

2. Hate Pays: The ease of targeting Minorities in India

July 2019

1. Background

Hate crimes against minorities in India have seen a spike in recent years. According to a recent report by Amnesty International⁷, there have been a total of 902 incidents of documented hate crimes between 2015 to June 2019. A Washington Post report⁸ had counted less than 10 cases reported in the English media in the previous years of 2010-2013. This is a worrying trend, with its principal manifestation in the spate of mob lynchings and vigilante violence against Muslims and other weaker sections by Hindu majoritarian groups – including Christians and Dalits. This briefing note will identify and analyse the nature of various hate crimes that are committed against religious and caste minorities in India, focusing especially on the most recent years. It will study the causes and drivers of hate crimes and explore the reasons behind the rapid increase in the number of such crimes recently. The note will also examine the functioning of various state institutions, including the criminal justice system, to investigate the context to the rising incidence of hate. The paper relies heavily on data collected by organisations like Amnesty International, Human Rights Watch, India Spend and Citizens Against Hate itself, among others.

2. Incidence of hate crime

Hate Crime is understood as “any crime that is motivated by hostility on the grounds of race, religion, sexual orientation, disability or transgender identity.”⁹ Since 2014, they have taken in India especially the form of *vigilante violence* by Hindu majoritarian groups against Muslims, Christians and Dalits, as extra-judicial punishments on various pretexts, principally for killing cows and consuming beef, as well as for converting Hindus to other faiths. Cows are revered by upper caste

7 Amnesty International (2019) 'Halt the Hate', 4 October [online]. Available at:

<https://amnesty.org.in/wp-content/uploads/2019/10/Halt-The-Hate-KeyFindings-Amnesty-International-India-1.pdf>

8 Gowen & Sharma, A. M. (2018) 'Rising Hate in India', Washington Post, 31 October [online]. Available at: <https://www.washingtonpost.com/graphics/2018/world/reports-of-hate-crime-cases-have-spiked-in-india/>

9 Quoted from UK Hate Crime Action Plan, 2016. For more:

<https://www.gov.uk/government/publications/hate-crime-action-plan-2016>

Hindus, and remarkably for a secular constitution, India has strict laws against cow slaughter and consumption of beef, and against religious conversion. The spate of vigilante violence in India today are in effect, acts of law enforcement undertaken without legal authority by self-appointed Hindu groups. Some also coordinate with state actors – at least at the local level. Often, they also involve member of these militant groups mobilising public participation in these 'performances' against alleged perpetrators, resulting in *lynching* of Muslims, Christians and Dalits, often with fatal consequences for the victims.

a. Muslims

The majority of recorded hate crime attacks against Muslims are bovine (cow and beef) related. The first incidents of cow related vigilante violence were reported from about 2013 in Haryana and western Uttar Pradesh, in the run up to the 2014 General Elections.¹⁰ According to Amnesty International, there have been 113 incidents of alleged hate crimes motivated by cow vigilantism between 2015-2019.¹¹ 39 incidents resulted in death of the victim, a majority of them were Muslim. 2016 recorded the highest number of cow-related attacks, with 36 incidents. 2017 was close behind with 34. There were 22 incidents in 2018 and 10 in the first half of 2019.¹² Uttar Pradesh and Haryana returned the highest number of cow-related vigilante attacks, with 17 in each state until June 2019. Gujarat with 12 and Jharkhand (8), were not far behind. All four were ruled by the Bharatiya Janata Party (BJP).

According to Human Rights Watch (HRW) between May 2015 and December 2018, at least 44 people—36 of them Muslim—were killed across 12 Indian states and around 280 people were injured across 20 states by cow vigilantes.¹³ HRW remarked, "cow protectors have reportedly assaulted Muslim men and women in trains and railway stations in Madhya Pradesh state, stripped and beaten Dalit men in Gujarat, force-fed cow dung and urine to two men in Haryana, raided a Muslim hotel in Jaipur, and raped two women and killed two men in Haryana for allegedly eating beef at home."

