HIT JOB

Using COVID-19 to
Deepen Anti-Muslim Bias and
Weaken Muslim Voice

In Association With

CITIZENS AGAINST HATE

JUSTICE & EQUALITY FORUM
Citizens Against Hate (CAH) is a collective of individuals and groups committed to a democratic, secular and caring India. It is an open collective, with members drawn from a wide range of backgrounds who are concerned about the growing hold of exclusionary tendencies in society, and the weakening of rule of law. CAH was formed in 2017, in response to the rising trend of hate and vigilante violence, to document violations, provide support to survivors, and engage with institutions for improved justice and policy reforms. Since, we have also worked on other forms of violations – hate speech, sexual violence and state violence, and citizenship rights among others in Assam, Bihar, Haryana, Kashmir, Rajasthan and Uttar Pradesh. Our approach to addressing the justice challenge facing particularly vulnerable communities is through research, outreach and advocacy; and to provide practical help to survivors in their struggles, also helping them to become agents of change.

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Justice and Equality Forum (JEFOR) is a network of researchers and activists pursuing justice for victims of discrimination and violence and seeking to build inclusive societies founded on principles of equality.

Members of the research and writing team included Abhimanyu Suresh, Adeela Firdous, Misbah Reshi, Sajjad Hassan and Salim Ansari. Ghazala Jamil, Mathew Jacob, Seema Nair and Shikha Dilawri provided valuable guidance.

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Hit Job

Using COVID-19 to Deepen Anti-Muslim Bias and weaken Muslim voice

18th May, 2020
Executive Summary

1. The reported spread and effects of the COVID-19 disease itself in India have, as of yet, been mild relative to other large-sized countries. As of 18th May, a total of 3,029 persons had died, from 96,169 persons reported to be affected by COVID. But COVID’s greater toll has been the widespread disruption, and associated suffering caused especially on internal migrants, that suffered the brunt of what was a ham-handed management of the COVID-19 pandemic. Equally, or perhaps because of this catastrophe, India’s Muslims have been subjected to an orchestrated campaign of Islamophobia and anti-Muslim targeting. COVID lockdown has also been a time of heightened police crack-down in Delhi especially, against Muslim victims of the Feb 2020 violence as well as students and youth leaders of the anti-CAA protest movement.

2. These are the adverse outcomes of the omissions and commissions of the ruling government, that have ended up turning a public health crisis into a campaign of disproportionate suffering for India’s vulnerable: the most marginalised of migrant workers, and Muslims.

Lockdown and migrant workers

3. A nation-wide shut down of movement, announced on 24th March with a 4 hour notice period, was going to be a sure-shot recipe for disaster, especially in India with its large population of internal migrants that live on the edge. Equally problematic have been confusing and impractical lockdown-related rules and procedures decreed by central government since, with little bearing on ground realities. Relief that was sought to be provided was half-hearted at best. What followed was a massive humanitarian crisis.

4. For India’s more than 100 million workers in the informal sector, mostly migrants in urban areas, with no social security, the lockdown meant instant meltdown - out of job, out of pocket, and out of home. 42 per cent of migrants in a survey had no food stock left even for the day. When workers began to attempt journeys back home – mostly on foot – police high-handedness added to their misery. Over 590 persons have reportedly died in non-COVID related incidents since. Today, it is being reported 122 million Indians might have been forced out of their jobs, and many hundreds of million pushed into poverty.

COVID-19 and Muslim-scapegoating

5. On 29th March after authorities claimed to have traced a spike in reported COVID-19 infections to a Muslim religious gathering in capital Delhi, a concerted campaign began to demonise the whole of India’s Muslims as conspiring to spread the virus. The religious profiling – attributing most positive cases to the Tablighi Jamaat group, while testing rate overall was among the lowest in the world, and reports of COVID outbreaks elsewhere, including in religious gathering, were being ignored or covered up – suggests inherent bias at best, hidden agenda, at worst, towards shifting the public gaze on to Muslims. A pattern of targeted disinformation online ensued, with social media handles – using hashtags such as #Coronajihad, #Biojihad, #CrushTablighiSpitters, - and 24X7 negative coverage on prime time TV channels, weaponised by irresponsible statements by senior BJP leaders and government functionaries.

6. The toxic anti-Muslims campaign soon spilled over into real-world violence, social boycotts, and denial of public services, that have been reported from all over the country. Physical attacks have been reported from Arunachal Pradesh, Punjab, Haryana and Karnataka, and several in Uttar Pradesh. Muslim vendors and shop keepers have been boycotted in UP and Maharashtra. And reports of denial of public services to Muslims have come from several places – including to hospitals in Gujarat, UP, Telengana, Jharkhand – and public water dispensers in West Bengal and relief material in Uttar Pradesh.
**Witch-hunt against anti-CAA activists**

7. Alongside, and with much haste during COVID lockdown, authorities have been arresting Muslim youth leaders in Delhi and Uttar Pradesh that led anti-CAA/NRC protests, charging them in fabricated cases, including for terror-related offences. Besides being in conflict with Supreme Court’s guidelines on decongesting prisons during Lockdown, police crackdown amid movement restrictions mean that lawyers, and courts are not easily accessible to victims, undermining chance of any defence against arbitrary action. At least 7 activists are now in custody, all denied bail. Similar targeting is taking place in Uttar Pradesh.

8. Senior BJP leaders visibly complicit in instigating violence in Delhi in February 2020, on the other hand, have suffered no retribution. Police refused to even register an FIR against some of the named ones. Authorities have continued to act in this manner violative of rule of law, also because higher courts have refused to rein them in, when approached by victims and affected citizens. This carte blanche has also allowed police to rescript the account of the February 2020 violence, in their official recording of it, and resists attempts at transparency in criminal proceedings. Described by independent experts as a pogrom against Muslims, the North East Delhi violence is now being portrayed as a conspiracy by anti-CAA activists. It is impossible to miss the conclusion that COVID-19 has provided a convenient opportunity for the government to try to delegitimize, by criminalizing the peaceful protests in Delhi and elsewhere, that epitomized the mass movement against the discriminatory Citizenship (Amendment) Act. 2019.

**Conclusion & Recommendations**

9. India is more divided today than it was a few months ago. Islamophobia has taken deeper roots, and Muslims are more marginalised than ever before. At the same time, COVID-19 and its poor handling by authorities have dealt a body blow to the economy. Unemployment has risen sharply, and poverty is expected to grow significantly. Government is responding with greater centralisation of power and intrusive surveillance, besides diluting labour laws, exposing labour to exploitation. The churning is destabilising as it is uncertain. How will these dynamics affect Indian Muslims and other minorities? Will the anxieties be further grist for the rumour mill, or will all-round damage due to COVID provide openings for broad-based resistance against anti-poor policies? Only time will tell.

10. Our preliminary recommendations are for (i) state authorities who must better control hate and targeting, take robust action against those that break the law, and also provide better for COVID affected, ensuring all have equal access to relief and services. Authorities must also ensure justice for victims of February 2020 violence in Delhi as well as the one in Dec 2019 in UP and other states, against anti-CAA protesters; withdraw false and fabricated cases against anti-CAA activists detained now, release them immediately, and order an independent enquiry in the violence in Feb. 2020. 'And Government must withdraw CAA 2019. (ii) Civil society needs to be much more vigilant, document evidence, and use all the instruments available to it, to ensure justice for victims and accountability of duty bearers. (iii) Lastly international community must raise greater awareness on India and condition of its minorities, offer India greater capacity development support to professionalise its police force and judiciary. And international community must take much more responsibility including for checking use of social media platforms for hate and targeting.
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**Annexures:**

I: COVID-19: Facts and Figures  
II: Islamophobic hate incidents during COVID-19  

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List of Abbreviations

AAP  Aam Aadmi Party
AMU  Aligarh Muslim University
BJP  Bharatiya Janata Party
BOCW  Building & Other Construction Workers
BPRD  Bureau of Police Research & Development
CAA  Citizenship (Amendment) Act 2019
CrPC  Criminal Procedure Code
FIR  First Information Report
ICMR  Indian Council of Medical Research
ILO  International Labour Organisation
IPC  Indian Penal Code
JCC  Jamia Coordination Committee
JMI  Jamia Millia Islamia
JNU  Jawaharlal Nehru University
MLA  Member of Legislative Assembly
MNS  Maharashtra Navnirman Sena
MP  Member of Parliament
NCDC  National Centre for Disease Control
NRC  National Register of Citizens
NSA  National Security Act, 1980
OIC  Organisation of Islamic Conference
PMGKY  Prime Minister’s Gharib Kalyan Yojana
PUDR  Peoples’ Union for Democratic Rights
RSS  Rashtriya Swayamsevak Sangh
TJ  Tablighi Jamaat
UAPA  Unlawful Activities (Prevention) Act, 1967
USCIRF  US Commission on International Religious Freedom
WHO  World Health Organisation

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1. Introduction

The reported spread and effects of the COVID-19 disease itself in India have, as of yet, been mild relative to other large-sized countries. As of 18th May, a total of 3,029 persons had died, from 96,169 persons reported to be affected by COVID. Yet beyond these figures, the impact of COVID-19, and responses to it, have led to some of the world’s most severe crises attributed to the global pandemic, characterized by both hunger and hate. The fall-out from COVID-19 in India has been characterized, in particular, by two key characteristics. First, is the widespread disruption, and associated suffering caused specially on internal migrants, due to the manner of government’s management of the pandemic’s likely consequences. On 24 March, 54 days after India reported its first confirmed case of COVID-19, Prime Minister Narendra Modi announced that ‘every state, every district, every village and every gali (alley)’ in the country would be shut down to prevent the further spread of the virus. Crucially he gave the nation only 4 hours’ notice. While the lockdown, amongst the strictest in the world, may have been necessary to manage the spread and impact of COVID-19 in India, it has resulted in a massive humanitarian crisis, with scenes of chaos and pandemonium unfolding across the country. Shoddy planning and hasty implementation of the restrictions, especially by central government, are now being credited for leading to what can only be called a human catastrophe.

A second central characteristic of COVID-19 in India relates to the treatment of Muslims in the country, who have been victims of an orchestrated campaign of Islamophobia and anti-Muslim targeting. After authorities claimed to have traced a spike in reported COVID-19 infections across the country to a Muslim religious gathering in capital Delhi, a concerted campaign began to demonise the whole of India’s Muslim community as conspiring together to spread the virus. The religious profiling sparked a ‘pattern of targeted disinformation’ online, with social media handles, seeming to work in sync with senior functionaries of the ruling BJP, and by prime-time TV channels. A cycle of disinformation was made apparent and spread rapidly, with print and television media and social media feeding off one another. The toxic anti-Muslims campaign soon spilled over into real-world violence, social boycotts, and denial of public services, that began to be reported from across the country.

Less reported, but equally significant, is how COVID-19 has provided a convenient cover for the ruling regime to try to weaken the gains of the people’s movement against the Citizenship (Amendment) Act 2019 and the attempted disenfranchisement of Muslims, that swept the country in the form of mass protest sit-ins from mid Dec. 2019 until Lockdown forced their closure. Authorities have carried this out through a systematic targeting of student and youth leaders, mostly Muslims that led the anti-CAA/NRC protests, by implicating them in fabricated cases of violence, arresting and incarcerating them, under anti-terror and preventive detention laws. They have sought to set back the ‘political awakening’ of Muslims, epitomised in Shaheen Bagh protests.

This report tries to show how COVID-19 has provided an opportunity for anti-minority forces led by the ruling party, to deflect attention away from its failures in dealing with COVID -19 crisis, by focusing instead on Muslims and their alleged role in spreading COVID-19, in the process making Muslims further vulnerable to stigmatisation, attacks, and exclusion. It also shows how authorities have, parallelly, used the national emergency
quietly but systematically, hit back at the anti-CAA movement, what was perhaps the most serious challenge that Indian minorities and progressive forces together posed to the Hindutva juggernaut taking hold of the country, prior to the onset of COVID-19. Indeed, COVID-19 related hyper-Islamophobia on display over the past several weeks should be seen as another thrust of the ‘counter revolution’, seeking to punish Muslims for daring to attain voice and challenge the status quo.

Throughout this period, institutions of democracy have failed the people. The police, courts, opposition parties, and Parliament, have mostly refused to stand up, both to check ongoing anti-Muslim targeting, as well as the systematic subversion of rule of law in how victims of the Delhi violence of Feb. 2020 as well as youth leaders of the anti-CAA movement in Delhi and elsewhere, are being targeted in fabricated cases. This is even as senior to leaders of the ruling regime, complicit in the violence and targeting, have gone Scott free.

The upshot of all this is that India is more divided today than it was a few months ago. Islamophobia has taken deeper roots, and Muslims are more marginalised than ever before. Equally damaged is India’s reputation at world stage, as an inclusive accommodating democracy. WHO warned India against religious, ethnic and racial profiling of COVID-19 cases. UN pointed out the need to fight stigmatisation of certain sects of people’, and its top human rights official cautioned against applying anti-COVID-19 measures that would exacerbate existing inequalities and vulnerabilities”. OIC was more explicit, in calling out the Islamophobic hate campaign. These came on the back of several critical voices globally over the past year – among them, the UN and the European Parliament - on anti-minority targeting in India, including NRC in Assam, abrogation of Art 370 and 35A in Kashmir, and the CAA 2019. Genocide Watch had issued two back to back ‘genocide alerts’ for India, and USCIRF has recently recommended designating India as a ‘country of particular concern’ – its hall of shame!

Amidst this dispiriting account of hate and targeting, is the redeeming role of progressive civil society, including progressive media, that has stood out – pushing back, raising voice, standing up. Journalists have been busting misinformation and reporting violations at great risks to themselves. Lawyers have been rushing to police stations and prisons, in defence of freedoms. Human rights workers have been cataloguing violations, lobbying stakeholders. And students and activist groups have been leading social media campaigns, in support of the persecuted. Muslims are an integral part of this resistance. It is civil society that will save the day for India.

The research underpinning the report was based on survey of media accounts, and review of civil society reports, as well as available official documents – court proceedings, FIRs and other documents related to criminal proceedings. We also relied on our ongoing legal assistance and research work in Delhi, Uttar Pradesh and other areas, for insights to feed our understanding of discriminations, access barriers and targeting – through telephonic interviews with key respondents. Lockdown restrictions prevented much more reliance on primary sources.

The rest of the report is structured in four parts: Section 2 provides a snapshot of the outbreak of COVID-19 in India, and the state response to the crisis. Section 3 explores how, from about a week into the Lockdown and the disruptions, media narrative began to shift to Tablighi Jamaat and Muslims, as the driver of the rise in COVID-19 infection, aided by religious profiling of COVID cases by government actors. This section also catalogues the ensuing Islamophobic hate and targeting across the country. Section 4 shifts gaze to how, parallelly, police and authorities in Delhi used the COVID lockdown to, at once deny access to justice to victims of the Delhi violence of Feb. 2020, and re-script the violence as a conspiracy by anti-CAA protesters. This has allowed police to go on a witch-hunt of student leaders, arresting and detaining them under grave charges, including terror laws. Section 5 reviews rapidly, the role of justice institutions in this campaign of hate and targeting, concluding with (in sec 6) trying to drawing lessons for civic action in defence of freedoms for the targeted and health of democracy in India more broadly.

