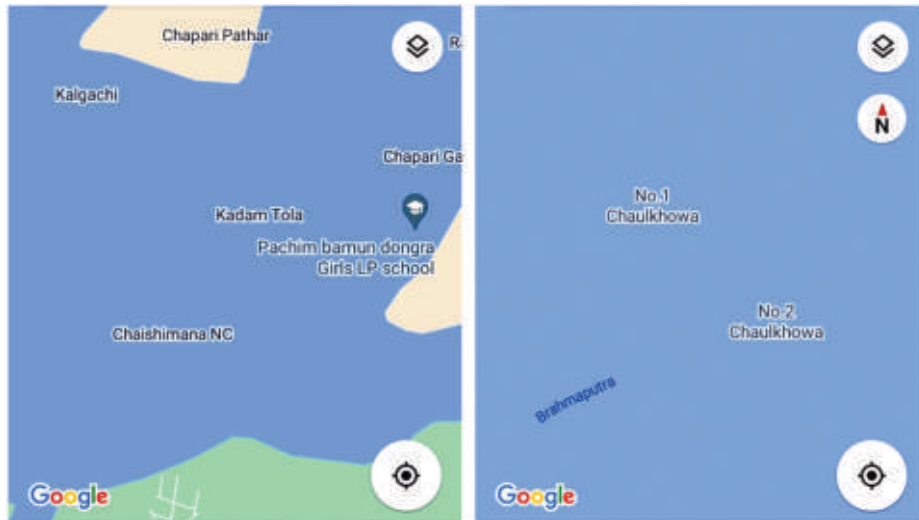
- 'Completely washed away' : a village totally under river water as found in Google map in the first week of December 2021;
- 'washed away' : more than 75% of the villages are under water as in Google map;
- 'heavily eroded' : almost completely eroded in the past as per information received from the local people;
- 'largely affected' : villages where erosion is frequent;
- 'affected' : areas where flood and erosion are in normal range.

It is noteworthy that though there is a certain system for registration and issuing certificates to the flood affected people, it is rare to find that any Circle Office is issuing such certificates. However, there is a system in the revenue department to record and register a daily flood report. The government or the Chief Minister can easily access this flood report to know whether the villages from which the people of Dhalpur have migrated are flood affected or not.

Images of some villages from which the people of Dhalpur migrated :

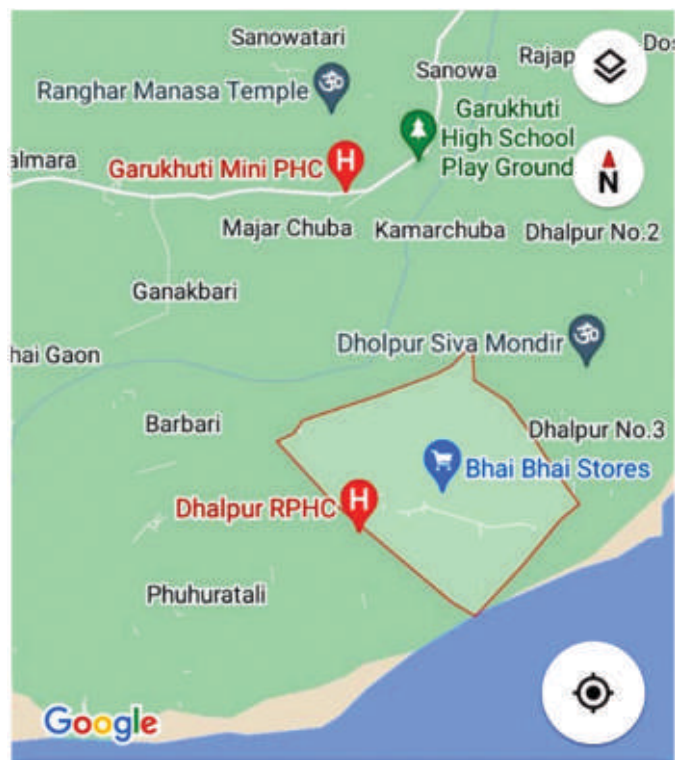
The images were collected from Google Map in the first week of December 2021. The villages seen in **dark blue** patches have been completely eroded and are entirely under water of the Brahmaputra or its tributaries. Villages seen in grey patches are those that stand by the river in the erosion-affected areas.





Location of Dhalpur in 1971 as per Census of India Report 1971 of Darrang District

Village location Code as per 1971 Census : **122 Dhalpur**, 121 Kirakara Chapori, 117 Kuruwa Chapari, 118 Kuruwa Chapari NC, 123 Kuruwa NC, 127 Kamar Chuba, 116 Dakhin Kuruwa, 119 Dakhin Kuruwa Chapari.



Dhalpur as per Google Map of December 2021

Note : In 1971 Brahmaputra was flowing through Northern part of Dhalpur which flowing through Southern side of Dhalpur at present.

The inhuman face of the government

The survey team tried to explore the basic needs of the people living in quite a few villages and the attitude of the government towards these issues. Some major findings came out in the pursuit. All these issues are worth mentioning here.

1. **Food Scarcity:** Since the eviction in Dhalpur, the homeless people are living in temporary shelter camps. People in the camps have become utterly jobless as all productive activities have stopped there for the last three months. During this long period, the government has not supplied any ration to the evicted people. All the inmates are dependent upon the ration supplied by various organizations like AAMSU, ASSP, Jamiyat Ulema E Hind (led by Alhaj Mostak Ahmed Anfar), Markazul Ma'arif, BTAD Citizen Rights Forum, CPI (M), All India Kishan Sabha, etc. 'Other than various organizations or NGOs or political parties, not even a mug of food stuff has been supplied by the government. If these organisations had not supplied this much, the inmates would have died in hunger' said Safer Ali, a well-known village head and social worker of Dhalpur.
2. **No Arrangement for Drinking Water:** The evicted people, staying in the temporarily self-made shelter camps, had to drink river water for at least a period of 15 days. The government did not arrange for even a single water source for drinking water for the last 3 months. However, organisations like AAMSU, Assam Sankhalaghu Sangram Parishad (ASSP), and Jamiat Ulema E Hind (Alhaj Mostak Anfar Group) arranged for some tube wells later to facilitate drinking water for the evicted people.
3. **Absence of Basic Amenities:** More than 4,000 individuals are residing in the shelter camps as a result of the eviction. Women make up more than half of these people. They have not even been given a single bathroom, toilet, or latrine by the government. For bathing, toileting, and other natural needs, they must use the river or open area. The women have to queue for toilets and other natural needs, as it is not possible for them to use open space.