10 Amnesty International (2019), 'Halt the Hate'. Available at: <https://amnesty.org.in/wp-content/uploads/2019/10/Halt-The-Hate-KeyFindings-Amnesty-International-India-1.pdf>.

11 Ibid.

12 Ibid, p. 6.

13 Human Rights Watch (2019) 'Violent Cow Protection in India', 18 February [online]. Available at: <https://www.hrw.org/report/2019/02/18/violent-cow-protection-india/vigilante-groups-attack-minorities> Page: 1

There have been other excuses too, for hate crimes against Muslims and other minorities, such as the lynching to death of the elderly Ghulam Mohammad by Hindu Yuva Vahini (HYV) – an extremist group founded by the incumbent Uttar Pradesh State Chief Minister, Yogi Adityanath – in the state's Bulandshahr district (July 2017). This was for no other reason than being a Muslim neighbour to a Muslim boy who was in a relationship with a Hindu girl from the area. This form of vigilantism directed at so-called 'Love Jihad' by Muslims against Hindus, involves violent Hindu groups targeting mixed marriages and relationships involving Muslim men and Hindu girls, and not the other way around.¹⁴ In December 2017, a Muslim labourer in Rajasthan's Rajsamund district was hacked to death and a video of the killing was shared by the murderer on social media to much popular support. In the video, the perpetrator, Shambhulal Regar, is heard muttering even as he sets alight the dead body, "Jihadis. This is what will happen if you spread Love Jihad in our country".¹⁵

And lately, various incidents of violence against Muslims have been reported where victims are beaten and forced to chant 'Jai Sri Ram', 'Vande Mataram', or 'Jai Hanuman', all Hindu religious slogans, on a variety of pretexts: alleged theft of cows, to simply being at the wrong place at the wrong time. Imran Ismail Patel was beaten by a group of ten people and forced to chant "Jai Sri Ram" in Aurangabad, Maharashtra¹⁶. Rajab Alam, an eleven-year-old madrasa student was brutally assaulted by a mob in Murshidabad, West Bengal and forced to chant 'Jai Sri Ram'¹⁷. In Madhya Pradesh, 16 people were chained together and forced to chant 'Gau mata ki Jai' for allegedly smuggling cows¹⁸. Sometime these assaults have had fatal consequences. Tabrez Ansari was tied to a pole, beaten through the night, and forced to chant 'Jai Hanuman and Jai Sriram', accused by perpetrators of stealing.¹⁹ Demonstrating how Hindu majoritarian groups work in coordination with state actors, the police, rather than rush Ansari to hospital, took

14 'India is working itself into a frenzy about interfaith marriages'. Sept. 30th 2017. The Economist <https://www.economist.com/asia/2017/09/30/india-is-working-itself-into-a-frenzy-about-interfaith-marriages>

15 'The year of Love Jihad in India'. The New Yorker. 31 Dec 2017. <https://www.newyorker.com/culture/2017-in-review/the-year-of-love-jihad-in-india>

16 Press Trust of India (2019), 'Maharashtra: Mob forces Muslim man to chant Jai Shri Ram, Hindu couple comes to rescue' India Today, 19 July [online]. Available at: <https://www.indiatoday.in/crime/story/maharashtra-man-beaten-refusing-chant-jai-shri-ram-1571412-2019-07-19>

17 Qayam, (2019), 'Madrasa student beaten up for not saying "Jai Shree Ram"' Siasat 15 July [online] Available at: <https://www.siasat.com/madrasa-student-beaten-not-saying-jai-shree-ram-1548300/>

18 Sameer, (2019), '16 people chained, forced to chant 'Gau Mata Ki Jai', video goes viral' Siasat 15 July [online] Available at: <https://www.siasat.com/16-people-chained-forced-chant-gau-mata-ki-jai-video-goes-viral-1539704/>

19 Al Jazeera Correspondent (2019), "Obvious religious hatred": Muslim man in India lynched on video' Al Jazeera 25 June [online] Available on: <https://www.aljazeera.com/news/2019/06/religious-hatred-muslim-man-india-lynched-video-190624141020360.html> (Accessed: 10 November 2019)

him in custody. Ansari died 3 days later.²⁰ A similar case of Police complicity in the death of a victim of vigilantism had taken place in western Rajasthan State's Alwar district in July 2018.²¹

