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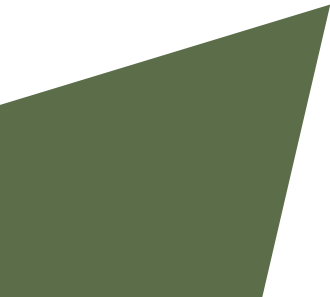
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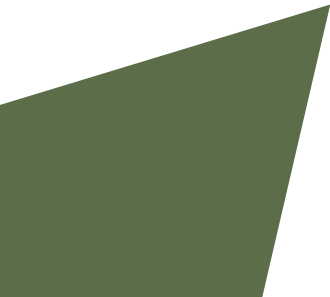
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**Religious Crimes, Hate Crimes and Violence: All in the name of God**

**Ishika**

## ABSTRACT

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*India is a secular country and secularism is a basic structure of our Constitution. But are the politics really separated from religion? Do we not see religion in almost every aspect of this country. Though it is seen that how religion tends to have a deterring influence on crime but historically it is proved contrary. For first I am going to define what religious crimes are. Religious crimes or offences cover the phenomena when religion is either the subject or the object of violent behavior. Either the crime occurred are motivated by religion or in reaction to religious text, precepts etc. Committing an offence in the name of god has been so frequent in our country these days that it would not be surprising to say that how our political parties use religion to meet their political ends as these parties incites hatred against a particular religious sect. One thing that is very important and notable is that there is not always a crime or offence committed by a religious group but also crime committed against religious groups. Hinduism is built on the perception of doing no harm yet in Bhagavad Geeta, Lord Krishna found arguing that violence in the defense of justice is not contrary to spiritual life. Hate crimes are not only limited to real life but it can also be seen on social media. On the other side when there are religious and hate crimes in our countries so are the religious laws. Article 25-28 in our constitution is safeguarding the religious rights of the people in this country. In our country Secularism is a basic structure of our constitution and it cannot be taken away by any means but in the ground reality it has been proved so difficult to stick to that secularism part. This paper is going to discuss the facts that how these crimes have been marking the bar high since the last six years and with recent incidents how political parties are taking advantage of that. In addition to that present study is going to shed some light on how only minorities and Muslims are sharing the part of being victims in our country.*

## INTRODUCTION

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“We have just enough religion to make us hate but not enough to make us love one another”

- Jonathan Swift

A concept called RELIGION was formed in the 16th or 17th centuries. It was meant to encourage the cooperation and tolerance for relative strangers along with the belief to moralize god. But this concept seems to be losing its meaning in true sense as this statement has changed in today's world. Now it is seen that religion is being misused to propagate the political agenda and become the tool to influence politics. Hector Avalos argues that religion creates violence over four scarce resources and they are – 1. Access to divine will, knowledge, Primarily through scriptures; sacred space; group; privileging and salvation<sup>1</sup>. Religiously motivated or legitimated violence and terror adds the dimension of divine or absolute authority, buttressing the authority of governments, leaders, providing moral certitude and justification, motivation and obligation, and heavenly reward that enhance recruitment and a willingness to fight and die in a sacred and cosmic struggle. Religious crimes, hate crimes, communal clashes have always been a hot topic in India along with political angle whether calling the time of Babri Masjid dispute or 1984 Anti- Sikh riots or the 1969 Gujarat riots. In addition to that in Religious Hostilities, India Ranked Just Slightly Better Than Syria. India positioned fourth on the planet in 2015 after Syria, Nigeria and Iraq in social threats including religion<sup>2</sup>.

## RELIGIOUS LAWS IN INDIA

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### A LEGAL PERSPECTIVE-

The Constitution of India also does not define the word religion however; Freedom of religion has been guaranteed by the Constitution of India and has been dealt under articles 25 to 28.

Article 25 of the Indian Constitution states that “all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion” in a manner that does not adversely affect public order, health, or morality. India's federal law provides “minority community” status for six religious groups—Buddhists, Christians, Jains, Muslims, Parsis(Zoroastrians), and

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<sup>1</sup> Avalos, Hector. *Fighting Words: The Origins of Religious Violence* ( Prometheus Press 2005)30.

<sup>2</sup> Rukmini s, ‘On Religious Hostilities, India Ranked Just Slightly Better Than Syria: Pew Study’ [2017] huffpost<[https://www.huffingtonpost.in/2017/04/13/on-religious-hostilities-india-ranked-just-slightly-better-than\\_a\\_22037994/](https://www.huffingtonpost.in/2017/04/13/on-religious-hostilities-india-ranked-just-slightly-better-than_a_22037994/)>accessed 14 april 2017.