2. COVID-19 Outbreak and the State Response

2.1 How did the pandemic progress?

India reported its first case of COVID-19 on 30th January, 2020, in the southern state of Kerala. Kerala reported two more cases in the next few days. All three infected persons were students who had returned from Wuhan city in China’s Hu-bei province, which, the World Health Organisation (WHO) had confirmed on 12th January, was the origin site of a novel coronavirus that had caused respiratory ailments among a cluster of people. Kerala managed to get these initial cases under control, with all three students reporting full recoveries.

After a lull through the rest of February, the virus reared its head again in India on 2nd March, with three new cases being reported - one each in Delhi, Hyderabad and Jaipur. The number of confirmed cases in the country then, spiralled quickly - crossing 100 by 14 March, 1,000 by 28 March, 10,000 by 14 April, 20,000 by 22 April and 30,000 by 29 April. After the first confirmed COVID-related death on 12th March - a 76-year-old man in Karnataka’s Kalburgi district - the number of deaths too rose - crossing 1,000 by 29th April. On 18th May, the total number of officially confirmed COVID-19 cases in India stood at 96,169, with 3,029 succumbing to complications relating to the disease, 36,823 recovering successfully, and 56,316 remaining active cases.

2.2 Early Response

Indian government’s initial measures to prevent and mitigate an outbreak of a scale similar to what was unfolding in neighbouring China, have been criticised by several experts. While Prime Minister Narendra Modi claimed in public and at international fora that India had begun screening international arrivals at airports since January 2020, this was only at a limited number of airports and that too only for arrivals from a select list of countries. It was only after the virus re-emerged in the country that screening was expanded.

On 13th March, the same day opposition leader Rahul Gandhi accused Modi of being “asleep at the wheel” with his response to the pandemic, the Government announced the cancellation of all non-official, non-diplomatic visas, and declared that all Indians returning from COVID-affected countries would have to go through a mandatory 14-day quarantine. However,
on the same day, the central health ministry remarked that COVID-19 - which was declared as a pandemic by the WHO two days earlier - was “not a health emergency.” The next day, the 14th of March, government declared the pandemic to be a “notified disaster”, under the Disaster Management Act 2005. On 17th March, the central government issued an advisory to all states, urging them to implement physical distancing measures till the end of the month as a preventive strategy.

On Friday, 19th March, in a primetime address to the nation, PM Modi announced that India would observe a voluntary janata (People’s) curfew on 22 March, in which all citizens, barring essential service providers, were asked to stay inside for a 14-hour period. They were also asked to gather at their windows and balconies and publicly show their appreciation for service providers.

On 22nd March, the day of the janata curfew, government ordered a complete lockdown of 82 districts across 22 states and union territories that had reported confirmed cases. This would apply till the end of the month. The janata curfew and taali bajao (clapping) campaign was popularly received in the country, with enthusiastic participation reported across states. While this underlined PM personal popularity, poor communication by authorities resulted in people in several cities gathering to undertake public, celebratory processions following the conclusion of the curfew, defeating the purpose of the campaign. In Uttar Pradesh’s Pilibhit district, a procession was reportedly led jointly by local authorities - the Superintendent of Police and the District Magistrate. At least two cities from where such other processions were reported - Mumbai and Indore - were later designated as COVID-19 hotspots.

2.3 Lockdown precipitating exodus

Just after 8.00 pm on 24 March, 54 days after India’s first confirmed case of COVID-19, Modi announced, in another televised address, that within four hours, ‘every state, every district, every village and every gali (alley)’ in the country would be shut down to prevent the further spread of the virus. While several states had already issued stay-in-place orders and closed their borders, Modi’s announcement marked the first nationwide effort at imposing physical distancing measures. All non-essential private and commercial establishments, educational institutions, and places of worship were ordered shut, and all social, political, cultural, religious, sports and entertainment-related gatherings were immediately prohibited in India.

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10. We use the phrase ‘physical distancing’ in place of ‘social distancing’, due to the latter’s casteist connotations.
Most experts concurred that such a lockdown – reportedly the strictest in the world and at the high end of the University of Oxford’s COVID-19 Government Response Stringency Index\(^\text{12}\) - was necessary to contain the pandemic in a country that has historically underinvested in its healthcare system. However, the shoddy planning and hasty implementation of the restrictions resulted immediately in a massive humanitarian crisis, with scenes of chaos and pandemonium unfolding throughout the country.

Prior to Modi’s announcement of nationwide lockdown, several states - including Delhi, Haryana, Bihar, Rajasthan, Uttarakhand, Telangana and the newly formed union territory of Jammu & Kashmir - had already announced restrictions on public movement and, in most cases, businesses had imposed border closures. This hit migrant labour population most – mostly concentrated in large cities, having moved out of rural areas in search of work and livelihood. Estimated at close to 100 million,\(^\text{13}\) migrant labour form the backbone of India’s economy, with an overwhelming number in informal employment, mostly as daily wage workers, with non-existent security of job and welfare. Lockdown meant the sudden cessation of work and the daily incomes for them. Fearing the possibility of starving to death, massive crowds of migrant workers thronged to bus and train stations in India’s major cities, in a desperate bid to return to their homes. For example, in Maharashtra, where Chief Minister Uddhav Thackeray had imposed a lockdown in several areas on 20th March (for the rest of the month), thousands of migrant workers gathered at the city’s two main Railway stations. Indian Railways, in fact, operated several special trains on 20th and 21st March to ferry some of these stranded workers to far-off locations in Bihar, Uttar Pradesh, West Bengal, and elsewhere. The nationwide lockdown announced by Modi, however, resulted in the immediate termination of all public transport, including buses and trains.

With the nation-wide lockdown, India’s $2.9 trillion economy came to an abrupt halt. While Modi urged employers to allow their workers to work from home and not to reduce their wages, this advice was both impractical and pursued with little teeth. Most workers immediately found themselves out of job and out of pocket. Within minutes of Modi’s speech, scenes like those witnessed in Mumbai and other cities a few days earlier began to be reported from across the country, including the national capital Delhi. Government’s failure to anticipate and adequately mitigate this impact on migrant labour has come under particular criticism from several quarters.\(^\text{14}\)

With all means of transport remaining suspended, tens of thousands of migrant workers and their families began to attempt journey from large cities back home, in northern and eastern India – Uttar Pradesh, Bihar, Madhya Pradesh, West Bengal, Orissa, Assam - on foot, walking, in several cases, hundreds of kilometres while braving heat and deprivation. Television news channels and newspapers soon began carrying visuals of these scenes, drawing immediate comparisons with the Partition in 1947, which had resulted in the displacement of millions.

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\(^{12}\) [https://covidtracker.bsg.ox.ac.uk/](https://covidtracker.bsg.ox.ac.uk/)


Kajodi, a 90-year-old woman, reportedly walked for three hours from Delhi in an attempt to get to her native village in Rajasthan 100 km away before meeting journalist Salik Ahmed. “She said she would have bought a ticket to go home if transport was available,” Ahmed later told BBC.

Mamta, a 35 year old factory worker in Gurugram who walked 200 km with her family to get home to Sadamai in Uttar Pradesh, described her five-day journey, to The Guardian: “The road seemed endless, we had no money for food and my children just took short breaks sleeping on the ground. To survive, we had to go back to my village; we had no choice. (The journey was) more terrible than anything I ever could have imagined. The only thing that kept us going was that we had nowhere else to go. But even though we have arrived in the village we have no money for food. I don’t know how we will survive. Hunger will kill us before coronavirus does.”

2.4 Offering Relief: Too little, too late!

Facing intense criticism for the poor handling of the situation, PM Modi apologised, but reiterated that such harsh measures were necessary to control the spread of the virus.

A survey of migrants conducted between 27-29th March revealed 42% had no ration left even for the day. 33% of the respondents were still stuck in destination cities due to the lockdown with little or no access to food, water and money. 31% mentioned they had loans and would find it difficult to repay those without employment. 328 workers mentioned that one of their immediate family members was pregnant. The report concluded: “The decision of these workers to walk from their place of labour back to their homes, despite the possibility of violence, thirst and hunger, pose before the Indian public a huge moral question” (Jan Sahas, 2002. P4)

We will die walking before coronavirus hits us...

(Man walking from Delhi for four days to reach his village in Uttar Pradesh 250 km away) 16

16. Ibid.
18. PM Modi apologises for hardships, says there was no other option  https://timesofindia.indiatimes.com/india/pm-modi-apologises-for-hardships-says-there-was-no-other-option/articleshow/74880415.cms.
Very limited inter-state movement of migrant workers by train was allowed only on 29th April, exactly a month after Modi’s apology - a month during which they faced several indignities at the hands of the state, including police violence.

In Gujarat’s Surat district, over 500 unemployed textile workers seeking to return home were tear gassed by police and forced to retreat indoors. In Uttar Pradesh’s Bareilly district, several returning migrant workers and their families, including women and children, were pictured being publicly sprayed with chemical disinfectant to ‘sanitise’ them. In Badaun, also in Uttar Pradesh, young boys who had travelled on foot from Gwalior - a journey that is almost 300 km long - were pictured being forced to crawl by policemen, as a form of punishment. Other measures included those that stigmatisate people, such as stamping hands, sticking notices outside residences.

On 26th March, Government announced a ₹ 1.7 trillion ($22 billion) relief package of emergency measures for the poor – Pradhan Mantri Ghareeb Kalyan Yojana (PMGKY) including free foodgrains and cash payments to women among others - and state governments scrambled to arrange shelter and food for stranded workers. In a filing to the supreme court on 31st March, it claimed, centre and states had set up 21,064 relief camps, providing 666,291 persons with shelter and 2,288,279 persons with food. But these measures have been dismissed as inadequate by economists and notably, lacking in compassion by others.

According to the Jan Sahas report, 62% workers they surveyed (on 27-29 March) did not have any information about emergency welfare measures announced by government and 37% workers did not know how to access the existing schemes. A staggering 94% of the workers did not have the Building and Other Construction Workers (BOCW) identity card, which rules out the possibility of availing any of the benefits declared from BOCW Rs. 32,000 crore fund. An advisory by the central government asking state governments to tap into funds they had accumulated over the years as cess on construction projects, and directly transfer emergency cash assistance to workers, remained largely hollow promise even after a month. In a press release on 6th May, government claimed it had provided assistance up to Rs. 348 billion to 390 million beneficiaries under PMGKY, yet field studies claim the relief is inadequate and poorly managed.

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22. Tweet by CNN News18 journalist Zeba Warsi: https://twitter.com/Zebaism/status/1243084378751651841
25. Lack of compassion, more than resources, marks India’s deadly lockdown mismanagement: https://www.france24.com/en/20200407-lock-of-compassion-marks-india-s-deadly-lockdown-mismanagement
26. Millions Waiting One Month After States Promised Cash To Construction Workers: https://www.huffingtonpost.in/entry/states-cash-construction-workers-welfare-fund_in_5e886efcf5b627003f7221
India’s Dalits are more vulnerable than non-Dalits to both natural and human-made disasters due to the structural inequality they face.27 The location of their homes, usually in the periphery of larger settlements, and their vulnerable occupations, make them particularly susceptible. Since the COVID-19 outbreak and the resultant lockdown, these vulnerabilities have exacerbated. Dalit also form the bulk of the nation’s unorganised sector workforce, suffering the most during the lockdown. “The majority of the migrant workforce in India was from the Dalit community. As a result of the lockdown, they are not being allowed to go to work which is why they have no source of income,” said Beena Pallikal, an activist with the NCDHR.28

Sanitation workers have particularly suffered much. According a 2017 study by Dalberg Advisors, around 90% of the 5 million people employed in sanitation and cleaning work in India belong to the lowest Dalit sub-castes.29 They historically handle hazardous medical waste, a danger that has been heightened since the COVID-19 outbreak. Many Dalit sanitation workers allege that they have not been given adequate personal protective equipment. On April 12, the wife of a Dalit sanitation worker died due to coronavirus-induced complications at Mumbai’s Kasturba Hospital. The woman’s family has accused the hospital of gross negligence, underlining the systemic discrimination Dalits face in the country. At least one sanitation worker has already died due to COVID-19 in Delhi. A PIL filed before the Delhi High Court claims that more than 80% of the sanitation workers working in Delhi do not have protective gear.30

Many Dalits have reported heightened discrimination on their return home. Sanoj Kumar, a Bihari brick kiln worker in Tamil Nadu who returned to his native village in Bodh Gaya told CNN that the discrimination has not ended even after he finished his mandatory quarantine period on return to his village. “Every time I step out, people start shouting ‘corona, corona’. Earlier they would walk at a distance because I am a Dalit, but now they call me the disease itself,” he said.31

Dalits have also continued to face a slew of violent attacks.32 In Haryana’s Palwal district, a Dalit family was allegedly attacked by an upper caste group for not switching off lights in response to PM Modi’s solidarity event on 5 April.33 Several incidents have been reported from Uttar Pradesh. In Lakhimpur Kheri, Roshan, a 22-year-old Dalit man, committed suicide after being assaulted by a policeman for violating quarantine. Dalit activists claim the targeting of Dalits, already high in the term of current BJP regime in the state, has increased during COVID-19.34

Box 1: The continuing discrimination of Dalits during COVID-19

India’s Dalits are more vulnerable than non-Dalits to both natural and human-made disasters due to the structural inequality they face.27 The location of their homes, usually in the periphery of larger settlements, and their vulnerable occupations, make them particularly susceptible. Since the COVID-19 outbreak and the resultant lockdown, these vulnerabilities have exacerbated. Dalit also form the bulk of the nation’s unorganised sector workforce, suffering the most during the lockdown. “The majority of the migrant workforce in India was from the Dalit community. As a result of the lockdown, they are not being allowed to go to work which is why they have no source of income,” said Beena Pallikal, an activist with the NCDHR.28

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31. Ibid.
33. https://thewire.in/caste/haryana-dalit-family-attacked-over-dispute-on-adhering-to-pms-9pm9minutes-call
Consequences of the COVID-19 lockdown for India’s poor and working classes have been disastrous. On 8th April, International Labour Organisation (ILO) warned that up to 400 million Indians working in the informal economy, employing up to 90% of India’s work force, were at risk of being pushed deeper into poverty. Surveys conducted by the Center for Monitoring Indian Economy (CMIE) showed that by the week ending 3rd May, 122 million Indians had been forced out of their jobs. These included daily wage workers and those employed by small businesses. “This is not just a mind-boggling number. It is a human tragedy because these are perhaps the most vulnerable parts of society,” said Mahesh Vyas, the chief executive of CMIE.