Allegations of conversion of Hindus have also invited vigilante action by Hindu groups. These have been directed against those seen to be behind the conversions or those having converted. In April 2018, a Dalit man in Uttar Pradesh who had recently converted from Hinduism to Islam, was reported to have been attacked by Hindutva groups. Video clips of the mob removing his skull cap and shaving his beard were circulated on social media.²²

b. Christians

Christians in India too are targets of vigilante violence, mostly on the pretext of conversion. According to Open Doors USA, "Converts to Christianity from Hinduism bear the brunt of the Christian persecution in India and are constantly under pressure by the state, their community and their families to return to Hinduism (especially via campaigns known as *ghar wapsi*, (literally, homecoming)".²³ On January 20, 2018, the body of Pastor Gideon Periyaswamy in Adaiyalachery (Kanchipuram District, Tamil Nadu) was found hung from the thatched roof of his house, a week after he complained to Police about opposition from violent Hindu groups.²⁴ On June 19 2018, five Christian women were abducted in Jharkhand, and then gangraped in a forest, allegedly by members of Hindu groups. The assault was also allegedly filmed on mobile phone.²⁵

Often the police, rather than protecting the victims, have, fuelled by supposed intelligence from vigilante groups, misused anti-conversion laws (in effect in 7 states of the country) booked Christians engaged in their normal religious activities on charges of unlawful conversion. On December 14, 2017, a carol-singing group belonging to St. Ephrem's Theological College in Satna, Madhya Pradesh was detained by police following a complaint from Hindu vigilantes

20 Ibid.

21 Akbar Khan, lynched by cow vigilantes, patronised by the local MLA, died for want of urgent medical attention. <https://www.bbc.com/news/stories-47321871>

22 United States Commission on International Religious Freedom (2019), 'Annual Report 2019' Available at: <https://www.uscifr.gov/sites/default/files/2019USCIRFAnnualReport.pdf> (Accessed: 15 November 2019)

23 Open Doors USA (2019), 'World Watch List', Available at: <https://www.opendoorsusa.org/christian-persecution/world-watch-list/india/> (Accessed: 16 November 2019)

24 Ibid.

25 Ibid.

accusing the group of being involved in religious conversion.²⁶ In May 2018, authorities arrested 11 people for conducting a group prayer in a home in Jharkhand, and four others were arrested nearby after locals complained about the group conducting a Christian marriage ceremony.²⁷

c. Dalits

Dalits too have been victims of hate crime by violent Hindu groups on the pretext of cow slaughter and beef consumption. In July 2016, in what is now an emblematic case from Una district in Gujarat, seven members of a dalit family were assaulted by cow vigilantes accused of killing cows.²⁸ Amnesty International reported 17 incidents of hate crime against Dalits between September 2015 and June 2019, all on the pretext of cow and beef.²⁹ But violence against Dalits has a longer history and a wider repertoire of motivations – not just claims of extra judicial law enforcement. These too have been on the rise in the past years. In the four years between 2015 and 2019, there have been 618 incidents of violence against Dalits, out of which 194 incidents resulted in death and 119 cases were of rape and in 25 incidents, the victims were raped and killed. (Ibid) Many hate crimes committed against Dalits are borne from the notions of purity and pollution which make many shared spaces in a community inaccessible to Dalits. Those that try to break these taboos are particularly vulnerable to vigilante attacks. Recently two Dalit children, who did not have a toilet at home, were allegedly beaten to death by two upper-caste men for defecating in open area in Madhya Pradesh.³⁰ Prashant Solanki, a Dalit man was ambushed by a mob for riding a horse to his wedding – riding a horse being considered an upper-caste privilege.³¹ A 40-year-old Dalit man was beaten to death for allegedly stealing a water pump in Rajasthan.³² A 23-year-old Dalit man was beaten to death by upper caste persons from the

26 Ibid.

27 Supra note xvi

28 <https://scroll.in/latest/949695/una-case-victim-asks-president-to-deport-them-to-country-where-they-will-not-face-discrimination>