4. **No Medical Facilities:** After the eviction, everyone had to join two folds of roof in the field. The temperature was too high, and there was heavy raining at night. Under such harsh circumstances, a huge number of people, especially women and children, fell ill. Almost half of the family members of every shelter camp were suffering from various illnesses just after the eviction. As the only char hospital at Bhetibazar was transformed into temporary security camps and all the roads to the Mini Primary Health Centre at Garukhuti were cut off for the evicted people, the survey team had to arrange three medical camps in the first 21 days. In that period, seven humanitarian doctors and seven paramedical staff attended the medical camp. Faruk Ahmed, co-organiser of the camps, says that, 'in these medical camps, more than 1500 people were given medical treatment and medicine worth Rs 5,00,000.00 was distributed'. The survey team had to buy medicine for Rs 49,000.00 from their own pocket and the remaining part was arranged by a group of humanitarian doctors and private pharmacists from Nagaon. We are thankful to all for extending their helping hands in response to a simple text message from a senior journalist and head of the survey team. Otherwise, people would have witnessed a devastating situation in Dhalpur.
- a) The only Char hospital at Bhetibazar has been turned into a security camp. All roads connecting Dhalpur to Garukhuti Mini Primary Health Centre have been cut off. Thus, the people of Dhalpur are living today without health service facilities.
5. During the survey, it was found that 349 school-going students from classes 1 to 10 had been evicted. There were 21 students at the higher secondary level living in the temporary camp. All of them have lost their educational lives. In the evicted site there were 4 schools specially i) Dhalpur ME Madrasa, ii) Pub Dhalpur LP School, iii) Dhalpur Major Chuba LP School, iv) Moluwachor LP School have been evicted. The students of these schools are deprived of their classes for the last 3 months since the date of eviction. It is completely violation of child rights by the state.

6. Since the eviction all Anganawadi Centres in the evicted area have been closed down. It is alleged that 2 Anganawadi Centres in these area were evicted and 2 centres have been utilised by Garukhuti Project.
7. **All roads towards Dhalpur closed:** There were only three routes for villagers of Dhalpur no 1, Dhalpur no 2, Dhalpur no 3 and Kirakara, where about 20,0000 Muslim people living. The one route was Kirakara to Chandrapur (Near Guwahati) throughout river Brahmaputra by waterways. As the movement single engine boats have been closed permanently since the boat capsize at Majuli, the waterways for these people have been closed. The two road ways, these people were using was one from Dhalpur to Sanowa (nearing Sipajhar) via Kharghat and western Garukhuti; and another was Dhalpur no 3 to Garukhuti bazaar, is closed now as the arrow size area from Dhalpur no 1, Dhalpur no 2 and Dhalpur no 3 have been cultivated under Garukhuti agricultural project. No Muslim people of these areas are allowed to passing this project area and thus their movement is restrained.

It may be mentioned that people of Dhalpur are dependent upon Garukhuti bazaar as the only Primary Health Centre and the only Higher Secondary educational institution for the people of vast riverine area situated in this bazaar. The Garukhuti bazaar is one three km distance from Dhalpur no 3 and passing only two river span of mighty Brahmaputra. As, the road is closed now, the students and the patients of this people have to walk 12-18 km through fields and road, and thus after 5 river spans they can reach Garukhuti for secondary education and avail medical treatments. Though waterways boat over Na-Nadi (New River) still in operation between Kharghat and Niz Salmara, no one can reach Niz Salmara village as the adjacent areas of Dhalpur no 1 touching Niz Salmara is under cultivation for now. Till now 5 groups of people from Dhalpur and Kirakara area were attacked by the volunteers (read as trained RSS workers) of Garukhuti agricultural project while they were passing the project area. Their motorcycles were torched; mobile phones were snatched and beaten brutally by the trained RSS volunteers deputed in the project area by the government side.

For instance, on 13th of October, 2021, Sanidul Islam and Jamshed Ali of village, Dhalpur and Kirakara were returning from Guwahati at about 7 pm. As they were returning to their village for the first time after the eviction, they didn't know the new pedestrians route to their villages. They entered the project area after passing Khatghat and at that place both of them were nabbed by the RSS workers and they were beaten brutally. Jamshed Ali narrates the incident in his word, "we were returning to our village for the first time after the election on 13th October evening at about 7 pm as our family members asked us to come through the pedestrian road after passing Kharghat. In the dark of the night we failed to find the route and we were nabbed by the people of Agricultural project. While they enquired, we said that we have come from Guwahati as the company, in which we are working is closed due to puja festival. We have shown our identity card of the company. But they took us to the office of the project and accused us in false allegation that we did enter the project area to kill the pigs by giving poison there. They beat us mercilessly and compelled us to break our mobile handsets in presence of police. My hand has fractured due to their torture."

Sanidul or Jamshed is not alone, these types of tortures are regular there on the people of Dhalpur and Kirakara area. But, they can do nothing as entire administration may be it is civil or police are against these poor and illiterate people. The word of RSS workers has become unwritten law of the soil of Dhalpur now.

8. Agricultural economy killed

Dhalpur was known for its production of big green vegetables, about 70% of the green and fresh vegetables of Guwahati used to come from the area and 90% of the locals were dependant on agriculture.

However, those who have been evicted, have become totally jobless. Others, who have not been evicted yet, didn't do any farming due to the fear of possible impending eviction.

A local person named Faizur Rahman said, "How long will they live here in isolated areas without work, without cultivation and without any earning? If this situation continues, the government will not evict these people, these people will either die or leave the place on their own." He added that as the rivers in the area have eroded, people have no place to go.

Sheikh Abdul Hamid, President of BTAD Citizens' Rights Forum commenting on the situation said "the eviction of Dhalpur is nothing but a pilot project of present BJP government in Assam. If the hate, threat and torture can compel the Muslim people living in the area to evacuate the land, this type of agenda will be implemented all over the state to push Muslim people into the garbage. It is simply a laboratory test, which needs to be understood by all the democratic and secular individuals and organisations. That is why everyone needs to stand by these people to defeat the communal and divisive agenda of the government."