A database maintained by researchers revealed that as of 18th May, at least 592 Indians had died of lockdown-related causes (apart from those directed due to COVID-19 infection). These included only those cases reported in newspaper. The top five leading causes of death, according to the database, were suicide (116), accidents, for migrants traveling home on foot (171), denial of timely medical care (55), due to exhaustion (36), and starvation and financial distress (87). “Most of these deaths were entirely avoidable. If the stringent lockdown was the only option available to the Indian government, the least it could have done is to plan better for the most vulnerable sections of the population,” asserted the researchers.

The human cost of the COVID pandemic in India was so pronounced as to attract the special attention of the United Nations. In a communication to Government of India, UN High Commissioner for Human Rights, Michelle Bachelet, while expressing regret on the plight of internal migrants and government measures that instead of providing relief, seemed to be targeting them and compromising individual privacy, noted: the lockdown in India represents a massive logistical and implementation challenge given the population size and its density and we all hope the spread of the virus can be checked.... It is nonetheless important to ensure that measures in response to the COVID-19 are neither applied in a discriminatory manner nor exacerbate existing inequalities and vulnerabilities.....

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She stressed on the need for ‘domestic solidarity and unity’, to be able to fight the COVID challenge.

Commissioner Bachelet’s warnings would prove prescient in the days ahead, as the focus of the public discourse in India shifted dramatically from the plight of migrant labour and government’s mismanagement of COVID-19 response, to Muslims as the reason for the increase in COVID cases. It is to this we turn in the next section.

3. Changing the Narrative: Muslims as scapegoat

3.1 COVID and Religious Profiling

In the days immediately following the imposition of the nationwide lockdown, much of the attention of the television and print media was on the unfolding humanitarian crisis, particularly the exodus of hundreds of thousands of migrant workers from India’s urban centres – following the 21-day lockdown that had been imposed with just a 4-hour notice.

On 29th March, news channels reported a spike in COVID-19 positive cases nationally. In his daily press briefing on COVID – 19 in Delhi that day, Government spokesperson Lav Agarwal, Joint Secretary with Ministry of Health, blamed lack of public cooperation and people not reporting cases to authorities, for the sharp increase. He added, government had identified COVID hotspots too, but did not name them. In his later briefings, he referred specifically to a cluster of cases linked to a religious gathering by Tablighi Jamaat (TJ) - a Muslim missionary movement with its headquarters (markaz) in Delhi’s Nizamuddin area. TJ’s annual meeting at its Nizamuddin markaz, held between 13-15th March, was attended by between 2000-8000 persons, many foreigners, including from COVID hotspot countries such as Indonesia and Malaysia.

It transpired that authorities had sealed the TJ markaz on 22nd March, the day Delhi govt announced restrictions on movement. Yet screening of those remaining inside the centre began only on 26th March, after PM Modi announced the nationwide lockdown. Many tested positive. Between 30th March and 1st April, newspapers reported, 2361 persons were evacuated from the markaz, into quarantine facilities. This set in motion intense media scrutiny on the TJ. Alongside state governments went into overdrive to identify those who had been at the congregations and had already travelled across the country. An earlier advisory by the Home ministry to state governments, dated 21st March, had asked all to “identify, screen and quarantine” 824 foreign members of the Tablighi Jamaat who had travelled across India. According to the news portal Scroll, these members had entered India without being screened at airports, which government had falsely claimed on 14th March, were screening and identifying everyone entering the country. While TJ stands to be criticised, there was also gross government mismanagement and disproportionate targeting.

By 30th March as many as 25,000 persons with history of travel to the TJ’s Delhi event and those they had been contact

with, had been quarantined across several states. By 7th April, of the 4400 COVID positive patients nationally, a third of the reported national total, were linked to the centre. The scrutiny on TJ and its links to the rising COVID positive cases was intense. But it was also biased. Government’s selective scrutiny of TJ cases, when screening rate overall was very poor, and under reporting allegedly common, resulted in a skewed singling out of TJ as the villain of the piece.

On 29th March, India reported having conducted only 34,931 COVID-19 screening tests. Even as late as 24th April, after the initial confusion, according to Our World in Data website, India tested only 380 persons per million, a very low testing rate (the median testing rate world over, on the day, was 5897 per million). Poor testing rate, results, along with other factors, in the low COVID-19 positive cases reported in India. There have also been reports of government’s attempts to hold back COVID outbreak data, and gag agencies and scientists – including at the Indian Council of Medical Research (ICMR). It has also been claimed that a newspaper article critical of government’s muzzling of health experts, was pulled down a day later, without any explanation. Another claimed Government’s top epidemiological think tank, National Centre for Disease Control, was withholding COVID-19 data ever since its first incidence in India. NCDC had not published a single report after its last on 2nd February, when it reported, in its weekly disease update, India’s first 3 COVID-positive cases. Others have highlighted under reporting of COVID-19 deaths, showing discrepancy between numbers tallied by government and figures collected from cremations and burials of COVID-19 victims.

Amid this general attempt to obscure or leave under-examined the impact of COVID-19, those with travel history to the TJ event in Delhi, were disproportionately tracked, tested, quarantined, and reported on. When government spokesperson Agarwal addressed the press on 5th April, the messaging was clear; our doubling rate is 4.1 days at present. But if additional cases reported due to the Tablighi Jamaat had not happened, then the doubling rate would have been 7.4 days,

In additional to widespread discourse of this nature on the part of the media and public officials, members of TJ were also officially criminalized. A case was registered against office bearers and members of TJ, under sections of the Disaster Management Act, and Indian Penal Code (IPC). Notably, this included section 120b (for criminal conspiracy, implying that authorities will argue in court that TJ deliberately conspired to organise their congregation (11-12 March) to spread COVID-19. It was reported that IPC Section 304 (attempt to murder) too has been added subsequently. TJ members continue to be under intense scrutiny. Members in Delhi that have tested negative, continue to be in quarantine, for over 35 days, much beyond the usual quarantine period of 14 days. And there

44. https://thewire.in/health/india-covid-19-testing-contradiction-rate
50. https://sabrangindia.in/article/charge-criminal-conspiracy-against-tablighi-members-justified-0
have been calls to transfer the criminal investigation against TJ chief and others to the National Investigation Agency - a federal agency set up specifically to investigate terror cases."51

The evident targeting of TJ has been in sharp contrast to lack of any scrutiny of some of the other congregations - religious and secular - taking place around the same time and later. This included, festivals at 8 Hindu temples across Gujarat between 9-19 March, with an combined estimated footfall of 30,000.52 Another temple in Kalburgi district of Karnataka held a festival as late as 16th April, resulting in hundreds of devotees gathering, defying physical distancing guidelines. Kalburgi had registered India’s first COVID-19 death, and is now a COVID-19 hotspot53 In northern Uttar Pradesh, Chief Minister Yogi Adityanath was reported having attended a public religious event in Ayodhya on 25th March, a day after the national lockdown was announced, and religious congregations were expressly barred."54 Recently Gujarat state government was accused of recklessness in organising the Namaste Trump mega event on 24th February in Ahmedabad, that had several foreign nationals travel to the city, even as WHO was already advising caution against travel.55 Gujarat today has the second highest number of COVID positive cases, with 3/4th of those in Ahmedabad alone.56 Newspaper reported recently how 92% of COVID-19 positive cases in Nanjanagud town in Karnataka, a designated COVID-19 hotspot, were traced to a single source, Jubilant Life Sciences laboratory, owned by a powerful business conglomerate. The story was however covered up, involving the powerful owners, senior officials, and BJP politicians.57

On 8th April, World Health Organisation (WHO) warned against religious, ethnic and racial profiling of COVID cases, asserting “Having Covid-19 is not anybody’s fault. Every case is a victim. It is important that we do not profile the cases on the basis of racial, religious and ethnic lines.” But religious profiling in reporting COVID-19 cases continued. It took a plea before the Delhi High Court on 17th April to restrain the state government from using ‘Tablighi Jamaat’/ ‘Markaz masjid’ as a separate category to classify and report COVID-19 cases. The plea before HC argued this amounted to religious profiling, thus promoting ill-will, enmity and hatred towards Muslims."59

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3.2 Misinformation campaign

Article 14’s forensic examination of statements and documents by authorities between late March and mid-April 2020, revealed how Government's religious profiling - linking the spike in COVID-19 cases to the TJ congregation, triggering a nationwide panic - sparked abuse against Muslims, boycott of individuals, including Muslims health workers and patients, and a rash of hate crime during the subsequent weeks.60 A concerted misinformation campaign began, aided by top functionaries of the BJP’s IT cell. The news of the Nizamuddin cluster was used, with the help of mainstream media, to demonise the entire Muslim community.

On 30th March, two senior BJP members directly blamed the Jamaat for the spread of COVID-19 over social media.61 At 9:20 pm, Gautam Gambhir - the BJP MP from East Delhi - tweeted, “What were these people gathering at Nizamuddin thinking? Is it a joke that the entire country is under lockdown?”62 At 10:13 pm, BL Santhosh - the BJP’s national general secretary (organisation) - tweeted, “Markaz in Nizamuddin, Delhi becomes new hot spot of #CoronaVirus. Over 400 people there in illegal congregation of Tabligh Jamaat there.” Neither Gambhir nor Santosh mentioned that the congregation had taken place on 13-15 March, before the nationwide lockdown, and before the Delhi government explicitly banned religious gatherings of more than 50 people, on 16 March making the claims of illegality questionable.

On 31 March, as the government spokesperson was referring to the Nizamuddin hotspot in his press briefing, Sambit Patra, the national spokesman of the BJP, accused the Jamaat of “criminal negligence”.63 The next day, on 1 April, Amit Malviya, the head of the BJP’s IT Cell, sought to draw a link between the Nizamuddin cluster and the anti-CAA protests that Delhi had witnessed since December 2019. He tweeted, "Delhi’s dark underbelly is exploding! Last 3 months have seen an Islamic insurrection of sorts, first in the name of anti-CAA protests from Shaheen Bagh to Jamia, Jaffrabad to Seelampur. And now the illegal gathering of the radical Tablighi Jamaat at the markaz. It needs a fix!" Leaders of the ruling Aam Aadmi Party (AAP) in Delhi Administration too weighed in. Atishi Marlena, AAP legislator called for “strong” action against the organisers of the congregation. And Arvind Kejriwal, the chief minister of Delhi, condemned the Jamaat and asked the police to file charges against Maulana Saad. In the event, the police charged him with, among other things, criminal conspiracy.

According to the Article 14 study, it was with Malviya’s tweet that the anti-Muslim campaign first went into “full stride”64. Later in the evening, Kapil Mishra - a BJP politician whose incendiary remarks are believed to have directly led65 to the anti-Muslim violence in Delhi in February 2020 - called for the Jamaatis to be treated like “terrorists” And Mukhtar Abbas Naqvi, central minister in charge of Minority Affairs, equated the Nizamuddin gathering to a “Talibani” crime that “cannot be forgiven”. The escalation was rapid. On 4th April, Raj Thackeray, the

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62. https://twitter.com/GautamGambhir/status/1244653282678603781
63. https://twitter.com/sambitswaraj/status/124482799537578208
chief of the far-right Maharashtra Navnirman Sena (MNS) party, called for the Jamaatis to be “killed by firing bullets”. Three days later, MP Renukacharya, a BJP legislator in Karnataka, remarked, “Those who attended Tablighi Jamaat congregation and have not come out for treatment and escaped, government should not protect them. It is not wrong to shoot them with a bullet.”

Mainstream media, particularly TV channels aided in the targeting. On 31st March, Suresh Chavhanke, the editor-in-chief of Sudarshan News with deep RSS links, opened his show with the following monologue: "In today’s Bindaas Bol, I bring you a very serious issue and appeal to the Narendra Modi government that the Tablighi Jamaat be banned. If India’s mosques are posing a threat to Indians, and human bombs carrying coronavirus are roaming around freely, wouldn’t you call it ‘corona jihad’? We should keenly monitor these jihadis and the jihadis should be strictly punished under law.” Sudarshan News was not an isolated instance. ABP Live described the Jamaat as “the human bomb which can explode Coronavirus numbers.”

Zee News wondered if Tablighi Jamaat had “betrayed the nation.” Muhammad Saad Kandhlawi, the head of the Tablighi Jamaat, was described as “the maulana of death” and a “terrorist.”

Alongside vitriolic television coverage, and what seems now to have been in coordination, a concerted fake news campaign also picked pace on social media. TIME magazine revealed that posts with the hashtag #CoronaJihad actually began appearing on Twitter on 28th March itself, and were potentially seen by as many as 165 million people. Old, often completely unrelated videos were repackaged and spread as evidence of ordinary Muslims intentionally spreading the virus among the Indian population. A report claiming that quarantined Tablighi Jamaatis in Rampur, Uttar Pradesh had “created a ruckus” and defecated in the open because they were not served non-vegetarian food began circulating. This was officially denied by local Police. A video of a Muslim fruit vendor allegedly spitting on fruits he was selling, was later revealed to be of a mentally unstable man counting the fruits, not licking them. Another video, of Muslim boys allegedly licking utensils to spread the virus, was later revealed to be a video of members of the Dawoodi Bohra community, who lick plates clean after eating from them as a ritual practice. A video of Indian Muslims allegedly sneezing in unison was debunked and found to be first shared on Pakistani social media. The ‘sneezing’ was actually revealed to be a Sufi ritual which involves breathing in and out in sharp gusts while repeating the name of God. Other such videos claimed to show a Hindu priest being assaulted by a

71. It Was Already Dangerous to Be Muslim in India. Then Came the Coronavirus: https://time.com/5815264/coronavirus-india-islamophobia-coronajihad/
Muslim policeman, Muslim restaurant workers spitting in a dish of food, and a Muslim man spitting at cops to infect them. All were found to be fake or misrepresentative.

Media Scanner, an online fact checker, listed 94 such fake news stories blaming the Muslim community for the pandemic. Voyager Infosec, a Delhi-based digital laboratory, analysed over 30,000 such clips that had appeared on Tik Tok, a video app, and concluded that there was a 'pattern of targeted disinformation'. The study noted that the videos had been watched by more than 10 million users, and that they are regularly deleted after they become popular, allowing the producers of the content to hide their digital footprints. AltNews, a fact-checking service, also observed a ‘deliberate pattern to delegitimise the (Muslim) community’. “All these videos have been used to call for a boycott of the community, including vegetable and fruit vendors. This act of communalising a pandemic is disturbing as well as dangerous,” noted the report. Even a Home Ministry guideline for law enforcement agencies on how to spot and investigate fake news, uploaded on Bureau of Police Research & Development (BPRD) website, red-flagged the targeting of Muslims over COVID-19, including a doctored video clip of the TJ chief, cited in the FIR against him. It also transpired that a day later, the document was removed.