29 Amnesty International 2019. Halt the Hate, Key Findings. June 2019, Page 6.

30 Sharma, H. (2019) 'Shivpuri Ground Report: Murder of 2 Dalit kids for defecating in open shows ODF India remains distant dream', India Today, 27 September [online]. Available at: <https://www.indiatoday.in/india/story/madhya-pradesh-shivpuri-dalit-kids-beaten-to-death-open-defecation-ground-report-1603764-2019-09-27>

31 BBC Correspondent (2018) 'The Indian Dalits attacked for wearing the wrong shoes, BBC, 19 June [online]. Available at: <https://www.bbc.com/news/world-asia-india-44517922>

32 Press Trust of India (2019), 'Dalit beaten to death in Rajasthan's Jhalawar for 'stealing' water pump; police charge 10 charge with murder' Firstpost, 22 July [online]. Available at: <https://www.firstpost.com/india/dalit-beaten-to-death-in-rajasthans-jhalawar-for-stealing-water-pump-police-charge-10-charge-with-murder-7383531.html>

village for eating in front of them at a wedding reception in Uttarakhand.³³

d. Women

Women, especially from marginalised groups, have also been the target of much violence these past years – being victims of sexual violence overlapping that directed at marginalised identities. National Crime Records Bureau's (NCRB) report of crimes in India in 2017 showed that crime against women was on the rise.³⁴ According to Amnesty International's 'Halt the Hate' Report, in the period spanning from September 2015 to June 2019, 274 incidents of alleged hate crimes were committed against women with added vulnerabilities. 210 of these were committed against Dalit women, 16 against Muslim women, 15 against Adivasi, 29 against those with vulnerable SOGI, 1 against a Christian woman and 8 against others. In 69 incidents, the victims were killed and in 124 they were raped or sexually assaulted.³⁵

Overall, Uttar Pradesh state reported (between Sept 2015 and June 2019) the highest number of hate crime incidents, 216, topping also in each of the specific categories (cow vigilantism against Muslims and dalits; religion based, as well as caste based). This is – in steady pattern – twice the number of incidents compared to the other states with high incidence of hate crime, viz. Tamil Nadu (80 incidents, majority caste-based), Gujarat (79), Haryana (61), Rajasthan (59) and Karnataka (48), last four, a mix of religion-based and caste. BJP took power in Uttar Pradesh in March 2017. The months before and after state assembly elections – which saw significant spike in hate speeches by politicians on their campaign trail, including by senior-most BJP leaders – have reported most hate incidents, religion-based against Muslims and Christians, and caste-based against Dalits. The state has had a long record of crimes against women.³⁶ Since 2017, these, including against Muslims and Dalits, have surged.³⁷

33 Press Trust of India (2019), 'Dalit man succumbs to injuries after being beaten up at a wedding reception in Uttarakhand for eating with upper caste men' Firstpost, 6 May [online]. Available at: <https://www.firstpost.com/india/dalit-man-succumbs-to-injuries-after-being-beaten-up-at-a-wedding-reception-in-uttarakhand-for-eating-with-upper-caste-men-6577521.html>

34 Chaterji, R. (2019) 'NCRB Leaves Out Data on Mob Lynchings, Shows Rise in Violence Against Women' Huffington Post, 22 October [online]. Available on: https://www.huffingtonpost.in/entry/ncrb-data-mob-lynchings-crimes-against-women_in_5dae8068e4b08cfcc321012f

35 Supra note i

36 'Uttar Pradesh tops in crimes against women, says NCRB report'. The Hindu. <https://www.thehindu.com/news/national/other-states/uttar-pradesh-tops-in-crimes-against-women-says-ncrb-report/article29760974.ece>

37 'Crimes against women rises in UP: Yogi Government admits in assembly.' April 12, 2018. New 18. <https://>