Thus it is found that fundamental rights of the people including children and women have been violated by the state in all regards in Dhalpur.

8. Politics of Revenge:

The Chief Minister of Assam, Dr. Himanta Biswa Sharma repeatedly said that the Police action in Dhalpur was revenge against the pathetic killing of Dayanath Sharma and few of his colleague at Chawulkhuwa Chapari in 1983. It is a stand completely against the constitutional norms. While the Chief Minister taking his oath of office and secrecy he declared that he will abide by the constitutional values, will not act any way in a partial manner. If his action was a revenge against the pathetic act of 1983, then it must be assumed that he has violated the constitutional values and the oath he has taken as a Chief Minister.

Secondly, in the year 1983 at Chawulkhuwa and Aporia, more than 500 Muslim people were killed by a group of Miscreants. It is alleged that Dayanath Sharma and his colleagues were involved in that mass killings. It has been recorded in the book titled "Abhisapta Chawulkhuwa" by Late Tajuddin Ahmed, "Chawulkhuwa

1983” by Diganta Sharma and also the BBC reporter Sobita Goswami in her memoir. Sobita Goswami reported the incident just after few days in BBC News which received World Wide Attention.

9. Issue of Killing of Karna Das:

It is a major issue which have been uttered that a saint named Karna Das of main priest of Dhalpur Shiva Mandir was killed by Muslims and his wife was taken to captivity of the Muslims, she was raped and forcefully converted into Islam. The present Chief Minister of Assam, Dr. Himanta Biswa Sharma, has been raising this allegation since 2016. The fact finding team tried to find out the details of Karna Das. It is found that neither Parbati Das, wife of Karna Das nor her son Ganesh Das was forcefully converted. Both Parbati Das and Ganesh Das claim that Karna Das died due to illness and nobody can be accused for his death. Moreover, Ganesh Das who is adult now claims that they are living with local Muslim people in a very cordial relationship. Both Parbati Das and Ganesh Das claim that their houses were also evicted on 23 September, 2021 along with the Muslim people of Dhalpur no. 3.

10. Occupation of Land of Shiva Temple:

It is alleged that Muslim people have occupied land of Dhalpur Shiva Temple which is completely false propaganda. It may be mentioned that the land was allotted to Dhalpur Shiva Temple only after Dr. Himanta Biswa Sharma-led BJP Government came to power in May, 2021 by a cabinet decision of Government of Assam.

The Survey Team :

Advisor	:	Prof. Abdul Mannan, Adv. H. R. A. Choudhury Dr. S. Maral Seikh Abdul Hamid
Co-Ordinator	:	Zamser Ali
Joint Co-Ordinator	:	Faruk Ahmed Fizur Rahman Nur Islam
Members	:	Aktar Ali Mohir Uddin Humayun Kabir Fazar Ali Taiz Uddin Ain Uddin Baten Ali Kod Bhanu Begum Jabed Ali Safer Ali

Annexure 5

**Gujarat, Composite Culture and
Challenges from Hindu Supremacists
-Hozefa Ujjaini**

Gujarat, Composite Culture and Challenges from Hindu Supremacists: The case of Roza Rozi Dargah

-Hozefa Ujjaini

Introduction:

In October 2021, there was news that a group of people entered the Roza Rozi Dargah situated in Mehmdabad town of Kheda district in Gujarat and played music on loudspeakers. The group placed a photo of Hindu Goddess inside the Dargah and



worshipped it. All this was captured on a video which was circulated widely on social media attracting outrage from the Muslim community. This is not an isolated incident where a Dargah or Mosque has been claimed to be a place of worship of Hindu deities. This is a trend in Gujarat, as is prevalent in the rest of India, more prominently manifesting after the judgment on Babri Masjid paving the way for the construction of the Ram Temple in Ayodhya on the very place where the Babri Masjid was demolished by Kar Sevaks. Such reclaiming of places of worships belonging to the Muslim community by majority community spells a dangerous precedent in a democracy and bodes ill for communal harmony. Thus, a fact finding team consisting of social activists visited the site and unearthed the facts surrounding this incident.

Methodology followed by the fact finding team:

A team consisting of Dr. Ajaz Shaikh, social activists, Hozefa Ujjaini, Samina Malek, Khairunnisha Pathan, Latif Malek, and Manish Manjulaben visited the site on 13th November 2021 to gather information about the case. The team met the caretaker (Mujavar) of the Roza Rozi dargah and locals residents of the village.



The team has also interviewed Saroop Dhruv, writer of 'Safarnama' series of books which

chronicles the heritage from Saurashtra, Kutch, North Gujarat, Central and South Gujarat and Ahmedabad. In her series, she has also studied the Roza Rozi Dargah and its history.

The team also referred to the videos circulated on social media of this incident and news updates. The Team also acquired documents related to the case including the memorandum submitted by various groups and political parties. These helped the Team to arrive at some crucial findings which will be discussed later in the report.

Brief Background of communal politics of Gujarat:

The state of Gujarat, located in Western India, has historically witnessed intense communal violence in the forms of riots in 1946, 1969, 1981-82, 1985, 1990, 1992, 2002, & 2006. These riots resulted in deepening of communal conscience, polarization along religious lines and distrust between the communities. These riots displaced the Muslim community on a large scale and strengthened the process of spatial segregation and ghettoisation, making dialogue between communities not very easy. In the recent times, this polarization has only worsened due to laws which criminalize Muslims and de-incentivize interaction between the communities. Some of these laws are not in the spirit of the fundamental rights ensured by the Constitution. The Gujarat Freedom of Religion Act (Amendment) 2021 prohibits religious conversions and in effect penalizes inter-faith marriages between Muslim men and Hindu women. The Gujarat Disturbed Areas Act promotes spatial segregation in the areas of Gujarat by prohibiting sale of property belonging to one community to another.

Another disturbing trend which may constitute as communal violence and has tremendous propensity to fan communal sentiments is the reclaiming of non-Hindu heritage as Hindu heritage. This trend has become more pronounced after the Babri masjid verdict and marks an attempt to “cleanse” the country and its cultural landscape of traces of 'foreign' influence. Gujarat has a history of vandalization and destruction of non-Hindu heritage which is also testimony to the syncretic traditions of India. In Ahmedabad, during the 2002 riots, the Wali Gujarati or Wali Dakhani, a famous poet mazaar (shrine) was razed and the corporation built a road on it. In 2006, Vadodara city faced major communal violence after razing the ancient dargah of Sayed Chisti Rashiuddin, a medieval Sufi saint.