Nevertheless, such news and videos were spread widely on various social media platforms - including WhatsApp, India’s most popular messaging service - often along with hashtags like #COVID786, #NizamuddinIdiots, #Coronajihad, #BioJihad, #CrushTablighiSpitters, etc. The flow of fake news targeting the Jamaat and the wider Muslim community continued almost unchecked, aided by 24X7 negative coverage on prime time TV media, and further weaponised by irresponsible statements by political leaders and government functionaries. As Article 14 noted, the fake-news cycle, was clear:

Print and television media and social media were feeding off each other. Social-media users picked manipulated, exaggerated or fake news, spun it further, sometimes; in turn, the media picked up such posts and spun them as news.

73. Fake Alert: Long List of Islamophobic Fake News which is going viral during Coronavirus Pandemic: https://mediascanner.in/fake-alert-long-list-of-islamophobic-fake-news-which-is-going-viral-during-coronavirus-pandemic/
74. Video of Muslim vendor’s unhygienic handling of fruits falsely linked with spreading coronavirus: https://www.altnews.in/viral-video-of-muslim-vendor-licking-fruits-is-from-mps-raisen-falsely-linked-with-spreading-coronavirus/
75. Video of Muslim vendor’s unhygienic handling of fruits falsely linked with spreading coronavirus: https://www.altnews.in/viral-video-of-muslim-vendor-licking-fruits-is-from-mps-raisen-falsely-linked-with-spreading-coronavirus/
78. Ibid
The infiltration of social media platforms like WhatsApp, Facebook, Twitter and Tik Tok by miscreants, even before the COVID-19 outbreak, had resulted in the average Indian social media user subjected to a daily barrage of carefully constructed hateful and fake content. The inability of SM platforms and government authorities to adequately address this issue had resulted in the normalisation of various kinds of hate, the deepening of delicate social fissures, and partly contributed to a steady increase in anti-Muslim hate crimes in the country.\(^7^9\) The current surfeit of anti-Muslim hate content is a continuation of this trend, at a much bigger scale.\(^8^0\) Recently, many social media platforms have unveiled measures to halt the spread of COVID-related misinformation and hate content online.

On April 7, WhatsApp--India’s most popular social media platform--rolled out to its 2 billion users across the world a restriction on the number of persons or groups a user could forward messages to at a time, from five earlier down to one now.\(^8^1\) On April 27, WhatsApp claimed that this move resulted in a 70% reduction in the number of highly forwarded messages.\(^8^2\) On April 22, Facebook announced that it would tie up with eight independent fact-checking entities, covering 11 Indian languages to identify fake information in the country.\(^8^3\) On May 4, Tik Tok--which has been installed over 600 million times by Indian users--launched a public awareness campaign to help raise awareness around the creation and sharing of misinformation, and enlisted the services of several film and sports personalities. In January, Tik Tok had introduced a new feature that lets users report ‘misleading information’.\(^8^5\) On May 11, Twitter announced that it would add labels and warning messages on tweets that contain disputed or misleading information about COVID-19.\(^8^6\)

Most of these measures, however, came much after the spike in Islamophobic hate content on the platforms, at its peak in the first week of April. Experts contend that online hate content and misinformation continue to be prevalent. A disinformation survey by Avaaz--of posts made between January 21 and April 17--found that it took Facebook as many as 22 days to issue warning labels for COVID-related misinformation. The study also found that posts continue to be shared millions of times even after they have been debunked.\(^8^7\)

### 3.3 Authorities failing to act

On 6 April, the Jamiat Ulema-e-Hind, an organisation of Islamic scholars, moved the Supreme Court of India (SC), seeking directions to the central government and to the media to cease the demonisation of Muslims. The petitioners alleged that by not taking action to maintain communal harmony “in such a critically sensitive time”, the Centre had failed in discharging its constitutional duty. They sought directions to restrain media from biased reporting of TJ’s role in spreading COVID-19. The petitioners specifically referenced central government’s banning telecast by Asianet News and Media One for 48 hours in March 2020, for the channels’ “biased coverage” of anti-Muslim pogroms in Delhi in February.

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80. [https://inc42.com/buzz/facebook-whatsapp-tops-list-in-covid-related-fake-news/](https://inc42.com/buzz/facebook-whatsapp-tops-list-in-covid-related-fake-news/)
87. [https://stoppress.substack.com/p/are-platforms-doing-enough-to-check](https://stoppress.substack.com/p/are-platforms-doing-enough-to-check)
the government had claimed the networks’ “reports sided towards a particular community” - understood to mean Muslims. The petitioners also invoked SC’s recent directions to the media, in the context of COVID-19 outbreak, to maintain a strong sense of responsibility in reporting, and ensure that unverified news capable of causing panic was not disseminated. The court, in its hearing of the matter on 13th April, refused to issue any directions to the media to “gag the press” and posted the matter for hearing after another two weeks.90

As a number of instances of anti-Muslim targeting came to light, and international media began covering it, the central government appeared to backtrack. On 8th April the health ministry issued an advisory urging people not to “label any community or area for spread of COVID-19" and to counter any prejudices. The same day, Delhi government called out “anti-social elements” for spreading “communal hatred during the pandemic”. It however took another 11 days for PM Modi – otherwise social media savvy – to issue an anodyne appeal for ‘unity and brotherhood’ that called no one to account, noting “COVID-19 does not see race, religion, colour, caste, creed, language or borders, before striking”. Incidentally, this appeal on 19th April came a day after a statement by the Organisation of Islamic Cooperation (OIC) urging the Indian government to take urgent steps to curb the “growing tide of Islamophobia” in the country, on the back of a spate of public statements by public figures in the Arab Gulf raising alarm about targeting of Muslims in India. But the damage had been done.

### 3.4 Online abuse triggering physical harm

Religious profiling of COVID cases and the coordinated Islamophobic campaign that followed, has taken a toll on Muslims, many of whom were already reeling from large-scale targeted violence against the community by state and non-state actors in Uttar Pradesh and in particular Delhi. The vilification campaign painting them as responsible for the COVID-19 outbreak has directly led to social and economic boycotts across the country, shattering their incomes and livelihoods which in many cases were already characterized by precarity. They have also been subject to direct violence and been denied access to essential services and freedoms in several places.

Media Scanner, the online fact checker, has documented 28 incidents of anti-Muslim targeting during the first two weeks of April 2020. Documentation of the Oppressed (DOTO), an online hate crime documentation platform, recorded 19 such incidents in the second half of the month. Almost every one of the incidents can be traced back to the vilification campaign the community was subject to. Actual figure is likely to be much higher.

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88. [https://theprint.in/india/malayalam-channels-mediaone-tv-asianet-news-banned-for-48-hours-over-delhi-riots-coverage/377331/](https://theprint.in/india/malayalam-channels-mediaone-tv-asianet-news-banned-for-48-hours-over-delhi-riots-coverage/377331/)
**Violence and attacks**

While there have been no reported deaths as a result of direct violence, there have been at least two incidents in which this targeting has led to loss of life. On 5 April, Mohammad Dilshan, a 37 year old resident of Bangarh village in Himachal Pradesh's Una district, committed suicide after being subject to taunts and abuses by his fellow villagers. Dilshan had earlier come in contact with two members of the Tablighi Jamaat, but had himself tested negative for COVID-19. Dilshad’s family later reportedly recovered a note from him in which his last words were scribbled: “I’m no one's enemy.”

In Rajasthan’s Bharatpur district, a baby died after a doctor allegedly refused to treat a pregnant Muslim woman. Irfan Khan, the father of the child, alleged that the doctor told him, “Tum Muslim ho, tumhara yahan koi ilaaj nahi hoga (You are a Muslim, you cannot be treated here).” Khan was later reported to have withdrawn his allegation, but told The Wire that he was forced to do so by policemen. “I didn’t say a word of what’s written in the report. They just asked me to sign,” he said. A similar incident was later reported from Jharkhand, where a bleeding, pregnant Muslim woman was allegedly accused of spreading the coronavirus and turned away, before eventually losing her child. “I was abused on the lines of my religion and asked to wipe the blood. I could not because I was shivering. I was beaten up with slippers. I was shocked and rushed to a nursing home. There it came out that my child had died,” said the woman, in a letter to the chief minister.

There were also several instances of physical assaults, most of which were against working class Muslims who were merely trying to eke out a living amidst the crippling lockdown.

In Arunachal Pradesh, several Muslims truckers transporting rice supplies were allegedly assaulted and their vehicles damaged, before being chased away. Across several villages in Punjab’s Hoshiarpur district, dozens of Muslims - at least 80, including women and children - were reportedly abused, assaulted and forced to flee after inflammatory messages against the Muslim community were broadcast from temples and gurdwaras in the area.

These families were reported to have been forced to sleep hungry under the open sky for at least three days before they were provided any rations by local authorities.

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95. Rajasthan: Baby Dies After Doctor Allegedly Refused to Treat Pregnant Muslim Woman: [https://thewire.in/communalism/rajasthan-muslim-woman-baby-dies-doctor](https://thewire.in/communalism/rajasthan-muslim-woman-baby-dies-doctor)


community) why are they beating us, and they started hurling abuses and calling us sick.” Siraj’s 80-year-old mother was later denied medicines by a local chemist, who snubbed them as “sick Muslims spreading the virus.”

In Bagalkot district in Karnataka, a mob was seen kicking and abusing Muslims who had gone to fish in the Krishna river. In a video that went viral, one of the members of the mob can be seen forcing the Muslims to kneel and apologise. Another man can be heard saying, “You people are the ones who are spreading the disease. Why are you coming to our village? Do you know how many people have died?”

In Haryana’s Jind district, a Muslim family was reportedly assaulted by fellow villagers after they failed to switch off the lights in their house at 9 pm on April 5, when PM Modi had appealed to the nation to light lamps and candles in solidarity.

A few weeks later, it was reported that six families in a neighbouring village in the same district converted to Hinduism because of rampant targeting of Muslims in the area. An anonymous resident told Clarion India,

“Similar incidents have been reported from UP. In Parsoli village of UP’s Muzaffar Nagar district, BJP members fired bullets in the air on the day PM Modi asked for janta curfew. According to community members, it was apparently a message to the Muslim community that “anything can happen on the order of Modi.” There have also been instances of vandalisation and physical assault in Prasoli and neighbouring Khaira- Mastaan against Muslims that failed to turn off lights.

Muslim places of worship have also been targeted. In Mukhmelpur village in national capital Delhi, a mob of around 200 people was reported having attacked a mosque on 3rd April, ransacking and partially burning it. In nearby Gurugram, 3 men on a motorbike reportedly opened fire at a mosque in Dhankot village.

In Karnataka’s Bagalkot district, two mosques were attacked on 5th April, for keeping their lights on during PM Modi’s 9 pm solidarity event. In both cases, attackers barged inside and demanded that the lights be turned off.

100. Ibid.
103. Telephonic interview with Saleem Ansari, community worker, 22nd - April -2020
104. Telephonic interview with Saleem Ansari, community worker, 22nd - April -2020
In Uttar Pradesh, it was reported from several districts that azaan (call to prayer) from mosques was stopped by local police. Several imams have also reportedly had FIRs filed against them, despite there being no written order regarding a ban on azaan. Earlier, after similar reports surfaced in Delhi, the Lieutenant Governor had to clarify that there was no ban on azaan, but that all religious gatherings would continue to be prohibited.

Box 3: Other minorities scapegoated - North East India, Sikhs, Women

Around the time when media began blaming China for manufacturing the COVID-19 epidemic, several instances of targeting of people from India’s north-eastern states were reported. The Rights and Risks Analysis Group (RRAG), a Delhi-based thinktank, documented 22 such instances that were reported in the media between 7 February and 25 March. Victims in many of these cases alleged that they had the slur ‘coronavirus’ thrown at them.

“They threw balloons at my friend and me. We had a male friend with us but they threw the balloons only at us, aiming at our private parts. They saw that I had Mongoloid features after I took off my pollution mask. After that they screamed, ‘Aye, coronavirus!’ I was too shocked to react,” said a woman student at Delhi’s Hansraj College, after she was attacked by six men on motorbikes.

Sikhs too have been the target of communal vilification. After it came to light that several Sikh pilgrims returning to Punjab from Hazur Sahib Gurdwara in Maharashtra’s Nanded district had tested positive for COVID-19, a smaller-scale vilification campaign against them, similar to the one faced by the Muslim community was witnessed. Several posts criticizing the Sikh community came up on social media. Giani Harpreet Singh, the head of the Akal Takht, the highest temporal body of the Sikhs, alleged that the vilification appears to be a conspiracy to malign minority communities. “There was a frenzy to vilify the entire Muslim community by citing the case of Tablighi Jamaat, now there is a campaign to present Huzur Sahib as an epicentre of Coronavirus to malign the Sikh community. This is a conspiracy,” he said. No incident of physical targeting of Sikhs has been reported in the mainstream media.

COVID-19 lockdown has also impacted women and children. It has resulted in significant spike in domestic violence - a phenomenon UN Women has termed as “shadow pandemic”. This is believed to be particularly pronounced in India where, at the best of times, at least a third of women have reported suffering physical or sexual violence at home. While statistics related to domestic violence may never really capture the real extent to which the practice is prevalent in the Indian context, it is pertinent to note that even official statistics have registered a significant spike since the imposition of the lockdown. The National Commission for Women revealed that it received 587 complaints of domestic violence between 23 March and 16 April, a 48% increase compared to the previous 25 days. And an NGO that runs a helpline service for children has reported a 50% spike in cases since the beginning of the lockdown.
Economic boycott of Muslims too have been reported from across the country, directly affecting the livelihoods of a community that has already largely been confined to the informal sector. A video from Uttar Pradesh’s Lucknow district showed BJP MLA Brij Bushan Rajput threatening a vegetable vendor after learning that he was a Muslim. “Do not enter this area again, otherwise we will thrash you and set you right,” Rajput can be seen telling the man. Another BJP MLA in Uttar Pradesh, Suresh Tiwari from Deoria district, was seen asking people not to purchase vegetables from Muslim vendors. “Keep one thing in mind, I am telling everyone openly, no one should purchase vegetables from Muslims.”

Experts have warned that statements and the boycotts they result in could perpetuate a pre-existing trend of concerted and deliberate economic marginalisation that Muslims have historically had to face in India. “If discrimination against working class Muslims continues, the consequences could be devastating. Hindus and Muslims often live in segregated clusters in urban areas, but they are intertwined by the web of economic transactions. If that goes away, we are looking at pockets of apartheid in our country,” said Asim Ali, a researcher at the Centre for Policy Research. “It is not hard to envision widespread economic discrimination based on prejudice in our country. After all, we have had millennia of experience of it in the caste system,” added Ali.