3. What is driving the surge?

3.1 Hate speech by powerful people

The kind of violence that is perpetrated against religious, caste and gender minorities is often fuelled by the majoritarian language used by people in power. Mohan Bhagwat, chief of the all-powerful Rashtriya Swayamsevak Sangh (RSS), the Hindu religio-cultural organisation of which the ruling Bharatiya Janata Party (BJP) is the political wing³⁸, recently remarked, "isolated incidents of social violence should not be labelled with foreign words, like lynching, to defame the country".³⁹ He had earlier, in 2017, following a spate of killings in the name of the cow, noted, "Saving cow is beyond religion: Gau Rakshak shouldn't fear anyone".⁴⁰ PM Modi has himself been criticised for not speaking out enough against lynchings. But a careful reading reveals that Modi was in fact instrumental in creating an atmosphere tolerant of targeted hate. A major theme of BJP's 2014 elections campaign – led by Narendra Modi – was a supposed 'pink revolution' that the Congress party was promoting, supposedly a sinister conspiracy to slaughter more cows and make profits off their meat.⁴¹ Here is Modi at an election rally in Nawada, Bihar. Congress party was in power in Centre then.

We've heard of the Green Revolution. We've heard of the White Revolution. But today's Delhi sarkar (government) wants neither. They've taken up cudgels for a Pink Revolution. Do you know what it is? When you slaughter an animal, then the colour of its meat is pink. This is what they call a Pink Revolution. The Delhi sarkar will not give out subsidies to farmers or to yadavs (the caste group) keeping cows, but will give out subsidies to people who slaughter cows, who slaughter animals, who are destroying our rivers of milk, as long as they set up qatlkhana (slaughterhouses)." Bihar (April 2, 2014)

www.news18.com/news/india/crime-against-women-on-the-rise-in-up-yogi-govt-admits-in-assembly-1715895.html

Also read: 'No state for women: Why crimes against women are rising in UP?' 5 August 2019. The Wire. <https://thewire.in/women/crimes-against-women-violence-uttar-pradesh-unnao>

38 RSS

39 <https://www.thehindu.com/news/national/rss-chief-says-lynching-is-a-western-construct/article29616428.ece>

40 'Saving Cow beyond religion: Gau rakshaks shouldn't fear anyone'. 1st October 2017. NDTV.com. <https://www.ndtv.com/india-news/saving-cow-beyond-religion-gau-rakshaks-shouldn-t-fear-anyone-rss-chief-1757200>

41 How Narendra Modi helped spread anti-beef hysteria in India? Oct 7, 2015. Quartz India. <https://qz.com/india/518975/how-narendra-modi-helped-spread-anti-beef-hysteria-in-india/>

This dog whistle reference to Muslims helped tie in the Pink Revolution claim nicely with BJP's pet charge of Congress' supposed appeasement of minorities.

BJP ministers and legislators have regularly spoken in divisive tones, in support of hate crime perpetrators. Just after Mohammad Akhlaq (70) was pulled out of his house and lynched by a Hindu mob in Uttar Pradesh's Bisada in 2015, accused of possessing beef, Sakshi Maharaj, BJP MP, threatened "We won't remain silent if somebody tries to kill our mother. We are ready to kill and be killed."⁴² Cow is considered sacred by caste Hindus. BJP's western UP regional vice president wanted Akhlaq's family booked for cow slaughter. Sangeet Som, an accused in Muzaffarnagar violence in 2013, threatened to give "a befitting reply" if innocent (Hindus) were booked for Akhlaq's murder. And Mahesh Sharma, Modi's minister of culture attended the funeral ceremony of the prime accused, with the national flag draped over the corpse. Likewise, when Jharkhand High Court granted bail to the accused in lynching of Alimuddin Ansari in the state's Ramgarh district (2017), Jayant Sinha, a junior minister in Modi's cabinet, welcomed the accused with flowers and sweets.⁴³

But it is not just cows and lynchings that provide grist for divisive posturing by powerful people, helping embolden hate perpetrators. In 2018, a study by NDTV - the news portal - found that the use of hateful and divisive language by high-ranking politicians had increased almost 500 % in the previous four years, since 2014. These statements were either communal or casteist. Many of these were calls to violence. 90 % of these statements had been made by BJP members. The NDTV investigation also found that politicians faced no consequences for these actions, either by law enforcement authorities or the own parties. Repeat offence was common. And in many instances, hate had paid off, with politicians promoted to senior positions in government or the party.⁴⁴ Another report found candidates with hate-speech cases against them, three times more successful in elections compared to those without a criminal record.⁴⁵ A study on hate speech during elections by Association of Democratic Reforms, a civil society election