In another recent incident in Dholka, Tanka Masjid, Ahmedabad is documented by Buniyaad in the report 'Peaceful Gujarat: Illusion or Truth?' 2019. Tanka Masjid is situated in Dholka which was established in 1361. Some anti-social elements spread rumours that the Masjid was earlier a temple and was forcefully occupied and built as a Masjid. This narrative created communal frenzies in the area. Anti-social elements tried to visit the Masjid on 29th and 30th August to create tensions and to mobilize mobs to occupy the same. After intervention by civil society groups in the issue, police provided protection to the masjid. Due to this intervention, a major incident of big communal violence was prevented. The historical monument was also targeted through a Twitter account under the name of 'Reclaim Temple', where the post claimed that the Tanka Masjid of Dholka is a Hindu temple. The Vishwa Hindu Parishad submitted a memorandum that the site previously was Bhim Kitchen and Pandavas School.

According to Saroop Dhruv, prominent author, the Hindutva forces want to destroy the history of Gujarat and India. They are attacking heritage built by Islamic rulers and resultant traditions and culture which has contributed towards inclusiveness, composite culture, peace, and tolerance. Gujarat is enriched with compositeness and culture of inclusion. Religion, cultural, *sampradaay*, *Panth*, Sufi, saints, poets, social reformer, educators, and writers have one way or another promoted equality, inclusion, peace, and unity. That's why the Bhakti movement which has promoted the value of peace, equality, and composite culture found roots in Gujarat. The Roza-Rozi monument was built in the era of Sultan Mahmud Begada who is a great ruler and was a follower of Sufi saints. The Begda has incorporated that value and is seen in the art and structure of the established architectural sites during his rule. Roza-Rozi is one such example.

This politics of heritage has larger implications than just conflict over a piece of land or monument. History is a framework through which a society understands itself, and monuments are a physical manifestation of the past, for good or ill. The rejection and destruction of these monuments are not only about rejecting the nation's past and decoupling people from their history but disconnecting those associated with that history from any claim to a part of the nation's identity. Thus, reclaiming of heritage can trace to a bigger malice of exclusion and erosion of secular democracy.

About Roza Rozi Dargah:

Roza Rozi Dargah a well-known heritage site preserved under the Archaeological Survey of India Department is situated in Mehmdabad. This site reflects the rich composite culture in India where Hindus and Muslims both come to pray and perform rituals according to their



belief. Roza and Rozi are 15th-century Maqbara or Mausoleums on the banks of Vartak River in a small village Sojali about 4 km from Mehemdabad city in Gujarat. During the reign of Sultan Mahmud Begada, Hazrat Mubarak Saiyyad was a minister and his son Hazrat Pir Minar Saiyyad built the Roza as a memorial to his father. The Roza is also the resting place of Pir Minar Saiyyad and other members of the family.



The Roza is decorated with domes, arches, columns, and finely carved stone grills. It is difficult to count the number of columns and looking through the columns and arches gives you a feeling of a never-ending line. The patterns on the stone grill in the main chamber are geometric

and it is said that no pattern has been repeated. The main dome has grillwork on the upper level and the sunlight coming through the grill is striking. A little ahead on the opposite side is the Rozi, which houses the memorials of the wives and other women from the family. The Rozi is a simpler structure in brick with some work on the inside of the domes. The original structure had two minarets of which one is still standing. One can see some work on the minaret. The site is about 40 km from Ahmedabad and takes about an hour to reach by road. In safarnama (Central and South), written by Saroop Dhruv, there is mention of the historical beauty of the Roza-Rozi.

About the incident:

As mentioned above, on the occasion of Navratri, on Maha Ashtami (Atham of Navratri) 13th October 2021, a group of people including women, adolescent girls and boys entered

the gate of Roza-Rozi dargah under the pretext of offering puja in the newly built small mandir which is in the compound of the monument. But the mob after entering the compound of the dargah instead of going towards the mandir which is situated on the back side of the dargah in the same compound entered the dargah. The mob stopped right in front of the dargah and played music on DJ set and danced throughout the procession.



After entering the gate, the mob moved from the gate towards the Mandir and stopped in front of the dargah. A group of people from the mob danced on DJ music during that procession in front of the dargah. Some people from the mob entered in the dargah of peer and placed a photo of Hindu goddess Khodiyar and performed Aarti and sprinkled the Gulaal and lit a lamp (Diya). The video of the whole incident was recorded and it went viral on social media. This hurt the sentiments of Muslims and led to apprehensions of communal riots. Different groups, political parties, and Muslim leaders have raised this issue and submitted the memorandum to the collector and SP to take action against it.



SDM and collector also visited the site and took the cognizance. The police has uninstalled the photo of Mataji from the Dargah the next day and ensured the cleaning up of Gulaal from the Dargah. Protection was given at the site.

There is a temple like structure which was put up recently in 2014 inside the compound of the dargah. This temple of Goddess Khodiyaar is on the bank of the river Vartak. The khodal or Khodiyaar Mata (Goddess) is mainly the Goddess (Kul Devi) of the Patel community in Gujarat and other communities in Hindus and NT/ DNT also worship her. A small mandir covered with red clothes has emerged in this Roza-Rozi compound. The old ancient stone of the structure with some design emerged after the water of river Vatrak changed course and flows away from the dargah. It was claimed by the locals that the idol (Murti) of Mataji



came up mystically at the site of the temple. This also marked the origin of the dispute and narrative claiming Roza Rozi was earlier a temple. Puja is offered in the mandir on various occasions.



A separate entrance was allocated to access the Mandir in the compound. This road passes through the compound from the gate on one side of the monument. Devotees wanting to access the temple to offer puja use this entrance. On the day of the incident, the mob entered the compound from another gate of the monument, and according to the caretaker (Mujavar), he allowed them to enter as he thought they were going to offer puja in the Mandir. However, the mob stopped in front of the dargah and played the DJ and danced.