Sikhs—that together comprise about one-fifth of India’s population. The laws state that the government will protect the existence of these minorities and encourage conditions for the promotion of their individual identities. “Minority Concentration Districts” are in four states: Assam, Bihar, Uttar Pradesh, and West Bengal<sup>3</sup>.

Article 26 guarantees the following rights to a religious denomination with subject to public order, morality, and health:

1. To establish and maintain institutions for religious and charitable purposes.
2. To manage its own affairs in matters of religion.
3. To own, acquire and administer both movable and immovable property in accordance with law.<sup>4</sup>

Article 27 protects a person from forceful payment of taxes and proceeds which are for the promotion or maintenance of any particular religion or religious denomination.<sup>5</sup>

Article 28 provides freedom from any religious instruction in educational institutions which are maintained completely out of State funds. This article is not applicable to an educational institution if it is administered by the State, but was established under any endowment or trust requiring certain religious instruction to be imparted in that institution. This article also protects a person from taking part in any religious instruction or attending any religious worship which may be conducted in an institution recognized by State or receiving aid from State funds unless his guardian has consented.<sup>6</sup>

When there are well advanced laws in Indian Constitution, the religious conditions in India are just degrading every time a case on religious and hate violence comes and which happens almost every week or a month. United States Commission on International Religious Freedom on the Annual Report 2018 has to say-

“India’s history as a multicultural and multireligious society remained threatened by an increasingly exclusionary conception of national identity based on religion. During the year, Hindu-nationalist groups sought to “Saffronize” India through violence, intimidation, and harassment against non-Hindus and Hindu Dalits. Both public and private actors pursued this effort.... At the federal level, Prime Minister Narendra Modi has made statements decrying mob violence, but members of his own political party have affiliations with Hindu extremist groups and many have used discriminatory language about religious minorities. Despite Indian government statistics indicating that communal violence has increased sharply over the past two years, the Modi Administration has not addressed the problem”.<sup>7</sup>

In 2018 annual report, USCIRF again designated India as a “Tier 2” country, defined as one where the violations engaged in or tolerated by the government are serious and are characterized by at least one of the elements of the “systematic, ongoing, and egregious” standard for “countries of particular concern” (CPCs, a formal State Department designation)<sup>8</sup>. USCIRF earlier too stated that, in 2017, “religious freedom conditions continued a downward trend in India”. The Delhi government always

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<sup>3</sup> Constitution of India 1950, art 25.

<sup>4</sup> Constitution of India 1950, art 26.

<sup>5</sup> Constitution of India 1950, art 27.

<sup>6</sup> Constitution of India 1950, art 28.

<sup>7</sup> United States Commission on International Religious Freedom, *Annual Report* [2018] para162-167.

<sup>8</sup> Ibid.

rejects the findings of USCIRF reports and express to “serious doubt their credibility”<sup>9</sup>. In addition to that USCIRF also attempted to visit India on three different occasion (in 2001, 2009 ,2016) to asses religious condition from the ground but Delhi government regularly refused the visas for a USCIRF delegation despite requests being supported by the U.S. state department<sup>10</sup>.

## **PEAK OF THE HATE CRIMES IN THE YEAR OF 2017-18**

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Every year the cases of hate crimes motivated by religious bias comes but in the year of 2018 it was shot up to a decade-high of 93 and on the other side, the hate crimes related to the cows, religion alone recorded in year of 2017 with the highest death toll of 11 deaths and the most number of incidents of hate violence i.e. 37 incidents. These cases are just the tip of the iceberg because according to the author and human rights organizer Harsh Mander in an interview the ground picture is much worse as a number of cases go unreported every year. People often commit hate crimes when they believe that they had political safeguard from state retribution. Around us the distressed environment has been created for the people who become victims of these incidents. And those people who act out on hate, plays out in terms of lynching, individual hate attacks, attacks on places of worship—especially Christian places of worship on priests and nuns—and attacks on dalits (which has been going on for much longer) and particularly, against Muslims, a marked rise in the number of attacks and their viciousness. And the effect of these hate crime are much more than those of murder and assaults because it does not only affect on the victim but also the community in which the victim identifies, affecting social cohesion and stability.

## **MOB LYNCHING**

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India has seen a rigorous rise in the hate crimes towards minority communities in the last five years. Since 2014, when the Hindu nationalists Bhartiya janta party came in power , there’s been a massive increase in a number of cases of mob lynching .Therefore minorities and Dalits constitute a share of victims in most cases. The leader of our Ruling party along with their affiliated organization has played a crucial role in polarizing the country and further accelerating the hatred and violence. Recently, a video of BJP state minister has surfaced where he was found heckling with a Muslim law maker and trying to force him to chant "Jai Shri Ram" outside the Jharkhand state assembly. In the case of last year, 24-year old Tabrez Ansari was attacked by the lynch mob in Jharkhand. He died of the severe

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<sup>9</sup> Shri Raveesh Kumar, *Transcript of Weekly Media Briefing by Official Spokesperson* (February 16, 2018)<<https://www.mea.gov.in/media-briefings.htm?dtl/29489/Transcript+of+Weekly+Media+Briefing+by+Official+Spokesperson+February+16+2018>> accessed 16 february 2018.