42 *Supra* note xxiii

43 <https://scroll.in/latest/885632/unbecoming-of-union-minister-opposition-criticises-jayant-sinha-for-garlanding-lynching-convicts>

44 'Under Modi Govt. VIP hate speech skyrockets by 500%' . 19 April 2018. NDTV.com <https://www.ndtv.com/india-news/under-narendra-modi-government-vip-hate-speech-skyrockets-by-500-1838925>

45 India Spend analysis of self-disclosed crime records of candidates who have contested various elections nationwide over the last 12 years. <http://www.indiaspend.com/cover-story/hate-speech-accused-3-times-more-successful-in-elections-42521>

watchdog, mostly validates these findings.⁴⁶

In 2014 election campaigning, Amit Shah, then BJP General Secretary, now Union Home Minister, was booked for inciting Jats in UP's Muzaffarnagar district to avenge killings during the 2013 communal violence in the district, by voting BJP.⁴⁷ Hate speech by politicians spiked in 2019 General Elections too. Although a number of politicians were reprimanded by the election watchdog, ⁴⁸ senior-most leaders of the ruling BJP regularly escaped censure, resulting in the Supreme Court criticising the Election Commission for "acting powerless and toothless against hate speeches during election rallies".⁴⁹

3.2 Hate speech on social media

Increasing access to social media platforms in the country has also given space to people to spread fake propaganda and disinformation. Many a time, misinformation directly causes violence and hate crimes, mostly it fuels the incident. 52-year old Mohammed Akhlaq, was lynched to death by a mob over rumours that he had slaughtered a calf and stored beef in his refrigerator, the proof of which was a couple of photographs of meat circulated on WhatsApp.⁵⁰ A BBC analysis of similar lynching cases found that at least 31 people were killed following fake rumours on WhatsApp between 2018-2018. Dozens had been injured.⁵¹ A similar study of hate content on Facebook in India threw up staggering figures: 37% of the hateful posts were Islamophobic (including anti-Rohingya material, posts pertaining to 'love jihad', glorification of earlier instances of violence against Muslims, and Islamophobic profanities), 16% fake news, 13%

46 <http://www.newindianexpress.com/nation/2018/apr/25/most-hate-speeches-in-india-by-bjp-lawmakers-adr-study-1806377.html>

47 'Amit shah booked for revenge remark on Muzaffarnagar riots' April 6, 2014. <https://www.indiatoday.in/elections/highlights/story/amit-shah-booked-muzaffarnagar-riots-mulayam-singh-yadav-narendra-modi-187896-2014-04-06>

48 Marlow & Chaudhary, I.A. (2019) 'Senior Indian Politicians Censured for Hate Speech as Election Begins' Bloomberg, 15 April Available on: <https://www.bloomberg.com/news/articles/2019-04-15/senior-politicians-censured-for-hate-speech-as-india-polls-begin>

49 Madan, K. (2019) 'Hate speeches put India election commission's role under the scanner' Gulf News 24 April [online] Available on: <https://gulfnews.com/world/asia/india/hate-speeches-put-india-election-commissions-role-under-the-scanner-1.63527258>

50 Sharma, B. (2016) 'Despite Horrific Killing over Beef, Communal Hatred is Reluctant to take root in Bisada Village' Huffington Post 15 July [online] Available on https://www.huffingtonpost.in/2015/10/01/how-centuries-of-peace-in_n_8224590.html

51 Nazmi, Nenwani & ors, S. & D. (2018) 'Social media rumours in India: counting the dead' BBC 13 November [online] Available on: <https://www.bbc.co.uk/news/resources/idt-e5043092-f7f0-42e9-9848-5274ac896e6d>

targeting gender or sexuality, 13% targeting caste minorities, and 9% targeting other religious minorities.⁵² And in Assam, where the National Register of Citizens (NRC) exercise is coming to a conclusion, a recent study of 800 Facebook posts by Avaaz found a preponderance of hate speech against Bengali immigrants, who are openly referred to as “criminals”, “rapists”, “terrorists”, “pigs” and other dehumanising terms.⁵³ Lack of action by people in power against hatemongers means laws exist in vacuum.