And amongst them, one person went inside the Dargah and performed the Puja after placing the photo of the goddess.

The following narratives emerged from the interaction of the fact finding team with the different stakeholder.

During the discussion with caretaker and a few locals:

- According to the caretaker (Mujavar), the monument is well known and it is a symbol of diversity where the villagers- Muslims and Non-Muslim come to pray and bow down their head to the Peer. This is a protected monument under the Archaeological survey of India. People from different areas come here for a full day to enjoy the peace and serenity of the site. Some people come for religious purposes and some to enjoy the peace and beauty of two monuments. He believes that it is a good example of composite culture and people from different faith come here. The Hindus too revere the peer. This is Ganga Jamna Tehzib- the culture of India and Gujarat. There is a need to promote such culture and respect each other's beliefs and religions. Besides, he also said that they used to decorate the whole village, even the Mahadev Temple of the village, on the occasion of the Ursh of Peer Saheb. This way there was always communal harmony and a sense of belongingness in the village.

- Speaking about the incident, he said that on the day of the incident, the mob was allowed to go through the other gate to offer the puja on Atham i.e. on 13/10/2021 at the Mandir due to traffic on the regular route. He believed that like other times when the villagers regularly on different occasions went to the mandir for the Puja this time too they wanted to visit the temple.
- When asked about the incident and if there was a precedent to it, according to him, the incident was planned by outsiders, maybe people from supremacist groups. He said that police had arrested and interrogate the person seen in the video doing puja in the main dargah. However, this accused claims that he does not know anything and that he was asked him to go to the dargah and he went there and did what was asked of him.
- When he was asked about the Mandir, he said that his ancestors have been in service of the dargah. But there was no Mandir. However, behind the monument on the wall after the water of the river receded, there emerged a stone with some design on it. It was declared as mystical and claimed to be the goddess Khodiyar. The small Mandir was built then after and puja and other offerings have started. According to him, the monument comes under the Archaeological Survey of India (ASI) and it should have taken action against this act.
- In the village of Sojali, the darbar community is in majority with around 3000 population. There are merely 12 Muslim families and 3 families of caretakers of the monument living in the village. There is a past of communal tensions in the village, hence many Muslims left the village and have settled in Mehmdabad town. However, the Muslims have their land in the village and often come to the village to take care of their lands.
- One of the residents of the village who requested anonymity said, *"More Hindus come to the Dargah than Muslims, and in this village, Muslim are few in population. Henceforth, we want to put a photo of Mataji in the Dargah so that we can do Puja in Dargah also. We come to the compound of rozi (which is just 100 meters away*

from the main Roza) *monument to collect fodder for our domestic animals and no one-stops us. The caretaker is also very cooperative and never stopped us*".

- Some local Muslims who were upset alleged that the caretaker opened the gate on the day of incidents and allowed the mob to enter the premises with DJs on purpose. They raised the question why didn't the caretaker take any legal actions to stop Puja being performed by Hindus in the newly built Mandir? They believe that the caretaker fears being harassed by the locals Hindus. Some of them alleged that BJP MLA Arjun Singh was present in a program organized in the village on the same day before the incident. It was alleged that after his meeting the people entered the Dargah and he might have provoked the people.
- The caretaker's audio is also viral where some local Muslims have asked him about the incident but he refuses to give any statement saying it's a regular phenomenon. However, he also goes on to say that the villagers had threatened him against filing applications and mentioning the presence of BJP MLA Arjun Singh in the program. He also said that ASI officers had also come to the site and had done the Panchnama.
- SP Arpita in an interview with a local Deshlive reporter, said that the Mandir is very ancient. She said, *"People used to go for Puja in the Mandir and this is not a new phenomenon. Even the caretaker has told us this. Every year, Navratri is celebrated and procession of the goddess known as "Mataji Palki" also passes in Atham with harmony"*. The ASI officer also confirmed the same thing. However, when asked by the reporter about the placing of photos in Dargah and performing of the arti inside the dargah, she replied that she didnt receive any information about it and it is under the jurisdiction of the Collector.

Findings of the Team:

- It appears that the incident that took place on 13th October 2021 was planned and provoked by the supremacists group to disturb the peace in the village. Though the caretaker is refraining from naming any particular organization, the fear in him is palpable. It can't be a coincidence that a mob in came on the same day in such a

large number and entered the dargah to perform puja of a picture they placed in it. Given the political atmosphere and precedent of reclaiming non-Hindu heritage in the state, it seems that this incident was part of a larger conspiracy by the supremacists group. The dispute over the newly constructed temple and claims of the stone bearing a design resembling the goddess mystically emerging will turn into a huge dispute in the future and can lead to mass communal violence. The atmosphere is charged in the village with the demands that the dargah should be opened for puja of Hindu goddess.

- The presence of BJP MLA Arjun Singh in the program prior to the incident has been confirmed by many people but no evidence of provoking the act has been found. At the same time, this coincidence can't be dismissed entirely.
- The local residents who participated in the procession have come out clearly. The person who was performing the Aarti in Dargah has put his photo on social media. They are taking pride in this act and hail this as a victory. There is no remorse.
- From the narratives of the local residents it is clear that they do believe in the claim that this dargah was a temple earlier. This false narrative is planted by supremacist groups to polarize the village along religious lines and create hatred for Muslims. There is an attempt to breach peace of the village.
- The temple is newly built in 2014 and no ancient evidence of its presence has been found in writing in any literature. Thus, the construction and photo image of Mataji should be removed immediately. The rule 32 of Ancient Monuments And Archaeological Sites and Remains Rules, 1959 and amended in 1992, says that areas up to 100 meters from the protected limits and further beyond it up to 200 meters near or adjoining should be protected. It regulates areas for the purposes of both mining operation and construction. The provision which says that construction within the regulated areas needs prior approval of ASI should be implemented. The ASI should file FIR against the people under 'The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958)'.

- The land of the site is very huge and people with vested interests have an eye on the land for economic benefits. This communal dispute could be a smokescreen to capture the land.
- The Muslims have their own lands in the village and the supremacists group are taking advantage of economic conditions of local villagers. They want Muslims completely washed out from the village and capture the entire property.