In Uttar Pradesh’s Meerut district, Valentis Cancer Hospital published a newspaper advertisement declaring that any Muslims seeking treatment must first provide proof of not being infected.”. Another hospital, in Gujarat’s Ahmedabad district, reportedly segregated Muslim and Hindu COVID-19 patients on the basis of their faith. The hospital has denied the claim, but a doctor who spoke to The Hindu on condition of anonymity said, “After some patients complained, it was decided to segregate them on a temporary basis.” Another hospital, in Telangana’s Karimnagar district, allegedly refused to treat Muslim patients. In an audio clip that purportedly shows a conversation between a hospital employee and a member of public, the employee replies, “The doctor is there, but he will not be treating Muslims.”

The targeting has been so widespread that the National Hawker federation (NHF) – the umbrella body of street vendors and their groups – weighed in, condemning “the intimidation and physical attacks”. Stating that its Muslim members “....are being profiled and surveilled, stopped and harassed, and heckled and beaten up by vigilante groups who are acting with complete impunity”, NHF demanded that political leaders send a strong message to all against the targeting and law enforcement agencies take strong against law breakers.

Denial of public service

There have also been reports of Muslims being denied access to essential services, including basic healthcare.

In Uttar Pradesh’s Ghaziabad district, where the state government had announced the universalisation of the public distribution system (rations), several Muslim residents complained that they were turned away, ostensibly due to discrepancies with their ration card documents. “We went to the ration shop three days ago to get food grains, but they told us that we are not entitled to anything. My ration card was issued from Noida, but I am staying with my family here. How can we go to Noida to get our ration? The staff at the ration shop here are refusing to give us anything,” said Mohammad Jaffruddin, a daily-wage labourer in Loni Municipal Corporation, to The Caravan.119 Discrimination in the disbursement of rations has also been reported from Varanasi, PM Modi’s electoral constituency, demonstrating how the religious angle is pre-existing exclusions.

In West Bengal’s Bhatpara municipality, Muslim residents alleged that they were denied access to drinking water from the municipal water supply tap. “They say that we are Muslims and hence we can transmit coronavirus to them. They have put up barricades of bamboo and dupatta around the tap. We can’t even dare to enter that spot for water. So, even during the lockdown either me or my sister have to go to a far-off municipal tap to collect drinking water,” said Rukhsar. Parveen, a class 10 student. A similar story was narrated to eNewsroom by Zainab Khatoon, another Muslim resident: “We don’t have enough stored ration. Hence, we often visit local grocery shops to buy essentials. However, after the Tablighi Jamaat incident, the shopkeepers of other faiths, don’t take money from our hands. They have kept a small bowl for us to place the money. They even call us Corona Virus and even say that they will chase us out as they did during the 2019 riots. How can we be called Corona Virus? We are not even allowed to collect water from the same municipality water taps. We are told to go elsewhere.” When asked if they had reported the incident to the authorities, Zainab replied, “To whom do we report? This has become a regular affair.”121

Difficulties in earning a livelihood existed earlier as well, but now a religious and social angle has emerged as well. In Varanasi, ration is being distributed in the form of ‘Modi Kit’. But it is being given only to Hindus, not to the (Muslim) weavers here,” said Abdula Ansari, a weaver in his 60s.120

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121. Muslims in Bengal’s Bhatpara municipality face religious discrimination: https://enewsroom.in/bhatpara-muslims-bengal-corona-religious-discrimination/
3.5 Continuing to scapegoat

The profiling of COVID-19 cases by religion, seeking to link the infection to Muslims, has continued to this day, with senior leaders of the BJP leading the charge, putting at risk Muslims to further stigmatisation, exclusions and physical attacks. UP Chief Minister, Yogi Adityanath recently claimed, “In Uttar Pradesh and other places where the spread of the coronavirus has been seen, Tablighi Jamaat is behind it. Had they not hidden the disease and went about like its carriers, then perhaps we would have controlled the coronavirus outbreak to a large extent”. His government has named 8 out of the 18 COVID-19 hotspots in capital Lucknow, after nearby mosques. More recently, reports emerged of the national government considering “religion based mapping of COVID-19 hotspots” to understand the origin and pattern of spread of the virus, community-wise. Using a religious lens to understand epidemiology will likely result in institutionalising religious profiling of the disease, and reinforcing religious stigmatisation.

There have also been continuing attempts to link the pandemic to the protests against the Citizenship Amendment Act (CAA) / National Register of Citizens (NRC) that swept the country from end December 2019. In April, after the Shaheen Bagh area - site of protests - was declared a COVID-19 hotspot, Times Now news channels tweeted “Delhi’s ‘open secret’ now confirmed. Shaheen Bagh, which was once the hotbed of ‘Modi baiters’ has now been declared a COVID-19 hotspot”. Earlier Amit Malviya, the head of the BJP’s IT Cell had described both the anti-CAA protest sits-ins as well as the TJ gathering as “Islamic insurrection” by “Delhi’s underbelly”, and called for it to be fixed! Recently, on 6th May, Shivraj Singh Chauhan, BJP Chief Minister of Madhya Pradesh sought to lay the blame for the major COVID-19 outbreak in Indore city on CAA protesters: “Many people came out in protest of CAA and spread coronavirus. Congress supported them. Thankfully, there is BJP government in the state. To bring back the goodwill and health in Indore, we have joined hands with the RSS”, referring to the paramilitary Hindu nationalist group of which BJP is the political wing. It is to the CAA angle to COVID-19 angle that we now turn our attention.

4. Breaking up a mass movement: CAA 2019

COVID-19 lockdown has been used by authorities and their Hindutva associates to target the people’s movement against CAA 2019, in an apparent attempt to undo the gains made by the peaceful campaign. Besides physically dismantling protest sites, authorities in capital Delhi and other BJP ruled states, notably Uttar Pradesh, have used the COVID lockdown as cover to systematically arrest and detain youth leading the resistance movement, on fabricated charges, invoking anti-terror and other draconian laws that could result in indefinite incarcerations. The ongoing witch-hunt against dissenting youth has been on the back of crack down by state forces against protesters - mostly Muslim - in BJP ruled states in December 2019, as well as targeted attacks against Muslims in capital Delhi in February 2020, directed at punishing them for continuing to protest against the CAA. The anti-CAA movement, hailed as “political awakening” and epitomised in the Shaheen Bagh sit in

122. Ibid
protest, described as “the beating heart of India’s democracy” has sought to be snuffed out.

### 4.1 Denying justice to victims

COVID-19 and its associated restrictions on movement from 24th March, came as a double burden for survivor families and the displaced affected by violence in North East Delhi – denied the little relief that they were slowly getting access to, as well as the complete halt to wage employment, their sole means of livelihood. Lockdown also meant victim’s access to hospitals and police stations to obtain documents, file FIRs and record statements, and engage with their lawyers, to move criminal proceedings against perpetrators, closed off completely. Police had been biased against Muslims during the violence. Their behaviour in its aftermath, to register criminal cases and prosecute offenders, was little different. In this scenario, it was only victim’s own efforts for justice - pushing investigation authorities to record FIRs and investigate crime – that could have any hope for bearing fruits. COVID-19 Lockdown meant victims lost the little ability they had to influence criminal proceedings towards accessing justice.

However, what COVID-19 seems not to have stopped is Police’s targeting of Muslim residents, many themselves victims of violence, fabricating cases against them. Newspapers reported, a week into the lockdown, towards end March 2020, Delhi police stepping up investigation of the February 2020 violence cases, and beginning to make arrests – most from Muslim dominated localities. In an investigation by the online news platform, Quint, of three such cases, there appears a clear pattern of violation of police’s own codes and procedures. In all cases, Police came in in plainclothes, whisked away individuals without showing any evidence or producing warrant of arrest. Basis for most arrests was the presence of the accused at the site of crime, as disclosed in video footage and uncorroborated witness statements. This ignored the fact that the accused belonged to the same locality where violence took place - in many cases were defending their houses from being attacked. In one case, the arrestee, himself a victim of arson and loss of property, approached the police to register a case. Rather, Police implicated him in an ongoing FIR, and arrested him. These arbitrary arrests of Muslims, have been so widespread that a group of lawyers was reported writing to the Chief Justice of India, seeking his intervention.

When victims have applied for bail, courts have mostly rejected those, saying these were not urgent matter, eligible for hearing during COVID imposed limited working hours. The limited access of detainees to courts and judicial systems during the lockdown, has meant that the rights of detainees are further compromised. Continuing arrests and detention amid COVID-19 pandemic, violates Supreme Court of India’s guidelines to states governments to consider releasing prisoners and undertrials on parole, to decongest prisons during the pandemic. With Lockdown in place, the chances of the accused tampering with evidence or running away and not reporting to police, usual grounds for denying bail, are non-existent. Rather than decongest, police and prosecution are using the COVID lockdown to fabricate cases against Muslim victims and file uncontested FIRs against them.

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128. W.P (C) No. 01/2020 in Shobha Gupta & Anr. v Union of India & Ors dated 23rd March 2020
The human rights group Peoples’ Union for Democratic Rights (PUDR) scrutinised 40 FIRs from registered of the North East Delhi violence (February 2020), and found that these represented crucial distortions and discrepancies in accounts of violence, the perpetrators, and crimes committed.\textsuperscript{129} Omnibus FIRs, i.e. single FIR for several incidents, were common, thus vexing possibilities for investigation and prosecutions. Police officers were found to be the complainant in most, despite witnesses being amply present at scenes of crime. This also meant that victims could not demand the FIR as right, to use in trial proceedings. Content and nature of FIRs was found to be doubtful in most, with a clear bias in favour of Hindus named as accused. In cases where Muslims were able to lodge FIRs – mostly they were driven away from Police stations - Police forced the complainants to drop charges and withdraw statements against named Hindu accused. Often Police themselves dropped non-bailable charges from these FIRs. The investigation concluded, there was a deliberate attempt to skew investigation, let the guilty, if Hindu, to escape, while innocent Muslims were sought to be charged and prosecuted.\textsuperscript{130}

\subsection*{4.2 Re-scripting the Delhi violence: ‘Conspiracy Theory’}

The systematic mis-writing of FIRs, besides resulting in further targeting of Muslims – victims made the accused – and the miscarriage of justice, also seems to be an attempt at re-script the Delhi violence itself. Independent experts have characterised the February 2020 Delhi violence as pogrom against Muslims, for the systematic and organised nature of the attacks.\textsuperscript{131} Muslim individuals, shops, houses, and mosques were selectively targeted, by organised gangs of youth, including some brought from outside. These groups used a variety of weapons – firearms, swords, machetes, daggers – and methods, including burning property, setting off explosives, cutting up bodies, and sexually mutilating them, to target Muslims for maximum damage and high visibility.\textsuperscript{132} Of those killed, 3/2rd were Muslim, and perpetrators were Hindus with affiliation to organised groups. Equally characteristic was the complicity of state forces, in not preventing violence against Muslims, often partaking in it, at times also obstructing emergency services from reaching Muslim victims.

Fabricating FIRs of the violence that misrepresent facts then, is not just misinformation but also an attempt to change the narrative itself. A particularly telling example of this rescripting is FIR No 2020 /59 of the Crime Branch of Delhi Police, registered a good two weeks after the incidents, on 6th March. The account in the FIR seeks to attribute the February violence, to a pre-planned conspiracy by Muslim youth and their organisations spearheading the anti-CAA protests. There is a clear intent to criminalise the peaceful protests while whitewashing the well documented role of BJP legislators and Hindu extremist groups in the violence. (More on the FIR later). The onset of COVID19- and the lockdown, from end March 2020, provided authorities an opportunity to cynically use this conspiracy thesis, as witch-hunt against visible student leaders and youth associated with the anti-CAA protests, with an intent to indefinitely detain activists.

Armed with the fabricated FIR and a complicit judiciary (more on the Judiciary too, later), authorities have been arresting and detaining the activists under harsh penal provisions - including under India’s principal anti-terror law, Unlawful Activities (Prevention) Act, 1967 (UAPA) and ‘sedition’ provisions of Indian Penal Code (IPC). All potentially invite punishment of life imprisonment. UAPA particularly, has draconian procedural provisions, including extended police and judicial custody, no right of bail, and reversal of burden of proof. By systematically targeting Muslim youth and using harsh
penal provisions that allow indefinite detention without conviction, authorities are seeking to silence democratic voice that had so remarkably emerged among Muslims and civil society in India to challenge the democratic backsliding that CAA 2019 represented.

The targeted detainees (Box 4) are mostly students, from prestigious universities, that have, amid the anti-CAA 2019 protests since late December 2019, grown as pro-democracy youth icons, speaking out against discrimination and targeting of beleaguered minorities. All were exercising their democratic right to peaceful assembly and expression, when they led protest-organising and made speeches against CAA 2019 and other discriminatory laws and programmes that seek to deny Muslims rights at par with the rest of citizens. In their speeches they called for Gandhian resistance of non-cooperation, to prevent authorities to implement CAA 2019 and the planned National Register of Citizens. They invoked constitutional provisions of equality, non-discrimination and secularism.

Box 4: Persecuted Human Rights Defenders

On 1st April 2020, Jamia Millia Islamia (JMI) PhD scholar and a member of the Jamia Coordination Committee (JCC) leading anti-CAA protests, **Meeran Haider** was arrested by the Delhi police (Special Crime Branch) under FIR 59/2020. His name did not figure in the FIR. Initially the charges invoked were bailable offences. The charge of ‘sedition’ was added later on. Meeran, who is lodged in Tihar jail, had his bail application rejected on 20th April. The following day, the FIR was amended to include the Unlawful Activities Prevention Act (UAPA), which is non-bailable, to prolong the detention.

On 9th April, **Gulafshan Fatima** was arrested under the same FIR 59/2020. She was one of the coordinators of the women-led anti-CAA protest in Seelampur-Jaffrabad in North East Delhi. Her initial arrest was under FIR 48/2020, in which she is a named accused along with 13 other persons, all charged with bailable IPC sections. Subsequently she was remanded under FIR 59/2020, which includes UAPA charges too. There are fears of custodial torture based on eye-witness accounts. Notably, none of the others named in FIR 48/2020, majority of who are not Muslim, are known to have been arrested. Certainly none remain in detention.

On 10 April 2020, JMI Phil student and member of the media team of JCC, **Safoora Zargar** was arrested by Delhi police. Safoora is in the second trimester of her pregnancy and suffers from a urinary condition, which is likely to worsen in prison. Her initial arrest was under FIR 48/2020, for which she was granted bail by the lower court. The bail order cited her pregnancy, health condition, and the directives issued by the Indian Supreme Court on decongestion of prisons during COVID-19, as motives for its decision. But she was never released and was immediately re-arrested by the Special Crime Branch of the Delhi Police under FIR 59/2020, which eventually included UAPA charges. Her bail application was rejected on 21st April, the day UAPA charges were added to the FIR. At the next bail hearing before sessions judge on 2nd May, her lawyer is reported to have withdrawn the application, faced with a judge who was not willing to oblige. While Safoora remains in jail, there has been a vicious social media campaign against her, including fake pornographic content.
On 26 April 2020, police arrested President of the Alumni Association of Jamia Millia Islamia, Shifa Ur Rehman under FIR 59/2020, including UAPA charges. Shifa Ur Rehman has been a vocal critic of the CAA, and stands accused of provoking and inciting the Delhi riots in February 2020 through his speeches, as well in providing material support to the rioters.