<sup>10</sup> Supra note 9.

injuries as he was tied to a tree brutally beaten on suspicion of bike theft. He was also forced to chant Hindu sayings. In that matter even the USCIRF issued a statement that “we condemn in the strongest terms thus brutal murder, in which the perpetrators reportedly forced Ansari to say Hindu chant as they beat him for hours. Ansari later died from the injuries he suffered due to this horrific attack. We call on the Indian government to take concrete actions that will prevent this kind of violence and intimidation by a thorough investigation of Ansari’s murder as well as the local police’s handling of the case. Lack of the accountability will only encourage those who believe they can target religious minorities with impunity”<sup>11</sup>. Supreme court of India in Re Kangaroo court case has also categorically asserted that this lynching is antithetical to the rule of law. While the Supreme Court described lynching as a “horrendous act of Mobocracy”, In July 2018 it passed specific guidelines on preventive, corrective and punitive aspects of lynching and directed the state government to give effects to them with respect to fast track trials, compensation to victims, punishment for police officials for being negligent in their duties. Although no data has been released by the NCRB regarding the number of cases of lynching in the country since 2015 for unknown reasons.

Some of the incidents of mob lynching are -

INCIDENT IN RAJASTHAN (Pehlu Khan , 55) , A group of 6 men were attacked by the Gau Rakshaks (cow –protectors) affiliated with Bajrang dal and Vishwa Hindu Parishad. These men were returning from a Saturday fair in Jaipur, Rajasthan, after purchasing two milch cows for Rs 75,000. The victims were attacked despite producing documents proving legal purchase. 5 of those men were beaten mercilessly and had to be hospitalized and one Pehlu Khan (55) died at the hospital after two days. His family says “TTS LIKE THEY ARE TRYING TO ERASE US”<sup>12</sup>.

INCIDENT IN DELHI (Junaid Khan , 16) , Three days before Eid 16-year-old Junaid Khan from Faridabad visited Delhi to offer prayers at the Jama Masjid and to shop for new clothes with his brother. They promised to return home before sundown. On their way back, in a crowded Mathura-bound train, an argument broke out over a seat and Junaid was stabbed to death. The attackers, who boarded the train at Okhla and asked the four to vacate their seats, repeatedly called the family “anti-nationals” and “beef-eaters”. They threw their skull caps on the floor, caught their beards and taunted them with terms such as “mulla”<sup>13</sup>.

INCIDENT IN WEST BENGAL (Anwar Hussain, 19 and Hafizul Sheikh,19) , In the early hours of 27 August, 2017, Nazrul Islam (25), Anwar Hussain (19) and Hafizul Sheikh (19) were transporting cattle from the Dhupguri cattle market to Tufanganj in Cooch Behar district, north-east Bengal, when

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<sup>11</sup> <https://www.uscifr.gov/news-room/press-releases-statements/uscifr-statement-mob-lynching-muslim-man-in-india>.

<sup>12</sup> Furkan Latif Khan 'This Is It. I'm Going To Die: India's Minorities Are Targeted In Lynchings' [2019 NPR] 1(1)<<https://www.npr.org/2019/08/21/751541321/this-is-it-im-going-to-die-indias-minorities-are-targeted-in-lynchings>> accessed on 21 august 2019.

<sup>13</sup> Express Web Desk, ‘Junaid Khan lynching: Main accused granted interim bail by Punjab and Haryana HC’ [The Indian Express 2018] <<https://indianexpress.com/article/india/junaid-khan-lynching-punjab-and-haryana-hc-grants-bail-to-the-main-accused-5384620/#:~:text=The%20main%20accused%20in%20the%20custody%20since%20July%202017.>>> accessed on 3 October 2018.

they were apprehended by a mob near Barohalia village in Jalpaiguri. The men had purchased seven cattle from the market and had lost their way to Tufanganj in the middle of the night. Noticing that the men were travelling with cattle, the mob demanded Rs 50,000 to let them pass the area. When the victims said they did not have the money to pay them, the mob attacked them. Nazrul Islam, the driver of the vehicle, escaped, but the 19-year-olds could not as the villagers beat them to death<sup>14</sup>.