- The temple is newly built in 2014 and no ancient evidence of its presence has been found in writing in any literature. Thus, the construction and photo image of Mataji should be removed immediately. The rule 32 of Ancient Monuments And Archaeological Sites and Remains Rules, 1959 and amended in 1992, says that areas up to 100 meters from the protected limits and further beyond it up to 200 meters near or adjoining should be protected. It regulates areas for the purposes of both mining operation and construction. The provision which says that construction within the regulated areas needs prior approval of ASI should be implemented. The ASI should file FIR against the people under 'The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958)'.



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- The Muslims have their own lands in the village and the supremacists group are taking advantage of economic conditions of local villagers. They want Muslims completely washed out from the village and capture the entire property.

Recommendations of the team:

- The dialogue among the local villagers should be initiated by the collector and concerned authority and resolve the issue as soon as possible. A peace committee, consisting of members of both communities should be set up to stop future disputes. This committee should consist of locals and political leaders.
- The caretaker should be given proper constant protection so that he can live fearlessly and follow up with legal actions.
- The property is registered under the Waqf. The state waqf board should also initiate the process to resolve the issue and file a petition for clearance of the new constructions.
- Communal politics will be played around these issues in the future and thus it must be addressed on an immediate basis.
- More programs and dialogue about composite culture and diversity should be initiated in the village and across the state to highlight the shared culture of the village and act as cement in the inter-personal bonds.
- The monument is an example of diversity and composite culture where different community people come for their own beliefs. The spirit of this must be protected and awareness should be built about this composite culture.

Annexure 6

**Hailed as First Case of Love Jihad
under Gujarat Freedom of Religion
Act: Truth or Propaganda**

-Hozefa Ujjaini

Hailed as first case of love Jihad under Gujarat Freedom of Religion Act: Truth or Propaganda?

-Hozefa Ujjaini

Introduction:

The State of Gujarat has recently passed the Gujarat Freedom of Religion Amendment Act 2021. This Act ironically seeks to regulate inter-faith marriages in the state by laying down various stringent conditions for marriage between individuals following different faiths. The Act was recently applied to one case in Gujarat. According to media reports, the victim, Priya (Name changed), 25 years old was befriended by Sameer Qureshi over social media in February 2019. It was reported that he forcibly married her after converting her and also tortured her. Priya approached the police on 17th June at the Gotri police station and filed an FIR against Sameer and accordingly Sameer, 21 years old, was arrested. Priya, however, in an affidavit filed in the court denied making accusations against Sameer. This case is the first registered case after the Gujarat Freedom of Religion Amendment Act, 2021 came into force. There are more cases filed after this case. The case in question raises many questions about the Act and its implementation. A fact-finding team visited Vadodara to unearth the truth about this case after meeting the relevant stakeholders.

Team and Methodology:

A team consisting of social activists, Hozefa Ujjaini, Samina Malek, Khairunnisha pathan and Kherunben Saiyed along with Pravin Soya visited Vadodara on 5th July 2021, to gather information about the case. The team met the senior leader Chirag Shaikh, who is heading the case and Sameer's uncle who explained the entire case to the fact finding team. The team tried to meet Priya but she was not allowed to meet anyone due to the pressure of case. The team was unable to meet Sameer and his family since they all are arrested along with the maulvi who had performed the nikah.

The Team also acquired documents related to the case- the FIR copy, copy of the affidavit filed by Priya in the court, their marriage certificate and Nikahnama. These helped the Team to arrive at some crucial findings which will be discussed below.

Background:

Gujarat is a hotbed of communal conflicts. The 2002 communal riots were not an aberration of an otherwise peaceful society, but only a part of the continuous process of polarization along religious lines and consolidation of communal discourses. Major riots have taken place in Gujarat in 1946, 1969, 1981-82, 1985, 1990, 1992, 2002, & 2006. Though the ruling dispensation would like everyone to believe that there are no communal riots in Gujarat post 2002, this is far from truth. Communalism has taken different forms in Gujarat and narratives have evolved though the fault lines have remained the same- the stereotypes against Muslims- the community aiming to take over the Hindus in terms of population, the Muslim men being lascivious, Muslims being invaders destroying places of worships belonging to Hindus, etc. These stereotypes have resulted in violent attitudes against Muslims and have been institutionalized through a range of policies which have rendered the Muslims as second class citizens. Some of these policies include the Disturbed Areas

Act resulting in spacial segregation and The Gujarat Freedom of Religion (Amendment) Act regulating conversions and inter-faith marriages.

Over the years, the narrative of "love jihad" is promoted by the Hindu supremacists who have taken an alarmist approach to justify their unfounded militant vigilantism against innocent youth. The campaign of "love Jihad" is mainly a conspiracy theory that Muslim men under the pretext of love and marriage, seek to convert Hindu women. Not only is this hate filled campaign against the Constitutional rights of the couples or individuals who have the right to choose their own partners irrespective of religion, it essentially infantilizes women undermining their agency and also keeps the cauldron of hate brewing for the Muslims. In the recent years there are increasing cases of Hindu supremacist organizations raising the bogey of love jihad. Some of many incidents include the following:

On 3rd October 2018, Muslim boy and Dalit girl of Sherpur village, District Idar fled the village to get married. Hindu supremacists took this opportunity to spread hatred against Muslim community by claiming the case as an instance of "Love Jihad". In response to this, other community in village socially boycotted this Muslim family. On October 26th,

2018 the villagers gathered at Muslim mohalla and exiled three families outside the village. The families took shelter in Himmatnagar for one month. The mob of villagers looted the shops owned by Muslim community.

On 10th July 2018, Muslim boy and Hindu girl of Vadali village, District, Sabarkantha eloped from the village for marriage. The case of this inter religious romantic relationship was projected as "Love Jihad", leading to communal tension and resulted in small scale riots in Vadali. There was stone pelting and Muslim-owned shops were set ablaze. The police brought the girl back and handed her over to her family.

In 2019, in Kotda Gadi village in Sabarkantha district, an Adivasi minor girl and Muslim boy were in inter-faith relationship since a long time. They both left the village, but after some time girl returned and a compromise was arrived at. An agreement was signed that stated the boy would not return back to village and amount of 35 thousand rupees be paid as compensation for settlement. But after a few days, the couple fled the village again. A mob from Adivasi community attacked the Muslim locality leading to 12 Muslim families fleeing from the village.