3.3 Laws that aid in the targeting

As important as the complicity of political leaders is the structural basis for the rise and sustenance of hate crime. Principal here is the state cow protection laws. 24 out of India’s 29 states (provinces) have enacted cow protection laws. These vary greatly, with some states allowing the slaughter of cattle subject to certain restrictions, while others completely prohibit the practice. All these state laws create criminal offences, most of which are of the cognizable and non-bailable kind and include extraordinary provisions such as shifting the burden of proof on the accused. Many also empower the police to arrest suspects without a warrant, or to enter, search and seize vehicles that are suspected of carrying banned items. States with the strictest cow protection laws - like Uttar Pradesh, Haryana, Rajasthan, Jharkhand - have also reported the highest number of mob lynchings.

Cow protection laws have created openings for Hindu extremist groups – such as Bajrang Dal, and VHP - to target cattle traders and pastoralists, especially Muslim, resulting in the lynchings rife in the country today. Fashioning themselves as gau rakshak dals (cow protection forces), they claim to be resorting to vigilantism to help better enforce cow protection laws, arguing that the police itself is not able or willing to do that fully. They have been helped in this vigilante enterprise, in some states anyway, such as Haryana as well as Gujarat and Maharashtra, by being given formal roles to aid the police in enforcement - including powers to stop, search and seize.⁵⁴ A recent report by the Peoples Union for Democratic

52 Facebook India - Towards a Tipping Point of Violence Caste and Religious Hate Speech. Equality Labs, 2019. <https://www.equalitylabs.org/facebook-india-report>

53 “Megaphone for Hate: Disinformation and Hate Speech on Facebook During Assam’s Citizenship Count.” Avaaz, October 2019. [https://avaazpress.s3.amazonaws.com/FINAL-Facebook%20in%20Assam_Megaphone%20for%20hate%20-%20Compressed%20\(1\).pdf](https://avaazpress.s3.amazonaws.com/FINAL-Facebook%20in%20Assam_Megaphone%20for%20hate%20-%20Compressed%20(1).pdf)

54 In 2011, the state of Gujarat - then ruled by current PM Modi - announced a hundred-fold increase in the annual grant to the Gauseva and Gauchar Vikas Board, a state body set up to “coordinate with groups involved in preventing slaughter of cow and progeny” and to ensure “effective implementation of cow

Rights (PUDR) on the impact of the Haryana cow legislation noted "there has been an increase in the number of gau rakshaks who act as 'eyes and ears' of the administration and also as enforcers of law and dispensers of 'lynch justice'".⁵⁵ Such organisations, working mostly under the protection of senior political workers, repeatedly claim to be running volunteer networks and check points on main access roads, to apprehend 'cattle smugglers' all, in coordination with local police. The laws also provide a cloak of impunity to these Hindu extremist groups targeting minorities.

Impunity is provided to Hindu extremist groups through the working of laws enacted by states to regulate religious conversions. These laws, called Freedom of Religions Acts and adopted by 7 states,⁵⁶ grew out of the efforts by Hindu groups since just after Independence, to prevent conversions. Whilst there are some variations between the state laws, they are very similar in their content and structure: they all seek to prevent conversion through 'forcible' or 'fraudulent' means, or by 'allurement' or 'inducement'. Most laws require intent of conversion to be reported to authorities well in advance.⁵⁷ Crimes under these acts are cognizable offences, mostly non-bailable.