Earlier Social activists Khalid Saifi and Ishrat Jahan were arrested on 26 February 2020, under FIR 44/2020 Jagatpuri Police Station. Jahan was granted bail on 21st March, but immediately remanded to Special Branch custody in FIR 59/2020. Saifi, who consistently appealed for protests to be carried out in a peaceful manner, was severely tortured by police immediately after his arrest. Both have been added to FIR 59/2020, with UAPA charges brought against them.

Tahir Hussain AAP councillor, booked on 27th February in the murder case of Ankit Sharma, IB officer, during the violence in NE Delhi. On 22nd April, also added to FIR 59/2020, and charged UAPA, among other offences. AAP has suspended Hussain from its membership.

Jamia Millia Islamia student, Asif Iqbal Tanha, the latest anti-CAA activist to be arrested by DP Crime Branch, vide FIR no 59/2020, charged for grave offences, including UAPA. He was arrested on 17th May 2020.

Across the cases, Delhi police have alleged that those arrested were deliberately inciting and provoking the public, leading to the violence that erupted in Delhi on 23rd February 2020.

The charges under which the activists have been arrested constitute most grave provisions: Indian Penal Code (IPC) 1860, S. 147 (rioting), S. 148 (rioting with deadly weapons), S. 149 (unlawful assembly), S. 124 A (sedition), S. 153 A (promoting enmity between different groups on grounds of religion, etc.) and S. 120 B (Criminal conspiracy), sections of the Arms Act, and even S. 302 (murder), S. 307 (attempt to murder). All have had UAPA 1967 provisions of terror added to their existing charges of ‘sedition’. However, little or no evidence has been produced by police to substantiate these claims. Meeran Haider is alleged to have made inflammatory speeches that resulted in violence in North East Delhi on 23rd February. But Meeran’s lawyers claim, he had made no speech in the week preceding the violence. Safoora’s allegedly hateful speech, which police claim led to rioting, and the ground for invoking UAPA, were protest slogans. Nowhere does she call for violence. Independent eyewitness accounts counter police version of incidents under which Khalid Saifi and Ishrat Jahan have been charged for sedition, besides murder and attempt to murder, among other serious offences. Rather than the two incite protesters to attack police, video evidence from the time of Khalid’s arrest shows a calm Khalid trying to reason with the police as they try to vacate the protest sites. Later, Khalid was produced in court in a wheelchair, with both his legs in cast.133 The court took no note of this evidence of custodial torture, when Khalid was produced for obtaining police remand.

A similar pattern of targeting anti-CAA activists under fabricated charges is seen in the case of those active outside Delhi, particularly neighbouring Uttar Pradesh. Sharjeel Imam, a student at Delhi’s Jawaharlal Nehru University and Dr. Kafeel Khan, a medical doctor – earlier persecuted by the UP state government134 - were arrested on 28th and 29th January.

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133. https://www.youtube.com/watch?v=y8NYbdsQhm&feature=youtu.be
134. https://frontline.thehindu.com/politics/article30912135.ece
2020 respectively, based on speeches they gave at the Aligarh Muslim University (AMU, Uttar Pradesh) against the CAA. Neither ever called for violence. Nor was violence the outcome of their speeches. Sharjeel Imam’s speech, was to call for road blockage (chakka jam) – a common mode of mass protest in India – so that the unresponsive government would withdraw the ‘unconstitutional’ law (CAA 2019). Kafeel Khan’s so-called incendiary statements, as claimed in police FIR – the basis for invoking the draconian National Security Act (NSA, 1980) against him - was actually Khan rueing: ‘Mota bhai (Amit Shah, Home Minister) teaches us to become Hindu or Muslim but not human beings’.

Kafeel Khan is currently imprisoned in Mathura jail. His initial detention for 90 days was extended on 12th May by another 90 days, “as there is apprehension that his release may lead to law and order problems”, a senior official in Aligarh is reported to have commented. Police can keep him in jail for up to a year without having to formally charge him. Sharjeel Imam is held under the UAPA 1967, in Guwahati. His initial detention for 90 days was extended by another 90 days on 25th April 2020, on the plea by the investigating agencies that COVID-19 lockdown had ‘seriously disrupted’ the pace of investigation, and they needed more time. He has no realistic prospect of bail anytime soon.

Box 5: Tools of choice to target HRDs/dissidents

**Unlawful Activities (Prevention) Act, 1967**

Punishes commission, funding and support of unlawful and terrorist acts. Initially used to restrict fundamental freedoms [Art 19(1)], UAPA is India’s primary anti-terror. Unlawful activity is that which “questions, disrupts” or “intends to disrupt”, “the sovereignty and territorial integrity of India”. In 2004, ‘terrorist act’ were added. (terrorism defined as “violent act meant to threaten the security of India or strike terror in people). In 2012, meaning of terrorism was widened to include threats to economic security, as well as money laundering ...and proceeds from terrorism.

Unlawful Activities (Amendment) Act (UAAA) 2019, widened the scope further to proscribe individuals as terrorists and empower the National Investigating Agency (NIA) to probe cases. This seen as opening the floodgates to harassment of HRDs, as it authorises indefinite detention without conviction, even without proof.

Main criticism:

(i) Ambiguous substantive provisions: Questioning the territorial integrity of India; Causing disaffection against India (thus ‘thought crime’); membership of a terrorist organisation – any group listed as such by central govt.

(ii) Draconian procedural provisions. Allows automatic 30 days of police custody/remand + 90 days judicial custody: No anticipatory bail if prime facie case made out: Burden of proof reversed – on the accused.

Investigation is slow. Pendency rate 88–90%. Trial even slower. Pendency 95–97%. In an audit, 75% of cases under UAPA ended in acquittal or discharge in the 3 years ending 2016.

On 6th May 2020, 9 separate UN special procedures (SP), in a joint letter to Government of India, requested review and reconsideration of the UAPA 1967 and UAAA 2019. They raised concerns in relations to “the compatibility of the acts with India’s obligations under international human rights law and in relations to pertinent international standards counter-terrorism legislations”. The SPs underlined how the 2019 amendment “raised serious concerns at the designation of individuals as terrorists in the context of the ongoing discriminations directed at religious and other minorities, human rights defenders and political dissidents against whom the law has been used.”

**National Security Act, 1980**

Preventive detention legislation that empowers state to detain a person to prevent him from ‘acting in any manner prejudicial to national security’, also disrupting public order. Maximum period of detention is 12 months but can be extended if fresh evidence is provided.

Does not provide recourse to usual judicial proceedings: No right to be informed of grounds of arrest. Can be kept in the dark about reason for 5-10 days; No right to bail; No right to be produced before a magistrate within 24 hrs; No right to legal representation. That task to be provided by Advisory Panel on NSA cases.

Section 124A, Indian Penal Code, 1860 (‘Sedition’ provision): Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law shall be punished with imprisonment for life.

4.3 The Curious case of FIR #59/2020

Connecting all Delhi arrests is First Information Report # 59/2020. Filed by a police officer of Delhi Police Crime Branch, based on, as stated, ‘secret information by a police informant’, the FIR made out charges against two named accused, Umar Khalid a student of JNU and one Danish, originally under Section 147, 148, 149 read with 120B of IPC, it has . The complaint sets out that riot situation in Delhi that prevailed from February 23 to 25, 2020, was a well-thought conspiracy by Umar Khalid, who gave inflammatory speeches at many places and along two groups, executed the riots, to show the condition of minorities in India in poor light, during the visit of the President of the United States of America, Donald Trump.

In subsequent court submissions, Police claim that to give effect to the said plan, the conspirators stocked dangerous arms and explosives at various places in North East Delhi. On 23rd February, they sent children and women to block off Jaffrabad metro station to create tension and riot in the area. It was this, the police claim, that resulted in the Delhi violence, ending with the death of over 50 persons and widespread damage. Police go on to claim that during investigations “a deep-rooted conspiracy among rioters, instigators and conspirators was revealed to cause the riot in the name of religion to defame the country at international platform, along with international electronic and print media”.

An FIR registered in the name of a police officer, based on information provided by an unnamed police informant, with

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stringent provisions of IPC, Arms Act and UAPA added to it subsequently, and accused added to the list on the go, only demonstrates the malafide intentions of the Delhi Police. Media reports and lawyers representing the detained activists have claimed that their clients were forced by police to sign blanks sheets of paper, and that seizure memos were mostly not provided for phones and laptops taken away from them. Investigation under FIR 59/2020 has been pursued speedily despite COVID-19 lockdown, and this has meant that besides those already arrested, numerous youth, volunteers and protest organizers are daily being summoned for interrogations by the Special Cell, and their phones seized.

The limited access of detainees to courts and judicial systems during COVID-19 lockdown has provided the authorities a perfect cover to slap various charges on students and file uncontested FIRs. Police has been able to carry on extending remand, without victims’ lawyers being able to do much to contest those and obtain bail.139 The PUDR press statement referred earlier, claimed, the combination of the threat of UAPA and lockdown conditions has meant that possibility for those being thus accused to challenge this legally has been severely restricted.140 Lockdown has meant lawyers are not readily available. Hearing for extension of remand are being made in jail complexes, where detainee’s lawyers are unable to attend or attend only with much difficulty, denying the detainees basic rights. COVID-19 has also resulted in jail authorities denying detainees access to family and lawyers. Even phone calls are rarely allowed.

Gulafshan’s brother, in an interview to the press, rued:

Police are taking advantage of the lockdown to arrest activists without being open about the nature of accusations against them. There is nothing much we can do right now except have patience and faith in Allah.141

5. Justice Wanting

How have justice institutions responded, amidst the crises? Courts have not provided much relief to citizens’ appeals for urgent directions to Government to provide succour to migrant workers left stranded after the COVID lockdown was imposed. A plea filed with the Supreme Court (SC) on 31st March, asking government to pay at least minimum wages to stranded migrants, among other relief, was acted upon eventually only on 21st April, when the court left it to the central government to take action as it deemed fit. No clear directions were provided.142 Other attempts to seek relief for migrant workers through the highest court, suffered similar fate.

Similarly, SC refused to pass any directions on a plea by the Jamiat e Ulema e Hind, seeking orders to the media against communalising the pandemic, by the targeting and demonising of Muslims. The Court noted that it could not gag media, and curb the freedom of press.143 This was when a fortnight earlier, the SC, in a hearing on a plea asking for relief for migrant workers suffering disruption, had directed the media to refer and publish the official version of developments related to COVID-19. This came, after Government claimed that the migrant exodus was caused due to fake news. Chief justice of India, had noted then “we expect the media to maintain a strong sense of responsibility and ensure that unverified news capable of causing panic is not disseminated.”144 Yet the court did not think it fit to use the opportunity of the Jamiat petition to reiterate its own

140. PUDR Press Statement on MCD Role: Demanding a Status Report – Make Investigations Transparent and FIRs public
directions earlier in the month and ask media to desist from fake news and hate-mongering, when there was so much independent evidence of the damage available.

Earlier, during the February 2020 violence in Delhi too, higher courts had not inspired much confidence among victims and activists. Delhi High Court judge, S. Muralidhar, who had questioned the Delhi Police (directly under central government) for not registering criminal cases against senior BJP politicians that had made incendiary speeches, and which petitioners had argued, sparked the violence, was abruptly transferred out, moved to Punjab and Haryana HC.145 Politicians specifically named in the petition included Anurag Thakur, a junior minister with central government; Pravesh Verma, Member of Parliament from North West Delhi; Kapil Mishra, BJP member; and Abhay Verma, Member of Legislative Assembly from Laxmi Nagar in Delhi. Petitioners claimed, despite clear evidence, Delhi Police had taken no action against the politicians, not even registering FIRs against them. During the arguments, the Solicitor General of India, country’s top attorney, had noted the time was not “conducive” for registration of FIRs.”146 On 27th February 2020, at the next hearing on the case, with a new bench now, the court allowed Government four weeks’ time to file a detailed affidavit on the claims, taking away from the urgency of the matter.147 At subsequent hearing on the case, this time in the Supreme Court, judges accepted Government’s please that the petitioners were themselves complicit in making inflammatory speeches and in contempt of court by bringing the judiciary into disrepute.148 Other attempts to have the High Court direct Delhi Police to file cases against the named politicians too have failed.149

Notably, where authorities have actually tried to take action against fake news and hate mongering, the highest courts have often tended to soft peddle. A case in point is that of Republic TV Editor in Chief, Arnab Goswami, accused by Maharashtra Police of using his prime time TV programme to spread fake news in the Palghar lynching case (2 Hindu sadhus/seers were lynched by a mob on 16th April 2020).150 (Maharashtra is ruled by an Opposition coalition). Goswami had hinted that Congress party and its Chief Sonia Gandhi had instigated the violence). Goswami has also been accused by Maharashtra Police in the Bandra Railway station communal hatred case. Goswami had claimed cynically that a crowd had gathered at the railway station in Mumbai on 14th April – violating lockdown rules – on the instigation of Muslim groups, to deliberately spread COVID-19.151 SC granted Goswami protection against arrest by Maharashtra police in the cases, and extended that protection when the initial cover ran out.152 The same SC had refused a plea by two human rights defenders – Gautam Navlakha and Anand Teltumde – accused of involvement in Elgar.

146. Order of Delhi High Court, Harsh Mander & ANR vs. GNCT of Delhi & ORS, W.P (Crl) 566/2020
147. Order of High court on 27th February 2020
Parishad conspiracy, for protection from arrest during investigation. Police had claimed that the two were among several others accused of instigating the caste violence that took place in Bhima Koregaon village (Maharashtra) on 1st January 2018, following inflammatory speeches.

Other attempts by citizens to leverage higher courts for directions to police and authorities to follow due procedure in arbitrary arrest and detention cases, have mostly failed. Across the cases of arrest of victims of violence in Delhi (February 2020) and anti-CAA activists implicated in the violence, police have often flouting established procedures, specifically CrPC 41b (preparation of memorandum of arrest to be attested by family members or another witness); 41c (making details of persons arrested and offences for which charged, available publicly), and 41d (ensuring arrested persons have access to lawyers during interrogation). A petition filed in the Delhi HC in February 2020, seeking transparency in the matter of arrest and detentions, merely to ensure police’s compliance of these statutory procedures, has been awaiting action since. Besides asking for copies of FIR to be uploaded on the Delhi Police website, the petitioner had asked for other documents – ground for arrests, remand applications and orders, and copies of Chargesheet - to be provided to families and counsels of accused persons. At last hearing on the matter on 12th May, petitioner’s counsel reminded the court that not making FIRs available publicly was a violation of Supreme Court directions (for FIRs in non-sensitive cases to be uploaded on police website within 24 hours of being registered). They reiterated that these transparency measures were particularly important given current lockdown situation, with affected families having limited access to courts and lawyers. Yet, quite inexplicably, the High Court adjourned the case to 16th June 2020, rather than issue directions same day.