In 2019, in Vadodara at the Maharaja Sayajirao University (MSU) campus, an anti-ragging protest took a communal turn when one of the groups protesting against the anti-ragging protest- mainly a group consisting of Muslim students was accused of luring Hindu women in romantic relations with Muslim boys and termed it as "love jihad". Clashes broke out between both the groups. The VP of the students body who led the anti-ragging protest and the police have been accused of anti-Muslim biased since 8 names mentioned in the FIR are all Muslims.

Communal tensions at Mehsana were stoked by reports of "love jihad" spread through social media and electronic media. In a local college, one Muslim boy and Hindu girl were in an interfaith relationship. They were confronted by one Dhaval Barot who is a VHP member. He threatened the couple. But some boys beat up Dhaval Barot and he was injured. Dhaval Barot portrayed this incident as "love jihad" to defame the Muslim youth and claimed that he was protecting the Hindu women from "Jihadists".

About Vadodara (Brief Context)

Vadodara, also known as Baroda, is the third-largest city in the Indian state of Gujarat. It serves as the administrative headquarters of the Vadodara district and is situated on the banks of the Vishwamitri River, 141 kilometres from the state capital of Gandhinagar.

It is famous as the cultural capital of Gujarat as well as a centre of educational activities, it pays respect to the Sayaji Rao Gaikwad, a Maratha ruler. Vadodara name is derived from the Vad means Banyan trees. Vadodara is popular as 'Sanskari Nagri' the city does have rich cultural tradition. However, in 2006, the city faced major communal violence after razing the ancient dargah of Sayed Chisti Rashiuddin, a medieval Sufi saint. This riot claimed six lives. Vadodara has a strong saffron hold and deep-rooted communalism.

In Vadodara, there were riots around a Ganesh Chaturthi procession. In September 1990, on the occasion of Ganesh Visarjan, Vadodara saw the worst-ever riots in the walled city. Incidentally, the city is scarred from some appalling memories of the gruesome "Best Bakery" case during the 2002 riots. The occasions of religious festivals like Ganesh Chaturthi or Tajiah of Moharram, Ramazan or Eid is the trigger of the riots every year. Since 2008, the communal outfits have been persistently propagated the myth of "love jihad"- inter-faith relationships between Hindu women and Muslim men.

Brief about Incident:

As mentioned above, the FIR and the media reports related to this case allege that Sameer forced Priya to change her religion and get married to him. He along with his family is torturing Priya and also hurling casteist slurs on her since she is Dalit. However, the affidavit filed by Priya in the court after Sameer's arrest and the documents acquired by the team portrays a radically different picture.

Police's version through the FIR

The FIR was launched in Gotri police station of Vadodara with FIR No - FIR No:- 11196004210480/21

Dated 17/06/2021. Sameer booked under IPC 498 (a), 376 (2)(N), 377,312,313, 504, 506(2), 120(B),

and Gujarat Freedom of Religion amendment act 2021 section 4 and Atrocity act 3(2)(5), 3(1)(w)(1)(2) Time of offence- June 2019 to till date

Priya is Dalit and Sameer belongs to Muslim community. The FIR alleged that Sameer Abdul Qureshi assumed a fake identity of a Christian man on social media and befriended Priya (name Changed) in February 2019. He forcefully took her to hotel rooms and at his friend's house and established an intimate relationship with her against her will and without her consent. She repeatedly said no to him but he forced her to perform oral and anal sex with him. He also clicked her nude pictures without her knowledge. He even threatened to make the photographs viral.

The FIR further states that the forced sexual encounters led to Priya getting pregnant on three occasions. She was forced to undergo abortion twice by administering medicines to her and on the third occasion her pregnancy was terminated by taking her to the hospital since the pregnancy was in an advanced stage. After that, Sameer took Priya to a religious place and changed her Hindu name Priya and forcefully changed her name to Suhanabanu and performed Niqaah. The FIR alleges that she was forcefully converted to Muslim.

The FIR says that Priya was harassed after the marriage too and she was not allowed to practice her religion but forced to follow the faith she was converted to. When she denied to follow Islam, she was abused by passing casteist remarks. Her family was also threatened and forced to register the marriage. The marriage was registered. Sameer's family was also abusing Priya. She was threatened with her life.

Facts mentioned in the Affidavit:

Priya filed an affidavit before the court dated on 24th June, 2021. She has stated facts in the Affidavit which are vastly differing from the FIR filed by the police. She states in the affidavit that she befriended Sameer Qureshi through Instagram in February 2019. Though the account name showed 'Sam Martin Rider' on Instagram, she said below that name 'Sameer Qureshi' was clearly mentioned. Thus, she was aware that Sameer was a Muslim. They became friends and started meeting often. This resulted in a love affair. She goes on to say that they used to frequently go to hotels and have sexual intercourse which

was consensual and out of their own free will. She was not forced into having sexual intercourse.

She admits that she became pregnant and underwent abortion out of her own will since Sameer was underage and couldn't marry her yet. She feared defamation if her pregnancy came to light and thus took oral medication to abort the foetus. Sameer didn't force her to abort. The second time she was pregnant, they went to the hospital for abortion where again Sameer hadn't forced her. She categorically refuted the allegations that Sameer forcefully had sex with her, took her naked pictures and threatened to make them viral. She called these allegations utter lies in the affidavit. She clearly says that she didn't make any of these allegations in the FIR filed by the police.

She further clarifies that Sameer's identity was not hidden from her family. Sameer used to frequently come to her parents' house to meet her and talk to her parents. He was aware that they belonged to the Dalit caste and they were aware that he was a Muslim. When Sameer came of age, Priya and Sameer got married in front of their families with their blessings. They first performed Nikaah and then got married in the court under the Special Marriage Act. In fact, her parents signed as witnesses in the court.

Priya's affidavit also denied allegations that her in laws were mentally harassing her. Priya said Sameer's family treated her well. However, since they belonged to different religions, there were some cultural differences that arose between them. These differences led to arguments and fights. She got upset and went back to her parent's place. She went to file a complaint against her husband for physical and mental abuse. She denies that her complaint had anything to do with religious conversion or forced sexual relationship. She also clarified that neither Sameer nor his family hurled any casteist slurs on her. In the affidavit, she has expressed shock on seeing the copy of the FIR which put false charges against Sameer and his family which defames them and her. In fact she goes

on to state in the affidavit that she still loves her husband and wants to live with him. She urges the police to withdraw the charges in the FIR against Sameer and his family. However the local court rejected Sameer's bail on 5th July 2021¹. Priya has in fact approached the High Court to quash the FIR².