And in the year of 2018, 30 people were killed in such attacks – the most since 2009 and at least 305 were injured. Eighteen victims were Muslim, 10 were Hindu and two were Christian. While there were almost as many deaths in 2017 (29), there were twice as many non-fatal injuries this year. Most crimes occurred in Uttar Pradesh i.e. 27 where the Bharatiya Janta Party government led by the Yogi Adityanath is in power And followed 10 cases were reported in Bihar where again BJP coalition with Janta Dal runs the government. Rajasthan – under a BJP government at the time – Gujarat, led by the BJP, and Karnataka, where a coalition government of the Congress and the Janata Dal (Secular) is in power, followed with seven incidents each. These attacks resulted in four deaths each in Uttar Pradesh and Rajasthan, and three deaths each in Karnataka and BJP-run Jharkhand. Of the 63 attacks in 2018 in which the religion of alleged perpetrators was known, the data showed that 45 attacks, or 71%, were allegedly carried out by Hindus while Muslims were the suspected attackers in 17 incidents (27%).

## **BABRI MASJID – COMMUNAL RIOTS**

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India always had a long history with religious and communal violence .At the time of Ayodhya mandir disputes, the babri masjid was demolished in a very controversial manner and the whole world watched in shock. Although India takes pride in calling itself the largest democracy yet it could not prevent the religious right of minorities. The demolition of Babri Masjid resulted in a several month of inter communal rioting between Hindu and Muslim, causing the death of nearly 2,000 people. There were a lot of allegations against many political leaders at that time. The former Intelligence Bureau head Maloy Krishna Dhar claimed that Babri mosque demolition was planned 10 months in advance by top leaders of the Rashtriya Swayamsevak Sangh ("RSS"), BJP and VHP, and criticised the manner in which the then Prime Minister P.V. Narsimha Rao handled the issue. The involvement of any political leader and any political dimension in these kinds of riots is really threatening for democracy as a whole. As after the investigation in April 2017, a special Central Bureau Of Investigation court framed criminal conspiracy charges against L.K Advani, Murli manohar joshi, Uma Bharti , Vinay Katiyar and several others . The destruction of the Babri Mosque sparked Muslim outrage around the country, provoking several months of inter- communal rioting in which Hindus and Muslims attacked one another, burning and looting homes, shops and places of worship. Several of the BJP leaders were

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<sup>14</sup> Vipul vivek & Alison saldanha, '*Bengal deadliest state for bovine-Related violence in 2017*' [IndiaSpend 2017] <<https://archive.indiaspend.com/cover-story/bengal-deadliest-state-for-bovine-related-violence-in-2017-2017>> accessed on 1 september 2017.

taken into custody, and the VHP was briefly banned by the government. Despite this, the ensuing riots spread to cities like Mumbai, Surat, Ahmedabad, Kanpur, Delhi, Bhopal and several others, eventually resulting in over 2000 deaths, mainly Muslim.

## **HATE CRIMES DURING THE COVID-19 PANDEMIC**

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At such a distressed time of covid-19 pandemic where the future seems so uncertain, religion could be used for spreading love and for having some faith for the future but it is seen that even at this time hate crimes are not stopping. One sect is attacking others in search for the Coronavirus scapegoat and in most of them Muslims are being blamed and attacked. And in one case a formal army officer was riding his motorcycle down a rural road where he stopped at one improvised barricade where villagers were looking for the scapegoat. He was attacked and assaulted until he fell unconscious then later he rushed to the hospital and had multiple operations. India is a Hindu majority nation and the malice is directed towards the Muslims only and at time it reached a very devastating state.

## CONCLUSION

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Hate crimes, religious violence, mob lynching, assaults and forced conversion has a history with our country and they are not going anywhere in near future or in upcoming year. Cases related to these concepts are no longer surprising these days but only disappointment and it remains ourselves in a state of questioning how many innocent people are going to sacrifice their life in this filthy game. That was not a long ago when whole India could be seen burned due to the introduction of bias laws such as CAA along with NRC. Since the time when BJP came into power, the cases are increasing only and whoever tries to raise their voice get either booked under UAPA laws or gets killed. It is seen that the engagement of political leaders and governmental organizations are addressing the issue of Islamophobia many times. Muslims have been getting targeted for these religious hate in the form of physical and religious violence since 1947. Secularism was added in our Indian constitution to make sure that the minority to be placed on equal footing as the majority are and the religious, identity and cultural aspect of majoritarian view would not be imposed on the minority. But it does not look as easy as it is written here because the minority has struggled so hard along with a lot of suffering to maintain their place in our country. This religious heckling among the groups not only portrays the bad image of our country in international view but also every time a new case comes it takes us backward in terms of growth and development. It does not matter how much people fight for their religion until they understand the true meaning of religion because their religiosity only comes in a term of violence, assault or degrading other religion. There is so little love left in our world and people need to understand that by propagating hate nothing real has been achieved. We need to understand humanity only then we can truly understand what religion is.