Equally problematic is how courts have dealt with bail applications by detainees, particularly during the Lockdown. In line with Supreme Court’s own directions for only hearing urgent matter during Lockdown, various HCs too have restricted their hours of business, and are only hearing urgent matters. But there is little clarity and consistency in how ‘urgent matter’ is decided. In lower courts – district and sessions – the confusion and resultant arbitrariness is more pronounced. This impacts rights of the arrested, including those implicated in Delhi violence cases. The matter of Sabu Ansari is emblematic. Ansari was arrested on 26th February, from anti-CAA protest site at Khureji Khas, North East Delhi, under FIR 44/2020 (Jagatpuri Police Station). Police claimed in the FIR that Ansari along with other organisers (Ishrat Jahan and Khalid Saifi) pelted stones at them and shots were fired, injuring a police constable at a time when police was trying to convince protesters to leave the area. Ansari was remanded to judicial custody until 25th March. His bail application was listed for hearing just before COVID lockdown took effect the same day. With courts then deciding to take up only urgent matter, result of SC’s directions on dealing with cases during COVID, and confusion as to how to identify urgent cases, the hearing was delayed by a good 3 weeks, before lawyers could file for the hearing to be held. This finally took place on 8th May,

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154. WP (CRL) 669 of 2020, Delhi High Court (Brinda Karat vs Government of NCT of Delhi and Anr).
155. Youth Bar Association vs Union of India and Others 9 SCC 473.
when Ansari was granted bail. Ansari spent over two months in jail, for mere bailable offences, when even 15 days custody in such cases, experts say, would be considered excessive.

Besides the obvious delay caused, is also the risk to COVID that such detainees have been exposed to.

Other detainees have been less fortunate, including Ishrat Jahan, lawyer and former Congress councillor, arrested along with Ansari, on charges of preventing protesters from leaving the protest area, and Khalid Saifi for assaulting police officers. Evidence available to their counsels establish that these charges are fabricated. Both remain in detention charged also of terror offences, along with others implicated under FIR 59/2020. Efforts by civil society groups to get the National Human Rights Commission to intervene too, in defence of the activists and against their arbitrary detention, have not yielded much results.

Box 6: Back to back lockdowns (and violations) in Kashmir

Kashmir has been under ‘lockdown’ since 5th August, following the revocation of Art 370 and 35A. Restrictions were beginning to be relaxed in phases, when the nation-wide COVID-19 induced lockdown took effect – resulting in a back to back lockdown in Kashmir, now approaching the 11th month. But Kashmir’s lockdown comes with the added restriction of very limited access to internet making life even more difficult for people. Poor Internet access has had serious consequences: students are unable to register for entrance exams or access online material; businesses are unable to work; medical facilities have been hampered, and banking applications and payment of bills online have been obstructed. Internet and other information restrictions have also impacted management of COVID-19 response in the state. Doctors are unable to access guidelines updated regularly by Indian Council for Medical Research or videos posted by WHO. They are unable to communicate effectively with their colleagues to prepare guidelines or launch awareness campaigns online. Telemedicine initiatives (video conferencing and uploading of reports) as alternative to the shutting down of outpatient departments in hospitals, as well as working of mental health services – all critical in a conflict zone in times of COVID-19 crisis – being used increasingly in the rest of India, have all been non-starters in Kashmir. The Internet shutdown was challenged in the Supreme Court, which held that access to Internet was not an absolute right and could be restricted by the state.

Alongside, thousands of youth, political leaders and activists continue to be imprisoned under preventive detention laws, since August 2019. While many of the estimated 8000 picked up in August 2019 have been released, a large number, remain in detention lodged in prisons outside Kashmir – in Delhi and Agra mostly, far from home. Despite COVID-19 outbreak, no relief has been given to these political prisoners, as allowed across the rest of the country under Supreme Court’s guidelines for decongesting prisons. Mian Abdul Qayoom, 76, President of J&K Bar Association and suffering medical complications, is one such lodged in Tihar jail. A recent habeas corpus hearing on Mian Qayoom by Jammu Kashmir
High Court, was adjourned citing poor connectivity during the video call. While courts in the rest of India are hearing important matters related to bail and habeas corpus, courts in Kashmir are often crippled due to poor Internet, with grave consequences for detainees. Detentions are also being extended – including those of Mehbooba Mufti, ex-state CM and other senior politicians, including Shah Faesal.165

And further arrests have continued – including of two minors in March 2020, over misuse of social media, one under the draconian Unlawful Activities Prevention Act (UAPA). Signalling authority’s attempt to muzzle press and block off information, several journalists have been booked over past weeks, all under UAPA provisions - Peerzada Ashiq, Gowher Geelani, and Masrat Zahra.166 Despite strict rules on social distancing and the lockdown, these and other journalists continue to be summoned by police for questioning and giving statements. On 4th May 2020, during the COVID-19 lockdown, a 15 year old differently abled boy was killed by security forces in Handwara, Srinagar as he was mistaken for a militant.167 After the killing of Riyaz Naikoo, chief of Hizbul Mujahideen, protests erupted in south Kashmir. Security forces responded with live ammunition and iron pellets. 21 persons were injured by pellet-gun shots, four others received bullet injuries, while one person was killed.168 Jahangir Yousuf Wani, 32, was hit by a bullet in his neck, after forces opened live ammunition on the protestors near the gunfight site.

Under the cover of COVID, the Centre also introduced in Kashmir, a new law that opened up public employment in the state, hitherto limited to residents, to non-residents too, with some qualifications. While the law was later rescinded under pressure by political parties, including BJP’s own Kashmir unit, the move has reinforced fears in the state of the Indian government’s plans to change the demography of the Muslim-majority province.169

6. Conclusion

Authoritarianism has begun to take roots in India. India ranked 83rd in Freedom House’s Freedom in the World Report 2020, finding a place in its ‘Countries in the Spotlight’ category.170 India also languishes at 51 of 165 countries in Economist Intelligence Unit’s Democracy Index.171 The country figures at a poor 140 out of 180 in Reporters Without Borders’ World Press Freedom Index.172 And CIVICUS, in December 2019, downgraded India’s civic space rating from ‘Obstructed’, meaning under threat, to ‘Repressed’, being limited.173 In March 2020, it placed India on its Watch List.174

169. https://theprint.in/india/35-years-after-riaz-naikoo-killed-security-was-in-a-fix-for-justification/
Against the backdrop of sustained rise in hate crimes and targeted violence, and a number of minority-related issues capturing national attention over the past years, India’s minorities—mainly religious, but also caste, tribal and gender minorities—have suffered almost the entire brunt of the rising authoritarian tendency. This minority-targeting is the flip side of the current regime’s playbook of keeping the narrative on “bad minorities” pushing them to the wall, in an attempt to forge a majoritarian support base.

COVID-19 in India has shown how authoritarian regimes will seize an opportunity to further target minorities to be able to shore up their support, also as a means to deflect attention from their policy and management failures. As we have shown, religious profiling of COVID-19 cases, pinning the blame for the increase in cases on Tablighi Jamat members and on Muslims overall, triggered a wave of Islamophobic hate campaign. Physical attacks, denial of services including health, and social and economic boycott of Muslim have followed. Alongside, police have used the Lockdown to crack down on Muslim students and youth spearheading the peaceful protest movement against the CAA.

This non-stop Muslim-baiting has also kept the attention away from the catastrophe playing out in cities and highways across India, exacerbating the current crisis, with the poor devastated by the ham-handed government response to COVID. According to a survey, two out of three working Indians have lost their job during the lockdown. Observers have described the migration crisis – wreaking havoc on migrant labour for two months now – as the worst since the Partition of 1947. Reports speak to families across India eating fewer meals now.

Modi managed to tide over the political cost of the impact on the poor of demonetisation in 2016. It is to be seen if he will manage a similar sleight of hand this time round, when the devastation is deeper and more expansive by many degrees. Early signs suggest that the outrage felt by lockdown’s worst affected seems to be dissipating, with people crediting Modi for doing what he can amid the emergency. His popularity seems also, from survey data, to have remained intact. This conundrum can only be explained by the gains of the majoritarian base Modi has cultivated over the past years - through a mix of ultra-nationalism and minority-baiting - that buys into his personality cult. Alongside has come greater centralisation of power, more surveillance, and the untrammelled march of neo-liberal capitalism. It is to be seen if the COVID-induced catastrophe will provide – once the dust settles - opening for a more mass-based resistance against the regime’s anti-people policies, despite the obvious challenges.

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177. https://theprint.in/india/at-least-modi-is-feeding-us-migrants-poor-say-lockdown-is-tough-but-give-pm-a-thumbs-up/464952/
7. Recommendations

For Central and State governments

i. Authorities must stop religious profiling of COVID-19 cases, and undo the continuing disproportionate attention on specific groups, including its criminalisation.

ii. And they should take honest steps to control hate playing out on social media, in TV studios, and by politicians and public figures, and those through to their final conclusion. Authorities have the powers they need to act against those that scapegoat minorities and others for COVID. Only a zero-tolerance policy on hate and Islamophobia will work.

iii. They also need to better keep watch over social media and call out hate. In this they need to better work with social media platforms to countering hate.

iv. Authorities should also ensure equal access to all to COVID related relief and services, in this emergency scenario. There is ample evidence that minorities and those at the receiving end of hate, are being discriminated against. This must stop.

v. The disaggregated impact of COVID on minority communities must also be documented, for better evidence and to devise targeted interventions.

vi. Governments must provide ongoing support to the poor to overcome the shock of protracted joblessness.

- free food rations and income support being provided, must be extended for the foreseeable future
- jobs must be created at scale, in rural areas and urban, to be able to provide the poor livelihoods. This could be through NREGS in rural areas and similar in urban.
- Besides this governments must stimulate large scale self-employment, through MSME sector.

vii. Provide justice for victims of Delhi pogroms (Feb. 2020), and police crackdown against anti-CAA protesters in UP and other states in December 2019). This will need independent investigation into the violence, fixing responsibility, registering criminal cases against those responsible and prosecuting those.

viii. Police must withdraw false and fabricated cases against anti-CAA student leaders in Delhi, and release them immediately.

ix. Police must register FIR of the incidents in Jamia Millia Islamia University that took place on 15th December 2019, and was the trigger for a lot of the anti-CAA public mobilisation that followed.

x. Authorities must also register cases and take punitive action against politicians and public figures that engaged in hate speech and targeting of specific communities, and prosecute them.

xi. Government must establish an independent and credible enquiry into February 2020 violence in NE Delhi, and publish its report, as the first step to truth-seeking and justice for the violence and loss there. Side by side it should launch a programme of intern community dialogue and amity.

xii. Finally, government must withdraw CAA and the NPR/NRC, the fountainhead of much of the recent tensions.

For Civil society / Community groups

i. Civil society must demonstrate greater vigilance on the working of policies and programmes that have a bearing on minority rights, and of anti-minority groups and campaigns.

ii. It need to undertake greater and more robust documentation of the violations:
hate, islamophobia, discrimination and attacks.

iii. We need more solidarity platforms challenging authority – not just Muslims/minority, but also labour unions, migrant rights, dalit, those that are victims of human rights violations. This will also help build solidarity networks to counter authoritarianism, through exposes, challenging unjust laws and unfair practices.

iv. Raising awareness among general public on the toxic effects of online hate and targeting of specific minorities.

**For International community**

i. There is much work to be done to raise awareness in formal and informal spaces, on violations and against minorities in India.

ii. Explore strategies to influence Indian authorities to be more sensitive to minority concerns about justice and non-discrimination.

iii. It also needs to show solidarity with Indian groups and individuals that might be directly being targeted, but also with authorities in India, to engage them in conversations on making policing professional and due process-compliant.

iv. And international community must take action on hate on social media, by engaging social media headquarters.

### Annexure I: COVID-19 Facts and Figures

(as of 18th May 2020)

1. Infections and deaths (Source: Ministry of Health & Family Welfare [https://www.mohfw.gov.in](https://www.mohfw.gov.in))
   - Confirmed cases: 96,169
   - Deaths: 3,029
   - Cured/Discharged: 36,823 [all discharged cases are NOT recoveries - govt has started discharging people with milder symptoms, to free up hospital beds]
   - Migrated: 1
   - Active: 56,316
   - New estimates suggest that a surge in cases is around the corner, due to the easing of the lockdown from 4 May.

   - 592 total deaths.
   - 116 suicides.
   - 171 in ‘accidents’ during migration
   - 12 due to police atrocities or state violence
   - 87 due to starvation and financial distress.
   - 55 due to non-availability of timely medical treatment.
   - 36 due to exhaustion.