Their marriage certificate states that they got married under the Special Marriage Act on 22nd March, 2021 and Nikah was performed on 16th February, 2021. The Nikah certificate also mentioned Priya's changed name. Sameer's stated that the nikah was performed in the presence of the family member of Priya.

The written agreement between Sameer and Priya dated 8th February 2021 states that they are marrying each other out of their own will. It states that Priya knows fully well that Sameer is a Muslim and that they are in love from two years. They want to marry under the Special Marriage Act and respect each other's belief. The agreement was signed by Priya's father and Sameer's mother as witnesses.

Another affidavit dated 19th Feb 2021 states that Priya got married with Muslim rituals with Sameer in presence of elders of the community at Gorva, Vadodara on 16th Feb 2021. It also state that it was done without any pressure or force.

One more agreement between Priya's father and others (leader of Muslim community) was made on 3rd April 2021, which states that Priya got married with Muslim rituals without any pressure and had relation with Sameer from 2 years. And there was no pressure or threat from other side for conversion. She is mature and educated girl and took her own decision with her choice.

Findings of the team:

1. The Affidavit filed by Priya in court rejecting the charges slapped against Sameer and her application to quash FIR in High Court makes it clear that the charges against Sameer are fabricated. She went to the police station to file a complaint against her husband for physical and mental abuse. Priya may have been a victim of domestic violence but she was not a victim of forced marriage. From the documents and affidavit signed by both the parties it seems that both the parties out of their own will had got into the marriage. They registered their marriage under the Special marriage act too. It cannot be ignored that Priya's name was changed to Suhanabanu in the niqah certificate but Priya's Affidavit states that Nikaq was performed with her full consent and in the presence of her parents. The case was falsely described as 'Love Jihad' by the police to propagate the agenda of

Love Jihad in the society to promote the fear in the community about inter-faith marriages and spreading hatred.

2. The news of this case as “first love jihad case” was highlighted widely as the main headline in many newspapers. However when the Affidavit was filed by Priya for retracting her statement, this news was not covered. Few local obscure newspapers and online news portal covered the 1 The times of India – (6th July 2021)' Gujarat: Bail Plea of 'Love Jihad' accused rejected- <https://timesofindia.indiatimes.com/city/vadodara/bail-plea-of-love-jihad-accused-rejected/articleshow/84154122.cms> The times of India – (12 August 2021)' Victims of Gujarat's first love jihad plaintiff files petition to quash FIR- <https://timesofindia.indiatimes.com/city/ahmedabad/victim-of-gujs-firstlove-jihad-plaintiff-files-petition-to-quash-fir/articleshow/85252854.cms> news of the Affidavit. 3This perhaps points towards the biased coverage of the media which reported selectively about the case and contributed towards the defamation of Sameer and his family and more importantly giving a communal hue to the case. The nexus of State, media and hindutva forces is strengthening such discriminatory narratives.
3. The Gujarat Freedom of Religion Amendment Bill was passed on 1st April 2021 in Gujarat Assembly and came into force from 15th June 2021. This case was filed in Vadodara just after 2 days of law coming into force. This was highlighted widely as the first Love Jihad case in consonance with the amendment to the Act. According to FIR, the crime took place from June 2019 to till date (means till date of filing the FIR). Thus this law is applied retrospectively which is unfair and questionable in jurisprudence.
4. The State which has passed the Gujarat Freedom of Religion Amendment act citing forceful conversions under the pretext of marriage ironically has no data on the number of cases of “love jihad” in the state. The state has not been able to furnish any data to support its claims. Fabricating such cases may appear as one of the ways to justify the Act and also create a data base.
5. In the aforesaid case the involvement of Hindu Jagran Manch is strong. Hindu Jagran Manch is spreading its branches in different districts of Gujarat. Its

involvement in the Khambhat riots in 2019 is well known and in public domain. Neeraj Jain from the Hindu Jagran Manch, one of the accused in the Khambhat riots is actively pursuing the case against Sameer and his family by raising the bogey of love jihad. This points towards the impunity that Hindu supremacist organization enjoys and their involvement in fabricating such fake cases to spread the campaign of love jihad. (<https://timesofindia.indiatimes.com/city/vadodara/first-arrest-under-love-jihad-law-in-state/articleshow/83648428.cms>)

6. The propaganda of love jihad and such fabricated cases promotes the patriarchal mind set and attitudes which believe that women are not capable to make their own choices in life. This narrative is promoted deliberately to infantilize women and consolidate control over sexuality of women. This point should be central to larger debates related to this Act.

3free press journal.in (6th July 2021) Gujarat's First love Jihad victim retracts allegations, disappear-
<https://www.freepressjournal.in/india/gujarats-first-love-jihad-victim-retracts-allegations-disappears>

This publication contains the Report of the Citizens Tribunal conducted on 11th and 12th February, 2022. The Tribunal was organized jointly by Centre for Study of Society and Secularism (CSSS) and South Asia Forum for Freedom of Religion and Belief (SAFFORB) to hear the cases of violation of freedom of religion and belief in India from the period 2019 to 2021. The Tribunal heard cases narrated by the survivors of violation of freedom of religion or belief, their family members and human rights defenders where the survivors were not available. The cases heard by the eminent jury consisting of Dr. Syeda Hameed, Prof. Tanika Sarkar, Adv. Mihir Desai and Henri Tiphagne, were small in number but a reflection of the various forms the violations of freedom of religion or belief assume. The violations raise many questions about the state and state institutions which bear the duty to prevent such violations and bring those responsible to justice. The report also underlines the concerns of justice, compensation and inclusion in cases of violations. The documented cases of violations are included in this publication, giving these cases a human face. The publication hopefully will serve as a powerful tool for advocacy and raising awareness about the violations of freedom of religion and belief in India.

Centre for Study of Society and Secularism, is a non-profit organization which works for communal harmony and peace. CSSS is vastly respected for its studies, monitoring reports and documentation of communal conflicts, communal violence and status of freedom of religion and belief in India. It undertakes courses, workshops and trainings to promote pluralism and freedom of religion.



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