Notably, as with cow protection laws, evidence is emerging of freedom of religion laws abused by police and Hindu extremist groups to target minorities – especially because the laws do not require any evidence to support accusations of wrongdoing. A recent report on state anti-conversion laws by the Alliance in Defence of Freedoms (ADF) reports "these laws foster hostility against religious minority communities - in several states, prosecutions have been launched under the Freedom of Religion Acts against members of the minority Christian community, and there have been frequent attacks against the community by members of right-wing Hindu groups on the pretext of 'forcible' conversions".⁵⁸ Media accounts also point to the police and local administration either coming

protection laws". In 2010, a similar body was established in the state of Haryana.

Sections 16 and 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, provide forand the state govt has made use of these to ...

55 Peoples Union for Democratic Rights. 2017. 'Cow Tale: Haryana's Gauvansh Sanrakshan and Gausamvardhan Act in Karnal and its Economic and Administrative Fallouts'. New Delhi: PUDR. August, 2017 (p25).

56 The first of these laws were enacted in Odisha (1967) and Madhya Pradesh (1968) also Chhattisgarh (1968), to be followed later in Arunachal Pradesh (1978), Gujarat (2003), Rajasthan (2006), and Himachal Pradesh (2006). Tamil Nadu, under a BJP coalition government adopted the law briefly, in 2002, but public opposition forced the government to withdraw, in 2004.

57 Orissa, 15 days, MP requires reporting within a week of the ceremony. The Gujarat law requires prior permission from DM, before a conversion can be effected, and a notice to be provided within a week after

58 India and its anti-conversion laws. 12 April 2018.

<https://www.lausanne.org/content/lqa/2016-05/anti-conversion-laws-india>

under the heavy influence of Hindu groups, as they respond to allegations of conversions, or at times working in coordination with these groups to enforce the law. Regardless, evidence is mounting of the police creating spaces for private entities in law enforcement resulting in negative trends similar to that we saw generated under cow protection enforcement. This has resulted in the targeting of minority Christian communities.

3.4 Absence of robust law that protect

There is also the absence of laws that protect against targeted violence/hate crime, hence the absence of safeguard. The Scheduled Castes and Tribes (Prevention of Atrocities) Act 2005, does not cover religious minorities. In any case the conviction rate under SC-ST Act is a mere 5% in the three years from 2014-2016 where figures are available in just Gujarat.⁵⁹ Section 295 of the Indian Penal Code provides a means to tackle deliberate or malicious acts meant to insult or hurt religious sentiments. The Supreme Court has ruled that the use of this law has to be narrow and has restricted its use.⁶⁰ There are also specific provisions in Indian law on hate incitement and spreading false and or provocative news: sections 153, 153a, 295a, and 505 of the IPC; and Sections 69A and 79 of the Information Technology Act 2000. These are seldom used against powerful people making hate speeches.

4. Conclusion

As reported by New York Times, "In India, release of hate crime data depends on who the haters are"⁶¹. Incidents of violence against persons from minority and disadvantaged communities are not isolated incidents but motivated by hate or prejudice against persons having such an identity. These incidents occur as the state, along with its institutions is not taking strict actions against the perpetrators but continue to shield them and pursue cases against the victim. The social fabric of the country is under threat with the rise in such hate crimes as people from minority communities are under constant fear for their life and liberty.

59 Kellogg, S. (2019) 'Atrocities on Dalits and tribals up by 70% in Gujarat between 2003 and 2018; conviction rate below 5% in Modi's first 3 yrs as PM' Firstpost 1 May [online] Available on: <https://www.firstpost.com/india/atrocities-on-dalits-and-tribals-up-by-70-in-gujarat-between-2003-and-2018-conviction-rate-below-5-in-modis-first-3-yrs-as-pm-6551441.html>

60 Choudhary, A. (2017) 'Not all 'insults' to religion are offences: Supreme Court, Economic Times 22 April [online] Available on: <https://economictimes.indiatimes.com/news/politics-and-nation/not-all-insults-to-religion-are-offences-supreme-court/articleshow/58309763.cms>

61 Schultz, Raj, Gettleman, Kumar, K. S. J. H. (2019), 'In India, Release of Hate Crime Data Depends on Who the Haters Are', New York Times 24 October, Available on: <https://www.nytimes.com/2019/10/24/world/asia/india-modi-hindu-violence.html>