   - Unemployment rate (week ended May 10): 24% [down from 27.1% a week earlier]
b. CMIE Consumer Pyramids Household Survey  
   i. 27 million youth in the age group of 20-30 years lost their jobs in April 2020.  
   ii. 33 million men and women in their 30s lost jobs in April 2020.  

   c. Total number of jobs lost in April 2020: 121.5 million [total count of employed = around 400 million, implying that one in every four employed persons lost their jobs]  
   i. 91.3 million small traders and labourers  
   ii. 18.2 million entrepreneurs  
   iii. 17.8 million salaried employees.
## Annexure – II: Islamophobic hate incidents during COVID-lockdown

[Source: Documentation of the Oppressed (DOTO)]

[https://dotodatabase.com/](https://dotodatabase.com/)

<table>
<thead>
<tr>
<th>S#</th>
<th>NAME OF THE INCIDENT</th>
<th>DATE</th>
<th>LOCATION</th>
<th>STATUS</th>
<th>NAME OF THE VICTIM</th>
<th>NUMBER OF VICTIMS - IDENTITY OF THE VICTIM(S)</th>
<th>CAUSAL FACTORS</th>
<th>NATURE OF VIOLENCE</th>
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<tr>
<td>01</td>
<td>Communal Clashes in Bhainsa Telangana</td>
<td>2020-05-11</td>
<td>Nirmal, Bhansia Telangana</td>
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<td>2 Muslims</td>
<td>Dispute over Places of Worship</td>
<td>Attack on religious festivals/worship Communal tension/Violence/Riot Demolition/Attack on property</td>
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<td>02</td>
<td>Muslim Youth Attacked by Mob in Aligarh</td>
<td>2020-05-10</td>
<td>Shivpuri, Uttar Pradesh Aligarh</td>
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<td>Religious identity</td>
<td>Physical assault Verbal Abuse</td>
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<td>03</td>
<td>Bakery owner held for 'No Muslim' Ad</td>
<td>2020-05-10</td>
<td>Chennai, Tamil Nadu</td>
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<td>0 Muslim</td>
<td>Religious identity</td>
<td>Discrimination in Employment</td>
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<td>04</td>
<td>Hospital Refuses to Admit Muslim Patient</td>
<td>2020-05-03</td>
<td>Patna, Bihar</td>
<td>Undisclosed (Sister of Shahnawaz Hasan)</td>
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<td>Denial of access to public spaces/institutions Harassment Social boycott</td>
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<td>05</td>
<td>Village prohibits the entry of Muslims</td>
<td>2020-05-02</td>
<td>Indore, Madhya Pradesh</td>
<td>Muslims</td>
<td>0 Muslims</td>
<td>Religious identity</td>
<td>Denial of access to public spaces/institutions</td>
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<td>06</td>
<td>Vegetable vendor threatened by BJP MLA</td>
<td>2020-04-29</td>
<td>Lucknow, Uttar Pradesh</td>
<td>Aneesur Rahman &amp; his son</td>
<td>2 Muslims</td>
<td>Religious identity</td>
<td>Economic boycott Threat Verbal Abuse</td>
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<td>Case Number</td>
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<td>07</td>
<td>Locals allegedly forced to stop azaan in mosque</td>
<td>Khandwa, MP</td>
<td>2020-04-29</td>
<td>Madhya Pradesh</td>
<td>Undisclosed</td>
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<td>08</td>
<td>Female Muslim NGO worker thrown out of village</td>
<td>Varanasi, UP</td>
<td>2020-04-27</td>
<td>Uttar Pradesh</td>
<td>Fauzia Anjum</td>
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<td>10</td>
<td>Watermelon vendor thrashed by people</td>
<td>Barkherva, UP</td>
<td>2020-04-25</td>
<td>Uttar Pradesh</td>
<td>Chand Ali</td>
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<td>11</td>
<td>Muslim vendor was assaulted after asking name</td>
<td>Bijnor, UP</td>
<td>2020-04-23</td>
<td>Uttar Pradesh</td>
<td>Noor Mohammed</td>
<td>1 Muslim, Religious identity, Harassment, Physical assault, Verbal Abuse</td>
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<td>12</td>
<td>Surgeon Arrested for Hate Message against Muslims</td>
<td>Nagpur, MH</td>
<td>2020-04-23</td>
<td>Maharashtra</td>
<td>Muslims</td>
<td>0 Muslims, Religious identity, Hate Speech / Slander</td>
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<td>Surgeon Arrested for Hate Message against Muslims</td>
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<td>Hate Speech / Slander</td>
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<td>Muslims ostracized due to Covid 19</td>
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<td>Begusarai, Bihar</td>
<td>Nafisa Khatoon, Mehboob Alam, Navisa</td>
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<td>Man refuses to accept groceries from Muslim</td>
<td>2020-04-21</td>
<td>Mumbai, MH</td>
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<td>Farmer assaulted in the name of spreading Corona</td>
<td>2020-04-20</td>
<td>Jatan, UP</td>
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<td>Muslim vendor accused of spreading Covid-19</td>
<td>2020-04-20</td>
<td>Bijnor, UP</td>
<td>Irfan Ahmed</td>
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<td>Christian man forced to chant Jai Shri Ram</td>
<td>2020-04-19</td>
<td>Dharamshala, HP</td>
<td>Hari Bahadur</td>
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<td>Women faced discrimination by hospital staff</td>
<td>2020-04-19</td>
<td>Jamshedpur, JH</td>
<td>Rizwana Khatun and her Baby</td>
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<td>0 Muslims</td>
<td>Religious identity</td>
<td>Harassment Institutional discrimination</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Muslim sanitation worker faced communal slurs</td>
<td>Bhopal, MP</td>
<td>2020-04-17</td>
<td>Shoaib</td>
<td>2 Muslims</td>
<td>Religious identity</td>
<td>Harassment</td>
<td></td>
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<tr>
<td>23</td>
<td>Dodhi Gujjars face boycott due to rumours</td>
<td>Jammu City, JK</td>
<td>2020-04-17</td>
<td>Dodhi Gujjar Community</td>
<td>0 Muslims</td>
<td>Religious identity</td>
<td>Economic boycott</td>
<td></td>
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<tr>
<td>24</td>
<td>Muslim girl denied to collect water from tap</td>
<td>Bhatpara, WB</td>
<td>2020-04-16</td>
<td>Rukhsar Perween, Zainab Khatoon</td>
<td>2 Muslims</td>
<td>Religious identity</td>
<td>Denial of access to public spaces/institutions</td>
<td></td>
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<tr>
<td>25</td>
<td>Rangoli Chandel calls to shoot Muslims in a tweet</td>
<td>Manali, HP</td>
<td>2020-04-15</td>
<td>Muslim Community</td>
<td>0 Muslims</td>
<td>Religious identity</td>
<td>Hate Speech / Slander</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Wrestler Babita Phogat spreads hate on Twitter</td>
<td>Charkhi Dadri, HR</td>
<td>2020-04-15</td>
<td>Muslim Community</td>
<td>0 Muslims</td>
<td>Religious identity</td>
<td>Harassment Hate Speech / Slander</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Hospital segregated wards for Muslims and Hindus</td>
<td>Ahmedabad, GJ</td>
<td>2020-04-15</td>
<td>Undisclosed</td>
<td>1 Muslim</td>
<td>Religious identity</td>
<td>Harassment Institutional discrimination</td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>Event</td>
<td>Date</td>
<td>Location</td>
<td>Names</td>
<td>Religion</td>
<td>Identity</td>
<td>Issue</td>
<td></td>
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<tr>
<td>29</td>
<td>Family attacked on suspicion of hiding Tablighi</td>
<td>2020-04-13</td>
<td>Chatra, UP</td>
<td>Salahuddin</td>
<td>1 Muslim</td>
<td>Religious</td>
<td>Breaking vehicles, Demolition/Attack on property, Harassment, Physical assault, Threat, Verbal Abuse</td>
<td></td>
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<tr>
<td>30</td>
<td>Muslim vendors ‘abused’, ‘stopped’ from selling</td>
<td>2020-04-11</td>
<td>Mahoba, UP</td>
<td>Mohammed Shamim and 4 others</td>
<td>5 Muslims</td>
<td>Religious</td>
<td>Economic boycott, Harassment, Threat, Verbal Abuse</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Muslim Migrants face Discrimination and Hunger</td>
<td>2020-04-11</td>
<td>Wadala, MH</td>
<td>Ershad Hossain, Mosibur Shaikh, Abdul Shaikh, Tahir Shaikh</td>
<td>1,000 Muslims</td>
<td>Religious</td>
<td>Harassment, Hate Speech / Slander</td>
<td></td>
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<tr>
<td>32</td>
<td>Man arrested for assaulting Muslim vendor</td>
<td>2020-04-11</td>
<td>Badarpur, DL</td>
<td>Mohammed Saleem</td>
<td>1 Muslim</td>
<td>Religious</td>
<td>Harassment, Physical assault, Verbal Abuse</td>
<td></td>
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<tr>
<td>33</td>
<td>Kashmiri Workers threatened by locals in Himachal</td>
<td>2020-04-11</td>
<td>Mandi, HP</td>
<td>Abdullah, Bahaardeen Naik and one other</td>
<td>3 Muslims</td>
<td>Religious</td>
<td>Demolition/Attack on property, Hate Speech / Slander, Physical assault, Verbal Abuse</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Location</td>
<td>Date</td>
<td>Event Description</td>
<td>Suspects</td>
<td>Victims</td>
<td>Type</td>
<td>Other Details</td>
<td></td>
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<tr>
<td>34</td>
<td>Karnataka village</td>
<td>2020-04-10</td>
<td>Bans entry of Muslims</td>
<td>Unknown</td>
<td>2 Muslims</td>
<td>Manufactured Rumour</td>
<td>Denial of access to public spaces/institutions</td>
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<tr>
<td>35</td>
<td>Security Guard</td>
<td>2020-04-08</td>
<td>Defamed as carrier of Covid19</td>
<td>1 Muslim</td>
<td></td>
<td>Religious identity</td>
<td>Harassment Hate Speech / Slander</td>
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<tr>
<td>36</td>
<td>Muslim welders shop</td>
<td>2020-04-08</td>
<td>Set on fire by locals</td>
<td>1 Muslim</td>
<td></td>
<td>Religious identity</td>
<td>Demolition/Attack on property Harassment Vandalism/Hooliganism</td>
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<tr>
<td>37</td>
<td>Muslim fruit vendors</td>
<td>2020-04-07</td>
<td>Told to shut shops</td>
<td>0 Muslims</td>
<td></td>
<td>Religious identity</td>
<td>Harassment Hate Speech / Slander Threat Verbal Abuse</td>
<td></td>
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<tr>
<td>38</td>
<td>Members of Assam Tribunal</td>
<td>2020-04-07</td>
<td>Communalized Covid19</td>
<td>0 Muslims</td>
<td></td>
<td>Religious identity</td>
<td>Hate Speech / Slander</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Mob attacked man</td>
<td>2020-04-06</td>
<td>Attended Markaz event</td>
<td>1 Muslim</td>
<td></td>
<td>Religious identity</td>
<td>Physical assault</td>
<td></td>
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<tr>
<td>40</td>
<td>Four held for attack</td>
<td>2020-04-06</td>
<td>on Muslims</td>
<td>4 Muslims</td>
<td></td>
<td>Religious identity</td>
<td>Physical assault Threat Verbal Abuse</td>
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<tr>
<td>41</td>
<td>Muslim family</td>
<td>2020-04-06</td>
<td>Attacked for turning off lights</td>
<td>3 Muslims</td>
<td></td>
<td>Religious identity</td>
<td>Harassment Physical assault Verbal Abuse</td>
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<tr>
<td>No.</td>
<td>Incident Description</td>
<td>Date</td>
<td>Location</td>
<td>State/Region</td>
<td>People Affected</td>
<td>Identity</td>
<td>Category</td>
<td></td>
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<tr>
<td>42</td>
<td>Muslim volunteers heckled, harassed in Karnataka</td>
<td>2020-04-06</td>
<td>Bagalkote</td>
<td>Karnataka</td>
<td>Undisclosed</td>
<td>3 Muslims</td>
<td>Denial of access to public spaces/institutions Harassment Physical assault</td>
<td></td>
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<tr>
<td>43</td>
<td>Amar Ujala publishes fake news about Tablighis</td>
<td>2020-04-05</td>
<td>Amar Ujala, UP</td>
<td>Uttar Pradesh</td>
<td>Undisclosed</td>
<td>0 Muslims</td>
<td>Hate Speech / Slander</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>Muslim truckers beaten up</td>
<td>2020-04-05</td>
<td>Koloriang, AR</td>
<td>Arunachal Pradesh</td>
<td>Undisclosed</td>
<td>0 Muslims</td>
<td>Breaking vehicles Physical assault</td>
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<td>45</td>
<td>Men arrested for firing at Mosque</td>
<td>2020-04-05</td>
<td>Gurugram, HR</td>
<td>Haryana</td>
<td>Undisclosed</td>
<td>0 Muslims</td>
<td>Attack on religious festivals/worship</td>
<td></td>
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<tr>
<td>46</td>
<td>Attack on mosque by miscreants as lights were on</td>
<td>2020-04-05</td>
<td>Belagavi, K'taka</td>
<td>Karnataka</td>
<td>Imam of local mosque</td>
<td>1 Muslim</td>
<td>Attack on religious festivals/worship Physical assault Vandalism/Hooliganism</td>
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<tr>
<td>47</td>
<td>Humiliated Tablighi Member Commits Suicide</td>
<td>2020-04-05</td>
<td>Una, HP</td>
<td>Himachal Pradesh</td>
<td>Dilshad Muhamud</td>
<td>1 Muslim</td>
<td>Economic boycott Harassment Social boycott</td>
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<tr>
<td>48</td>
<td>Hate video ask not to let enter Muslims in colony</td>
<td>2020-04-05</td>
<td>Shastri Nagar, DL</td>
<td>Delhi</td>
<td>Undisclosed</td>
<td>0 Muslims</td>
<td>Economic boycott Harassment Threat</td>
<td></td>
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<tr>
<td>49</td>
<td>Raj Thackeray said tablighis should be killed</td>
<td>2020-04-04</td>
<td>Mumbai</td>
<td>Maharashtra</td>
<td>Muslims</td>
<td>0 Muslims</td>
<td>Threat Verbal Abuse</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Event Description</td>
<td>Date</td>
<td>Location</td>
<td>Stated Location</td>
<td>Identity</td>
<td>Type of Action</td>
<td>Cause of Action</td>
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<td>50</td>
<td>Baby dies, Muslim woman denied treatment by Doctor</td>
<td>2020-04-04</td>
<td>Bharatpur, RJ</td>
<td>Rajasthan</td>
<td>Parveena, Irfan Khan</td>
<td>2 Muslims</td>
<td>Religious identity</td>
<td>Institutional discrimination</td>
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<tr>
<td>51</td>
<td>Shiv Sena leader booked for hate speech</td>
<td>2020-04-04</td>
<td>Amritsar, PB</td>
<td>Punjab</td>
<td>Undisclosed</td>
<td>0 Muslim</td>
<td>Religious identity</td>
<td>Hate Speech / Slander</td>
</tr>
<tr>
<td>52</td>
<td>Hospital Refuses to Admit Muslim Patient</td>
<td>2020-05-03</td>
<td>Patna, Bihar</td>
<td>Bihar</td>
<td>Undisclosed (Sister of Shahnawaz Hasan)</td>
<td>2 Muslims</td>
<td>Religious identity</td>
<td>Denial of access to public spaces/institutions Harassment Social boycott</td>
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<tr>
<td>53</td>
<td>Bakery owner held for 'No Muslim' Ad</td>
<td>2020-05-10</td>
<td>Chennai, TN</td>
<td>Tamil Nadu</td>
<td>Muslims</td>
<td>0 Muslims</td>
<td>Religious identity</td>
<td>Discrimination in Employment</td>
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<td>54</td>
<td>Muslim Youth Attacked by Mob in Aligarh</td>
<td>2020-05-10</td>
<td>Shivpuri, Aligarh</td>
<td>Uttar Pradesh</td>
<td>Abdul Samad</td>
<td>1 Muslim</td>
<td>Religious identity</td>
<td>Physical assault Verbal Abuse</td>
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<tr>
<td>55</td>
<td>Communal Clashes in Bhainsa Telangana</td>
<td>2020-05-11</td>
<td>Nirmal, Bhansia</td>
<td>Telangana</td>
<td>Unknown</td>
<td>2 Muslims</td>
<td>Dispute over Places of Worship</td>
<td>Attack on religious festivals/worship Communal tension/Riot Demolition/Attack on property</td>
</tr>
</tbody>
</table>